

PINE TREE LEGAL ASSISTANCE, INC.
KIDS LEGAL

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Written Testimony of Chelsea Peters, Esq. in Support of LD 891

Good afternoon members of the Health and Human Services Committee.

My name is Chelsea Peters and I am a Staff Attorney in the Kids Legal unit at Pine Tree Legal Assistance. We provide advice, support, and representation to nearly 200 low income families per year, in the areas of special education access and programming, bullying, emancipation, homeless youth access to education, and school discipline. Prior to joining Pine Tree, I was a solo practitioner attorney representing parents in child protection cases and acting as a Guardian ad litem (GAL), primarily in the Lewiston/Auburn area.

I am writing in support of LD 891. In my 15 years as a parents' attorney and GAL, I worked with countless families whose inability to meet their children's needs was largely a function of poverty. Reports were made to DHHS when children came to school in dirty clothes, with greasy hair, or smelling as though they hadn't showered. These are indicators of poverty, not necessarily of child abuse or neglect. When parents were unable to find housing or a stable place to stay, they frequently made the safest decision they could – to voluntarily place their children with a relative or trusted friend while they stayed in a tent or homeless shelter. DHHS often became involved at that point and removed custody of the children from their parents. So many of these families could have remained together had the state provided preventative financial support rather than using the parents' lack of resources as a rationale for removing the children.

Poverty should not be conflated with child abuse or neglect, but the ambiguity of the current statute allows this to happen all the time. And I understand why. I have walked into homes as a GAL where multiple children were sharing the same bare, soiled mattress on the ground. I have worked with families with bedbug infestations, who live in homes with no heat or hot water, and who couldn't afford to buy their children new clothes or winter jackets. It is heartbreaking to see children not getting their basic needs met. However, these are indicators of poverty, not of maltreatment. When the Department of Health and Human Services receives a report on one of these families, and poverty is the driving force behind the parents' inability to meet their kids basic needs, the family should be able to count on the Department to provide direct support or connect them with resources that can help, rather than fear their children will be removed from their care. If the Department

is held to the high standard of LD 891 – that they are required to show the specific efforts made to prevent removal of the children from the home, the duration of those efforts, and the outcome of those efforts before filing a petition, I believe more work will be focused on supporting families experiencing poverty and preventing the needless removal of children from their parents.

At Kids Legal, we work with many homeless and unaccompanied youth seeking emancipation and looking for advice on ways to access their education. Many of these youth had prior involvement with child protective services but were unwilling to remain in the foster homes provided to them or chose to self-place with a family friend, biological parent whose rights were previously terminated, or relative. These youth are working hard to navigate the complex educational and legal systems without the support of a parent or guardian behind them. We see daily the challenges that these youth face. All research suggests that children have better outcomes when they can remain with their biological families. LD 891 makes important changes to the child protection statute that will ensure more children can remain with their parents rather than being removed and placed in foster care when neglect of basic needs is the result of circumstances of poverty rather than abuse or willful neglect.

Thank you for your time and consideration.

Chelsea Peters, Esq.