

'Kassidy Bill' debated

How you can help 'Kassidy' law pass

YORK, Maine — Area residents in favor of increasing protection for abused children have just a few days to make their wishes known to the Legislature's Joint Standing Judiciary Committee.

The committee will begin its work session on LD 1066, "An Act to Protect Children and Elderly or Incapacitated Adults," on Tuesday. Between now and that date, however, the committee will be accepting correspondence from constituents on the measure.

State representatives Nancy B. Sullivan, D-Biddeford, and Stephen C.

☆ *How you can help*
Please turn to Page 2



LAW MAY PREVENT OTHER TRAGEDIES — This is a file photo of Cassidy Bortner. The 21-month-old toddler died in November from abuse. Several adults may have known the child was being beaten, but did not come forward.

Maine lawmakers listen to proposal to punish those who fail to report child abuse

By JENNIFER L. SAUNDERS
Democrat Staff Writer

AUGUSTA, Maine — Legislators have a shared goal behind their bill requiring mandatory reporting of abuse: To protect the state's most vulnerable residents from the suffering Cassidy Bortner endured before her death.

And, the bill's sponsors feel so strongly about the issue they have asked for an emergency preamble to see it enacted within the next several months.

An Act to Protect Children and Elderly or Incapacitated Adults, also known as LD 1066, requires every person to report suspected cases of abuse,

"While this bill will not bring little Kassidy back to life, it will help to make this state a safer place for our most vulnerable citizens."

— STEPHEN C. ESTES,
State rep. from Kittery, Maine

neglect or exploitation of an incapacitated, dependent or elderly adult or of

any child to either the Department of Human Services or a law enforcement agency.

During a public hearing Wednesday, the Legislature's Joint Standing Judiciary Committee listened as the bill's primary sponsor, Rep. Nancy B. Sullivan, D-Biddeford, and co-sponsor Rep. Stephen C. Estes, D-Kittery, explained why Maine needs mandatory abuse reporting.

"You already have in your folder numerous articles about the horrible death of 21-month-old Cassidy Bortner — a tragedy that should have and could have been prevented," Estes told

☆ *"Kassidy Bill"*
Please turn to Page 2

the committee members at the State House.

The articles described the events leading up to Cassidy's death. When Cassidy's mother brought the Rochester, N.H., girl to Kittery on Nov. 9, the toddler's face and body were covered with bruises and she was having trouble walking. Amanda Bortner left her daughter at a relative's home.

No one called authorities about the abuse and no one called a doctor until four hours later. Cassidy was then transported to York Hospital where she was pronounced dead.

Chad E. Evans, 29, of 191 Milton Road in Rochester has since been charged with murder and multiple counts of assault against Cassidy. However, court documents indicate several Maine residents knew about or suspected the abuse Cassidy endured for six weeks preceding her death and never reported what they saw.

"People in my community were shocked and angered about this tragedy and appalled when they found out that unlike New Hampshire, Maine did not have a mandatory reporting law," Estes said. He noted the state's current reporting requirement only includes professionals such as teachers, law enforcement officials and medical personnel.

Sullivan explained her original reason for proposing the bill was the result of allegations of abuse raised against school teachers.

An educator herself, Sullivan said she has become aware of too many occasions when allegations were raised and, rather than investigate and risk negative publicity, a superintendent would allow the accused individual to resign.

"No investigation was done and the employee was free with no questions asked to travel to another district," Sullivan said. After learning of similar situations in elder care and nursing homes, she included elderly and incapacitated adults in the legis-

lation.

In January, Estes approached Sullivan with details about Cassidy's case that had previously been sealed at Rochester District Court, and the bill was expanded to require that all Maine residents report abuse.

Sen. Kenneth F. Lemont, R-Kittery, is also a co-sponsor of the bill and submitted written testimony for the public hearing.

"Recently, a little girl in Senator Lemont's district was killed despite the knowledge of the abuse by friends and family. For whatever reasons, the abuse was not reported to the police and a very unfortunate event followed," Sullivan said, reading from Lemont's statement on Cassidy's death.

In his testimony, Lemont noted the bill repeals laws authorizing optional reporting of abuse, but does not alter the immunity provisions for making reports. For example, if an individual reports suspected abuse in good faith but makes incorrect allegations, that person is not subject to any disciplinary action.

"Under current law, most, but not all, people are required to notify the authorities when abuse is evident," Lemont wrote. "We're just simply asking that we include everyone under the law, to protect those that need protection the most."

"Don't you think that's overly broad? You're taking the good Samaritan law and making it universal," said Judiciary Committee member Rep. G. Paul Waterhouse, R-Bridgton.

"I've seen the results of leaving people alone who hurt other people," Leo DellaCotta testified in response to Waterhouse's comment. DellaCotta is a supporter of the bill and an attorney with expertise in legal services for the elderly.

For up to six weeks before Cassidy's death, court documents allege, Bortner knew what her boyfriend was doing to her child. Several of the couple's Maine relatives and friends also knew or suspected what was happening to Cassidy after she

How you can help

Continued from Page 1

Estes, D-Kittery, are urging area residents to write or call the members of the Judiciary Committee and express support for the bill.

The Judiciary Committee is made up of three senators and 11 representatives. Contact information for a number of York and Cumberland County committee members is listed below.

↳ Committee Chairwoman Sen. Anne M. Rand, D-Cumberland County, 61

Melbourne St., Portland, Maine 04101 or (207) 772-7704

↳ Sen. Michael McAlevey, R-York County, P.O. Box 340, Waterboro, Maine 04087 or (207) 247-5719

↳ Rep. Thomas D. Bull, D-Freeport, P.O. Box 723, South Freeport, 04078 or (207) 865-0190

↳ Rep. Christopher T. Muse, D-South Portland, 35 Mildred St., South Portland, 04106 or (207) 799-0772

↳ Rep. G. Paul Waterhouse, R-Bridgton, 21 Green St.,

Bridgton, 04009 or (207) 647-5686

Estes also noted correspondence can be sent to him and fellow legislators Sen. Ken Lemont, R-Kittery, and Rep. Mary Black Andrews, R-York, as long as it is received by Monday.

All of the above legislators can also be reached by calling the Statehouse at 1-800-423-2900 in Maine or by writing to them in care of 2 State House Station, Augusta, Maine 04333-0002.

showed up with bruises on a regular basis and became increasingly more withdrawn.

Waterhouse questioned the use of the phrase "any person," stating it holds children accountable for mandatory reporting.

DellaCotta and the bill's sponsors noted the law is clear that a person must be considered competent to be required to do anything by law — and minors are not considered legally competent in cases such as this one.

A disability rights lawyer spoke against the bill, saying he was concerned about such issues as attorney-client privilege. Estes and Sullivan have stated, however, that the bill will not negate religious and professional conditions of confidentiality.

Sally Sutton of the Maine Civil Liberties Union also spoke against the bill.

"The current law already allows a person to report," she said, stressing she does not believe it is reasonable to ask nonprofessionals to report abuse.

As an analogy, Sutton said she was recently walking along the ocean when she saw a woman hit her dog. Another woman confronted the dog's owner.

"It escalated beyond where it needed to be," Sutton said.

Estes, Lemont and Sullivan made it clear they believe it is every person's duty to report abuse.

"Why should we allow people to ignore the abuse others receive when it could lead to such a horrific outcome as the little girl in southern Maine," Lemont asked in his written testimony — as if anticipating the questions that would be raised at the hearing.

"Before you rightly become concerned that LD 1066 would mandate everyone to run to the authorities to report, let me explain what my being a mandated reporter as an educator entails," Sullivan told the committee. "When I see signs like bruises, slacking grades, withdrawal, changed social interaction, I speak with colleagues and form conclusions and then make the call."

During the investigation of Cassidy's death, Bortner and others would tell police that Evans repeatedly threw the toddler into walls and onto the floor.

They would tell police that Evans lifted Cassidy up by the head and choked her to keep her from crying. They would say Evans called her "the retard" and said he wished she had never been born.

Preliminary autopsy results would reveal, among other injuries, a fractured arm, fractured leg, blunt-force trauma to the head and abdomen, and pinprick marks on the soles of her feet.

Speaking under condition of anonymity, one Maine resident told Foster's Daily Democrat he would have told authorities about Cassidy's bruises if the state had a mandatory reporting law. Another said he never thought Cassidy would die from the abuse.

"I am protected if I report and there is no abuse," Sullivan told the Judiciary Committee. "However, if I fail to report and something happens — I am the one at fault."

"This year, preventing domestic violence is a dominant social issue for this Legislature and Governor King," Estes said. "While this bill will not bring little Cassidy back to life, it will help to make this state a safer place for our most vulnerable citizens."

Estes asked the committee to, at the very least, amend the bill to include civil penalties for failure to report.

The Judiciary Committee will hold a work session on the bill with Estes, Sullivan and other co-sponsors at the State House on April 3.

The co-sponsors have asked the committee to forward the bill to the full Legislature for a strong recommendation to pass. If the bill wins approval at the committee and legislative levels, it will then be sent to Gov. Angus King for his signature.