



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 592: An Act to Amend the Laws Governing the Crime of Endangering the
Welfare of a Child
Monday, March 17, 2025**

Senator Beebe-Center, Representative Hasenfus, 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 592, "An Act to Amend the Laws Governing the Crime of 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. It would criminalize these women when they fail to leave an abusive partner, and that partner then seriously injures or kills their child. 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 lethal violence occurring, for the adult victim and the involved children, and separating also commonly comes with worsening economic factors that push survivors and their children into poverty, and sometimes homelessness.

Our laws should not require victims to take actions that they know will result in increased risk of abuse to themselves or their children in order to avoid a 5-10 year felony jail sentence. 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. Felony failure to protect bills like this one, which criminalizes caregivers (predominantly women) for consciously disregarding a risk to their child, have led to incarcerating domestic violence victims for not "leaving" an

¹ MCEDV supports and represents a membership of victim services providers that includes Maine's eight regional Domestic Violence Resource Centers, as well as two culturally specific services providers. Last year, our programs provided services to more than 12,000 survivors of domestic abuse and violence and their children in our state.

abusive partner in other states, sometimes for longer than the person who actually harmed the child. We would expect to see that same result here.

Some other states have built in an affirmative defense to try and account for the tendency of these felony failure to protect laws to stray deeply from their original intent. Our colleagues in other states with felony failure to protect laws have noted that inclusion of affirmative defense provisions have been insufficient to protect victims of domestic violence from being criminalized when something tragic happens to their children.

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 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.

MCEDV acknowledges that the prolonged opiate crisis has brought about the tragic loss of children, and we share the proponents' urgency in wanting to ensure the state has an appropriate framework to address child abuse and neglect. However, we are also acutely aware of how little is available for parents to access – both for treatment of substance abuse and resources to protect victims and children from abusive partners. This bill, if enacted, will not result in fewer children harmed; it will only result in more Maine mothers



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being incarcerated for the choices they have made among few and similarly risky choices to survive and protect their children as best they can manage in the face of relentless abuse and insufficient community supports.

This bill is overly broad to address the examples that proponents have brought before the Committee to justify its enactment. It would cast an incredibly large net over a multitude of parenting decisions that, with the benefit of hindsight, were not a proper balancing of risk, with the penalties being a felony conviction and 5-10 years in prison. Though we believe this approach, overall, is not the right one, and that it will not improve the safety and wellbeing of Maine's children, this Committee should at the very least amend the bill to narrowly address the types of extreme cases that have been brought forward.

We urge you to vote ought not to pass on LD 592. Thank you for the opportunity to be heard on these important issues.

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