

124TH LEGISLATURE – SECOND REGULAR SESSION



2010 SEXUAL ASSAULT LEGISLATION IN REVIEW



STATEWIDE SEXUAL ASSAULT CRISIS AND SUPPORT LINE

TOLL FREE: 1-800-871-7741 TTY: 1-888-458-5599

Highlights of Key Legislation

For the Maine Coalition Against Sexual Assault (MECASA), much of the 124th Second Regular Session was consumed by working to protect Maine's sexual assault support centers from cuts within the state budget. The Governor's budget proposed an elimination of services provided through the centers focused on serving victims/survivors of sexual violence who face significant mental health challenges. With the help of our legislative allies and our friends at Moose Ridge Associates, by the end of the session this programming had been fully restored within the budget. However, we anticipate facing more budget cuts in the upcoming session.

Of particular note this past session, was significant changes to the Sex Offender Registry (L.D. 1822/Public Law Chapter 570). These changes were initiated in response to constitutional threats to the Registry which many believed threatened its continued existence. While MECASA remains concerned about the group of people who can now "apply for relief" from their responsibility to register, we were equally concerned about the Registry being ruled unconstitutional and dismantled as a result. As part of the process, MECASA successfully advocated for language to limit the risk that out of state offenders would move here to take advantage of these changes, making Maine a haven for offenders looking to avoid registration. A full summary of these changes follows.

During the 124th First Regular Session, three groups were required to report back to the Second Regular Session on issues related to sexual violence. These groups studied the following issues: background checks for certified nursing assistants (CNAs), human trafficking, and school dating violence.

During the first session, the Health and Human Services Committee required the Department of Health and Human Services to "convene a working group to examine and make recommendations for changes to the current law prohibiting an individual from employment as a CNA in certain settings if the individual has been convicted of a crime involving abuse, neglect or misappropriation of property in a health care setting" (L.D, 877/Resolve 68). We participated in the resulting working group which was unable to complete its work in time for the close of the session. However, that work has been completed and makes a range of recommendations to, among other things, help bar people convicted of certain sex offenses from caring for Maine's most vulnerable citizens.

In the second session, the Attorney General's Working Group on Human Trafficking reported back to the Judiciary Committee making a variety of recommendations related

to the emerging issue of human trafficking in Maine. The full report can be found in Appendix A.

Also in the first session, the Committee on Education and Cultural Affairs required the Department of Education "to review its policies and rules regarding faculty training and student education on dating violence prevention for students in grades 7 to 12 to determine the extent to which those policies and rules provide sufficient guidance to school administrative units on teaching and training basic principles and definitions of dating violence prevention, how to recognize dating violence warning signs, outlining actions and responses to dating violence, including communications with parents or legal guardians, and defining the characteristics of healthy, age-appropriate dating relationships" (L.D. 1105/Resolve 99). We participated in this working group which compiled a response to this charge. The working group's report is attached in Appendix B.

Finally, the following pages include legislation, which passed, in which MECASA took an interest.

Bills Passed

L.D. 1464/Public Law Ch. 621: An Act to Amend Licensing, Certification and Registration Requirements for Care Providers and Other Facilities

Sponsor: Rep. Pat Jones

Public Law 2009, chapter 621 requires licensed, certified, or registered providers to secure a criminal background check prior to hiring or placing a person who will have direct contact with a consumer beginning October 1, 2010.

Providers will pay for the criminal background checks. Some providers are currently required by statute to obtain criminal background checks, and this bill adds several more providers, including hospitals, nursing facilities, ambulatory surgical facilities, intermediate care facilities for persons with mental retardation, assisted housing programs, children's homes, end-stage renal disease facilities, drug treatment centers, child placing agencies, hospice programs, agencies and facilities providing mental health services, temporary nurse agencies, and nursery schools. This law authorizes the Department of Health and Human Services to investigate complaints against temporary nurse agencies and provides enforcement mechanisms for violations. This law requires the department to use income from penalties to improve the quality of care for residents of long-term care facilities.

L.D. 1722/Public Law Ch. 555: An Act to Strengthen the Protection from Abuse and Protection from Harassment Laws

Sponsor: Rep. Anne Haskell

Public Law 2009, chapter 555 allows the service of temporary orders and final protection orders when the original court orders have been electronically transmitted directly from the court issuing the order to the authorized law enforcement agency or correctional facility making the service.

Chapter 555 ensures that a person served with an electronically transmitted order has an opportunity in a prosecution for violating the order to exercise the right to confrontation with regard to the law enforcement officer who served the order or the chief administrative officer, or the chief administrative officer's designee, of the correctional facility that served the order.

L.D. 1789/Public Law Chapter 608: An Act Containing the Recommendations of the Criminal Law Advisory Commission

Public Law 2009, chapter 608 implements recommendations from the Criminal Law Advisory Commission.

Public Law 2009, chapter 608 amends the Maine Juvenile Code to specify that restitution for juvenile offenders is the same as restitution for adult offenders under the Maine Revised Statutes, Title 17-A, chapter 54, except that section 1329, the restitution default provision, does not apply to juvenile offenders. Although section 1329 does not apply to juvenile offenders, enforcement of a restitution order imposed in a juvenile case is available pursuant to Title 15, section 3314, subsection 7, enforcement of a dispositional order.

Public Law 2009, chapter 608 amends laws regarding dissemination of sexually explicit material and possession of sexually explicit material by clarifying that the age of the person depicted means the age of the person at the time the sexually explicit conduct occurred, not the age of the person depicted at the time of dissemination or possession of the sexually explicit visual image or material.

Public Law 2009, chapter 608 enacts Title 17-A, section 1177 in chapter 48 of the Maine Criminal Code addressing victims' rights to provide notice to victims of the existence of Title 16, sections 53A, 53B and 53C, to clarify that certain communications by victims to sexual assault counselors, victim advocates, victim witness advocates, or victim witness coordinators are privileged from disclosure.

Public Law 2009, chapter 608 specifies that, in the context of dissemination of sexually explicit material, and possession of sexually explicit material for purposes of determining a period of probation, it is not the age of the person depicted at the time of the alleged dissemination or possession of the sexually explicit visual image or material that the State must plead and prove, but rather the age of the victim at the time the sexually explicit conduct occurred.

Public Law 2009, chapter 608 amends the provision regarding time and method of restitution to reflect the new Title 17-A, section 1326-F, which addresses restitution deducted from judgment in civil action, and Title 17-A, section 1329, which addresses what happens when a defendant defaults in payment of restitution. The changes comprehensively address any offender who has completed any term of commitment to the Department of Corrections or any period of probation and still has not paid the restitution in full as ordered by the court.

Public Law 2009, chapter 608 amends the provision regarding income withholding orders to expressly allow probation officers to apply for income withholding orders when an offender owing restitution receives a sentence that includes a period of probation, making this provision consistent with the recent amendment to Title 17-A, section 1326-A, which leaves

to the Department of Corrections the determination for probationers of the time and method of restitution payment.

Public Law 2009, chapter 608 enacts a new section that comprehensively addresses the situation in which an offender who has completed the term of commitment to the Department of Corrections or the period of probation still has not paid the restitution ordered by the court in full. It provides notice to former Department of Corrections' clients still owing restitution that the duty to pay remains; requires that monetary compensation continue to be paid to the Department of Corrections; and requires that, unless otherwise modified by the court, the time and method of payment determined by the Department of Corrections during the former term of commitment or period of probation continues to control.

L.D. 1822/Public Law Ch. 570: An Act to Further Amend the Sex Offender Registration and Notification Act of 1999

On December 22, 2009, the Maine Law Court issued its decision in *State v. Letalien*, 2009 ME 130. The Law Court held that "the retroactive application of the lifetime registration requirement and quarterly in-person verification procedures of SORNA of 1999 to offenders originally sentenced subject to SORA of 1991 and SORNA of 1995, without, at a minimum, affording those offenders any opportunity to ever be relieved of the duty as was permitted under those laws, is ... an unconstitutional ex post facto law...." The Law Court stayed the mandate of the decision until March 31, 2010 in order to provide the Legislature the opportunity to deal with the issue. Public Law 2009, chapter 570 responds to the constitutional concern raised in *Letalien* in two ways.

First, it amends the in-person verification provisions to conform with those of Alaska that were found constitutional by the United States Supreme Court in *Smith v. Doe*, 538 U.S. 84 (2003). Maine's ex post facto clause is interpreted consistently with the United States Constitution, so this bill provides for verification for persons retroactively required to register as lifetime registrants that is consistent with the Alaska law found constitutional in *Smith v. Doe*. In particular, the bill amends the verification of registry information for persons sentenced on or after January 1, 1982 and prior to September 18, 1999. For 10-year registrants sentenced during that time period, the Department of Public Safety, State Bureau of Identification shall verify the registration information in writing as provided by the Bureau on each anniversary of the registrant's initial registration date and once every five years in person. For lifetime registrants sentenced in that time period, the Bureau shall verify the registration information in writing as provided by the Bureau every 90 days after that lifetime registrant's initial registration date and once every five years in person. Public Law 2009, chapter 570 also provides that if there is a reason to believe the offender's appearance has changed significantly, the law enforcement agency or the Bureau may instruct the offender in writing to appear in person at the registration agency with a current photograph or to allow a

photograph to be taken or, if authorized in writing by the law enforcement agency or the Bureau, to submit a new photograph without appearing in person.

Second, the Public Law 2009, chapter 570 expands the provisions to allow certain registrants to be relieved of their duty to register on application and proof of legislatively established factors. An additional waiver scheme that authorized registrants to petition the court for relief from the duty to register was not included in the bill at this juncture due to a substantial fiscal note from the judicial branch, but may be considered again in the next legislative session.

Specifically, Public Law 2009, chapter 570 expands the existing exception that was enacted pursuant to Public Law 2009, chapter 365 to allow the opportunity for additional registrants to provide documentation to the State Bureau of Identification to determine if they qualify for relief from the duty to register. First, it allows persons sentenced in Maine on or after June 30, 1992 and prior to September 18, 1999 who were finally discharged from the correctional system at least 10 years prior to applying for relief and who meet the other existing factors of the Maine Revised Statutes, Title 34-A, section 11202-A to apply. Second, it allows persons sentenced in Maine on or after September 18, 1999 and prior to July 30, 2004 for a violation of former Title 17-A, section 252 who were finally discharged at least 10 years prior to applying for relief and who meet the other existing factors of Title 34-A, section 11202-A to apply. The former crime of rape was added to the list of registerable offenses pursuant to Public Law 2003, chapter 711, so people convicted of rape prior to that law, which became effective on July 30, 2004, were also retroactively made lifetime registrants. Finally, it allows persons sentenced in another jurisdiction who were finally discharged from the correctional system at least 10 years prior to applying for relief, who have been in full compliance with the registration duties as a resident required under Title 34-A, section 11202-A, subsection 2 since September 12, 2009 and who meet the other existing criteria of Title 34-A, section 11202-A to apply. The intent of the amendments to Title 34-A, section 11202-A is to make the relief process available to Maine residents with out-of-state convictions, but not to encourage convicted offenders to move to Maine solely to evade registration requirements in their home states or in Maine. Accordingly, the legislation sets a date of September 12, 2009, the original effective date of this statutory exception, as the deadline by which persons with out-of-state convictions that require registration must be residents in compliance with Maine's Sex Offender Registration and Notification Act of 1999 in order to qualify. This reduces the likelihood that persons will move to Maine primarily to take advantage of the exception. It also reduces the likelihood of factual disputes over residency status, as the determination depends on registration and verification paperwork that the registrant must already have filed with the State Bureau of Identification as part of the registration and verification process, and in which the registrant would have identified his or her own status. It decreases the burden on both the State Bureau of Identification and the applicant regarding obtaining documentation to establish residency for the purposes of the exception. Finally, it significantly reduces the likelihood of applicants fabricating evidence of residency for the purposes of the exception.

Public Law 2009, chapter 570 also changes the calculation of the 10-year registrant start times in Title 34-A, section 11225-A to make consistent the calculation of the 10-year registration period imposed retroactively for 10-year registrants sentenced January 1, 1982 to June 30, 1992 with that for 10-year registrants sentenced June 30, 1992 to September 17, 1999.

Public Law 2009, chapter 570 was enacted as an emergency measure effective March 30, 2010.

The chapter law summaries included in this report were obtained through the Maine Legislature's Office of Policy and Legal Analysis. More information can be found at <http://www.maine.gov/legis/opla>.

**REPORT OF THE ATTORNEY GENERAL'S WORKING GROUP
ON HUMAN TRAFFICKING TO THE SECOND REGULAR
SESSION OF THE 124th LEGISLATURE PURSUANT TO
CHAPTER 684, PART F OF THE PUBLIC LAWS OF 2007.**

JANUARY 15, 2010

TABLE OF CONTENTS

	Page
EXECUTIVE SUMMARY	1
INTRODUCTION AND BACKGROUND	3
1. HUMAN TRAFFICKING TRAINING	5
2. OUTREACH AND PUBLIC AWARENESS	6
3. DATA COLLECTION	7
4. COORDINATION OF SERVICES	8
5. INTERNATIONAL MATCHMAKING ORGANIZATIONS	11
6. STATUTE OF LIMITATIONS	12
7. RECOMMENDATIONS	13

APPENDICES

- A. PARTICIPANTS IN WORKING GROUP
- B. RECOMMENDED LEGISLATION FROM HUMAN TRAFFICKING TASK FORCE ON INTERNATIONAL MATCHMAKING
- C. INTERNATIONAL MARRIAGE BROKER REGULATION ACT (8 USC § 1375)
- D. CHAPTER 684, P.L. 2007

EXECUTIVE SUMMARY

Chapter 684, Part F of the Public Laws of 2007 directed the Attorney General to convene a Working Group on Human Trafficking to address six (6) specific issues. The members of the Working Group met on December 17, 2008, January 21, 2009, March 31, 2009, April 27, 2009, June 2, 2009, August 14, 2009, September 1, 2009 and November 3, 2009. The six areas the Working Group was charged with addressing and the recommendations of the Working Group are summarized below:

1. Develop training for law enforcement and community organizations.
Working with the Maine Institute for Public Safety Innovation, the Maine Criminal Justice Academy and Justice Planning Management Associates, a training curriculum has been developed and will be a mandatory training course in 2010.
2. Develop outreach and public awareness campaigns. Members of the Working Group, including the Zonta Club of Bangor, the Statewide Social Workers Conference, Catholic Charities Maine – Refugee and Immigration Services Program and MECASA, significant outreach and training efforts are underway and will continue.
3. Work on options and initiatives for data collection. Statistical data pertaining to Human Trafficking will be collected as part of the coordinated system of service providers that will be available in a Human Trafficking case.
4. Determine the need for victim and witness laws, victims’ services and obtaining special visa status for victims who are undocumented immigrants,

the coordination of services and the coordination of state and federal victim services programs for benefits, programs and licenses. The Working Group has developed a coordinated plan for the delivery of services to potential trafficking victims and witnesses, with Catholic Charities Maine , through its Refugee and Immigrant Services Program, being the central point of contact.

5. Monitor the actions of international matchmaking organizations to determine if state intervention or regulation is necessary. The Working Group does not recommend enactment of any state legislation on this issue because there is an existing federal law that addresses international matchmaking organizations.
6. Determine whether a special tolling statute based on cultural and linguistic isolation would be appropriate for pursuing civil remedies under the Maine Revised Statutes, Title 5, chapter 337-C. The Working Group does not recommend the creation of such a tolling provision.

The Working Group further recommends that it continue to exist and meet on a regular but occasional basis to monitor training and outreach efforts in the area of Human Trafficking.

The Working also recommends that training and public awareness of Human Trafficking be expanded to include prosecutors, judges and defense attorneys as well as civic organization and members of the medical profession.

INTRODUCTION AND BACKGROUND

By virtue of Chapter 200 of the Resolves of 2005, the Human Trafficking Task Force was established. Consisting of twelve members, the Task Force met in October and November, 2006. The Task Force submitted its report with findings and recommendations, together with suggested legislation, to the 123rd Legislature in December, 2006.

In its report, the Task Force recommended the enactment of a law, to be codified in the Maine Criminal Code (Title 17-A), criminalizing the offense of human trafficking. In addition, the Task Force recommended that the Attorney General convene a working group to continue studying various issues and aspects related to human trafficking.

Chapter 684 of the Public Laws of 2007, being “An Act to Implement the Recommendations of the Human Trafficking Task Force,” was enacted by the 123rd Legislature and signed by the Governor. The law amended the definition of the crimes of kidnapping and criminal restraint in such a way that it now encompasses conduct that constitutes human trafficking. The law also created civil remedies for human trafficking and provided for the forfeiture of assets in human trafficking offenses. Finally, the law directed the Attorney General to convene “a working group on human trafficking consisting of representatives of the following: the Department of Health & Human Services, the Department of Labor, the Department of Public Safety, the Maine Institute for Public Safety Innovation, law enforcement, Immigrant Legal Services, interested parties, other state agencies and service providers including, but not limited to, healthcare, domestic violence and sexual assault victim advocates and other social service providers.”

The Working Group was directed to address six specific areas, as follows:

1. Develop training for law enforcement and community organizations;
2. Develop outreach and public awareness campaigns;
3. Work on options and initiatives for data collection;
4. Determine the need for victim and witness laws, victims' services and obtaining special visa status for victims who are undocumented immigrants, the coordination of services and the coordination of state and federal victim services programs for benefits, programs and licenses;
5. Monitor the actions of international matchmaking organizations to determine if state intervention or regulation is necessary; and
6. Determine whether a special tolling statute based on cultural and linguistic isolation would be appropriate for pursuing civil remedies under the Maine Revised Statutes, Title 5, chapter 337-C.

The Working Group is required to submit a report to the Second Regular Session of the 124th Legislature by January 15, 2010. A copy of Chapter 684 of the Public Laws of 2007 is included as part of the report and appears in APPENDIX D.

In November, 2008, the Chief of the Attorney General's Criminal Division began the process of organizing the Working Group by contacting agencies and individuals who were specifically identified in the law as well as those who had expressed an interest in the subject of human trafficking. *See* APPENDIX A, for a list of all agencies and individuals who participated in the Working Group.

The first meeting of the Working Group was held on December 17, 2008. Subsequent meetings were held on January 21, 2009, March 31, 2009, April 27, 2009,

June 2, 2009, August 14, 2009, September 1, 2009 and November 3, 2009. The Working Group received helpful information and presentations from the following individuals and organizations: Cynthia Kennedy, Coordinator, New England Coalition Against Trafficking (NECAT), Project Reach, a program of the Trauma Center at Justice Resource Institute; Heather Putnam, Victim Advocate, United States Attorney's Office; Anthony Risk, United States Immigration and Custom Service, Victim Coordinator; Gary Cote, ICE, Portland, Maine; Matt Gallagher, Department of Justice, Civil Rights Division.

The Working Group focused its attention on the six areas identified in the law and its actions and recommendations are reported below.

1. DEVELOP TRAINING FOR LAW ENFORCEMENT AND COMMUNITY ORGANIZATIONS.

One of the first orders of business for the Working Group was to determine whether an appropriate training program in human trafficking could be made available to members of the law enforcement community. One of the major problems with the subject of human trafficking in Maine is the lack of awareness, even within law enforcement, of the potential for human trafficking cases to exist in Maine. Through the Maine Institute for Public Safety Innovation, funded by the Bureau of Justice Assistance, and in collaboration with Justice Planning Management Associates (JPMA) a training curriculum has been developed. The Maine Criminal Justice Academy has agreed that this curriculum will be a mandatory training course for all law enforcement officers. The training will be available beginning in 2010. This same training, which is accessible on-line, will also be suitable for community organizations and will be adapted to include an

additional module relevant to Maine, including Maine law, contact information for Maine nonprofits that provide services to victims, as well as placing more emphasis on what is happening in Maine, namely, labor trafficking being more prevalent than sex trafficking and a focus on contacting nongovernmental organizations who can provide direct assistance and services to victims of human trafficking. With the input of several members of the Working Group, development of the local module is well underway. It is anticipated that development of the local module will be completed by February, 2010.

2. DEVELOP OUTREACH AND PUBLIC AWARENESS CAMPAIGNS.

In addressing this issue, the Working Group was cognizant of the fact that it had no funds to underwrite a public awareness campaign, and that other agencies, including the federal government, had already developed a public awareness campaign on the subject of human trafficking. Moreover, the Working Group was also aware that national efforts were underway to involve regional and local nongovernmental organizations in outreach programs and public awareness campaigns on the subject of human trafficking. In 2009, as the Working Group was meeting, Catholic Charities Maine - Refugee and Immigration Services (RIS) Program - and MECASA obtained grant funding to conduct outreach and training efforts. RIS additionally obtained funding to take a leadership role in coordinating services to victims in human trafficking cases, working with several other organizations Statewide, many of which were on the Working Group, as described in more detail below.

The Zonta Club of Bangor will be sponsoring a one-day workshop during the last week of April, 2010 on human trafficking and the subject of human trafficking will also be discussed at the Statewide Social Workers Conference scheduled for April, 2010.

Finally, through the work of the Human Trafficking Task Force and the Attorney General's Working Group on Human Trafficking, numerous service agencies, as well as governmental agencies, are now much more aware of the potential issues involved in human trafficking and we expect that this will continue as all law enforcement officers in the State of Maine receive the mandatory training beginning in 2010.

3. OPTIONS AND INITIATIVES FOR DATA COLLECTION.

The issue of data collection has proved to be a difficult one for several reasons. First, cases that may have aspects of human trafficking to them may have been treated and prosecuted as something else, such as prostitution, terrorizing, criminal restraint/kidnapping or assault.

Second, victims of human trafficking, because of various cultural attitudes toward law enforcement as well as fear of reprisal back in their home country, may not be forthcoming with information about the scope of human trafficking.

Third, it is unclear what type of data should be collected or asked for and by whom.

Finally, while the Working Group is confident that cases of human trafficking have occurred in the State of Maine, the number of such cases is relatively few. Accordingly, the amount of data to be collected at this point in time is not substantial.

In the final analysis, the Working Group and a subcommittee of members spent considerable time developing a plan to coordinate the provision of services to potential victims of human trafficking. This issue is discussed in greater detail in item 4 below. It is felt that once this plan of coordination is established and implemented, data will naturally be collected as part of that process.

4. THE NEED FOR VICTIM AND WITNESS LAWS, VICTIMS' SERVICES IN OBTAINING SPECIAL VISA STATUS FOR VICTIMS WHO ARE UNDOCUMENTED IMMIGRANTS, THE COORDINATION OF SERVICES AND THE COORDINATION OF STATE AND FEDERAL SERVICES PROGRAMS FOR BENEFITS, PROGRAMS AND LICENSES.

Chapter 684 of the Public Laws of 2007 has criminalized conduct that may involve human trafficking. Accordingly, since there is now a state crime addressing human trafficking in some of its forms, special types of immigration visas to obtain legal immigration status for crime victims may now be available to victims of such conduct, who are typically undocumented, and who would be helpful as witnesses to the investigation or prosecution of the offenses. Similarly, the legislation that implemented the recommendations of the Human Trafficking Task Force created a civil remedy for the victims of human trafficking and made financial assets in human trafficking offenses forfeitable. Moreover, a victim of a human trafficking offense may receive restitution for “work loss” which includes pay or benefits unfairly or illegally withheld by the offender or any unfair labor agreement. Finally, the offense of human trafficking is now a crime that allows its victims to be eligible for compensation pursuant to the Victims’ Compensation Fund.

The efforts of the Working Group on this subject were to put in place a plan for the delivery of services to trafficking victims. Because we are just now beginning to understand the nature of human trafficking in Maine, it is inevitable that the delivery system will not be highly structured and will evolve as experience is gained.

Catholic Charities Maine, through its Refugee and Immigration Services Program (RIS), was recommended to be the first place to call when a suspected case of human trafficking is involved. Service providers participating on the Working Group have developed a service delivery response “tree,” that can be triggered by a call to the National Domestic Violence Hotline’s toll free number, which will then contact Catholic Charities Maine – RIS. RIS will then call point people in various “immediate need” areas who will help coordinate services in those areas, namely, housing, medical, immigration legal aid, counseling, victim advocacy, food and financial assistance, and education.

In those cases where a person who is the victim of human trafficking needs to be rescued, law enforcement must be involved. It is important to understand that when immigration and/or law enforcement is contacted, the trafficking victim should be treated as a victim, not an illegal alien. In all cases, including when law enforcement officials may be the first to encounter human trafficking victims, service providers with expertise in providing psychological and emotional support, housing and basic needs, and immigration law should be called in at the earliest opportunity to help support the victim.

As part of the process of coordinating services, it is anticipated that various service providers will need to be trained and made aware of how to handle a human trafficking case. This includes what constitutes human trafficking, understanding how to

contact the necessary service providers, and the reality that a single human trafficking case could involve numerous victims.

It is hoped that by having a central point of contact, through Catholic Charities Maine – RIS, much delay will be avoided in identifying the needs of the human trafficking victim, and mobilizing appropriate services for the human trafficking victim.

The Working Group is encouraged by the National Hotline on Human Trafficking, which has been found to be effective and responsive and allows for contact with a central contact point, which can then direct victims/witnesses or other callers to the appropriate contact point in a particular state.

There is a concern that if the Working Group does not continue to exist at least as an informal body, there may be a tendency to revert to the perception that human trafficking does not exist in our state, or that there will not be a coordinated body through which to review, assess, and appropriately adjust and amend, if needed, outreach efforts, response to victims, data collection, and the effectiveness of the new statute. It is therefore recommended that a working group on human trafficking continue to monitor ongoing law enforcement training and ongoing coordination of services in human trafficking situations. It is not necessary that the working group meet frequently, but it is important that the working group meet on a regular basis, perhaps bi-annually, to monitor developments in the area of human trafficking.

5. MONITOR THE ACTIONS OF INTERNATIONAL MATCHMAKING ORGANIZATIONS TO DETERMINE IF STATE INTERVENTION OR REGULATION IS NECESSARY.

The Working Group did discuss this issue at some length, and is aware that an international matchmaking organization does exist in Maine and operates out of Bangor.

The Task Force on Human Trafficking recommended to the Legislature in its December, 2006 report that legislation be enacted requiring commercial international matchmaking or marriage organizations operating within Maine to inform clients overseas who may be matched with a customer in the United States, and customers in the United States, of the right to information of the customer's and client's criminal, marital, protection from abuse and other official records. A proposed statute which would have created Title 10, M.R.S. § 1151, was included as part of the Task Force's recommendation.¹ This legislation was not enacted by the 123rd Legislature. Rather, the issue of international matchmaking and whether the state should regulate or intervene in it in some way was referred to the Working Group for consideration.

The Working Group does not recommend enactment of this proposed legislation. It should be noted that a federal law already exists that deals substantially with the same issues that would have been addressed by the proposed state legislation. The International Marriage Broker Regulation Act (IMBRA, 8 USC § 1375(a)(d)(2))² requires each international marriage broker to search the National Sex Offender Public Registry or State Sex Offender Public Registry and to collect background information about a United States client, which information is to include any temporary or permanent civil protection order or restraining order issued against the United States client, any

¹ A copy of the legislation as proposed by the Human Trafficking Task Force is included in Appendix B of this report.

² A copy of IMBRA is included in Appendix C to this report.

federal, state or local arrest or conviction of the United States client for various crimes, the marital history of the United States client, the ages of any of the United States client's children who are under the age of eighteen, and information concerning the countries and states in which the United States client has resided since the client was eighteen years of age.

The federal law also imposes certain obligations on international marriage brokers with respect to informed consent by requiring the background information referred to above to be provided in the foreign national's primary language. Given the existence of this federal legislation, which essentially covers the area that was of concern to the Human Trafficking Task Force, the Working Group does not feel that further state legislation is needed.

6. DETERMINE WHETHER A SPECIAL TOLLING STATUTE BASED ON CULTURAL AND LINGUISTIC ISOLATION WOULD BE APPROPRIATE FOR PURSUING CIVIL REMEDIES UNDER THE MAINE REVISED STATUTES, TITLE 5, CHAPTER 337-C.

The Working Group does not recommend a special tolling statute based on cultural and linguistic isolation for the civil remedies provided in 5 M.R.S. § 4701. As it is presently written, the civil remedies statute provides for a ten-year statute of limitations and already tolls the running of that statute of limitations for any time period during which the plaintiff was either incompetent or a minor or for any time period due to conduct by the defendant of inducing the plaintiff to delay the filing of an action or preventing the plaintiff from filing an action or threats made by the defendant that caused duress to the plaintiff. The civil statute of limitations is also tolled during the time period that any criminal proceeding is pending.

In the view of the Working Group, the ten-year statute of limitations is sufficiently generous and the provisions allowing for tolling address those situations that can be demonstrated and are subject to proof. Linguistic and cultural isolation is a vague phrase. It would be difficult to know when it began and when it ended.

For these reasons, therefore, the Working Group does not recommend that an additional tolling statute be created based on cultural and linguistic isolation.

7. RECOMMENDATIONS

The legislation enacted as a result of the recommendations of the Human Trafficking Task Force did not produce a true human trafficking criminal statute, such as those that exist at the federal level and in other states. Rather, what Maine has is a modification of the kidnapping and criminal restraint statutes to deal with certain types of conduct that constitutes human trafficking.

The Working Group sees no urgent need at this time to create a stand-alone human trafficking law. Rather, the Working Group believes that over time the culture, both in law enforcement and in the service provider community, will change and there will be a greater recognition and awareness of the potential that certain conduct will constitute a human trafficking offense.

Maine's law on human trafficking does not deal specifically with juvenile victims, as do other states' statutes and the federal law on human trafficking. As our experience with human trafficking continues to grow and as law enforcement becomes more sensitive to the potential for seeing cases as human trafficking in nature, it may become necessary to specifically address the human trafficking of minors/juveniles.

The Working Group is also concerned that once the Working Group submits its report, there will be no established entity focused on issues concerning human trafficking. It is for that reason that the Working Group recommends that some type of organized, albeit informal, group continues to meet at regular intervals to monitor law enforcement training, the coordination of services to human trafficking victims and to continue focusing attention on other issues of relevance on the subject of human trafficking. It is anticipated that the Attorney General's Office will continue to be responsible for convening members of the Working Group, and other interested participants, for this purpose. It is recommended those members of the 2009 Working Group be invited to continue their participation in the Working Group so as to ensure continuity, preserve institutional memory and avoid duplication of effort. Among the issues that could be addressed by the Working Group is to extend its outreach efforts to those in the community who are most likely to encounter indications that human trafficking is occurring, such as post delivery persons, real estate agents, landlords and others.

The Working Group further recommends that training and public awareness on the issue of human trafficking be expanded beyond law enforcement and community service providers and include prosecutors, judges and defense attorneys as well as civic organizations and those in the medical profession such as doctors, nurses and ambulance personnel.

APPENDIX A

**PARTICIPANTS IN THE ATTORNEY GENERAL’S WORKING GROUP
ON HUMAN TRAFFICKING**

William R. Stokes, Deputy Attorney General, Attorney General’s Office
Lieutenant Thomas Kelly, Maine State Police
Jenna Stepp, Vineyard Church
Shawn Stepp, Maine Human Trafficking Coalition
Brandon Levesque, Vineyard Christian School Fellowship
Catherine Stakeman, National Association of Social Workers
Lieutenant Michael McGonagle, Lewiston Police Department
Professor Richard Mears, University of Maine at Augusta
Arian Giantris, Catholic Charities of Maine – Refugee and Immigration Services
Beth Stickney, Esq., Immigrant Legal Advocacy Project
Deborah Shepherd, Family Violence Project
The Honorable Laurent F. Gilbert, Sr., Mayor, City of Lewiston
Noel Bonam, Maine Office of Multicultural Affairs
Adam D. Higgins, Detective Sergeant, Lewiston Police Department
Destie Hohman Sprague, Maine Coalition Against Sexual Assault
Elizabeth Ward Saxl, Maine Coalition Against Sexual Assault
Tamar Mathieu, Rape Response Services and Penquis Law Project
Carey Dube, Maine Migrant Health Program
Jon Bradley, Preble Street
John B. Rogers, Director, Maine Criminal Justice Academy
Susan Stiker, Catholic Charities of Maine – Refugee and Immigration Services, Mental
Health Case Manager
Roxanne Genovese, University of Maine at Augusta
Sue Croteau, Zonta Club of Bangor
Alex Turallo, Zonta Club of Bangor
JoAnn Higgins, Zonta Club of Bangor
Polly Campbell, Director, Sexual Assault Forensic Examiner Program, Office of the
Attorney General
Holly Stover, Department of Health and Human Services, Office of Multicultural Affairs
Paul Plaisted, Justice Planning and Management Associates
Michael Bussiere, Chief, Lewiston Police Department
Regina Phillips, City of Portland Refugee Services
Juan Perez-Febles, Maine Department of Labor, Division of Migrant and Immigrant
Services
Sharon Leavitt, Zonta Club of Bangor

Dating Violence Prevention Efforts for Maine Youth

In response to Legislative Directive:
RESOLVE Chapter 99
LD 1105 – Resolve, To Facilitate
Training and Education on Dating Violence Prevention

Prepared by:
The Maine Department of Education

March 2010



Table of Contents

Resolve Chapter 99 LD 1105 3

Executive Summary 4

Summary of Recommendations 5

 Policy 5

 School Personnel Education and Training..... 6

 Student Education 6

Conclusion...Looking Forward..... 6

Detailed Recommendations..... 7

Appendix 14

 A. Resolve Chapter 99 LD1105, Response Work Group Contact List 14

 B. Meeting Minutes 16

 C. Feedback from students on dating violence education 22

 D. Data collected from YAAPP/Family Crisis Services Cumberland and
 Sagadahoc counties schools 24

 E. Partial List of Local Agencies Supporting Teen Dating Violence Prevention
 And the schools they have served..... 26

**Source materials available upon request from the Maine Department of Education,
Susan Berry at susan.berry@maine.gov**

- Texas Association of School Boards’ Austin Independent School District Board Policy Manual
- Massachusetts Department of Education Guidelines for Schools on Addressing Teen Dating Violence
- Recommendations from the New York State Office for the Prevention of Domestic Violence
- California Assembly Bill No. 589
- Lindsay Ann Burke Act, Rhode Island S-875
- List of schools by agency



RESOLVE Chapter 99 LD 1105, item 1, 124th Maine State Legislature

**Resolve, To Facilitate Training and Education
on Dating Violence Prevention**

Sec. 1 Review of policies and rules. Resolved: That the Department of Education shall review its policies and rules regarding faculty training and student education on dating violence prevention for students in grades 7 to 12 to determine the extent to which those policies and rules provide sufficient guidance to school administrative units on teaching and training basic principles and definitions of dating violence prevention, how to recognize dating violence warning signs, outlining actions and responses to dating violence, including communications with parents or legal guardians, and defining the characteristics of healthy, age-appropriate dating relationships. The review must also assess the extent to which school administrative unit policies address the issue of dating violence prevention, including the elements and consistency of those policies; and be it further

Sec. 2 Report. Resolved: That the Department of Education shall report to the Joint Standing Committee on Education and Cultural Affairs by March 1, 2010 on the findings of its review under section 1.

EXECUTIVE SUMMARY

Treasure Genaw, Jennifer Soto and Zoe Sarnacki. These women represent three names from the last decade of Maine homicides that are attributed to domestic violence. What makes their stories unique is that they were all victims of teen dating violence and they all had attended Maine schools. Treasure, a senior at Noble High School, was 17 when her ex-boyfriend chose to murder her. Jennifer was 17 and living in Portland when she met the man who would later end her life. Zoe had attended Lyman Moore Middle School and Deering High School. She was 18 last May, when her boyfriend brutally killed her. Results of the 2001 Maine Youth Risk Behavior Survey found that 12% of Maine high school students have been physically hurt by a dating partner in the past year; that number rose to 15.4% in the 2009 Survey. National dating violence experts confirm that many high school students will be in, or know someone who is in, an abusive relationship before they graduate. The percentage of students who reported they had ever been physically forced to have sexual intercourse increased from 7.8 % in 2001 to 10.7% in 2009¹. According to Maine law enforcement agencies, 67% of all sexual assault victimizations were against people under the age of 18². For adolescents, interventions that have been shown to effectively prevent and reduce the effects of partner violence and sexual assault include school-based programs that teach students about domestic violence and sexual assault, gender norms and stereotypes and their relationship to violence against women and alternative conflict-resolution skills.³ These interventions can only be met and enacted with the support of a school policy that identifies protocols and procedures for school board administrators, school faculty, student and parents, so they may all share in the responsibility of holding perpetrators accountable for their actions, supporting students who are at risk, and supporting victims who have been affected by dating violence at school.

Resolve Chapter 99 LD 1105 asks if current policies and practices around teen dating violence in Maine schools provide sufficient guidance to address this important issue. Members of the working group convened by the Department of Education found they do not. The recommendations put forth by the work group call for the establishment of a model school policy that will include school personnel awareness training, procedures and protocols for keeping students safe, and PreK – high school student education that provides age-appropriate knowledge and skills for healthy relationships, safety and prevention of violence. It is the hope of the work group that implementation of the report recommendations will create an environment in Maine schools where students are safe and empowered to seek support to leave abusive relationships safely and disclose abuse.

As charged by the 124th Maine Legislature, the Maine Department of Education (DOE), in collaboration with a host of interested agencies, organizations and individuals, carried out the directive of the aforementioned Resolve by conducting a review of existing policies and rules and found that there were no policies specific to dating violence prevention in State rules or statute. There are related policies and rules such as the Code of Conduct policy, the sexual harassment prevention rules and the violence prevention and intervention statute (Title 20A Part 1 Chapter 3 subchapter 2 section 262). Regarding faculty training, again, there are no specific State rules or statute; however SAUs are bound to keep all students safe and must receive training on sexual harassment. Looking at student education, dating violence prevention as outlined above is part of the Maine Learning Results: Parameters for Essential Instruction, (October 2007) Health Education Standards as well as identified supporting links in Social Studies. Some SAU staff do

receive dating violence prevention education and training, but agencies specializing in dating violence prevention report it is very limited. Some school personnel receive training through the Comprehensive School Health Education annual professional development program and others via suicide prevention Gatekeeper Training. The strongest area was the classroom curriculum. In middle and high schools across the state, age-appropriate dating violence prevention knowledge and skills are being taught within comprehensive health education coursework. Educational links to the Maine standards and performance indicators for Social Studies reinforce and expand the importance and teaching opportunities for dating violence prevention. The quality and consistency of what is being included in the curriculum, grade levels receiving the information, and how information and skill development are delivered are however, inconsistent and not monitored.

A work group was convened in December 2009 with representation from over 25 Maine agencies, organizations and interested parties involved in the prevention of dating violence and the promotion of healthy relationships. The work group members volunteered for three sub-committees (Policy, School Personnel Training, and Student Education), which examined existing resources and shortfalls, researched policies and practices in other states, and made the recommendations that are outlined in this document. (See Appendix A, Membership List and Appendix B, Meeting Minutes.) Many of the recommendations mirror laws, policies and guidelines established by other states in recent years. The sub-committees further concluded that that the term “school personnel” should be used to reference all employees working within a SAU, including but not limited to teachers, administrators, administrative assistants, food service staff, custodial staff, transportation staff and contracted personnel. A summary of the recommendations is next in the Executive Summary followed by detailed recommendations resulting from the work of each sub-committee with feedback from the full work group.

Summary of Recommendations

Policy recommendations:

A specific Teen Dating Violence Policy must be implemented at schools in Maine, grades 7-12.

The Policy must include the following:

- 1) Definitions
- 2) Prevention and Training
 - a. School Personnel Training
 - b. Student Education
 - c. General Awareness Education
- 2) Protocols for Responding to Dating Violence in Schools
 - a. Intervention in Schools
 - b. Protocols for School Interventions: School Personnel
 - c. Protocols for School Interventions: Administrators
 - d. Documentation of Incidents
 - e. Working with the Victims
 - f. Working with the Alleged Perpetrator
 - g. Working with the Bystanders
 - h. Notice to Parents/Guardians
 - i. Community Coordination

School Personnel Education and Training recommendations:

- 1) Establish or utilize a Crisis Response Team
- 2) Educate and train the Administrative Team on the laws and issues related to students experiencing dating violence and its impact on the learning environment
- 3) Educate Crisis Response Team on dating violence prevention
- 4) Crisis Response Team and Administration develop protocols in conjunction with local domestic violence prevention agencies
- 5) Educate school personnel on current protocols for reporting student concerns and crisis response protocols.
- 6) Require Teen Dating Violence Prevention and Awareness Training on dating violence and prevention for all school personnel and contracted personnel PreK – high school.
 - a. New hires must be trained during 1st year of employment
 - b. Training must be delivered at least every 2 years
 - c. School Boards should receive awareness presentations on a regular basis
- 7) SAUs Code of Conduct addresses issues of teen dating violence in the school board approved policy.
- 8) An optional Teen Dating Violence Prevention Awareness session is recommended for parents/guardians, coaches, the community, volunteers, school board members, etc...
- 9) Professional development for teachers responsible for the education of students about teen dating violence prevention

Student Education Recommendations:

- 1) Statewide public awareness and education campaign about teen dating violence and the importance of teen dating violence prevention education.
- 2) Education for students regarding teen dating violence prevention.
- 3) In addition to classroom curriculum, schools should consider providing additional educational opportunities
- 4) Establishment of Teen Dating Violence education, prevention and intervention resource webpage created and maintained by the Maine 211

Conclusion...Looking Forward

It is clearly evident from this Executive Summary that much thought and consideration went into the recommendations that have been put forth by the many representatives of the Resolve Chapter 99 LD 1105 Work Group to the Joint Standing Committee on Education and Cultural Affairs. Let it be known that a large percentage of the agencies, organizations and individuals, who came to the table to address Resolve Chapter 99 LD1105, made a commitment to seeing the recommendations moved forward by the Committee on Education and Cultural Affairs and brought to fruition.

¹ 2009 Youth Risk Behavior Survey Results , Maine High School Survey, Decade Trend Analysis Report (2001-2009).

² Maine Coalition Against Sexual Assault. *Statistics*. 2004. Retrieved January 5, 2010 from <http://www.mecasa.org/statistics.html>

³ Hester, Marianne & Westmarland, Nicole. *Tackling Domestic Violence: Effective Interventions and Approaches*. London: Home Office Research, Development and Statistics Directorate, 2005. Retrieved November 17, 2009 from <http://www.homeoffice.gov.uk/rds/pdfs05/hors290.pdf>

Detailed Recommendations

Following are the full recommendations from each of the three identified areas in the Resolve; *Policy, School Personnel Training, and Student Education.*

LD 1105 – Policy Sub-Committee Report

The Policy Sub-Committee makes the following recommendations:

A specific Teen Dating Violence Policy must be implemented at schools in Maine, grades 7-12.

Overview

The Teen Dating Violence Policy must include the following:

- 1) Definitions of dating violence, perpetrator, victim, etc...;
- 2) Prevention and Training for school personnel (including administrators, staff, contract personnel), students, and parents/guardians;
- 3) Protocols for Responding to Dating Violence in Schools

Section One: Definitions

1) *Teen Dating Violence Definition:*

Teen Dating Violence is defined as the intentional use of physical, sexual, verbal or emotional abuse or stalking by a person to harm, threaten, intimidated or control another person in a dating relationship. Teen dating violence is a pattern of coercive behavior that one partner exerts over the other for the purpose of establishing and maintaining power and control.

2) *Sexual Harassment Definition:*

As defined by Maine Statute and in existing policies

3) *Sexual Violence Definition:*

As defined by Maine Statute and in existing policies

4) *Bullying Definition:*

As defined by Maine Statute and in existing policies.

5) *Alleged Perpetrator Definition:*

A perpetrator is a person who uses coercive tactics to establish and maintain power and control over a dating partner. Perpetrators may come from any cultural, educational, religious or economic stratum of society. A perpetrator's background is never grounds to justify the abuse. An alleged perpetrator is an individual who has been accused of exhibiting harassing or violent behaviors toward another individual or an individual who has been suspected of such behaviors.

6) *Victim Definition:*

A victim is the target of the alleged perpetrator's coercive and/or violent acts. Victim safety is a top priority of any dating violence policy.

Section Two: Prevention and Training

Prevention and Training begin with modeling respectful behavior. The Policy should include guidelines for training, as follows, and as recommended in the sub-committee reports for School Personnel Education and Training and Student Education:

- 1) **School Personnel Education and Training:**
Must receive training at least every other year for all school personnel, including administrators and contracted employees. New hires must receive training within the first year of employment.
- 2) **Student Education:**
Teen dating violence prevention education must be included in the Health Education curriculum and other appropriate disciplines. Evidence-based curriculum programs are preferred in collaboration with existing local resources.
- 3) **General education and awareness for Parents/Guardians, coaches, the community, school board members, volunteers, etc...**

Training should include the following: how to recognize dating violence warning signs; confidentiality issues; victim safety; state laws pertaining to interpersonal violence; information about local resources; protocols for actions and responses to dating violence; including communications with parents/guardians with sensitivity to culturally specific responses; and the characteristics of healthy, age-appropriate dating relationships.

Section Three: Protocols for Responding to Dating Violence in Schools

1) Intervention in Schools

The protocol must include procedures to determine when school resource officers and other law enforcement officials should be notified, participate in the intervention, and refer the incident to the juvenile justice system. This protocol must also include procedures for compliance with Maine law requiring mandated reporting of incidents. Confidentiality is an essential component of victim safety; school policies consistent with state and federal laws should be developed.

2) Protocol for School Intervention: School Personnel

Districts provide schools with protocol for staff members responding to an incident of dating violence between students occurring anywhere at school.

3) Protocol for School Intervention: Administrators

Administrators' duties include informing students, parents/guardians and school personnel of a student's right to make a complaint for incidents of dating violence.

4) Documentation of Incidents

- a. Separate category within existing documentation of Incidents Policy
- b. Description of incident: what, when, where, witnesses
- c. Victim and alleged perpetrator information, including class schedules, group and club memberships and school activities
- d. Disciplinary and accommodation recommendations, including changes to class schedules
- e. Response actions taken, including safety planning, referrals for services and disciplinary actions
- f. Incident updates, including response to disciplinary actions, alleged perpetrator compliance, utilization of referrals for services, reviews of safety plans, and status reports from the victim, including further referrals for services

5) Working with the Victims

Victim safety is top priority of a dating violence prevention program. The policy for working with victims should include the following components:



- a. Conference with the victim and parent/guardian, when appropriate. Consider any necessary culturally specific sensitivity.
- b. Identify immediate actions that should be taken to increase the victim's safety and ability to participate in school without fear or intimidation. If changes need to be made, attention may be given to the victim's preference. The burden for any bus, classroom or other schedule changes should be on the alleged perpetrator.
- c. Inform the student and parent/guardian of school and community resources as needed, including their right to file charges or seek legal protection.
- d. Encourage the student to report further incidents.
- e. Tools for ensuring victim safety include safety plans for the victim, court-issued Protection from Abuse or Harassment Orders which must be enforced in schools, and school-based alternatives to Protection from Abuse Orders. Inform the victim of her or his right to request a "Stay-Away Agreement." The "Stay-Away Agreement" provides a list of conditions that must be followed by the alleged perpetrator while on school grounds or at school-sponsored activities.
- f. Monitor the victim's safety as needed. Whenever possible, face to face contact between the victim and alleged perpetrator should be avoided.
- g. Document the meeting and any action plans on a complaint form.
- h. Store all complaint forms in a separate, confidential file and document subsequent follow-up actions and complaints on a complaint form.
- i. Victims have the right to have a support person present during all stages of the investigation.

6) *Working with Alleged Perpetrators*

The policy for working with alleged perpetrators should include the following components:

- a. Conference with the alleged perpetrator and parent/guardian, when appropriate, in a way consistent with state laws governing questioning of juveniles. Consider any necessary culturally specific sensitivity.
- b. Investigate the reported incident pursuant to school Code of Conduct and make required findings before imposing disciplinary consequences.
- c. Delineate expectations for positive behavior.
- d. Identify and implement disciplinary and other actions and consequences that will be taken to prevent further incidents.
- e. Inform the alleged perpetrator and parent/guardian of help and support available at school or in the community as needed.
- f. Address the seriousness of retaliation against the victim for reporting the incident or cooperating with the investigation.
- g. Increase supervision of the alleged perpetrator as needed.
- h. Document the meeting and action plans on a complaint form.

7) *Working with Bystanders*

- a. Educate students on how to respond to issues of dating violence they may witness.
- b. Develop a culture that does not tolerate teen dating violence, and encourages safe disclosure.

8) *Notice to Parents/Guardians*

- a. Inform the student's parents/guardians of the school district's dating violence policy.
- b. Involve parents/guardians in individual cases as outlined above.

9) *Community coordination*

Include Appendix with community resources/organizations

LD 1105 – School Personnel Education and Training Sub-Committee Report

The School Personnel Education and Training sub-committee met on January 6, 2010. The committee reviewed the Resolve and the information collected by the work group at the December 1, 2009 work session. (See Appendix B) The challenge was to determine what to do for school personnel that would be effective, reasonable and “doable” in terms of Teen Dating Violence Prevention education, awareness and intervention.

The sub-committee recommends the following:

- 1) Establish or utilize a Crisis Response Team
- 2) Educate the Administrative Team on the laws and issues related to students experiencing dating violence and the impact on the learning environment. Possible venues include but are not be limited to:
 - a. Maine School Management Association
 - b. Maine Principals Association
 - c. Curriculum Coordinator Conference
 - d. Maine Association for Health Physical Education Recreation and Dance (MAHPERD)
 - e. Comprehensive School Health Education Conference
 - f. Online education
- 3) Educate Crisis Response Team on dating violence prevention
- 4) Crisis Response Team and Administration develop protocols in conjunction with local domestic violence prevention agencies. Align protocols to other policies and procedures related to safe environment (safe and unsafe places and times in school, safety planning code of conduct, sexual harassment, etc...)
- 5) Educate and train school personnel (including contracted personnel) on current protocols for reporting student concerns and crisis response to issues such as,
 - a. Dating violence prevention
 - b. Suicide prevention
 - c. Bullying prevention
- 6) Require Teen Dating Violence Prevention and Awareness Training on dating violence and prevention for all school personnel and contracted personnel PreK – high school. Though dating violence prevention is focused on education for grades 7 – 12, the personal and educational impact of dating and domestic violence can affect family members, friends, and trusted adults throughout a school system. Therefore school personnel throughout the SAU need training. In addition, students need to be educated in the knowledge and skills for prevention from a very early age.
 - a. All new hires should be trained within the first year of employment
 - b. Training must be delivered at least every 2 years
 - c. Trainings should be organized to reach all members of the school community, including educators, administrators, resource officers, health services staff, custodial and food service staff, education support staff, transportation staff, etc...
 - d. Trainings should be facilitated by a school staff person (i.e. guidance counselor, school nurse, health education teacher) and a representative from a community agency that focuses on domestic and dating violence prevention and related issues such as rape crisis centers, sexual assault prevention agencies, etc... (See partial list of potential community agency resources in Appendix E)



- e. Allow at least 45 minutes to deliver education and awareness training during a school personnel in-service/staff meeting
- f. School Boards should receive teen dating violence prevention awareness presentations on a regular basis
- g. Required Teen Dating Violence Prevention awareness presentation would include:
 - i. Defining and examining the issue of teen dating violence and prevention
 - ii. Learning to recognize dating violence warning signs
 - iii. Understanding the laws regarding confidentiality
 - iv. Reviewing the laws pertaining to interpersonal violence
 - v. Identifying help resources
 - vi. Outlining actions, and responses to dating violence including communications with parents/guardians
 - vii. Defining the characteristics of healthy, age-appropriate dating relationships
 - viii. Establishing appropriate school-based interventions
 - ix. Providing support for the bystander
 - x. Understanding the effects of domestic violence on children
 - xi. Learning how to support a colleague experiencing domestic violence
 - xii. Understanding of cultural competencies, gender issues and the needs of the underserved populations
- 7) SAUs Code of Conduct addresses issues of dating violence in the school board approved policy. (All Maine SAUs must have a Code of Conduct by law, Title 20A Sec. 1001)
- 8) An optional teen dating violence prevention awareness session is recommended for parents/guardians, coaches, the community, volunteers, school board members, etc...
- 9) Professional development needs to be provided for teachers responsible for the education of students about teen dating violence prevention. Information should align with the information presented in school health education curriculum. Possible venues include but are not limited to:
 - a. Maine Association for Health, Physical Education, Recreation and Dance (MAHPERD) Annual Conference
 - b. Department of Education Comprehensive School Health Education (CSHE) Spring Conference
 - c. Comprehensive Sexuality Education Conference (FPA/MDOE/MCDC)
 - d. Maine School Counselors Association Conference
 - e. Maine Counseling Association Conference
 - f. Maine School Nurses Association
 - g. Online education opportunities

LD 1105 – Student Education Sub-Committee Report

Student Education regarding Teen Dating Violence Prevention

The Maine Department of Education convened one Student Education sub-committee meeting with the task of identifying existing resources, providers and services regarding student education that addresses teen dating violence prevention and developing recommendations for student education regarding teen dating violence prevention. The group examined work completed at the prior full group meeting which included services already in place for students in schools, primary providers of dating violence prevention instruction and ways to expand and enhance what currently exists. (See Appendix B)

Understanding that all students in grades 7 - 12 need education regarding dating violence prevention; the sub-committee identified alignments to the Maine Learning Results: *Parameters for Essential Instruction* standards and performance indicators for Health Education and Social Studies that support the inclusion of dating violence prevention in the classroom.* Although standards and performance indicators of the Maine Learning Results exist, instruction is not ensured. The sub-committee made the following recommendations to enhance consistency of dating violence prevention education.

- 1) Statewide public awareness and education campaign about teen dating violence and the importance of teen dating violence prevention education. Audiences would include but not be limited to:
 - a) Youth
 - i) Civil Rights Teams
 - ii) Gay/Straight Alliances
 - b) Alternative education programs
 - c) Co-curricular activity/athletic advisors and coaches
 - d) Colleges
 - e) Guidance counselors
 - f) Parent organizations
 - g) Parents
 - h) School administrators
 - i) Maine School Management Association
 - ii) Maine Principals Association
 - i) School boards
 - j) School health services
 - k) School resource officers
 - l) School staff including:
 - i) Educational technicians
 - ii) Food service
 - iii) Custodial
 - iv) Transportation
 - v) Administrative support/secretarial
 - vi) Technology support
 - m) Social workers
 - n) Teachers
- 2) Education for students regarding Teen Dating Violence Prevention that will include:
 - a) Examining the dynamics and definitions of dating violence and dating violence prevention
 - b) How to recognize dating violence warning signs
 - c) Identifying societal expectations of males and females that contribute to violence and abuse, including cultural and gender issues.
 - d) Examining the role of media in supporting gender stereotypes and how these stereotypes can contribute to abuse and violence
 - e) Exploring how teens can help themselves or a friend, access legal, medical, mental health and other support services
 - f) Identifying the role of the bystander in prevention and/or intervention of potentially abusive relationships
 - g) Defining healthy and respectful behaviors in relationships

- h) Outlining school actions and responses to dating violence, including communications with parents/legal guardians
- 3) In addition to classroom curriculum, schools should consider providing additional educational opportunities such as peer training programs, special seminars, video or theater presentations combined with discussion groups, or workshops
- 4) Establishment of Teen Dating Violence education, prevention and intervention resource website created and maintained by the Maine 211 with input from the Maine Department of Education and representatives from State agencies addressing domestic and teen dating violence prevention

* The following standards and performance indicators from the Health Education and Social Studies sections of the Maine *Learning Results: Parameters for Essential Instruction* support the inclusion of Dating Violence Prevention Education.

Health Education Standards and Performance Indicators

- Grades 6-8
 - A1, A2, A4, A6, B1, B2, C1, C2, C3, D1, D2, D3, E1, E2, F1
- Grades 9-Diploma
 - A1, A2, A4, A6, B1, B2, C1, C2, C3, D1, D2, D3, E1, E2, F1, F2, F3

Social Studies Standards

- Grades 6-8
 - A1, A2, A3, B2, D2, E1, E2
- Grades 9-Diploma
 - A1, A2, A3, B1, B2, C1, D2, E1, E2

Appendix A

Resolve Chapter 99 LD1105, Response Work Group Contact List

Work group members	Affiliations	Phone	Email
Faye Luppi	Violence Intervention Partnership	871-8384	luppi@cumberlandcounty.org
Holly Stover	DHHS – Office of the Commissioner	287-4240	Holly.Stover@maine.gov
Rep. Joe Wagner	Legislature	284-1400	Jwagner1980@roadrunner.com
Rosemary Kooy	Safe Schools/Healthy Students (L/A)	779-4100 ext. 248	rkooy@lewistonpublicschools.org
Destie Hohman-Sprague	MECASA	626-0034	destie@mecasa.org
Sandy Lovell	FPA	772-3841	slovell@fpam.org
Jean Zimmerman	DOE/HIV	624-6687	jean.zimmerman@maine.gov
Stacey Vannah	SAD 75	729-2951	vannahs@link75.org
Susan Lieberman	Keeping Maine’s Children Connected	822-0172	Susan.lieberman@maine.gov
Courtney Beer	Kids Legal/Pine Tree Legal	774-8246 ext. 1269	cbeer@ptla.org
Nora Morse	NAMI of Maine	622-5767	nora@namimaine.org
Jackie Dupont	Hardy Girls Healthy Women	861-8131	Jackie@hghw.org
Leslie Hyde	Maine Teen Talk	699-2464	lhyde@maineteentalk.org
Kelly Jackson	MCDC	287-5136	Kelly.Jackson@maine.gov
Cheryl DiCara	MCDC	287-5362	Cheryl.M.DiCara@maine.gov
Charlotte Bates	MSMA	622-3473	cbates@msmaweb.com
Jayne Chase	MDOE	624-6657	Jayne.chase@maine.gov
Jill Barkley	MCEDV	430-8334	jill.barkley@mcedv.org
Debbie Chasse	MADE		dchasse5@maine.rr.com
Nancy Dube	MDOE/School Nursing	624-6688	Nancy.dube@maine.gov
Shelley Reed	MDOE	624-6637	Shelley.Reed@maine.gov
Chris Galgay	MEA	622-5866	cgalgay@nea.org
Jennifer Clapp	Caring Unlimited	490-3227 ext. 103	jenniferfc@caring-unlimited.org
Karen Wentworth	Family Crisis Services	767-4952 ext. 202	karen_w@familycrisis.org
KT Crossman	Family Crisis Services	767-4952 ext. 108	kt_c@familycrisis.org
Shannon King	MCDC/DHHS	287-4577	Shannon.king@maine.gov
Jason LeBlanc	Family Violence Project	848-0941	jasonl@familyviolenceproject.org
Tina Panayides	SA/DV Consultant	729-8757	tina@tpanlaw.com
Catherine Yomoah	DHHS	287-5737	Catherine.yomoah@maine.gov
Fatuma Hussein	United Somali Women of Maine	753-0061	fhussein@uswofmaine.org
Layne Gregory	Boys to Men	774-9994	boystomen@maine.rr.com
Jeff Morrill	Boys to Men	774-9994	jeffb2m@gmail.com
Diane Hitchcock	USM Muskie School Portland VAWA ME	780-4475	dhitchcock@usm.maine.edu



Brandon Baldwin	Civil Rights Team Project	626-8548	Brandon.baldwin@maine.gov
Lauren Sterling	Governor's Children's Cabinet	287-4349	Lauren.sterling@maine.gov
Ansley Newton	DOE/SAT	624-6685	Ansley.newton@maine.gov
Jean Zimmerman	DOE/HIV Education Specialist	624-6687	Jean.zimmerman@maine.gov
David Stockford	DOE/Special Services	624-6650	David.Stockford@maine.gov
Peter Spears	DOE/Health Education	624-6697	Peter.spears@maine.gov
Susan Berry	DOE/Health Education	624-6695	Susan.berry@maine.gov