



Testimony of Jess Mizzi, Esq.
Pine Tree Legal Assistance, Inc.

Speaking in Support of LD 1832
An Act to Clarify Available Relief for the Protection of At-risk Children
Date of Public Hearing: May 16, 2025

Senator Carney, Representative Kuhn, and members of the Joint Standing Committee on Judiciary,

My name is Jess Mizzi. I am a staff attorney with the Family Law and Victim Rights unit at Pine Tree Legal Assistance, Inc., and I am speaking to you today in support of LD 1832, An Act to Clarify Available Relief for the Protection of At-risk Children.

I have been asked to share Pine Tree's perspective on this bill, and I am speaking today on behalf of Pine Tree. Pine Tree is a nonprofit organization with offices in Portland, Lewiston, Augusta, Bangor, Machias, and Presque Isle. Since 1967, Pine Tree has provided free legal services to low-income people throughout the State of Maine.

Attorneys in Pine Tree's Family Law and Victim Rights unit represent survivors of domestic violence, sexual assault, and stalking in Protection from Abuse actions, family matters cases, and other civil legal cases. In 2024, we represented survivors in 1,326 cases.

One of the populations that I get to serve at Pine Tree are vulnerable at-risk youth who have been abandoned, neglected, or abused by one or both parents, and are unable to return to their country of nationality or country of last habitual residence.

LD 1832 is a technical fix that will clarify the difference between the petition process located in 22 M.R.S. 4099-I and the option to request these findings in *any* action before a court that has jurisdiction to make determinations about the dependency, custody, or care of the child, or parental rights and responsibilities with regard to the child.

On a practical level, this bill will make the court more efficient. I would like to tell you about a divorce case that I litigated over the course of two years. As a part of that case, I filed a motion seeking special findings on behalf of my client's two minor children since the divorce addressed parental rights and responsibilities. Due to the lack of clarity in the current statute, the proper procedure and statutory citations were unclear to the bench. I filed a brief, as did opposing counsel, and we both had multiple in-chambers conversation with the judge on this subject. A lot of time and resources were spent by all parties, including the judicial officer who independently did their own research. Situations like this would be avoided if you passed LD 1832, which clarifies that special findings can be requested, by motion, in divorce cases, parental rights and responsibilities cases, and any other case types with jurisdiction over the child.

Providing clarity about the ability to grant special findings as part of an existing case and clarifying the correct procedures for doing so means that LD 1832 would also reduce the number of cases brought to the court. As in the example I discussed earlier, filing a motion for special findings in family matters cases that I am already litigating means that these youth won't have to file separate petitions down the line. This means the court would not have to hear repeat facts and could devote resources to other dockets.

Finally, because LD 1832 clarifies the availability of special findings in cases beyond 4099-I, it would have the added benefit of allowing me, and other legal aid and pro bono practitioners, to take on more cases for at-risk youth. The youth that I have represented in these cases have suffered and survived horrific acts of violence by those who are meant to care for and raise them. Although representing survivors of various forms of abuse in civil litigation is very literally my day job, the facts in the cases that LD 1832 addresses often stand out. For example, in one case that Pine Tree handled last year, we represented a child whose father died when she was about 9 years old. Her mother had to rely on relatives for housing and support. One of the relatives began sexually abusing our client. Although our client told her mother about the abuse, the family continued living with the relative and the abuse continued, escalating into sex trafficking of our client when she was about 12 years old. When she was about 16 years old, our client ran away from home and was homeless for some time, eventually moving in with a boyfriend. Her abusive family member was able to find her new home and harassed and threatened her there. In another case that I worked on, the youth's father, and primary caregiver, died when she was about six years old. She began living with her mother full-time. Her mother and her mother's new partner beat the youth violently and frequently until one day she came home from school when she was about 11 years old and they were gone. They had abandoned her. The youth spent time living with her godmother, until she also died when the youth was 15. This youth tried to find work on a local farm, where, instead of finding stability, she was forced to work for little to no pay and repeatedly raped until she escaped. These are the at-risk youth involved in the types of cases that LD 1832 addresses. And the more of these cases legal aid and pro bono practitioners can take, the more safety and security for youth who now call Maine home.

Thank you to Senator Bailey for presenting this bill, and to Senator Carney, and Representatives Kuhn, Arata, Lee, and Sinclair for co-sponsoring it. I urge you to support the bill and would be happy to answer any questions.