

February 26, 2025

Senator Carney, Representative Kuhn and distinguished members of the Judiciary Committee:

I am writing to you today to advocate for LD 246, An Act To Consider the Role of Primary Caregivers during Sentencing. This bill is a significant step toward a more equitable and balanced criminal justice system and will be a critical factor in maintaining the integrity of families.

The significance of this bill cannot be exaggerated. The imprisonment of a primary caregiver creates a ripple effect of harm that resonates deeply within families, particularly children. The removal of a caregiver from the home can cause severe emotional trauma to children that results in abandonment issues, anxiety, and depression. The removal of a stable and loving caregiver can shatter a child's world and have long-term consequences on their emotional health and future opportunities.

In addition to the emotional impact, the imprisonment of a primary caregiver frequently sends families into economic crisis. The loss of a caregiver's income can render it impossible to provide for basic necessities such as housing, food, and clothing. Families can be driven to public support or eviction and homelessness. This economic burden can compound existing problems and add additional hardship to children and other dependents. Additionally, the day-to-day routine of caregiving, including feeding, driving, and giving medical attention, is typically interrupted when a primary caregiver is jailed. This interruption can lead to an unreasonable burden on other family members, who might have to juggle work, childcare, and other obligations. In other instances, children are sent to foster care, once more taken away from their families and communities. LD 246 acknowledges the crucial contribution made by primary caregivers in keeping families intact and aims to reduce these catastrophic effects. By mandating judges to take into account the effect on dependents,

this bill places family well-being first and promotes a more compassionate policy of sentencing.

At present, though a judge can take into account whether a defendant is a primary caregiver, this is not specifically recognized as a standalone factor. LD 246 addresses this by officially making "primary caregiver" a distinct category for consideration. This is important. By specifically designating this role, the bill focuses long-overdue attention and consistency on the effects of incarceration on families and dependents.

It prompts judges to consider very carefully how a sentence could impact people who are dependent on the defendant for their care and to look for alternatives to custody that would keep families together.

One of the most important changes in the amended LD 246 removes the original 10-day filing deadline for defendants asserting their primary caregiver status. This streamlining prevents potential procedural hurdles and offers a more efficient process. Existing avenues of appeal for sentencing decisions, while available, for most individuals are impractical and inaccessible due to cost and delay. This bill addresses this issue by placing the primary caregiver consideration as a direct component of the sentencing process itself. The requirement of judges to articulate how the primary caregiver status influenced their sentencing decision – now without the written requirement – still brings about greater transparency and accountability. This on-the-record oral statement is an unambiguous understanding of the judge's reasoning and ensures that the consideration of caregiver status receives proper consideration.

Although I fully support LD 246 as written, I do want to highlight one important element that, while not included in this iteration, ought to be seriously considered in any subsequent bill: a data collection and reporting requirement. Tracking the impact of this bill is essential to its effectiveness and identifying any possible unexpected side effects. This information will be extremely useful in informing policy decisions down the road and helping to determine if the bill is meeting its

objectives of advancing family welfare and justice. I would recommend that the committee and bill sponsor look to incorporate this valuable element in forthcoming legislation. Thank you for your time and consideration on this critical matter. I strongly encourage you to vote in favor of LD 246.

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