



Craig V. Hickman
Senator, District 14

THE MAINE SENATE
132nd Legislature

3 State House Station
Augusta, Maine 04333

Testimony of Senator Craig V. Hickman introducing
**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 honorable members of the Joint Standing Committee on Health and Human Services, my name is Craig Hickman, and I am proud to represent Senate District 14, twelve municipalities in southern Kennebec County including my beloved hometown of Winthrop. Thank you for the opportunity to introduce [LD 891](#), “An Act to Exclude Poverty as a Factor When Determining Instances of Willful Neglect or Abuse of a Child.”

Our system of protecting children is not adequately protecting our children. In 2023 our Office of Child and Family Services [investigated](#) more children per capita than all but three states.[1] Yet we continue to see significant child fatalities.

We hear the [stories](#) of the front-line workers who are drowning in a system breaking under the stress of caseloads and policies.[2] Yet we continue to see the avoidable tragedies of children known to the system.[3]

We see that Maine is [investigating](#), and substantiating claims against, more families and parents than any other state.[4] We see that Maine is [removing](#) children at a rate more than double the national average. Yet we see no real improvement in child safety.

We see the results of the recent [federal audit](#) that tells us our caseworkers are not able to comply with the essential requirements of their job in 96% of their cases. We see the [headlines](#) that parents are going unrepresented by counsel and their Constitutional right to counsel is being violated. The solutions we pose must be smart about the resources that currently exist.

The truth is we are not only failing to protect children; we are failing to protect Maine’s most vulnerable families. The child protection system has become a system of family surveillance and regulation. Many scholars have come to call it the family regulation or family policing system. Once a family has an open investigation, regardless of whether the report is based solely on conditions of poverty, they are subjected to an unparalleled power to investigate, supervise, and destroy the family unit with little judicial oversight.

We see from the [statistics](#) that the vast majority of child abuse and neglect investigations and cases are not for physical or sexual abuse. In 2022, only 15% of cases where a child entered State custody

*Chair, Veterans and Legal Affairs Committee * Chair, Government Oversight Committee
State House (207) 287-1515 * Fax (207) 287-1585 * Toll Free 1-800-423-6900 * TTY 711
Craig.Hickman@legislature.maine.gov * legislature.maine.gov/senate*

involved an allegation of physical or sexual abuse.[5] Seventy-four percent of child removal cases, however, were based purely on neglect.[5]

Yet our statutes fail to appropriately define neglect. Far too often neglect is [conflated](#) with poverty. Under the current [statutory scheme](#), any threat to a child’s health or welfare by physical, mental, or emotional injury or impairment is sufficient to find abuse or neglect and label a parent as a child abuser.[6] *Any threat*. With a target that broad, and a haystack that large, there are but few reports that can be ruled out as inappropriate. That’s true even where the basis for the neglect is caused by poverty. The ambiguous definition of neglect also subjects parents and caregivers to an investigation that mandates surveillance and oversight merely for being poor. Worse, it is often enough to separate children from the families that love them.

It's time to stop simply “seeing” the faults of the system. It is time to find legislative solutions to address the problem.

We know that removal of children is [traumatic](#). We know that it subjects them to a [higher rate](#) of abuse within the foster system. We know that these kids have [worse long-term outcomes](#) and will suffer long-term consequences from the destruction of their family. Those consequences are all too often far worse than the alleged “threat” to their emotional well-being if they were to remain in the family home.

The harm of our ambiguous neglect definition is that there are limited resources in the system. There are limits to the number of well-trained caseworkers, there are limits to the services available, there are limits to the number of attorneys and guardians ad litem, and there are limits to the court’s resources. Taking up these valuable and scarce resources by investigating and regulating conditions of poverty takes precious time away from the incredibly important work of protecting children in danger of physical and sexual abuse.

Recognizing this truth, the federal government overwhelmingly passed the “[Supporting America’s Children and Families Act](#)” last year. That Act requires that OCFS create a policy to “prevent the separation of a child from a parent... solely due to poverty.” That federal legislation passed both houses with near-unanimous support. It did so because Congress recognized that investigating, surveilling, and regulating families for being poor is wrong. Vulnerable families are not safe from the trampling of family integrity – something that was once a core tenet of our Constitution and a basic human right.

If we want to reform child welfare to make the system safer and more just for children, it starts with limiting the scope of what constitutes neglect. If we want to find the needles in the haystack that child fatalities represent, given the constraints on the system, the answer needs to be to make the haystack smaller.

LD 891 presents a solution that will narrow the definition of neglect to remove poverty as a basis. More importantly, it represents a promise to reform the child welfare system to better protect children. And equally as important, it represents a promise to our vulnerable families that the State of Maine’s resources will go to supporting them. To building safety in their family. To preserving their family integrity and to no longer needlessly separating children from their families simply for being poor.

This is not a new solution. Nor is it a unique problem to Maine. In 2021, the Texas Legislature [narrowed](#) their state’s definition of neglect, resulting in far fewer cases of family separation, without any increase in child fatalities.[7]

LD 891 provides a solution to our definition of neglect by ensuring that the threat is direct and identifiable. It does so by excluding poverty as a basis for making abuse findings against caregivers. It also requires that emotional injury to the children be concrete and based on a clinical diagnosis. And it asks that the Department speak to the specific efforts they have made and the outcomes of those efforts when they seek to separate a child from their family.

This bill adds accountability to the Department and the Courts, and it makes the haystack smaller. It shrinks the target, so we can increase the quality in our investigations and CPS system.

Maine has an opportunity to catch up with our peers across the country by decreasing the number of investigations related purely to poverty so that we can focus on the most serious allegations of abuse and willful neglect. I hope you will join me in supporting this effort to take care of all our children.

Thank you for allowing me the opportunity to introduce this bill. I would be happy to answer any questions you may have.

Craig V. Hickman
State Senator, District 14

[1] <https://acf.gov/sites/default/files/documents/cb/cm2023.pdf>

[2] <https://www.pressherald.com/2023/11/08/child-protection-staff-we-work-within-a-broken-system/>

[3] According to the Administration for Children and Families (ACF) Child Maltreatment Report, 2023, Maine had seven child fatalities in 2023.

<https://acf.gov/sites/default/files/documents/cb/cm2023.pdf>

[4] <https://spectrumlocalnews.com/me/maine/news/2023/04/27/report--maine-tops-country-in-child-abuse-and-neglect>; <https://acf.gov/sites/default/files/documents/cb/cm2023.pdf>

[5] The most recent comparable Maine data from the ACF in their AFCARS Report is 2022.

<https://acf.gov/sites/default/files/documents/cb/afcars-tar-me-2022.pdf>

[6] 22 M.R.S. §4002(1)

[7] <https://imprintnews.org/top-stories/texas-policies-fewer-foster-care-removals/248935#:~:text=>