



The Maine Coalition
to End Domestic Violence

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**Testimony of Andrea Mancuso, on behalf of the Maine Coalition to End Domestic Violence
OPPOSED to LD 761: An Act to Amend the Laws Governing the Crime of Endangering the
Welfare of a Child & Create the Crime of Aggravated Endangering the Welfare of a Child
Monday, March 27, 2023**

Senator Beebe-Center, Representative Salisbury, and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, I am writing on behalf of the Maine Coalition to End Domestic Violence (MCEDV)¹ 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.”

Criminalizes Domestic Violence Survivors

Though not the intention, this bill would criminalize victims of domestic violence for being victims, and for no other reason than they are also parents. When we expect victims of domestic violence to “leave,” it is because we worry that the adult victim or any children who are in the home may be seriously injured or even killed. Victims know that those risks are not necessarily eliminated by taking steps to separate from the person choosing to harm them. In fact, at least in the short term, separation often increases the likelihood of that level of violence occurring, and separating also commonly comes with worsening economic factors that push survivors and their children into poverty. Our laws should not require victims to take actions that they know will result in increased risk of abuse to themselves or their children. Our laws should not create categorically unrealistic expectations that victims of domestic violence have the ability predict the future of someone else’s behavior with pinpoint precision. This bill creates those expectations. Failure to protect bills like this one, which criminalizes caregivers (predominantly women) for consciously disregarding a risk to their child, has led to incarcerating domestic violence victims for not “leaving” an abusive partner in other states. We would expect to see that same result here.

Creates Disincentives to Seeking Intervention or Help

If caregivers are afraid of being prosecuted and jailed for failing to protect their children from abuse, there is no incentive for them to reach out to law enforcement, the

¹ MCEDV represents a membership of victim service providers, including the regional domestic violence resource centers across Maine as well as the Immigrant Resource Center of Maine. Last year, our programs provided services to more than 12,000 survivors of domestic abuse and violence and their children in our state.

courts or any organization that might be able to provide supportive services to them and their children. Passing this bill will cause non-abusing parents to think twice before seeking potentially life-saving medical attention for their children. Further, any child old enough to understand that their non-offending parent might be held responsible for the child's abuse at the hands of another would be less likely to seek help, instead seeking to protect that non-offending parent, whom they rely on for protection and care. Compelling victims of child abuse to live through (and possibly to participate in) a prosecution of their non-abusive parent will only compound that child's trauma.

Does Not Support Child Abuse Prevention Efforts

Children deserve to live in a home where they are loved and safe. We must do everything we can to strengthen families to ensure they can be – to give families what they need to be healthy and thriving. We know what that is. It's access to education and employment opportunities, and childcare sufficient to make these opportunities real. It's low-barrier access to economic supports like SNAP, TANF, WIC and direct cash payments to those who need it. It's viable and reliable transportation. And, for victims of domestic abuse and violence, it's also access to robust, well-resourced victim services and a timely, well-informed and resourced civil justice response. Instead of making investments in those supports that we know would help lessen adverse childhood experiences in the first place, this bill would create new felony crimes, and in doing so necessitate the appropriation of additional funds into the criminal legal system response – for the Department of Corrections to house people longer, for District Attorneys to prosecute more felony cases, and for defense attorneys to defend them.

Few in our communities can appreciate the truth of the fact that we cannot prosecute, convict and incarcerate our way towards safer homes than domestic violence survivors. Our criminal legal system has largely failed in that endeavor for the last three decades. This bill proposes that we double down on that failed approach. This bill, if enacted, will not result in fewer children harmed; it will only result in more Maine mothers being incarcerated for the choices they have made to survive and protect their children as best they can manage in the face of relentless abuse and insufficient community supports. We urge you to vote ought not to pass on LD 761. Thank you for the opportunity to be heard on these important issues.

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