

'Kassidy Bill' leaps ahead

Maine law to punish those failing to report child abuse passes first test

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AUGUSTA, Maine — A version of "Kassidy's Bill" that would require most, if not all, residents to report suspicions of child abuse is one step closer to becoming law.

The Legislature's Joint Standing

Judiciary Committee voted 6-1 at its work session Tuesday to forward the amended bill to the full Legislature with an "ought-to-pass" recommendation.

The motion is contingent on the committee's final approval of the wording for the amended bill, which requires many individuals to report their suspicions, but does not use the term "any

person who suspects" as was requested by the bill's sponsors.

The bill, which is formally titled "An Act to Protect Children and Elderly or Incapacitated Adults," was introduced by Rep. Nancy Sullivan, D-Biddeford, to strengthen the state's existing law and prevent individuals in supervisory positions — such as school or nursing home

superintendents — from cutting deals with individuals suspected of abuse.

In the first weeks of January, Rep. Stephen Estes, D-Kittery, began searching for a bill to amend for stricter child abuse reporting laws after he learned of

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affidavits detailing the abuse 21-month-old Kassidy Caitlyn Bortner suffered before her death on Nov. 9.

Court documents indicate multiple individuals — including Kassidy's mother, 19-year-old Amanda Bortner — knew of or suspected the abuse.

By January, the deadline for new bills had passed, so Estes had to find a sponsor willing to accept an amendment to a compatible bill and Sullivan agreed. Sen. Kenneth Lemont, R-Kittery, added his support to the bill as well, based on his knowledge of Kassidy's connection to Kittery.

Bortner's live-in boyfriend, Chad E. Evans, 29, of 191 Milton Road in Rochester, N.H., has been charged with second-degree murder and multiple counts of felony assault in connection with Kassidy's death. Although authorities have stated the injuries that caused Kassidy's death were inflicted in New Hampshire, she died in Maine after her mother brought her to the home of a relative in Kittery and left to go to work.

As details of Kassidy's death came to light, area residents began questioning why officials were not made aware of the abuse Kassidy endured while there was still time to save her. The goal of the bill, Sullivan and Estes told the committee at a public hearing last week, is to make Maine a safer place for the most vulnerable members of the

population by requiring any person who has reason to suspect abuse to report it.

The Judiciary Committee voted Tuesday, however, to amend the bill to specify caretakers, foster parents and baby sitters be added to the long list of professionals required to tell of their suspicions under the existing child abuse reporting statute.

The committee decided the issues of universal mandatory reporting and penalties for not reporting will be included in a comprehensive study of several pieces of legislation related to the Department of Human Services.

In addition, the Judiciary Committee is recommending an educational component be included to increase awareness of the signs of abuse and neglect and make mandated reporters aware of their responsibilities under the law.

Following the work session, both Sullivan and Estes said they feel positive about the future of the legislation.

"As of 10:45 this morning it looked like our entire bill was going to be rolled over into a study, but that did not happen. We're really happy," Sullivan said Tuesday afternoon, standing outside the committee's chamber at the State House.

"We are working to have legislation that is clear in terms of confidentiality and liability issues and has some stiff penal-

ties for not reporting," Estes said.

The Judiciary Committee's amendment makes the reporting requirement less broad, Estes and Sullivan acknowledged, but covers many of the individuals supporters of the bill had hoped would be required to report.

For example, Estes said, the term "caregiver" as used in the amendment to the bill would not only apply to such individuals as day-care providers, but also to parents in cases like Kassidy's and to children or grandchildren entrusted with the well-being of elderly or incapacitated adults.

Estes said the revised draft of the bill is expected to be back in front of the Judiciary Committee before the end of the week. Due to conflicting committee assignments, several members of the Judiciary Committee were not present for the vote. However, a majority of the committee appears to be in favor of the legislation.

"They will look at the draft and, if it is supported, it will move forward to the Legislature as amended," Estes said. If the bill wins approval in the Legislature, it will be submitted to Gov. Angus King.

The portion of "Kassidy's Bill" included in the study of Department of Human Services bills is scheduled to be back before the committee in December with recommended legislation attached.