

Testimony of Melissa Hackett
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In opposition to LD 761, An Act to Amend the Laws Governing the Crime of Endangering the Welfare of a Child and to Create the Crime of Aggravated Endangering the Welfare of a Child
March 27, 2023

Senator Beebe-Center, Representative Salisbury and esteemed members of the Criminal Justice and Public Safety Committee. My name is Melissa Hackett, and I am offering testimony in opposition to LD 761 on behalf of the Maine Children's Alliance. Our organization is a public policy, nonprofit improving the lives of Maine children, youth and families through research, collaboration, and advocacy.

If we want to prevent future tragedies, we need to work together to prevent child abuse and neglect in our state. We know what the risk factors are for child maltreatment, and we know what can work to prevent and lessen harm.

Effective strategies impact individual behaviors and acknowledge the relationships of family, school, community, and societal factors that influence risk and protective factors for violence.ⁱ This includes modifying policies, practices, and societal norms to create safe, stable, nurturing relationships and environments for children. Targeted efforts include policy solutions to provide economic and concrete supports to families in times of need, and public benefits programs that ensure critical supports like child care, home visiting, and primary care are available to families.ⁱⁱ

The conditions in households that lead to the risk for child abuse and neglect are complex and nuanced, often involving parental challenges like unmet mental health needs, unmanageable substance use disorder, or domestic violence. Economic hardship and social isolation often exacerbate those challenges. This can create an overwhelming burden on families that makes it impossible for them to function in safe and healthy ways. In order to prevent harm in these situations, we need to intervene with supports to families in these times of need. Punishment after the fact will do nothing to stabilize families experiencing challenges, or to prevent future tragedies resulting from a lack of effective intervention.

Since 2018, there have been many entities that have developed and released recommendations to improve Maine's child welfare system, including Casey Family Programs, the Maine Child Welfare Action Network, OPEGA, and annually, from the state's citizen review panels. None of these sets of recommendations reference the further criminalization of neglect as a means of improving the effectiveness of Maine's child welfare system.

The challenges to safety and stability are significant for families right now. We also know that social stigma and fear of losing a child to state custody often prevent parents from seeking help when they need it to address challenges. This is especially true for women who are victims of domestic violence and pregnant or parenting mothers with SUD.ⁱⁱⁱ When we show up publicly and entertain policy proposals to further criminalize these challenging situations for families, we underscore that fear and stigma, and

perpetuate a system where parents are afraid, rather than encouraged, to seek help. This makes children less safe.

We need to focus our collective action and efforts toward ensuring families have what they need, when they need it, to care for themselves and their children. Focusing on efforts to increase punishment after the fact are not only a distraction from where our efforts need to be to prevent child abuse and neglect, but they damage our ability to honestly and effectively work with families to address challenges when they experience them.

We all care deeply about the safety and well-being of Maine's children. We cannot prosecute our way to improving outcomes for them and their families. I strongly urge the committee to vote ought not to pass on this legislation. Thank you.

ⁱ Centers for Disease Control and Prevention, Violence Prevention, Prevention Strategies
<https://www.cdc.gov/violenceprevention/childabuseandneglect/prevention.html>

ⁱⁱ Chapin Hall, A Key Connection: Economic Stability and Family Well-being. Addressing economic hardship as a factor in child welfare involvement <https://www.chapinhall.org/project/a-key-connection-economic-stability-and-family-well-being/>

ⁱⁱⁱ Association of State and Territorial Health Officials, Stigma Reinforces Barriers to Care for Pregnant and Postpartum Women with Substance Use Disorder, <https://www.astho.org/globalassets/brief/stigma-reinforces-barriers-to-care-for-pregnant-and-postpartum-women-with-substance-use-disorders.pdf>