

Faye Luppi, Director

**Testimony of Faye Luppi
Neither for Nor Against LD 1408:
“An Act To Increase the Protection of Children from Domestic Abuse and Violence”
Before the Joint Standing Committee on Criminal Justice and Public Safety
Monday, May 10, 2021**

Senator Deschambault, Representative Warren, and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety,

I am testifying as the Project Director of the Violence Intervention Partnership neither for nor against LD 1408, “An Act to Increase the Protection of Children from Domestic Abuse and Violence,” to support the MCEDV amendment proposal, with some specific information about the current Guardian *ad litem* (GAL) training.

Over the ten years that I taught “Children, the Family and the Law” at the University of Maine Law School, I became aware of Senator Diamond’s long-standing dedication to protecting children in Maine. But due to the potential unintended consequences of L.D. 1408 outlined in the MCEDV and Commission testimony, I believe the proposed amendment to strengthen GAL training is a more effective option to achieving the desired goals than creating a new felony offense. One additional concern I would add, as a former prosecutor, is that the bill as proposed would require that the state prove the at least two additional elements of the offense at trial: the presence of a child, and the age of that child. That would typically require the testimony of the victim, or even the child.

With respect to the proposed MCEDV amendment, guardians *ad litem* (GALs) play a pivotal role in cases involving parental rights and responsibilities, and child welfare cases. Yet these guardians lack the training needed to carry out this important role. The Abuse Commission recommended in a 2010 report to this Committee that GALs who take domestic violence cases need to have domestic violence expertise and thorough domestic violence training.¹ Today, as noted in the MCEDV testimony on this bill, to be rostered as a guardian *ad litem* in Maine, a person must go through a four-day training provided by the Maine Judicial Branch. However, as the co-instructor for the past six years for the domestic

¹ Maine Commission on Domestic and Sexual Abuse, “Report to the Joint Standing Committee on Judiciary, Pursuant to LD 1143: Resolve, Directing a Study of Domestic Violence and Parental Rights and Responsibilities,” (February 2010).

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violence portion of this training, I can attest that the time allotted is woefully inadequate. We have been allotted between 90 -105 minutes, including time for questions, to cover the following topics:

- Prevalence of domestic violence
- What is domestic violence?
- Power and control tactics
- Types of domestic violence
- Risk Analysis: Barriers/ Safety concerns re leaving
- Trauma Informed Practice
- Available resources for DV survivors
- Screening for domestic violence
- Expanding our understanding of protection of children
- Responses to DV: CBIP vs Anger Management
- Role of counseling
- Why is recognizing DV relevant in custody decisions and child welfare cases?
- Impact of exposure to DV on children
- What factors affect their reaction; resiliency of children
- Abusers as parents
- Introduction to Best Interest of the Child statute, and DV sections
- Different lens used in DV (coercive control/abuse) cases, and Family Law cases with conflict
- Broad strategies for domestic violence, including post-separation violence
- Checking for Gender Bias
- Effective Strategies for GALs, with examples
- Parallel Parenting
- Allocated Decision Making
- Risk Assessment and lethality indicators in DV cases
- What is ODARA?
- What are the ODARA factors, and what they predict?
- Understanding Risk Assessment and GAL Considerations
- Key decision points for GALs

Each one of these topics deserves exploration; some should take a full day or even a full seminar class. Having less than two hours to cover this material is like handing out Cliff notes, or a bare outline. The limited time allotted allows no time for practice exercises, or good interactive teaching methods to help the guardians understand these complex topics, and how to incorporate them into their work with children and families. As noted in the MCEDV testimony on this bill, the lack of appropriate training and understanding of these issues can lead to harmful long-term results for survivors of domestic abuse and violence

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and their children. The recently published national study² on child custody outcomes found significant bias in terms of outcomes for survivors alleging abuse in the family court, which was particularly acute when guardians *ad litem* were involved, reflecting a serious lack of understanding of the dynamics of domestic violence.

Guardians *ad litem* play a key role in the decisions being made in family and child welfare proceedings in our courts about the best interests of children. I therefore join the recommendation made by the Maine Commission on Domestic and Sexual Abuse and the Maine Coalition to End Domestic Violence and urge this Committee to advance the long-term wellbeing of children by requiring guardians to be better equipped to respond to these cases, with the training requirements proposed in the MCEDV amendment.

Thank you for the opportunity to provide information about the current Guardian *ad litem* training on domestic violence, and the need for meaningful change.

² Meier, Joan S. and Dickson, Sean and O'Sullivan, Chris and Rosen, Leora and Hayes, Jeffrey, Child Custody Outcomes in Cases Involving Parental Alienation and Abuse Allegations (2019).