

Mandatory Reporting Requirements: Children Maine

Last Updated: April 2023

Question	Answer
Who is required to report?	<ul style="list-style-type: none">• Any of the following adults persons or entities, when <i>acting in a professional capacity</i>:<ul style="list-style-type: none">• Allopathic or osteopathic physician, resident or intern;• Emergency medical services person;• Medical examiner;• Physician’s assistant;• Dentist;• Dental hygienist;• Dental assistant;• Chiropractor;• Podiatrist;• Registered or licensed practical nurse;• Teacher;• Guidance counselor;• School official;• Youth camp administrator or counselor;• Social worker;• Court appointed special advocate or guardian ad litem for the child;• Homemaker;• Home health aide;• Medical or social service worker;• Psychologist;• Child care personnel;• Mental health professional;• Law enforcement official;• State or municipal fire inspector;• Municipal code enforcement official;• Commercial film and photographic print processor;• Member of the clergy acquiring the information as a result of clerical professional work (except for information learned through confidential communications);• Chair of a professional licensing board that has jurisdiction over mandatory reporters;• Humane agent employed by the Department of Agriculture, Conservation, and Forestry;• Sexual assault counselors;• School bus driver or school bus attendant; and

- Family or domestic violence victim advocates.
- Any person who has assumed full, intermittent, or occasional responsibility for the care and custody of the child, regardless of whether that person is compensated.
- Any person affiliated with a church or religious institution who serves in an administrative capacity or has otherwise assumed a position of trust or responsibility to members of that church or religious institution, while acting in that capacity, regardless of whether that person is compensated.

When is a report required and where does it go?

When is a report required?

- Knowledge or reasonable cause to suspect that a child has been or is likely to be abused or neglected or that a suspicious child death has occurred.
- Knowledge that a child who is under 6 months of age or otherwise nonambulatory exhibits evidence of any of the following (other than those occurring as a result of the delivery of a child attended by a licensed medical practitioner or the reporting of burns or other injuries occurring as a result of medical treatment following the delivery of the child while the child remains hospitalized following the delivery): a bone fracture, substantial or multiple bruising, subdural hematoma, burns, poisoning, or injury resulting in substantial bleeding, soft tissue swelling, or impairment of an organ.
- Knows or has reasonable cause to suspect that a child is not living with the child's family.
- A health care provider involved in the delivery or care of an infant who the provider knows or has reasonable cause to suspect has been born affected by substance abuse, has withdrawal symptoms that require medical monitoring or care beyond standard newborn care when those symptoms have resulted from or have likely resulted from prenatal drug exposure, whether the prenatal exposure was to legal or illegal drugs, or has fetal alcohol spectrum disorder shall notify the department of that condition in the infant. This section, and any notification made pursuant to this section, may not be construed to establish a definition of "abuse" or "neglect."

Where does it go?

- All reports shall be made by telephone to the Department of Health and Human Services (child abuse hotline 1-800-452-1999). Deaf/Hard of Hearing - 711 (Maine Relay)
- A mandatory reporter, acting in a professional capacity, who knows or has reasonable cause to suspect that a child has been abused or neglected by a person not responsible for the child or that a suspicious child death has been caused by a person not responsible for the child, must also immediately report or cause a report to be made to the district attorney's office.
- Whenever a person is required to report in a capacity as a member of the staff of a medical or public or private institution, agency or facility, that person immediately shall notify either the person in charge of the institution, agency or facility or a designated agent who then shall cause a report to be made to the Department of Health and Human Services and/or district attorney's office, as applicable; provided, that such person (x) may also may make a report directly to the department or district attorney and (y) should make a report directly to the department or district attorney in the event that the institution, agency or facility, or its designated agent, does not provide confirmation that a report has been made by it to the department or district attorney within 24 hours of such person's making of the initial report.

<p>What definitions are important to know?</p>	<ul style="list-style-type: none"> • “Abuse or neglect” means a threat to a child’s health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these by a person responsible for the child. Abuse or neglect also means truancy as defined elsewhere, when truancy is a result of neglect by a person responsible for the child. Abuse or neglect also includes a threat to a child’s health or welfare caused by child sex trafficking by any person. <ul style="list-style-type: none"> • A child shall not be considered to be abused or neglected, in jeopardy of health or welfare or in danger of serious harm solely because treatment is by spiritual means by an accredited practitioner of a recognized religious organization. • “Child” means any person less than 18 years of age.
<p>What timing and procedural requirements apply to reports?</p>	<ul style="list-style-type: none"> • Must make oral report by telephone of suspected abuse or neglect immediately. If requested by the Department of Health and Human Services, must follow with a written report within 48 hours. • Hospitals and hospital staff, medical professionals, school personnel and law enforcement personnel may submit reports electronically through a portal linked to the Department of Health and Human Services’ comprehensive child welfare information system.
<p>What information must a report include?</p>	<ul style="list-style-type: none"> • The reports shall contain the following information if within the knowledge of the person making the report: <ul style="list-style-type: none"> • Name and address of the child and the persons responsible for the child’s care or custody; • Child’s age and sex; • Nature and extent of the abuse or neglect, including a description of injuries and any explanation given for them; • A description of sexual abuse or exploitation; • Family composition and evidence of prior abuse or neglect in child or any of his/her siblings; • Source of the report, the person making the report, his or her occupation and where he or she can be contacted; • Actions taken by the reporting source, including a description of photographs or x-rays taken; and • Any other information that the reporter believes might be helpful.
<p>Anything else I should know?</p>	<ul style="list-style-type: none"> • An employer may not take any action to prevent or discourage an employee from making a report. • Whenever a person is required to report as a staff member of a law enforcement agency or a hospital, that person shall make reasonable efforts to take, or cause to be taken, color photographs of any areas of trauma visible on a child. <ul style="list-style-type: none"> • The taking of photographs must be done with minimal trauma to the child and in a manner consistent with professional standards. The parent’s or custodian’s consent to the taking of photographs is not required. • Photographs must be made available to the department as soon as possible. The person shall notify the department as soon as possible if that person is unable to take, or cause to be taken, these photographs. • Any person may make an optional report if that person knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected or that there has been a suspicious child death. • An animal control officer, when that person knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected, is considered a permitted reporter.

- The husband-wife and physician and psychotherapist-patient privileges and the confidential quality of other communications are abrogated in relation to required reporting.
- The confidentiality of employee records is abrogated in relation to required reporting.
- Knowing failure of a mandated reporter to report suspected child abuse is a civil violation subject to a forfeiture of not more than \$500.
- A person, including an agent of the department, participating in good faith in reporting or participating in a related child protection investigation or proceeding, including, but not limited to, a multidisciplinary team, out-of-home abuse investigating team or other investigating or treatment team, or a related law enforcement investigation or criminal justice proceeding is immune from any criminal or civil liability for the act of reporting or participating in the investigation or proceeding. Good faith does not include instances when a false report is made and the person knows the report is false. This may not be construed to bar criminal or civil action regarding perjury or regarding the abuse or neglect that led to a report, investigation or proceeding.
- A person participating in good faith in taking photographs or x-rays under these requirements is immune from civil liability for invasion of privacy that might otherwise result from these actions.
- No person may be discriminated against by any employer in any way for reporting in good faith.
- Upon request of a law enforcement officer investigating a report of child abuse or neglect, a member of the staff of a public or private medical institution, agency or facility or person in charge of the institution, agency or facility or the designated agent who made a report shall disclose to the law enforcement officer the same information the member or person reported to the Department of Health and Human Services.

Statutory citation(s):

22 M.R.S.A. §§ 4002, 4009, 4010, 4011-A, 4011-B, 4012, 4014, 4015, 4016, 4017.