

Kassidy tragedy prompts legislation

Proposed law makes child
abuse reports mandatory

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KITTERY, Maine — The beating death of 21-month-old Kassidy Bortner has become the driving force behind legislation to make it mandatory for all Mainers to report suspicions of child abuse and neglect.

Although the legislation is still in its early stages, Rep. Stephen Estes, D-Kittery, said he believes LR 914, "An Act to Protect Children and Elderly or Incapacitated Adults," could prove to be a first step to protecting children like Kassidy.

Estes learned many of the details of Kassidy's life and death after formerly sealed court documents were made public in January. Since the deadline for introducing new legislation had passed, Estes began researching bills with the hope of finding a current proposal that could be amended to include a provision protecting children.

In the process, he learned of LR 914, which was submitted by Rep. Nancy Sullivan, D-Biddeford, to require individuals suspecting abuse against the elderly to notify authorities. Estes

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approached Sullivan with his proposed amendment and she agreed to accept it, making Estes the bill's first co-sponsor.

"This was one of probably six or seven bills that had been submitted that I looked at," Estes said. "This does what I said I hoped to do — and does it very nicely."

It should be about three weeks before the bill reaches the public hearing stage in Augusta.

In January, the affidavits unsealed in Rochester District Court revealed at least half a dozen individuals knew of Cassidy's abuse prior to her death.

Some of those individuals are Maine residents and are not required by the current state child abuse reporting law to disclose suspicions of abuse.

At the time those documents were made public, Estes told *Foster's Daily Democrat* he was deeply disturbed that no one who knew of Cassidy's abuse would be facing criminal charges in connection with her death.

One individual who had witnessed signs of abuse against Cassidy spoke to *Foster's* in the days after the child's death. Under a condition of anonymity, the individual said he did not report what he saw, but that he would have called authorities if a mandatory reporting law had been in place.

"This act imposes a duty on every person to report suspect-

Department of Human Services or a law enforcement agency," Estes said of the bill.

Kassidy, who would have turned 2 earlier this month, was pronounced dead at York Hospital on Nov. 9 after sustaining blunt-force injuries to her head, according to a preliminary report by the Maine Chief Medical Examiner's Office.

The toddler suffered repeated beatings for at least five weeks leading up to her death, according to affidavits filed in Rochester District Court by New Hampshire State Police.

And, the documents state, several people — including Cassidy's mother — were aware of her abuse and made no attempt to report it to authorities.

The mother, 19-year-old Amanda Bortner, was living with her boyfriend, Chad E. Evans at his Rochester, N.H., residence at the time Cassidy died.

Evans, 29, has been charged with murder and multiple counts of assault in connection with Cassidy's death. His trial is scheduled for November in Strafford County Superior Court in Dover, N.H.

Although authorities allege the injuries that caused Cassidy's death occurred at the Milton Road residence where

Bortner and Evans lived in Rochester, Bortner brought her daughter to the home of her sister, Jennifer Conley, in Kittery about 8 a.m. on Nov. 9.

Conley's boyfriend, F. Jefferey Marshall, reportedly took care of Cassidy while Bortner worked.

Bortner and Evans often brought the bruised child to Conley and Marshall's apartment "due to concern that anyone else would report the injuries," according to affidavits from New Hampshire State Police.

Conley and Marshall would later tell police that on Nov. 9 Cassidy's face "was completely covered with bruises ... that (she) was very unsteady when she walked and looked very lethargic."

They would also tell police they had noticed a "marked change in Cassidy during the two months that she and Amanda Bortner lived with Evans" from a happy, outgoing and energetic child to one who was hesitant, withdrawn and afraid.

However, no one in Maine told police of their suspicions

while Cassidy was alive. Estes said he hopes this legislation will be the catalyst for others who know of children suffering abuse.

"It's mandatory reporting and I think a lot of people are really excited about it — that we're taking this first step," Estes said.

Although New Hampshire has a mandatory reporting law, no one who has admitted to knowing about or suspecting Cassidy's abuse — including Bortner — faces charges in connection with her death.

When asked whether he would advocate for stringent enforcement if the legislation is passed, Estes said that would be his goal.

Estes also said he suspects there will be legislators who are unwilling to support the bill without an estimated cost for additional services to enforce the law.

To those concerns, Estes said he already has his answer prepared.

"If you save one child from abuse and neglect — or death — it's worth whatever the cost," he said.

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