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Testimony of Elizabeth Shardlow in Support of LD 891:

An Act to Exclude Poverty as a Factor When Determining Instances of Willful Neglect or Abuse of a Child

April 8, 2025

Senator Ingwerson, Representative Meyer, and esteemed members of the Health and Human Services Committee, we have a fundamental right to live our lives, and parent our children, free from unnecessary government intrusion.

In the 1988 letter that Representative Drinkwater referenced in other testimony, Attorney General James Tierney ended his letter with a call to action:

"These children have little or no organized constituency to speak on their behalf. That is why parents such as ourselves, who hold positions of public trust, must speak for them. I am confident that after you have reviewed the situation in its entirety, you will join with me in working to make life better for *those children less fortunate than our own*."

I wholly agree with the duty that I have as a parents' defense attorney and Guardian *ad Litem* to speak for those embroiled in this broken system. However, I disagree with Attorney General Tierney's notion that it is those "other" children that we must improve the lot for, that perhaps there is a separate class of children somehow different from our own, because the law as currently written is so overly broad that it encompasses *all* of our children, not just "those" children.

My children, yours, middle class, upper class, poor, white, black, brown, privileged and non. The intent of the statutory change four decades ago was never to police families like what is happening now, and the number of unnecessary petitions I am seeing in my work is incredibly troublesome. I understand the immense pressure that the Department is under to file increasingly more child protective actions with the idea that it will keep kids safe, but the opposite is our reality. The system is overburdened by too *many* court petitions, *not* too few. It is impossible to focus on actual harm when so many resources are being wasted on these unnecessary court actions.

Three recent cases of mine highlight this, each of them resulting from unnecessary petitions which were dismissed by the Department before a hearing but not until precious resources were wasted and families were traumatized, building a distrust of what is supposed to be a social safety net in times of need.

Case 1: The Department's own investigation found the allegations to not be true, but it still took four attorneys, four months, and approximately $10,000 in taxpayer funds to resolve.

Case 2: Parents waited six months for counsel, it cost roughly $4,000 in taxpayer funds, and there was no case to begin with - a family was traumatized by unnecessary Department action, resulting in an increased distrust of the system.

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Case 3: Allegations were falsely exaggerated by an inexperienced caseworker, wasting over $20,000 in taxpayer attorney's fees. The family was forced to endure a 10-month separation which cost them employment, subjected their child to unnecessary and lasting trauma, and left them in economic ruin.

None of these cases involved parents abusing their children.

None of these cases involved parents subjecting their children to harm.

None of these cases involved substance use.

All were intact or married couples raising their shared children in safe, healthy environments without domestic violence or poverty.

LD 891 would not only end the conflation of poverty with neglect, but it would do so much more than that in restoring the integrity of our laws and focusing our child welfare system on the intent for which it was created. We cannot protect Maine's children unless we narrow the statute to more clearly define what we are trying to prevent.

For these reasons, I strongly urge you to vote ***Ought to Pass*** on LD 891.

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