

State of Maine Child Death Review Legislation

Maine Statute § Title 22, Section 4004 (1992)

ENABLING LEGISLATION

During the 1993 legislative session, the panel and its functions were established in an amendment to 22 MRSA Chapter 1071 Child and Family Services and Child Protection Act.

Pertinent Statutory Provisions

22 M.R.S.A. § 4004 (1):

E. Establishing a child death and serious injury review panel for reviewing deaths and serious injuries to children. The panel consists of the following members: the Chief Medical Examiner, a pediatrician, a public health nurse, forensic and community mental health clinicians, law enforcement officers, departmental child welfare staff, district attorneys and criminal or civil assistant attorneys general. The purpose of the panel is to recommend to state and local agencies methods of improving the child protection system, including modifications of statutes, rules, policies and procedures.

22 M.R.S.A. §4008 (2):

E. A person having the legal responsibility or authorization to educate, care for, evaluate, treat or supervise a child, parent or custodian who is the subject of a record, or a member of a panel appointed by the department to review child deaths and serious injuries. This includes a member of a treatment team or group convened to plan for or treat a child or family that is the subject of a record. This may also include a member of a support team for foster parents, if that team has been reviewed and approved by the department;

22 M.R.S.A. § 4008 (3-A):

Confidentiality. The proceedings and records of the child death and serious injury review panel created in accordance with section 4004, subsection 1, paragraph E are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. The commissioner shall disclose conclusions of the review panel upon request, but may not disclose data that is otherwise classified as confidential.

22 M.R.S.A. § 4021. Investigations

1. Subpoenas and obtaining criminal history. The Commissioner, his delegate or the legal counsel for the Department may:

A. Issue subpoenas requiring persons to disclose or provide to the department information or records in their possession that are necessary and relevant to an investigation of a report of suspected abuse or neglect to a subsequent child protection proceeding or to a panel appointed by the department to review child deaths and serious injuries.