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STATE OF MAINE
DEPARTMENT OF HUMAN SERVICES
AUGUSTA, MAINE 04333

DAVID E. SMITH
COMMISSIONER

August 2, 1976

To: Members of the Maine Commission to Revise
Statutes Relating to Juveniles

From: David E. Smith, Commissioner *DES*
Department of Human Services

Subject: Attached Position Paper

Attached is a position paper prepared by staff
of the Department of Human Services.

DES/hsf
Attachment

The Juvenile Justice System in Maine is not an integrated one which incorporates Social, Legal and Criminal Justice Systems into a unified whole. Instead it is a system composed of three or four distinct agencies each providing its own service independently of the others. The results are that youth and their families are not receiving services needed, and a spirit of competitiveness even occasionally hostility exists among the various components of the system, making cooperation difficult at best. Because the Department of Human Services is concerned about the welfare of Maine youth, and is a significant part of the Juvenile Justice System, Departmental Staff were recently requested to identify those problems they felt were interfering in serving youth and their families. Following are specific problems identified:

1. Status offenders (truants, incorrigibles, runaways, etc.) are legally considered juvenile delinquents and may be brought before Juvenile Courts. However, there is no clearly established way that these juvenile offenders can have access to the network of rehabilitative services available.
2. No state agency is mandated nor funded to serve juvenile delinquents (including status offenders). In fact, the various state agencies attempt to find ways to force others to provide needed services.
3. There are not enough services available to attempt to rehabilitate offenders, and those that are available tend to be the more traditional ones of counseling and residential treatment rather than those more suited to serve today's troubled youth (halfways houses, runaway shelters, closed settings, subsidized-specialized foster homes and special services for drug and alcohol related problems).
4. There are inadequate diagnostic services available to make it possible to identify individual youth problems with specific recommendations regarding treatment.
5. Juvenile Court proceedings are not uniformly handled. Though pre-dispositional plans tend to be more uniform, differences exist in the dispositional phase itself. For example, involved agencies do not always receive proper notice regarding a hearing, services provided by a given agency are not always appropriately utilized, diagnostic material is not always made available, etc.
6. Preventive Services - services aimed at preventing youth getting into trouble or of reducing recidivism are scarce or almost non-existent. Youth are frequently placed out of their homes and communities creating serious problems when the youth is ready to be returned to them. During the period of time the youth is out of the community, no agency attempts to assist the family.

Though there are other problems which could be identified, these were the ones most frequently identified by agency staff. As serious as these problems are, it is possible to resolve them and to change the existing Juvenile Justice System. However, the resolutions and changes will not be easy and will cost money. Some of the more obvious changes that would have to be made are:

1. The greatest need is to develop a truly integrated Juvenile Justice System which makes available to all juvenile offenders those rehabilitative services needed by them - this includes social, legal and criminal justice (training

centers, probation and parole). Without a family court system, this integrated system has to depend on all participant agencies - knowing what their role is, being mandated to carry out their responsibility, and with each being properly funded to provide services.

2. Another change has to be the development of a greater variety of services aimed at meeting current needs of youth with problems. No longer are the more traditional services serving the majority of youths with problems; they have to be supplemented by more innovative ones. However, these newer services should only be developed following a comprehensive assessment of the types of problems needing resolution.
3. Before the number of youth appearing before courts, either as first or repeat offenders can be reduced, a system of preventive family oriented services has to be established. Currently, child protective services are provided only after documented abuse or neglect occurs. Frequently this means exposure of the child to emotionally-socially damaging experiences, which in turn make rehabilitation more difficult and in some instances impossible.
4. Diagnostic services have to be made readily available to assist in the dispositional phase of juvenile court proceedings. The court has to have the ability to determine which youth can best benefit from rehabilitative treatment and those requiring incarceration or placement in closed settings. Proper treatment planning for any child can only occur when proper diagnosis or evaluation has preceded it.
5. Juvenile statute changes are required to fully serve youth in trouble. A few examples are: a - more dispositional alternatives have to be made available to courts, b - involved agencies have to be given proper notice, and perhaps an opportunity to participate at dispositional hearings, c - definitions of terms such as "supervision" should be incorporated into statutes, d - specific agencies' responsibilities should be spelled out in statutes, e - greater clarification of the legal relationship between the youth and the agency serving him has to be developed.
6. A final comment seems appropriate in this position statement, and it is primarily a philosophical one. We continue to expand the "rights of children," giving increasing recognition of their being almost adult. The question then arises - what should society accept as appropriate behavior from these near adult juveniles? Is there some behavior currently viewed as delinquent when committed by a youth which perhaps should simply be acceptable as young adult behavior? This confusion as to what is appropriate behavior for "young adults" will continue to hamper efforts to establish a truly effective juvenile justice system in Maine.

D. Smith 8/5/76

Responsibility ill-defined; buck passed (esp. tough ones)

Consolidate DHS & Juv. aspects of Mental Health ←