

Kassidy's death spurs reforms

N.H. bill would hold child agency accountable

By JENNIFER L. SAUNDERS
Democrat Staff Writer

CONCORD — The beating death of a Rochester toddler has led to the Kassidy Bortner Child Protection Accountability Act, a call for improvements to the Division for Children Youth and Families in her name.

The act, which is sponsored by Sen. Andre Martel, R-Manchester, and a long list of bipartisan co-sponsors, is the result of more than a year of work by the Child Protection Task Force, a coalition of groups and individuals committed to child advocacy.

The proposed legislation has the full support of Kassidy's grandmother, aunt and many other relatives.



Saunders/Democrat photo

JACQUELINE CONLEY, Kassidy Bortner's maternal grandmother, addresses journalists during a press conference in support of the Kassidy Bortner Child Protection Accountability Act in Concord on Monday.

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"The 21-month-old child died on Nov. 9, 2000, after being struck in her head eight to ten times and punched or kicked in her abdomen at least twice. The medical examiner found bruises or abrasions on virtually every section of Cassidy's body — from her head to the arches of her feet — as well as four fractured

bones. Although the ultimate responsibility for Cassidy's death lies with her convicted murderer, the General Court finds that her death also reveals the inability of the Division for Children, Youth and Families to meet its General Court-mandated responsibility to protect vulnerable children at critical times," the act states.

The Cassidy Bortner Child Protection Accountability Act seeks to address the inadequacies of DCYF by requiring the agency to develop an annual plan that would move it toward national accreditation by the independent, internationally recognized Council on Accreditation for Children and Family Services by 2007.

Steve Varnum, public policy director for the Children's Alliance of New Hampshire, noted that the accreditation process would require a reduction in case loads for DCYF workers that would ultimately bring the high numbers more in line with the national average.

The agency would be required to submit the plan to the governor and legislature and to make accreditation-related reports public documents. The bill also calls for the disclosure of "non-identifying information related to its response and preventive actions" in cases of fatal and near-fatal child abuse and neglect.

The act's sponsors contend if it becomes law it will begin to address the very inadequacies that came to light as part of the investigation of Cassidy's death.

The toddler had been abused by her mother's boyfriend, Chad E. Evans, for months leading up to her death. Eight days before Cassidy's death, Evans' estranged wife made an anonymous call to DCYF reporting the bruises she had witnessed on the toddler's face on more than one occasion.

Several days after the call was made, a DCYF case worker left a message at the Evans residence in Rochester. When she

received no response, she made a second call on the morning of Nov. 9, 2000.

At the same time, Cassidy's mother, Amanda Bortner, was leaving her bruised daughter with relatives in Kittery, Maine, where she would die several hours later from the internal injuries associated with the marks on her face and abdomen.

Evans was convicted in December 2001 of second-degree murder and multiple counts of assault against Cassidy, and sentenced to 28 years to life in New Hampshire State Prison. Bortner was convicted in November of two misdemeanor charges of endangering the welfare of a child for failing to protect Cassidy from Evans' abuse. She is serving the maximum term allowable under state law, two years in county jail.

Jacqueline Conley of Buckfield, Maine, fought back tears as she stood at the podium in the Legislative Office Building on Monday to voice her support for the accountability act.

"I am the grandmother of Cassidy Bortner, the mother of Amanda Bortner, and I am here today because I don't want what happened to Cassidy to ever happen to another child," Conley said.

She recalled the 19 months Cassidy lived with her — up until Bortner took the toddler to live with Evans in Rochester.

"She mattered, and I want the world to know she mattered. She was a very important person, and she deserves to have her name on a bill as important as this one. And even though it's hard — really hard — for me to stand up here in front of you today, Cassidy deserves it," Conley said.

Conley said she and her family members, including Cassidy's aunt, Jennifer Bortner Conley, support the Cassidy Bortner Act because they believe it will make a difference.

"As you know, Chad Evans killed Cassidy and was convicted

of second-degree murder. Eight days before she died from her injuries, New Hampshire's Division for Children, Youth and Families was told that Cassidy was being abused. No case worker ever came to see her swollen face, her broken bones or the bruises that covered her body," Conley said, weeping as she spoke.

Martel, who is the chairman of the Senate Public Institutions, Health and Human Services Committee, said it is clear the state's current child protection system is not enough.

"Most tragically, we know that because children including little Cassidy Bortner have died while waiting for someone, anyone, to help rescue them from abusive homes," Martel said.

"I found out during Chad Evans' murder trial that at least a dozen people thought Cassidy was being abused. People need to get involved, but they also need to know someone will respond and protect the child if they do," Conley said during her remarks.

Jack Lightfoot, a child advocate with the group Child and Family Services, also spoke in favor of the Cassidy Bortner Child Protection Accountability Act.

"The Cassidy Bortner Act is not a quick fix to the many challenges facing our child protection system ... The Cassidy Bortner Act is an effort to help DCYF continue improving, while addressing concerns we have heard from legislators, professionals who work with children on a daily basis and citizens throughout the state," Lightfoot said. He noted the act addresses those issues in two ways: by providing an independent evaluation of DCYF and giving the public access to better information about the agency without compromising the confidentiality of the children it serves.

In his introduction of the act, Martel said that while the child protection workers at DCYF are hard-working and committed to

their jobs, there is a need for accountability and the assurance of "the best value for our child protection dollar."

Lightfoot noted that if the act becomes law, it will provide standards that "will prevent New Hampshire from falling into the trap, which has ensnared some states, of throwing large sums of money at their child protection systems only to be frustrated by the lack of review and accountability."

Varnum noted that according to the report Child Maltreatment 2000 from the U.S. Department of Health and Human Services Children's Bureau, DCYF's average time lapse between a report of abuse and its investigation was 139 hours.

"According to its own policies the maximum response time even in the lowest priority cases is supposed to be 72 hours," Varnum said.

Of the 20 states reporting such data to the Department of Health and Human Services Children's Bureau, the average response time was 54 hours.

Proponents of the Cassidy Bortner Act stress that in time it will provide DCYF with the resources needed to protect children while requiring accountability that those resources are being used to meet the mandates of the state's Child Protection Act.

Sen. Burt Cohen, D-New Castle, one of the act's co-sponsors, said the tragedy of Cassidy Bortner will not be forgotten.

"I think the whole thing just ripped at everyone. There could be no higher priority than protecting children like Cassidy," Cohen said.

Both Cassidy's aunt and grandmother agreed.

"My wish is that no parent or grandparent ever again experience the loss and the devastation of losing a child to abuse. I ask the legislature and Gov. Benson to please commit to protecting New Hampshire's children and please pass the Cassidy Bortner Act," Conley said.