

Great Lakes Children's Defense League

_____, Chief Legislative Liaison

Testimony Regarding HB 4071 *Abuse of a Vulnerable Child*

I am grateful for this opportunity to represent the GLCDL in support of this important legislation for the protection of citizens who are incapable of protecting themselves, specifically, non-verbal minors. The need for this particular law is dramatized by recent developments in Lenawee County, where several victims of child abuse were incapable of telling anyone what had happened to them. In this instance, three employees of the ProMedica Center for Autism were found to have abused four children in their care.

The abuse included the children being smacked in the face if they were loud or uncooperative, having things thrown at them, and clothing taken off roughly. These were not situations of a one-time instance where a staff member struck a child. They were matters of ongoing abuse. The incidents were captured on video and initially reported to the parents of one of the boys by a center staff member.

The prosecutor knew she could not prove the children suffered mental harm because they could not speak to say what harm had been done to them. Children who can talk are at an advantage under the current law because they are able to report the abuse so that it can be addressed. Non-verbal children are, thus, much more susceptible to people who might be temperamentally prone to abuse.

The law currently provides for the admission of hearsay evidence because, for example, a shaken baby is too young to be able to speak. In the case of the Promedica staffers, the prosecution was not able to use any of the statements that the parents were able to articulate on behalf of their children because they did not fit under a hearsay exception.

Rather than writing an entirely new statute, HB 4071 would define such vulnerable children and enact enhanced sentencing guidelines to provide penalties greater than what is currently available for those individuals convicted of abusing them so that prosecutors and judges would have the proper tools to ensure the punishment fits the crime. This would create a deterrent against others committing similar acts to what happened at the autism center.

The Bible says, "Diverse weights and diverse measures, they are both alike, an abomination to the LORD." Unequal protection under the law is such an abomination. We already have laws concerning the abuse of vulnerable adults; similar protection should be extended to vulnerable children. It is simply a matter of justice. I urge this Committee to favorably report HB 4071 for passage into law.