MCEDV.
The Maine Coalition
to End Domestic Violence

101 Western Ave.
P.O. Box 5188
Augusta, ME 04332-5188
207.430.8334

Testimony of Andrea Mancuso
In Support of LD 1544: "An Act to Support Families by Improving the Court Process for Child Protection Cases"
Monday, April 14, 2025

Senator Carney, Representative Kuhn, and members of the Joint Standing Committee on Judiciary, I am writing on behalf of the Maine Coalition to End Domestic Violence (MCEDV)[1] in support of LD 1544, An Act to Support Families by Improving the Court Process for Child Protection Cases.

Each of Maine's eight regional domestic violence resource centers employs a full time domestic violence child protection liaison advocate. For the last twenty years, our network has partnered with the Office of Child and Family Services through this program to try and best support the state agency's response to domestic violence and the survivors that are involved in it. Overwhelmingly, we observe that survivors in our state who have prolonged child welfare involvement are poor. Often their poverty is exacerbated, and their path to financial safety and stability made more complicated, by economic abuse having been used as a tactic of their abusive partner, and by the relative lack of community-based resources available, particularly in rural Maine. A common expectation of the state child welfare agency, when they get involved in these cases, is that the victim parent separates from the abusive parent. This expectation is almost always levied , without sufficient analysis as to risks in individual cases, and without the provision of sufficient resources or supports to ensure safety for the victim parent, including continuity of housing and economic resources to meet basic needs for themselves and their children. While separation may ultimately be a pathway to safety, absent sufficient attention to known risks, it can make the family's circumstances more precarious and less safe.

In too many cases, the state agency provides a checklist of tasks for a parent to complete, which often lack specificity to the individual case, and then just monitors to see if the parent complies or fails. In too many cases, this leads to the unnecessary, permanent severing of the parent-child relationship. In too many cases, the parent fails, due to living in poverty. In too many cases, this result happens after the state has expended thousands and

[1] MCEDV serves and supports a membership of Maine's eight regional domestic violence resource centers as well as two culturally specific service providers. Together, these programs served more than 12,000 victims of domestic violence in Maine last year.

thousands of dollars to take custody and keep a child in care, when many fewer thousands of dollars put towards services and concrete support for parents with protective capacity, like housing, child care, and transportation (i.e. reasonable efforts to rehabilitate and reunify), would have achieved a safe, stable intact parenting relationship. Research shows that the single most important factor in a child's ability to overcome adverse childhood experiences is the presence of a loving, consistent and supportive adult. In domestic violence cases, that person is frequently the parent that is working with our network. In many cases, that person can be a highly successful, safe and stable parent with some concrete help at the outset of the child welfare response. The proposals set out in LD 1544 would work to encourage more just results in cases like these, where there is, in fact, a parent with the capacity to be a safe and stable parent with the right support.

A few examples to illustrate why these modifications to child protection court processes are important for survivors of domestic abuse and violence:

In one case, police were called to the home twice to respond to domestic violence. Though Dad was removed from the home both times, both times the local district attorney's office decided there was insufficient evidence to support prosecution. With only a probable cause standard, neither case was filed. Despite this, the Department insisted that Mom separate from Dad, with her two children – an infant and a toddler. Mom successfully obtained an apartment and a new job, found child care for the children, and was working with one of our regional domestic violence resource centers. She asked the Department for help covering child care costs and for ensuring transportation for her and the children for a few months, until her paychecks started coming in and she could make the pieces fit on her own. The Department denied her request, telling her to rely on her extended family. Despite consistently reporting to the Department that her extended family was not a source of support for her, and that she needed these concrete resources from the Department in order to continue to be successful with her safety plan with the Department, the Department continued to deny her request for short term child care and transportation support.

Ultimately, Mom had to rely on Dad to watch the children, so that she didn't lose the brand new job and brand new apartment that were requirements under her safety plan. When the Department learned of Dad's involvement, despite no harm having come to the children, the Department took custody. Instead of providing the limited financial resources this Mom needed to be a safe, stable and independent household from the children's father, the State instead ended up paying the costs for her attorney, Dad's attorney, an assistant attorney general, a guardian ad litem and months of foster care placement. And these young children lost months of bonding time with their protective parent. This response from the Department exacerbated adverse childhood experiences for these children. LD 1544 would require the Court to consider what steps the Department had taken in this case to mitigate risk and avoid removal and would require the Court, in order to support or sustain the removal, to make a finding that the risk of harm to these children in their remaining with

MCEDV.
The Maine Coalition
to End Domestic Violence

101 Western Ave.
P.O. Box 5188
Augusta, ME 04332-5188
207.430.8334

their mother outweighed the trauma and adversity that these children would experience in removing them from her care.

Another mother who worked with our network struggled with substance use as a result of the abuse she experienced. The Department took her three children, one under the age of five and two between the ages of ten and fifteen. Ultimately, this mother turned her life around. She was substance free for months, she had been reunified with her two older children. With one of these older children having special needs, she was doing high functioning parenting, navigating both the child's and her own providers. Her providers were supportive of her having increased time with her youngest child, if not even trial home placement. Despite this, the Department filed a petition to terminate her parental rights only as to her youngest child.

This mother believed that if she didn't consent to the termination of her parental rights as to her youngest child, she would ultimately lose all three of her children. Because our laws make involuntary termination of parental rights an aggravating factor, her attorney had an ethical obligation to counsel her that her fear, that the Department would eventually seek to terminate her rights to her older two children and would have an expedited path to do so if she fought the termination of her rights to her youngest child, was legitimate. But for involuntary termination listed as an aggravating factor in our statutes, this mother would have fought against the termination petition. Her attorney thought she had a good case.

This mother is only one of many mothers who articulate to our network each year that the Department has required them to separate from their partner as a result of domestic abuse and then hold them to an unrealistic standard, withhold available resources and actively damage their relationship with their children, behaviors that survivors say feel more abusive than what they experience at the hands of their former partner.

There are certainly cases where termination of parental rights is the necessary, right decision; and that can be true even when one of the parents is a victim of domestic violence. But our current processes lend themselves to a system that far too frequently over-values compliance with a state agency issued checklist and litigation wins over and above consideration of whether the system has done everything it can to try and accomplish a safe and stable, intact family.

LD 1544 does not require the Department of Health and Human Services to take any additional steps than what state and federal law already require of them, except perhaps to

write a few additional things in any court petition. Yet, passage of these amendments would actually require the system to have fidelity to the existing purposes and goals of Title 22. These amendments would actually require the State to meet its legal obligation to try and avoid removal whenever possible and to engage in reasonable efforts to rehabilitate and reunify when removal is unavoidable, prior to interfering with or severing a constitutionally protected relationship.

Contact Information:
Andrea Mancuso, Public Policy Director
Ph: (207) 430-3569, Email: andrea@mcedv.org