

# Kassidy petition to reach N.H. Statehouse

By JENNIFER L. SAUNDERS  
Democrat Staff Writer

DOVER — Organizers behind Kassidy's Petition, which calls for stricter child-abuse reporting laws, are preparing to present their cause to the state Legislature in the hope that children will be better protected.

**Defense makes  
case in Evans trial  
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Kassidy's Petition was sparked by the death of 21-month-old Kassidy Bortner, who died Nov. 9, 2000, in Kittery, Maine, after what law enforcement officials say were weeks of abuse.

Howard Hedegard Jr., spokesman for the effort, said the

☆ ***Petition***

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testimony of those who saw Cassidy's bruises and knew or suspected her abuse has further illustrated why the petition was originated: to create stiffer penalties for those who do not report abuse.

"It is my belief that we have some 1,100 hundred signatures or so, and we are finalizing who we would like to serve as the bill's sponsor," Hedegard said Saturday.

Chad E. Evans, 30, is currently on trial for second-degree murder and multiple counts of assault in connection with Cassidy's death. Cassidy and her mother, 19-year-old Amanda Bortner, lived with Evans at his 191 Milton Road residence in Rochester for about three months before the child's death.

Bortner was one of about a dozen witnesses called by the state to describe the injuries they witnessed on Cassidy's face and body during the three months before she died at her aunt's home in Kittery, Maine.

Bortner backed off from statements she made to police last year about the extent Evans abused her child, but did testify he squeezed her daughter's face and "roughly placed" her in a corner, hitting her head against a closet door.

"I didn't think it hurt her," Bortner said.

Maine Chief Medical Examiner Margaret Greenwald detailed Cassidy's many injuries at the time of her autopsy — including fractures in both of her arms, her left leg and her right hand that were between one and six weeks old. Cassidy died from massive blunt force trauma to the head and abdomen, and most of the bruises on her face, head and stomach were inflicted about 12 hours before her death, Greenwald testified.

Although Greenwald's testi-

mony indicated the bruises would have been clearly visible on Cassidy's face and body the morning she died, Cassidy never received medical treatment for her injuries. Bortner drove Cassidy from Rochester to Kittery, left her with her baby sitter, F. Jefferey Marshall, and went to work.

Bortner has been charged with two misdemeanor counts of endangering the welfare of a child for allegedly failing to seek medical treatment for the child and allegedly failing to protect her from the abuse.

The goal of Cassidy's Petition is to see the penalties for not reporting abuse increased, Hedegard said, specifically for a parent, guardian or caregiver who does not intervene on behalf of the child.

New Hampshire currently has a mandatory child abuse reporting law for everyone who knows of or suspects abuse or neglect. However, none of the individuals who told police after Cassidy's death that they witnessed bruises on her face and body have been charged.

The petition seeks to make it a felony crime for caregivers who have not reported abuse in cases where a child is seriously injured or killed.

Hedegard said the petition is seeking to align New Hampshire's child abuse reporting statute with the one currently in place in Maine — which was changed earlier this year in response to Cassidy's death.

Previously, Maine's mandatory child abuse reporting law

applied only to professional individuals such as doctors and teachers. After Cassidy's death, the law was changed to make reporting mandatory for all caregivers — and to make it a Class C felony for a parent, foster parent guardian or other primary caregiver not to protect children from abuse. For all others, it is a Class D misdemeanor not to report abuse.

"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 prosecution ... 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 ...

By increasing the penalty in these cases, we are in hopes people will be more likely to take affirmative steps to protect their children, thus breaking the code of silence. 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," Maine Assistant Attorney General Lisa J. Marchese wrote in April to support what would commonly be known as Cassidy's Laws after their passage.

Maine's Class C felony aggravated endangering the welfare of a child comes with a prison term of five years.

If Bortner is convicted, she faces a maximum term of one year in jail on each charge.

Of the dozen or so witnesses who have testified about seeing bruises on Cassidy,

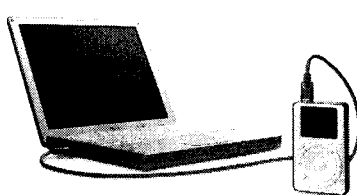
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Evans' estranged wife Tristan Evans was the only one to file a report with the Department of Health and Human Services about the abuse — although the Granite State has a mandatory reporting law for anyone who suspects child abuse or neglect.

Tristan Evans called anonymously to report the bruises she had seen on Cassidy's face and neck about a week before the child's death. However, as officials from the Division of Children, Youth and Families told Foster's Daily Democrat in previous interviews, intake calls are screened and labeled in terms of priority. Only one

call was made about Cassidy and, based on that call, she was not considered in immediate danger.

Child protection officials in both Maine and New Hampshire have stated that such factors as the number of calls and the reliability of sources are considered when making a determination of the potential risk to a child.

In state, the New Hampshire toll-free child abuse reporting hotline is (800) 894-5533 or (603) 271-6556 if calling from out of state.

The number to call to report suspicions of abuse or neglect in Maine is (800) 452-1999.

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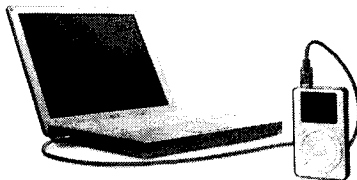
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