

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



Maine Department of Health and Human Services
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November 22, 2021

Ron Hall, Executive Director
Maine Summer Camps
Maine Youth Camp Foundation
550 Forest Ave. Suite 203
Portland, ME 04104

Attorney Jack Erler
Governmental Relations
Maine Youth Camp Association
550 Forest Ave. Suite 203
Portland, ME 04101

RE: Youth Camp Reporting Requirements for Abuse and Neglect

Dear Mr. Hall and Attorney Erler:

As a follow-up to our post-season youth camp meeting on October 27, 2021, Attorney Erler asked if child-to-child abuse and/or neglect is a reportable offense to the Department. We consulted with our Assistant Attorney General, who in turn reviewed this question with the Assistant Attorney General for the Department's Office of Child and Family Services (OCFS). That discussion included OCFS's interpretation of the definition of "abuse or neglect" at 22 MRS § 4002(1), which is cited in HIP's *Rules Relating to Youth Camps, Primitive, and Trip Camping*, 10-144 CMR Ch. 208, § (6)(A)(5).

Title 22 MRS 4002 defines "abuse or neglect" in relevant part as "a threat to a child's health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation . . . or lack of protection from these, by a person responsible for the child." *Id.* (Emphasis added.) "Person responsible for the child" is further defined as "a person with responsibility for a child's health or welfare, whether in the child's home or another home or a facility which, as part of its function, provides for care of the child." *Id.* § 4002(9). "Person" is defined as "an individual, corporation, facility, institution or agency, public or private." *Id.* § 4002(8). OCFS has interpreted "abuse and neglect" to potentially include child-on-child abuse and has investigated such abuse in other settings.

After its review, the Maine Office of the Attorney General concluded that, in the context of youth camps, child-on-child sexual abuse can be considered "abuse or neglect" that is prohibited under Section 6.A.5 of the *Rules Relating to Youth Camps, Primitive, and Trip Camping*, if it results from the camp's failure to provide adequate protection against such abuse. Section 6.A.6 of the *Rules*

Relating to Youth Camps, Primitive, and Trip Camping requires that all incidents of “suspected or confirmed abuse or neglect of campers” be reported to the camp operator. The camp operator is then required to immediately report these allegations to the Department, per Section 6.A.6.a. Based on advice from Maine’s Attorney General’s Office, the Department interprets Section 6.A.6 of the Rule as requiring youth camps to report all reports of sexual abuse and/or neglect, including child-on-child abuse, to the Department, regardless of whether or not the camp director thinks the abuse occurred as a result of the camp’s failure to protect the camper.

Please let me know if you have further questions.

Sincerely,

A handwritten signature in cursive script that reads "Lisa M. Silva".

Lisa Silva
Program Manager
Health Inspection Program
Division of Environmental and Community Health
Maine Center for Disease Control and Prevention
Department of Health and Human Services