

# 'Kassidy Bill' moving well through legislative process

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KITTERY, Maine — The Legislature's Criminal Justice Committee has given its full support to a proposal by Attorney General Steven Rowe that creates a new classification of crime to protect children such as Kassidy Bortner.

Kassidy died Nov. 9 after she was allegedly abused by her mother's boyfriend for several weeks. Although the mother, 19-year-old Amanda Bortner, told police after Kassidy's death that she knew her boyfriend beat the 21-month-old girl and threw

her into walls, she never reported her daughter's injuries or sought medical attention.

The case is being prosecuted in New Hampshire, but authorities in both states have said they do not expect to file charges against Bortner.

If Legislative Document 1764 — An Act to Create the Crime of Aggravated Endangering the Welfare of a Child — wins the support of the full Maine Legislature, people in Bortner's position would face felony charges for not reporting abuse.

☆ "Kassidy Bill"

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Aggravated endangering the welfare of a child would be a Class C felony punishable by up to five years in prison. The law would apply to a person who is "a parent, foster parent or guardian or is otherwise responsible for the long-term general care and welfare of a child under 16."

If the person knows the child has been injured as the result of unlawful use of physical force and fails to take "reasonable measures to protect the child from the risk of further bodily injury," the individual may face prosecution.

Rep. Stephen C. Estes, D-Kittery, asked the Criminal Justice Committee to endorse the legislation in memory of Kassidy.

"On behalf of the people of Kittery, I write to urge your support of LD 1764," Estes wrote to the committee's House and Senate chairmen on Friday.

Estes told the committee that local residents have been "deeply saddened" by Kassidy's death and the suffering she endured during her short life.

"Many of us in Kittery have resolved to dedicate ourselves to preventive measures, attempting to reduce the chance that this kind of tragedy will recur in our town or another Maine community," Estes wrote.

Estes is a co-sponsor of LD 1066 — An Act to Protect Children and Incapacitated or Dependent Adults. The legislation is more commonly known as "Kassidy's Bill."

A legislative reviewer found no conflicts between Kassidy's Bill and the attorney general's legislation — and urged the Criminal Justice and Judiciary committees to recommend the Legislature pass both bills.

Kassidy's Bill has been amended by the Judiciary Committee and will be forwarded to the full Legislature for

review. Estes, meanwhile, is continuing to research other child abuse reporting legislation to review penalties for those who fail to report.

Under present law, only professionals are required to report suspicions of child abuse. Kassidy's Bill requires anyone "who has full, intermittent or occasional responsibility for the care or custody of the child or the (elderly or incapacitated) adult to report suspected abuse, neglect or exploitation."

The latest bill was introduced by Rowe after the session's regular deadline.

Assistant Attorney General Lisa J. Marchese provided written testimony in favor of making aggravated endangerment a felony.

"The prosecution of child abuse fatalities are some of the more difficult cases my office prosecutes. One of the reasons these cases are so difficult is the 'code of silence' we encounter in the prosecution," Marchese wrote.

She explained that child abuse does not usually occur in isolated instances.

"Usually there is one individual inflicting the bodily injury while the other parent or adult member of the household enables this conduct through his or her omission and silence. It is difficult to understand why a person would not protect a child from abuse by another but suffice it to say, 'It happens,'" Marchese said.

Kassidy died at York Hospital shortly after Bortner left her at the home of a Kittery relative and went to work. Bortner's live-in boyfriend, Chad E. Evans, 29, of 191 Milton Road in Rochester, N.H., is to be tried on murder and assault charges in November.

Bortner told police "Evans had abused Kassidy for approximately four to six weeks,"

according to court documents detailing the final weeks of the child's life. "Bortner related several instances when Evans abused Kassidy ... Bortner spoke to Evans about bringing Kassidy to the doctor for Kassidy's lethargic behavior. Bortner and Evans agreed they could not bring Kassidy to the doctors office because she had bruises from Evans' conduct."

Instead, the affidavit states, Bortner told police she and Evans kept Kassidy from medical treatment and agreed to lie about the cause of her injuries.

"As a prosecutor, I believe this law will allow us to punish more severely those people who are in the best position to protect a child from further physical abuse or even death and yet do nothing to protect the child," Marchese said, adding, "I am aware of cases in which the non-inflicting parent chose to ignore

the signs of abuse to the child and the child ultimately died."

Under Maine's current law, the maximum jail term for a parent or guardian who fails to protect a child from abuse is less than one year.

Marchese told the committee she hopes the stiffer penalty will provide the impetus for people to protect children.

"Ultimately, if the stiffer penalty does not save a child's life, at least the person will be held accountable for their silence and failure to protect," Marchese said.

The attorney general's bill is to be considered by the full Legislature in the coming weeks.

"I believe LD 1764 presents another opportunity for us to show that little Kassidy did not die in vain, that Maine children will be better protected from abuse," Estes said.

Your kind expression of sympathy is deeply appreciated and gratefully acknowledged by the Family of Robert D. Knight

FAMILY OF JOHN C. GRAY WISHES TO EXPRESS OUR HEARTFELT THANKS AND APPRECIATION FOR ALL THE KINDNESS, CARDS & FLOWERS DURING THIS MOST DIFFICULT TIME. THELMA GRAY, JOHN & DIANE GRAY, CATHY GRAY, CRAIG & KIRSTEN GRAY & FAMILY

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