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Testimony of Rep. Lori K. Gramlich presenting

**LD 1888, An Act To Amend the Laws Affecting Sex Offenders and Petitions for Child Custody
*Before the Joint Standing Committee on Judiciary***

Good morning, Senator Carney, Representative Harnett and esteemed colleagues of the Joint Standing Committee on Judiciary. My name is Lori Gramlich, and I represent House District 13, which is the community of Old Orchard Beach. I am here to present ***LD 1888, An Act To Amend the Laws Affecting Sex Offenders and Petitions for Child Custody.***

Child sexual abuse is a significant but preventable adverse childhood experience and public health problem. Although estimates vary across studies, the data shows:

- About 1 in 4 girls and 1 in 13 boys experience child sexual abuse at some point in childhood.
- 91% of child sexual abuse is perpetrated by someone the child or child's family knows.
- The total lifetime economic burden of child sexual abuse in the United States in 2015 was estimated to be at least \$9.3 billion. However, this is likely an underestimate of the true impact of the problem since child sexual abuse is underreported.

I present to you this data as a reference to the adverse and long-term physical and mental/emotional health consequences that child sexual abuse has. It is incumbent on us to do everything we can to prevent children's exposure to this heinous act.

The impetus of LD 1888 was brought to me last fall, when I was contacted by a constituent who brought to my attention what I consider to be a gap in our current system - a gap which places children at risk.

She shared with me that she had been about to marry the father of her child. Weeks prior to their marriage, he was arrested and convicted of sexual abuse of a minor. He was incarcerated and was ordered to register as a lifetime registrant on Maine's Sex Offender registry. He has since petitioned the court for parental rights to be restored and visitation with their now six-year-old daughter. My constituent is here today to share her story with you.

After consulting with several attorneys, I realized that section 1653 of the Best Interest Statute concerning children does not include provisions under Title 19A specific to sex offenders. While

domestic violence and criminal conviction are both included, provisions specific to sex offenders are not.

For your reference, Title 19-A: DOMESTIC RELATIONS, Part 3: PARENTS AND CHILDREN, Chapter 55: RIGHTS AND RESPONSIBILITIES states that the court, in making an award of parental rights and responsibilities with respect to a child, shall apply the standard of the best interest of the child. In making decisions regarding the child's residence and parent-child contact, the court shall consider as primary the safety and well-being of the child. In applying this standard, the court shall consider the following factors:

The existence of a parent's conviction for a sex offense or a sexually violent offense as those terms are defined in Title 34-A, section 11203.

LD 1888 will clarify that the language regarding being on the sex offender registry is included under section 1653.

Secondly, LD 1888 will include a provision that if an individual who is on the sex offender registry and has children, that individual shall undergo a forensic psychosocial risk assessment prior to petitioning the court for parental rights and / or visitation.

And finally, LD 1888 stipulates that the non-offending parent who has a duty to protect their minor children shall not be responsible for paying for said assessment.

You will hear today about civil liberties and rights of offenders. I am asking you to consider the rights of the other parent in this equation – ones who are doing their best to protect their children from harm and abuse. I ask you to look at this through the eyes of a child.

I urge you to pass LD 1888. Thank you for your consideration and I will be happy to try to answer any questions for you.