

**Testimony of Elizabeth Shardlow in Opposition to LD 1409:
An Act Regarding the Rights of Foster Parents**

April 8, 2025

Senator Ingwerson, Representative Meyer, and esteemed members of the Health and Human Services Committee, LD 1409 would give legal strangers the same rights as a child's relative, solely based on a contractual relationship of one short year.

As a Guardian *ad Litem* and parents' defense attorney working in child welfare, I appreciate the work of foster parents and the love and support that they give to the children placed in their homes. However, this relationship is a contractual one, between the State and the resource placement. Foster parents are paid agents of the State, with the specific duty to care for the child when their parents are unable to, and in nearly every case, support reunification.

This bill would infringe on the constitutional right to family integrity and create a monetary incentive to legally kidnap children from their natural supports. This bill is in direct conflict with longstanding federal law and the specific statutory timelines in child welfare cases. It would also shorten the timeline in reunification plans by several months, a timeframe not only not contemplated in current law, but entirely unrealistic in our current system where resources are unavailable, and parents are waiting months or longer for an attorney to be appointed to represent them.

Maine DHHS policies, and longstanding Maine law, support the placement of children with adult relatives whenever possible. Sometimes locating family members takes time. The legislative record from prior bills touching on this issue include strong views and robust floor debates on the importance of kinship care, the rights of children to their natural families, and the importance of not overstepping the bounds of the duties for which the State compensates foster families. To quote [Representative Malaby in 2016](#), when a child enters foster care, "they lose not only mom and dad, but often brothers, sisters, aunts, uncles, grandparents, teachers, friends, and classmates. They're cut off from everyone so loving and familiar. For a young child, it's an experience akin to a kidnapping and often children feel like they must've done something terribly wrong and now they're being punished. And the emotional trauma can last a lifetime."

Children do better in every metric when placed with kin. This bill would give legal strangers the same rights as the child's family of origin, and on a timeline that circumvents the intention of the child welfare process to protect children and reunify them with their parents.

Familial bonds matter. They absolutely matter. We each come from some place, and that place is our family. We know that the legal rationale for the preference of kinship placement is because children are statistically less at risk of being abused in the care of relatives. One short year in the care of a legal stranger cannot ever begin to replace the familial relationships that we hold at the core of our human existence.

For these reasons, I strongly urge you to vote ***Ought Not to Pass*** on LD 1409.