1	L.D. 773					
2	Date: (Filing No. S-)					
3	JUDICIARY					
4	Reproduced and distributed under the direction of the Secretary of the Senate.					
5	STATE OF MAINE					
6	SENATE					
7	131ST LEGISLATURE					
8	FIRST SPECIAL SESSION					
9 10	COMMITTEE AMENDMENT "" to S.P. 332, L.D. 773, "An Act to Ensure Access by Parties and Attorneys to Records in Child and Adult Protection Proceedings"					
11 12	Amend the bill by inserting after the enacting clause and before after section 1 the following:					
13	'Sec. 1. 18-C MRSA §5-701, sub-§4 is enacted to read:					
14 15 16 17 18	4. Access to records. In any case in which a public guardian or conservator may be or has been appointed by the court under this Article, the Department of Health and Human Services shall disclose to the respondent and the respondent's attorney relevant information from the department's records as required by Title 22, section 3474, subsection 3, paragraph <u>F.</u>					
19 20	Sec. 2. 22 MRSA §3474, sub-§2, ¶D, as amended by PL 2003, c. 653, §6, is further amended to read:					
21 22 23 24	D. An incapacitated or dependent adult named in a record who is reported to be abused, neglected or exploited or the <u>The</u> caretaker, <u>guardian or conservator</u> of the <u>an</u> incapacitated or dependent adult <u>named in a record who is reported to be abused</u> , <u>neglected or exploited</u> ;'					
25	Amend the bill by striking out all of section 3 and inserting the following:					
26	'Sec. 3. 22 MRSA §3474, sub-§3, ¶F is enacted to read:					
27 28 29 30	F. The adult who is the subject of the record and the adult's attorney, with protection for identity of reporters and other persons when appropriate. Nothing in this paragraph requires the department to disclose information to a guardian or conservator of the adult who is the subject of the record.'					
31	Amend the bill by inserting after section 7 the following:					
32	'Sec. 8. 22 MRSA §4032, sub-§2, ¶C-1 is enacted to read:					
33 34	<u>C-1.</u> The phone number and e-mail address, if known, of each parent and custodian, unless the petitioner has reason to believe that disclosing the phone number or e-mail					

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address of the parent and custodian to another parent and custodian in the proceeding
would create a safety risk or the petitioner has reason to believe that a parent and
custodian has taken steps to avoid disclosing that parent's and custodian's phone
number or e-mail address to another parent and custodian in the proceeding.'
Amend the bill by relettering or renumbering any nonconsecutive Part letter or section

number to read consecutively.

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SUMMARY

8 This amendment clarifies that, while the Department of Health and Human Services 9 has discretion to disclose information in its adult protective records to the guardian or 10 conservator of an adult who is the subject of the record, the department is required to 11 disclose information in its adult protective records to the adult who is the subject of the 12 record and the adult's attorney. It also adds a conforming amendment to the Maine Uniform Probate Code requiring the disclosure of information in adult protective records to the adult 13 14 who is the subject of the record and the adult's attorney in any case in which a public 15 guardian or conservator has been or may be appointed.

16 To facilitate the initial communication between attorneys assigned to represent parents and custodians in child protection proceedings and their clients, the amendment also 17 requires the department to include in a child protection petition the phone number and 18 e-mail address, if known, of each parent and custodian. Inclusion of a parent's and 19 custodian's phone number and e-mail address in the petition is not required if the parent 20 and custodian has taken steps to keep that parent's and custodian's phone number or e-mail 21 22 address private from another parent and custodian in the proceeding or if disclosure of this 23 information to another parent and custodian in the proceeding would create a safety risk.

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FISCAL NOTE REQUIRED (See attached)

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