



TESTIMONY OF ALICIA REA, ESQ.  
LD 752 – Ought Not to Pass

**An Act to Strengthen Maine's Child Protection Laws by  
Limiting Contact with Violent Offenders**

Joint Standing Committee on Judiciary  
March 10, 2025

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Senator Carney, Representative Kuhn and distinguished members of the Joint Standing Committee on Judiciary, greetings. My name is Alicia Rea and I am a policy fellow at the ACLU of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I urge you to oppose LD 752.

The ACLU of Maine has advocated to limit the collateral consequences of convictions in the Legislature for many years. Collateral consequences are legal and regulatory restrictions that bar people convicted of crimes from accessing rights, benefits, and opportunities. These are consequences that were not included in a court's sentencing order but nevertheless punish people with criminal convictions after they have served their sentence. This bill imposes the collateral consequence of potentially losing custody of one's children, regardless of the underlying facts of a person's conviction for a "crime of violence."

When parents of minor children become involved with the criminal legal system, there is immense pressure to plead guilty to charges in order to be released from custody and get home to provide care.<sup>1</sup> As a result of the consequences of pretrial incarceration and custodial sentences, children may become entangled with the Department of Health and Human Services while their parents are being held. When parents are released on bail or after serving a sentence, they may already face a battle for custody of their children.

Under current law, judges have the discretion to appoint a guardian for a minor if (1) it is in the best interest of the minor, (2) the proposed guardian is suitable, and (3) the parents are unwilling or unable to exercise their

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<sup>1</sup> Human Rights Watch and ACLU, *"You Miss So Much When You're Gone": The Lasting Harm of Jailing Mothers Before Trial in Oklahoma* (2018), available at [https://assets.aclu.org/live/uploads/publications/jailing\\_mothers\\_before\\_trial\\_in\\_ok\\_final\\_report.pdf](https://assets.aclu.org/live/uploads/publications/jailing_mothers_before_trial_in_ok_final_report.pdf).



parental rights, including if the parent was unavailable due to incarceration.<sup>2</sup> Judges may already look to various factors, outlined in Maine statute, to determine a minor child's best interests.<sup>3</sup> Additionally, the statute already deems some crimes as "aggravating factors" that should influence a court's determination of the child's best interests.<sup>4</sup>

A conviction for a "crime of violence" is not in and of itself a decision by a judge that a person is unfit to parent. Nor is a conviction for domestic violence.

Yet LD 752 erases this important context, presuming that a conviction is, in and of itself, a judgment about a parent's fitness. Because many survivors of domestic violence are themselves criminalized, this legislation has the potential to further punish survivors by taking away their parental rights. This bill will compound the harms of the criminal legal system.

The fact is existing law already requires courts to carefully consider the individual factors that make up a child's best interest. This bill is unnecessary.

We urge you to vote ought not to pass.

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<sup>2</sup> 18-C M.R.S. § 5-204(2).

<sup>3</sup> 22 M.R.S. § 4001 et seq.

<sup>4</sup> *Id.*