



FAMILY ADVOCACY OF MAINE

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Testimony of Julian Richter in opposition to LD 752: An Act to Strengthen Maine's Child Protection Laws by Limiting Contact with Violent Offenders

**Joint Standing Committee on Judiciary
Monday March 10, 2025**

Senator Carney, Representative Kuhn, and distinguished members of the Judiciary Committee, I am writing to oppose LD 752, **“An Act to Strengthen Maine’s Child Protection Laws by Limiting Contact with Violent Offenders.”**

I am the President of the Maine Parental Rights Attorneys Association (“MEPRAA”), Resource Counsel for Child Protection Cases for the Maine Commission on Public Defense Services (“PDS”), and a member of the Maine Child Welfare Advisory Panel (“MCWAP”). I write today as a family defense attorney to strongly oppose this bill pending before the Judiciary Committee.

Masquerading as a measure to protect children, LD 752 perpetrates further violence towards families, children and survivors of domestic violence. The bill will lead to an increase the number of child protective investigations, removals, and court filings in child protective cases. It is anticipated that it would push our already over-stretched system well beyond capacity. Without knowing the exact number of children and families that this bill would impact; it would be reckless to consider passing this legislation.

The intended consequence of this bill is to remove individualized safety assessments and discretion from caseworkers and judges. This bill provides that in *every* situation, a misdemeanor domestic violence assault (“DVA”) conviction presents “serious harm” and presumed “jeopardy” to *every* child with whom a person lives with. This fails to consider the many situations that lead to a DVA charge.

Survivors of domestic violence are often charged with a domestic violence assault as a result of responsive violence. Adult children are sometimes charged with a DVA charge for altercations with their family members in young adulthood. Prosecutors and judges routinely consider the individual circumstances of a DVA case and decide whether a certified domestic violence intervention program is an appropriate sentencing requirement. It does not always fit the facts of the case.

Similarly, there is no one size fits all solution to child safety; these need to be individualized determinations based on the needs of each family and every child. While this proposed legislation has understandable goals, it misses the mark in allowing for safety to be assessed and the totality of the circumstances to be weighed.



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I was the attorney of record on the case cited by the sponsor, *In re Children of Ryan F.*, 2020 ME 21, A.3d 1058. While the Supreme Judicial Law Court ruled that a rebuttable presumption does not violate a parent's Due Process rights in a jeopardy proceeding, they are rarely, if ever, used or helpful in child protection cases. Instead, every child and family deserves an individual assessment and fact specific consideration of the family history.

I urge you to vote "ought not to pass" on this legislation.

Contact Information

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