
**Testimony of Andrea Mancuso, on behalf of the Maine Coalition to End Domestic Violence
In SUPPORT of LD 1406, “An Act to Amend Certain Definitions in the Child and Family
Services and Child Protection Act” and LD 891, “An Act to Exclude Poverty as a Factor
When Determining Instances of Willful Neglect or Abuse of a Child”
Before the Joint Standing Committee on Health and Human Services
Tuesday, April 8, 2025**

Senator Ingwersen, Representative Meyer, and members of the Joint Standing Committee on Health and Human Services, I am writing on behalf of the Maine Coalition to End Domestic Violence (MCEDV)¹ in support of LD 1406 and LD 891.

Maine’s regional domestic violence resource centers serve more than 12,000 survivors each year; approximately 50% have at least one child in their home. For the last twenty years, our network has partnered with the Office of Child and Family Services to try and best support the state agency’s response to domestic violence and the survivors that are involved in it. Overwhelmingly, we see that survivors in our state who have child welfare involvement are poor. Often their poverty is exacerbated, and their path to financial safety and stability made more complicated, by economic abuse having been used as a tactic of their abusive partner, and by the relative lack of community-based resources available, particularly in rural Maine. The expectation of the state child welfare agency, when they get involved in these cases, is usually that the victim parent separates from the abusive parent. This expectation is almost always levied as an automatic response, without sufficient analysis as to risks of that expectation in the individual case, and without provision of sufficient resources or supports to ensure safety for the victim parent, including continuity of housing and economic resources to meet basic needs for themselves and their children. While separation may ultimately be a pathway to safety, absent sufficient attention to known risks, it can make the family’s circumstances more precarious and less safe.

LD 1406 would create a clear distinction between lack of resources as a result of socio-economic factors and intentional deprivation of those things a child needs to be able to be healthy and thrive. It would also remove from the abuse and neglect definition, the phrase “or lack of protection from these,” a phrase that is over-broad, and in its

¹ MCEDV supports and represents a membership of eight regional domestic violence resource centers as well two culturally specific service providers. Together, these programs provided services to more than 12,000 victims of domestic violence in Maine last year.

overbreadth has served as a basis for unnecessary removals of children from victims of domestic abuse and violence across our state for decades. LD 1406 would ensure the state child welfare response is focused on those cases that are most in need of the agency's active intervention. This short and simple bill would have an immediate and immense impact on keeping cases from the child welfare system that do not really need to be there, and, in doing so, work to rebuild community trust in the ability of the Office of Child and Family Services, and the Maine Department of Health and Human Services generally, to be a source of help and support as opposed to something to be feared.

We appreciate the approach taken by LD 1406 to clarify that poverty does not necessarily equate with neglect, and encourage the use of this language, and the specificity it uses to accomplish the goal, instead of the more simplistic language of LD 891, which uses broader language, more open to interpretation. However, LD 891 does raise another suggested modification to Maine's abuse and neglect definition that we see as very worthy of the Committee's consideration: to additionally require the threat of harm to a child's health or welfare to be direct and identifiable. Incorporating this language would further focus the child welfare agency's response on those cases that are most imminently in need of intervention and, with that focus, allow the agency to better serve that population, while decreasing the cases in which the state agency is currently having a high level of involvement but could likely be just as well if not better served by connections to community-based resources and supports.

Children who are exposed to domestic abuse and violence as a result of one parent's abuse of the other parent are often best served, not by removal from the victim parent, but by the community offering practical supports and resources to help that victim parent keep themselves and their child safe. Modifications to Maine's overly broad abuse and neglect definition, such as the ones put forward by LD 1406 and LD 891, are essential to moving the child welfare response in the right direction to enable better focus on high-risk cases. These are such important conversations for policy makers to have, and we would be happy to support them in any way that might be helpful.

With respect to Section 5 of LD 891, we note there will be a separate bill (LR 671 from Senator Donna Bailey) that proposes a similar but more comprehensive modification to Title 22, section 4034 and child welfare court processes, in a manner that aligns with the 2024 recommendations from the Maine Child Welfare Advisory Panel. We suggest that modifications to that section are better addressed in the bill that has yet to be heard.

Thank you for the opportunity to share our support for the policy approach that both of these bills suggest.

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