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Testimony of Representative Michele Meyer presenting

LD 1406, An Act to Amend Certain Definitions in the Child and Family Services and Child Protection Act

Before the Joint Standing Committee on Health and Human Services

Senator Ingwersen, esteemed members of the Health and Human Services Committee, I am Representative Michele Meyer, serving the people of southern Maine's District 150, all of Eliot and parts of Kittery and South Berwick. Thank you for the opportunity to introduce **LD 1406, An Act to Amend Certain Definitions in the Child and Family Services and Child Protection Act**.

In my time in the Legislature, I am proud of my support for policies and programs that ensure Maine children experience health, safety, and stability. As a nurse, parent, and grandparent, I know that supporting families to provide nurturing environments where their children can thrive is critical to their growth and development, and to their overall health and success. That is why I have been a strong supporter of our efforts in Maine to develop and implement the Child Safety and Family Well-Being Plan, which focuses on strategies that keep children safe by keeping families strong.

One effort that came out of the early work of this Plan was consideration of Mandated Reporting and Community Support for Families. This was initiated based on considerable feedback from parents and community partners, who shared that it would be critical to look at mandated reporting and the implications of it for supporting families. With this information, the Maine Child Welfare Action Network and the Office of Child and Family Services launched this initiative in July 2025.

They took a comprehensive approach, developing steering and advisory groups to inform the work. The steering group was comprised of leadership from OCFS, MCWAN, DHHS, MDOE, the Maine Children's Trust, and a representative from Casey Family Programs to provide technical assistance. The advisory group included representatives from each of the three child welfare citizen review panels, the Child Welfare Ombudsman, and a variety of mandated reporter types. The work included data collection through focus groups with parents, child welfare agency staff, and trainers of the mandated

reporter curriculum; an online survey of mandated reporters that gathered 946 responses; and child welfare data from OCFS.

These groups reviewed and discussed the information that was gathered to develop opportunities for action for Maine. These core concepts guided their work:

- National and state survey data show mandated reporters often make reports when they don't suspect child abuse or neglect.
- Child protective involvement is traumatic for children and families.
- Reports that don't meet criteria for investigation mean families often get screened out or aren't substantiated – and they don't get the help they may need.
- Reports that are screened out or not substantiated are not harm-neutral for families and may result in fear or stigma that prevent families from seeking or accepting help.
- Reports received that aren't child abuse or neglect mean less time for caseworkers to work with families where there are safety concerns.

One immediate opportunity that was identified was considering the state's statutory definition of child abuse and neglect, with a particular focus on the severity or seriousness of the risk of harm, and making a distinction between poverty and neglect. Notably, 27 states already distinguish between poverty and neglect in their statutes. The need for this is supported by recent federal guidance and legislation, as well. After considering what other states have done, the groups developed draft language, modeled after recent legislation in Kentucky, that received consensus support.

It is important to emphasize that there are a wide range of perspectives that informed the development of this legislation. Some participants indicated they would like the definition to be narrower (i.e. greater seriousness or severity of harm), while others were nervous about a shift in that direction and what that might mean for child safety. These perspectives represent the tension points between family preservation and child safety that exist in most child welfare policy discussions. While they are represented as polarities, they really must always exist together to find the center of where there is collective support for change. This bill represents that.

How we define child abuse and neglect informs and impacts children and their families, mandated reporters, and the state's child welfare agency. It matters. This bill represents an important opportunity to clarify that families experiencing the conditions of poverty are not the same as children who are experiencing willful neglect. Making this clarification will help community members identify the difference more accurately, and instead of reporting families in instances of poverty, be able to provide a community response of support that limits the need for child welfare involvement. This is better for children and their families. I hope you will join me in supporting this.

An Act to Amend Certain Definitions in the Child and Family Services and Child Protection Act

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to apply to cases of abuse or neglect of a child or jeopardy to health or welfare of a child as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §4002, sub-§1, as amended by PL 2021, c. 176, §1, is further amended to read:

1. Abuse or neglect. "Abuse or neglect" means a threat to a child's health or welfare by physical, mental or emotional injury or impairment; or sexual abuse or exploitation including under Title 17-A, sections 282, 852, 853 and 855 or deprivation of essential needs, or lack of protection from these, by a person responsible for the child. "Abuse or neglect" also means serious harm or threat of serious harm by a person responsible for the child due to inadequate care or supervision of the child or deprivation of food, clothing, shelter, education or medical care necessary for the child's health or welfare by that person when that person is financially able to provide food, clothing, shelter, education or medical care necessary for the child's health or welfare or is offered lawful and reasonable financial means or resources to do so. "Abuse or neglect" also means truancy under Title 20-A, section 3272, subsection 2, paragraph C or section 5051-A, subsection 1, paragraph C or D when truancy is the result of neglect by a person responsible for the child. "Abuse or neglect" also means a threat to a child's health or welfare caused by child sex trafficking by any person, regardless of whether or not the person is responsible for the child.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill changes the definitions of "abuse or neglect" and ~~"jeopardy to health or welfare"~~ in the Child and Family Services and Child Protection Act. It provides that "abuse or neglect" also means serious harm or threat of serious harm by a person responsible for the child due to inadequate care or supervision of the child or deprivation of food, clothing, shelter, education or medical care necessary for the child's health or welfare by that person when that person is financially able to provide food, clothing, shelter, education or medical care necessary for the child's health or welfare or is offered lawful and reasonable financial means or ~~other means resources~~ to do so. It removes from the definition of "abuse or neglect" the lack of protection from specified threats to a child's health or welfare by a person responsible for the child. ~~It provides that "jeopardy to health or welfare" means serious abuse or neglect as evidenced by deprivation of adequate food, clothing, shelter, supervision or care by the person responsible for the child when that person is financially able to provide adequate food, clothing, shelter, supervision or care or is offered reasonable financial means or other means to do so.~~