

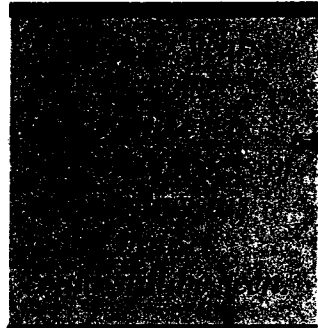
Kassidy's baby sitter hopes right bill passes

Minnesota's tough reporting law spawned from case like Kassidy's

By JENNIFER L. SAUNDERS
Democrat Staff Writer

ROCHESTER — Minnesota, the state with the toughest child abuse reporting law in the nation, was once shaken by a case that mirrors the November beating death of Kassidy Caitlyn Bortner.

The 21-month-old girl died at York Hospital in York, Maine, after her mother's boyfriend allegedly beat her repeatedly over a six-week period. The boyfriend, Chad E. Evans, is expected to stand trial this fall on second-degree murder and felony



assault charges in connection with the child's death.

While Kassidy and her mother,

Amanda Bortner, 19, lived with Evans at his Milton Road residence at the time of the child's death, she died in Maine after Bortner brought her to the home of a relative in Kittery and went to work.

And while the abuse reporting statutes in Maine and New Hampshire have come under close scrutiny since Kassidy's death, they are by no means abnormal compared with other states.

In fact, Minnesota's reporting statute stands apart from those

★ **Minnesota's law**

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Maine opens debate on law to punish those who fail to report child abuse

By JENNIFER L. SAUNDERS
Democrat Staff Writer

YORK, Maine — "Kassidy's Bill" is gaining support from individuals with close ties to the child abuse case that spurred the legislation.

However, they want to make sure lawmakers weigh all the implications before giving their approval to the bill. A work session on the proposal is scheduled for this afternoon at the State House in Augusta.

Jefferey Marshall was the last person to see Kassidy Caitlyn Bortner alive after her mother left the 21-month-old at his Kittery home and went to work. He called police on the afternoon of Nov. 9 and requested paramedics for Kassidy.

When Marshall heard about "Kassidy's Bill" — or An Act to Protect Children and Elderly or Incapacitated Adults as it is more formally known — he could not help but

think of the blue-eyed little girl who was like a niece to him.

"I do want the law to go through, but I want it to be the right one," he said Monday.

Chad E. Evans, 29, of 191 Milton Road in Rochester, N.H., is facing murder and assault charges in connection with the toddler's death. Evans was the live-in boyfriend of Kassidy's mother, 19-year-old Amanda Bortner.

In the months since Kassidy's death, Marshall and others close to the child have come under fire for not reporting suspicions of abuse to authorities.

When court documents were released at Rochester District Court in January, New Hampshire State Police affidavits listed numerous instances in which Marshall and his girlfriend, Jennifer Conley, saw bruises

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on Kassidy, or noticed changes in her behavior.

"We should have recognized sooner," Marshall said, but he added that a mandatory child abuse reporting law alone would not be enough to make that happen.

Marshall said he thinks passage of a law in Kassidy's honor is a positive thing, but that it must take into consideration such issues as education and proper implementation and wording so that people can make careful, informed decisions about reporting abuse.

In a letter to the Legislature's Joint Standing Judiciary Committee, Janis Marshall echoed some of her son's concerns and added her own hope for what the bill will include. Specifically, she called for a special provision for parents similar to Minnesota's unique child abuse reporting statute.

Parents and guardians who do not report abuse are subject to felony charges if the child dies as a result of abuse or neglect, according to Minnesota law.

"There should also be something regarding a parent not fulfilling their parental obligation to the welfare of a child to be held more strongly than a relative or normal citizen who observes or suspects abuse or neglect," she said.

Janis Marshall wrote that she is requesting this provision, which is similar to the Minnesota law, in direct response to Bortner's actions.

"An example of this is the 'mother' of Kassidy, as she stated, knew of the abuse Kassidy endured ... and did absolutely nothing to get her out of this terrible situation," she wrote. "She had several opportunities to get both Kassidy and herself out of there, but chose to go back."

On the morning of Nov. 9, in the hours after Kassidy received the injuries authorities say ultimately killed her, Bortner brought her to Marshall's home.

"Upon that ride to Kittery she passed three hospitals on the way as well as police stations," Janis Marshall wrote.

"I feel she should be held just as responsible as the accused."

In addition to the special category for parents, Janis Marshall listed three other provisions in her letter to the Judiciary Committee.

She stated that people who report abuse should have their anonymity protected, caretakers should be allowed to seek medical attention for children in their care, and provisions should be included to protect mandatory reporters.

Marshall expressed a desire for similar amendments to the bill.

In the two months that Kassidy lived with her mother and Evans in Rochester, Marshall said, he and Conley questioned Evans and Bortner several times about marks on Kassidy's face and her withdrawn behavior.

Each time, Bortner and Evans had an excuse, Marshall said. Bortner told Conley and Marshall she had sought medical help for Kassidy and everything was fine — although she would

later tell police she and Evans agreed not to take Kassidy to a doctor.

"We tried the first line of defense and it didn't work. I just figured if someone has a child, they're going to end up standing up for them. ... I wish I did go to the police, but I don't think there's any one sign that would have pushed me," Marshall said, explaining that it was not until after Kassidy's death that all the pieces began falling together.

All the signs were little things, he said, and Kassidy's guardians explained them all away.

Marshall said his concern with the bill, also known as LD 1066, is his belief there needs to be education for members of the public if they are to recognize and report child abuse. With no children of his own, Marshall said, he never realized Kassidy's rapid transformation into a withdrawn child was a strong indicator of abuse.

Marshall said he and Conley believed they could trust Bortner and Evans. Bortner is Conley's sister, and

Marshall and Evans were friends and business associates. When they cared for Kassidy, they believed they were helping the other couple avoid unnecessary struggles.

Bortner would tell them Kassidy had a bruise on her face from falling, and they did not want her to start at her new day-care center with a bruise because of what the day-care providers might think.

"When you're in a situation and you've just found out what happened to the baby, things start coming back to you," Marshall said. "And all these things you've been told aren't true."

"A child, elderly person or incapacitated adult should be able to live a long life of happiness and love and be able to enjoy all the roads of life that lie ahead of them," Janis Marshall wrote in the conclusion of her letter to the Judiciary Committee. "May no child have to live the life that she lived or have a 'mother' who put her own needs first before her precious little angel, Kassidy."