

§4019. Child advocacy centers

This section governs the establishment, organization and duties of child advocacy centers to coordinate the investigation and prosecution of child sexual abuse and other child abuse and neglect and the referral of victims of child sexual abuse and other child abuse and neglect for treatment. [PL 2013, c. 364, §1 (NEW).]

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Board" means a child advocacy advisory board established pursuant to subsection 2. [PL 2013, c. 364, §1 (NEW).]

B. "Child advocacy center" or "center" means a community-based center that provides multidisciplinary services for children and families affected by child sexual abuse and other child abuse and neglect, including a center in another jurisdiction. [PL 2023, c. 193, §2 (AMD).]

C. "District" means one of the 9 public health districts as defined in section 411, subsection 5. [PL 2013, c. 364, §1 (NEW).]

D. "Forensic interview" has the same meaning as in Title 16, section 358, subsection 1, paragraph A. [PL 2023, c. 193, §3 (NEW).]

[PL 2023, c. 193, §§2, 3 (AMD).]

2. Center; child advocacy advisory board. A district may establish one center within the district. A district that establishes a center shall establish a child advocacy advisory board to govern the center.

A. Each of the following officers or agencies shall designate one representative from within the district to serve on the board: a county sheriff; the Bureau of Child and Family Services; the district attorney; the State Police; a municipal police department; a sexual assault support center; and a county mental health organization; or a comparable representative for each who carries out these duties. [PL 2013, c. 364, §1 (NEW).]

B. The board shall organize itself and elect from among its members a chair. Until a chair is elected, the district attorney representative or comparable representative who carries out the duty of prosecuting serves as interim chair. [PL 2013, c. 364, §1 (NEW).]

C. The chair of the board may appoint additional members of the board as necessary to accomplish the purposes of this section. Additional members may include but are not limited to representatives of law enforcement agencies, the judicial branch and tribal courts. [PL 2013, c. 364, §1 (NEW).]

D. The board shall adopt by a majority vote of its members a written protocol on child sexual abuse and other child abuse and neglect. The purpose of the protocol is to ensure coordination and cooperation of all agencies involved in child sexual abuse cases and other child abuse and neglect cases to increase efficiency and effectiveness of those agencies and to minimize stress created for the child and the child's family by the investigation and criminal justice process and to ensure that more effective treatment is provided for the child and the child's family. [PL 2013, c. 364, §1 (NEW).]

E. In preparing its written protocol under paragraph D, the board shall consider the following:

(1) An interdisciplinary, coordinated approach to the investigation of child sexual abuse and other child abuse and neglect, which must at a minimum include:

(a) An interagency notification procedure;

(b) A dispute resolution process for the involved agencies when a conflict arises in how to proceed with the investigation of a case;

(c) A policy on interagency decision making; and

- (d) A description of the role each agency has in the investigation of a case;
 - (2) A safe, separate space, with assigned personnel, designated for the investigation and coordination of child sexual abuse cases and other child abuse and neglect cases;
 - (3) An interdisciplinary case review process for purposes of decision making, problem solving, systems coordination and information sharing;
 - (4) A comprehensive tracking system to receive and coordinate information concerning child sexual abuse cases and other child abuse and neglect cases from each participating agency;
 - (5) Interdisciplinary specialized training for all professionals involved with the cases of victims and families of child sexual abuse and other child abuse and neglect; and
 - (6) A process for evaluating the implementation and effectiveness of the protocol. [PL 2013, c. 364, §1 (NEW).]
- F. The board shall annually evaluate the implementation and effectiveness of the protocol required under paragraph D and shall amend the protocol as necessary to maximize its effectiveness. [PL 2013, c. 364, §1 (NEW).]
- G. The board shall file the written protocol under paragraph D and each amendment to it with the Bureau of Child and Family Services and shall provide copies of the protocol and each amendment to it to each agency participating in the district. [PL 2013, c. 364, §1 (NEW).]
[PL 2013, c. 364, §1 (NEW).]

3. Child advocacy centers; memorandum of understanding; participants. On the execution of a memorandum of understanding, a center may be established. A memorandum of understanding regarding participation in the operation of the center must be executed among the following:

- A. The Bureau of Child and Family Services; [PL 2013, c. 364, §1 (NEW).]
- B. Representatives of state, county and municipal law enforcement agencies that investigate child sexual abuse and other child abuse and neglect in the district; [PL 2013, c. 364, §1 (NEW).]
- C. The district attorney who prosecutes child sexual abuse cases and other child abuse and neglect cases in the district; [PL 2013, c. 364, §1 (NEW).]
- D. Representatives of a sexual assault support center; and [PL 2013, c. 364, §1 (NEW).]
- E. Representatives of any other governmental entity that participates in child sexual abuse or other child abuse and neglect investigations or offers services to victims of child sexual abuse and other child abuse and neglect in the district and that wants to participate in the operation of the center. [PL 2013, c. 364, §1 (NEW).]
[PL 2013, c. 364, §1 (NEW).]

4. Elements of memorandum of understanding. A memorandum of understanding under this section must include the agreement of each participant to cooperate in:

- A. Developing a cooperative team approach to investigating child sexual abuse and other child abuse and neglect; [PL 2013, c. 364, §1 (NEW).]
- B. Reducing to the greatest extent possible the number of interviews required of a victim of child sexual abuse or other child abuse or neglect to minimize the negative impact of an investigation on the child; and [PL 2013, c. 364, §1 (NEW).]
- C. Developing, maintaining and supporting an environment that emphasizes the best interest of children and provides investigatory and rehabilitative services. [PL 2013, c. 364, §1 (NEW).]
[PL 2013, c. 364, §1 (NEW).]

5. Office space and administrative services. A memorandum of understanding under this section may include the agreement of one or more participants to provide office space and administrative services necessary for the center's operation.

[PL 2013, c. 364, §1 (NEW).]

6. Child advocacy center duties. A center shall:

A. Assess victims of child sexual abuse and other child abuse and neglect and their families referred to the center by the department, a law enforcement agency or a district attorney to determine their needs for services relating to the investigation of child sexual abuse and other child abuse and neglect and provide those services; [PL 2013, c. 364, §1 (NEW).]

B. Provide a facility at which a multidisciplinary team appointed under subsection 7 can meet to facilitate the efficient and appropriate disposition of child sexual abuse cases and other child abuse and neglect cases through the civil and criminal justice systems; and [PL 2013, c. 364, §1 (NEW).]

C. Coordinate the activities of governmental entities relating to child sexual abuse and other child abuse and neglect investigations and delivery of services to victims of child sexual abuse and other child abuse and neglect and their families. [PL 2013, c. 364, §1 (NEW).]

[PL 2013, c. 364, §1 (NEW).]

7. Multidisciplinary team. A center shall appoint a multidisciplinary team.

A. A multidisciplinary team must include employees of the participating agencies who are professionals involved in the investigation or prosecution of child sexual abuse cases and other child abuse and neglect cases. A multidisciplinary team may also include representatives of sexual assault support centers and professionals involved in the delivery of services, including medical and mental health services, to victims of child sexual abuse and other child abuse and neglect and the victims' families. [PL 2013, c. 364, §1 (NEW).]

B. A multidisciplinary team shall meet at regularly scheduled intervals to:

(1) Review child sexual abuse and other child abuse and neglect cases determined to be appropriate for review by the multidisciplinary team. A multidisciplinary team may review a child sexual abuse case or other child abuse or neglect case in which the alleged abuser does not have custodial control or supervision of the child or is not responsible for the child's welfare or care; and

(2) Coordinate the actions of the entities involved in the investigation and prosecution of the cases and the delivery of services to the victims of child sexual abuse and other child abuse and neglect and the victims' families. [PL 2013, c. 364, §1 (NEW).]

C. When acting in the member's official capacity, a multidisciplinary team member is authorized to receive confidential information for the purpose of carrying out the member's duties under this section. For purposes of this paragraph, "confidential information" includes confidential records regarding the investigation of reports of child sexual abuse and other child abuse and neglect, including videotaped interviews, and records, papers, files and communications regarding a person receiving services from or being investigated by the department. [PL 2013, c. 364, §1 (NEW).]

[PL 2013, c. 364, §1 (NEW).]

8. Immunity from liability. A person is immune from civil liability for a recommendation or an opinion given in good faith while acting in the official scope of the person's duties as a member of a center's multidisciplinary team or as a staff member or volunteer of a center.

[PL 2013, c. 364, §1 (NEW).]

9. Confidential records except recordings of forensic interviews. The files, reports, records, communications and working papers used or developed in providing services under this section are

confidential and are not public records for purposes of Title 1, chapter 13, subchapter 1. Except for recordings of forensic interviews, which are governed by subsection 9-A, information may be disclosed only to the following in order for them to carry out their duties:

- A. The department, department employees, law enforcement agencies, prosecuting attorneys, assistant attorneys general who are involved in adult and child protective cases, medical professionals and other state agencies that provide services to children and families. [PL 2023, c. 193, §4 (AMD).]
- B. [PL 2023, c. 193, §4 (RP).]
- C. [PL 2023, c. 193, §4 (RP).]
[PL 2023, c. 193, §4 (AMD).]

9-A. Recordings of forensic interviews confidential. The following provisions govern recordings of forensic interviews used or developed in providing services under this section. Recordings of forensic interviews are confidential and are not public records for purposes of Title 1, chapter 13, subchapter 1. Information may be disclosed:

A. To the department, department employees, law enforcement agencies, assistant attorneys general who are involved in adult and child protective cases, prosecuting attorneys, medical professionals and other state agencies that provide services to children and families in order for them to carry out their duties; [PL 2023, c. 193, §5 (NEW).]

B. To the attorney for a child who is the subject of confidential records; [PL 2023, c. 193, §5 (NEW).]

C. To a guardian ad litem appointed under section 4005 for a child who is the subject of confidential records; [PL 2023, c. 193, §5 (NEW).]

D. In a matter under Title 18-C or 19-A, upon specific request for the recording of the forensic interview by the parties or on the court's own motion. A court may order disclosure of the recording of a forensic interview in accordance with section 4008, subsection 3, paragraph B if the court finds that access to the recording is necessary for the determination of an issue before the court and that the necessity of access to the recording outweighs the potential effect on the alleged victim. The court shall follow the following procedure.

(1) Before ordering disclosure of the recording, the court shall require that an investigating law enforcement agency, if any, has been given an opportunity to indicate its position on disclosure of the recording.

(2) If the court determines based on the pleadings that the recording is necessary for the determination of an issue before the court and that the necessity of access to the recording outweighs the potential effect on the alleged victim, the court shall order the department, pursuant to section 4008, subsection 3, paragraph B, to provide a copy to the court for in camera inspection. The court shall conduct an in camera review of the recording in order to make a determination about who should be entitled to view the recording.

(3) If the court determines that the recording should be disclosed, the court shall consider whether a guardian ad litem should be appointed in the case if one is not already appointed. If there is a guardian ad litem, the court shall consider whether to restrict access to the recording only to the guardian ad litem.

(4) The court shall issue a protective order of confidentiality ordering who is allowed to view the recording and how and where viewing will occur. In making its determination, the court shall weigh whether the parties are represented by counsel and whether restricting viewing of the recording will be unduly prejudicial to a party. The recording may not be copied, reproduced or disseminated in any way.

(5) If the recording is admitted pursuant to Title 16, section 358, subsection 3, the court shall admit the recording under seal; and [PL 2023, c. 193, §5 (NEW).]

E. In a criminal matter, to a defendant pursuant to the Maine Rules of Unified Criminal Procedure, Rule 16(b)(6). Before releasing the recording, the prosecutor shall request that the court issue a protective order of confidentiality ordering who is allowed to view the recording and how and where viewing will occur. In making its determination, the court shall weigh whether the defendant is represented by counsel and whether restricting viewing of the recording will be unduly prejudicial to the defendant. [PL 2023, c. 193, §5 (NEW).]

[PL 2023, c. 193, §5 (NEW).]

10. Reports. Beginning January 2015, the department shall annually report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the centers. The report must include the number of centers and an overview of the protocols adopted by the centers and the effectiveness of the centers in coordinating the investigation and prosecution of child sexual abuse and other child abuse and neglect and referral of victims of child sexual abuse and other child abuse and neglect for treatment. The committee may submit legislation related to the report. [PL 2013, c. 364, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 364, §1 (NEW). PL 2023, c. 193, §§2-5 (AMD).

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