

N.H. eyes Kassidy Law

State considers improving child protection statute

By JENNIFER L. SAUNDERS

Democrat Staff Writer



**Kassidy
Bortner**

DOVER — The murder of 21-month-old Kassidy Bortner became the catalyst for Maine's new child protection laws two years ago, and now New Hampshire legislators will review their own version of Kassidy's Law.

Kassidy died on Nov. 9, 2000, in Kittery, Maine, as a result of blunt-force injuries to her head and abdomen following months of abuse at the hands of her mother's live-in boyfriend.

The Kassidy Bortner Child Protection Accountability Act will be formally presented to the public at a press conference at 10:30 a.m. on Monday at the Legislative Office Building in Concord.

The bill's primary sponsor, Sen. Andre Martel of Manchester, will be on hand along with Kassidy's grandmother, Jacqueline Conley, and Jack Lightfoot of Child and Family Services.

"All I can really say about it is that the legislation is aimed at improving child protective services by making DCYF more accountable both to the Legislature and to the public," explained Steve Varnum of the Concord-based Children's Alliance of New Hampshire.

The legislation is coming forward after about a year of work on the part of the Child Protection Task Force, a coalition that includes the Children's Alliance of New Hampshire, Child and Family Services, Court-Appointed Special Advocates and Prevent Child Abuse New Hampshire.

Varnum explained that the task force's approach has been to appeal to legislators and individuals on both sides of the political aisle; to liberals as well as conservatives.

Amanda Bortner, 20, is serving a two-year jail sentence for failing to protect Kassidy from the abuse that claimed her life. Bortner's boyfriend, 31-year-old Chad E. Evans, was convicted of second-degree murder and multiple counts of assault in connection with Kassidy's death and is serving a prison term of 28 years to life.

Bortner lived with Evans at his Rochester home for about three months before Kassidy died. However, on the morning of her daughter's death, Bortner drove Kassidy to the Kittery, Maine, home of her sister, Jennifer Bortner Conley and Conley's boyfriend, F. Jefferey Marshall.

According to medical evidence and court testimony at the Evans and Bortner trials,

did not seek medical attention for her child. Cassidy was pronounced dead at York Hospital in York, Maine, about four hours later.

The Division of Children, Youth and Families had been notified by an anonymous call about suspicions of abuse against Cassidy approximately a week before her death. However, the agency failed to make direct contact with either Bortner or Evans, leaving messages at the Rochester residence a few days after the report and on the morning of Cassidy's death.

Child advocacy groups such as those that make up the task force have sought to improve the Division of Children, Youth and Families' response to such reports of child abuse and neglect.

The Cassidy Bortner Child Protection Accountability Act is not the first time the toddler has been the impetus for such change. Two months after her death, in January 2001, Maine legislators began reviewing the state's child abuse reporting laws at the request of former Rep. Steve Estes of Kittery. Estes, after learning the facts of Cassidy's case, began an effort supported by Sen. Ken Lemont, R-Kittery, and others to make child abuse reporting mandatory in Maine.

In conjunction with that effort, the Maine Office of the Attorney General introduced legislation to make it a felony in the case of a parent or caregiver who does not protect a child from abuse.

Both Marshall and Conley have expressed their remorse for not recognizing the signs of abuse and later attempting to protect Bortner and Evans by not alerting authorities of the bruises they witnessed on Cassidy in the months before her death. They have expressed support for legislative efforts in both states to protect children such as Cassidy.

Varnum said the Children's Alliance of New Hampshire views the Cassidy act as the foremost piece of child protection legislation being presented in the coming year. He noted that members of Cassidy's family have endorsed it, and Jacqueline Conley will appear at the press conference to express her support.

While she did not attend Bortner's sentencing last week on the two child endangerment convictions, Conley did release a statement to the press expressing her desire to support child advocacy efforts in Cassidy's name.

Martel, the bill's primary sponsor, is the chairman of the New Hampshire Senate's Public Institutions, Health and Human Services Committee.

Another bill inspired by Cassidy's death is being drafted to increase the penalties for parents and caregivers who do not protect their children from abuse or seek medical treatment for their injuries. The draft legislation, which has the support of Rep. Robert Ouellette of Franklin, Rochester police Sgt. Stephen Burke and Assistant Attorney General David Ruoff, seeks to create a felony-level crime of endangering the welfare of a child.

A date for the presentation of that bill has not been set.

Democrat Staff Writer Jennifer L. Saunders can be reached at 1-207-363-4413 or jrsaunders@fosters.com