

132nd Legislature
***Senate
of Maine***
Senate District 31

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Testimony of Senator Donna Bailey introducing
**LD 950, An Act to Prevent Domestic and Sexual Abuse of Children and
Increase Access to Protection from Abuse Orders by Allowing Children to
File Protection from Abuse Orders on Their Own Behalf**
Before the Joint Standing Committee on Judiciary

♣ Monday, March 17, 2025 ♣

Senator Carney, Representative Kuhn, and Esteemed Members of the Joint Standing Committee on Judiciary, my name is Donna Bailey, and I proudly represent Senate District 31, which includes Buxton, Old Orchard Beach, and Saco. Today I am pleased to introduce my bill LD 950, "An Act to Prevent Domestic and Sexual Abuse of Children and Increase Access to Protection from Abuse Orders by Allowing Children to File Protection from Abuse Orders on Their Own Behalf."

LD 950 increases access to Maine's civil protection order process for child victims of abuse and violence, importantly including teen dating violence and sexual assault. More than 23.2% of girls and 14.1% of boys will experience intimate partner violence before the age of eighteen. A nationally representative survey of 12 to 18 year olds found that more than 60% of those reporting current or past-year dating have experienced some form of intimate partner violence. Many of the legal protections available in our protection from abuse statute are as important for addressing safety issues presented by teen dating violence and sexual assault as they are to adults.

Maine is one of only 11 states that expressly prohibits victims under the age of 18 from filing for civil protection orders on their own behalf. More than 14 states expressly allow minors to file for civil orders on their own behalf, and a significant number of other states have more ambiguous language and interpret their statutes to permit filings by minors. Maine's restrictive approach has prevented some teens from getting the timely protection that they need, which is contrary to the purposes of this process.

Additionally, Maine's district courts are not consistent with their interpretation of current law as to who may file on behalf of a minor. Some courts interpret current law to require a parent, legal guardian or representative of the Department of Health and Human Services to apply on behalf of a minor child, excluding any other adult. Other courts interpret the statute more liberally, allowing a responsible adult with a sufficient relationship to the child to be considered a "next friend" and apply on their behalf. Where there is inconsistent practice, particularly when it comes

to who can access these protections and who cannot, we should clarify the statute. In this instance, we should follow the lead of almost all other states in New England by allowing minors to file protection orders on their own behalf. This change is responsive to cases being presented in our courts, and increases access to important protections, in keeping with the purposes of the statute.

LD 950 also addresses a deficit in Title 16 concerning privileged communications to domestic violence advocates, by aligning the structure of the domestic violence advocate privilege (section 53-B) with the structure of the sexual assault advocate privilege (53-A). The domestic violence advocate statute currently requires a person to: (1) be a staff member or volunteer of a program for victims of domestic violence; (2) have undergone requisite training; and (3) have direct service with victims as a primary function of the person's role with the program. Conversely, the sexual assault advocate privilege extends to all staff and volunteers of a rape crisis center, so long as they have undergone the requisite training, regardless of primary job function. The current structure of the sexual assault advocate privilege section better reflects how the work of advocates is carried out.

Aligning the structure and approach in 53-B with the structure and approach in 53-A responds to the fact that, although not all staff and volunteers at these programs have direct service as a primary job function, all staff and volunteers, including those staff whose primary role may be administrative or focused on youth and community training, are trained to work with survivors and have responsibilities that include answering the 24/7 helpline, as needed. The Violence Against Women Act, the Victims of Crime Act, and the Family Violence Prevention and Services Act require all staff and volunteers at domestic violence programs who receive funding under these grant programs to keep confidential any information they receive from people seeking the services of these programs, regardless of their role with the program, and so this modification is also in alignment with the programmatic requirements set out for these programs in federal law. Alignment also helps to eliminate confusion as between state and federal law, and ensures that any staff or volunteer who may be in communication with a particular survivor can have access to the information from community partners that may be important to their ability to help address that person's safety needs.

Though this would address a gap that current exists for several types of staff and volunteer positions at Maine's regional Domestic Violence Resource Centers, as we talk about teen abuse and violence and enhancing teen access to important legal processes, youth and community educators are a type of role that highlights the need to align the structure of these two privilege statutes. Youth and community educators are those staff or employees whose primary roles involve going into K-12 schools, colleges and universities, businesses, community agencies and other types of community spaces to talk about domestic abuse and violence, how to recognize it and respond, and how to seek help. This role does not have, as a primary function, direct service with victims. However, teen and adult victims frequently disclose abuse to these staff and volunteers while they are out in schools and community conducting these education programs. Aligning Section 53-B with Section 53-A makes it clear that these communications are subject to the state advocate privilege for domestic violence advocates in the same way they are for sexual assault advocates.

Domestic and sexual abuse is prevalent in adolescents, more prevalent than many adults realize. Adolescents face unique barriers to seeking help, and most frequently end up disclosing what is happening to peers who are ill-equipped to give advice or provide practical assistance in addressing safety concerns. Both of these modifications will enhance access to essential supports for teen victims of dating and sexual abuse, increasing the likelihood of effective intervention and prevention of continuing or future abuse.

I thank the Committee for its time, and I would be happy to answer any questions.

A handwritten signature in black ink, appearing to read 'Donna Bailey', with a stylized, flowing script.

Donna Bailey
State Senator, Senate District 31
Buxton, Old Orchard Beach, and Saco