

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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Legislative Document

No. 740

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H.P. 482

House of Representatives, February 25, 2025

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**An Act to Establish a Comprehensive Program to Divert Youth  
from the Criminal Justice System and Address Their Needs**

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative LOOKNER of Portland.  
Cosponsored by Senator LAWRENCE of York and  
Representatives: BRENNAN of Portland, GATTINE of Westbrook, GRAMLICH of Old  
Orchard Beach, HASENFUS of Readfield, MCCABE of Lewiston, MILLIKEN of Blue Hill,  
Senators: BENNETT of Oxford, MOORE of Washington.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 15 MRSA §3204**, as amended by PL 2019, c. 220, §§1 and 2, is further  
3 amended by enacting after the 4th paragraph a new paragraph to read:

4 Statements of a juvenile or of a juvenile's parents, guardian or legal custodian made to  
5 a law enforcement officer or juvenile community corrections officer related to determining  
6 whether to refer the juvenile to the Department of Health and Human Services for a juvenile  
7 needs assessment pursuant to section 3207 are not admissible in evidence at an adjudicatory  
8 hearing against that juvenile if a petition based on the same facts is filed prior to, in  
9 conjunction with or subsequent to referral pursuant to section 3207.

10 **Sec. 2. 15 MRSA §3207** is enacted to read:

11 **§3207. Diversion; juvenile needs assessment**

12 **1. Pre-petition referral.** A law enforcement officer who has probable cause to believe  
13 that a juvenile has committed a juvenile crime or a juvenile community corrections officer  
14 to whom a juvenile has been referred may, without taking the juvenile into custody and  
15 prior to placing the juvenile under arrest or prior to filing a petition, refer the juvenile to  
16 the Department of Health and Human Services, referred to in this section as "the  
17 department," for a juvenile needs assessment pursuant to this section. A juvenile referred  
18 to the department for a juvenile needs assessment may be released into the custody of the  
19 juvenile's parents, guardian or legal custodian at the time of referral.

20 This section may not be construed to prohibit a law enforcement officer from taking into  
21 custody a juvenile who is found violating any law, whose arrest would be permissible under  
22 section 3201, who is reasonably believed to be a fugitive from justice or whose  
23 circumstances endanger the juvenile's person or welfare unless immediate action is taken.

24 **2. Informing of assessment; consent required.** Prior to referring a juvenile to the  
25 department for a juvenile needs assessment pursuant to this section, a law enforcement  
26 officer or juvenile community corrections officer shall inform the juvenile and the  
27 juvenile's parents, guardian or legal custodian about the purpose and procedures of the  
28 juvenile needs assessment.

29 A. If, after being informed, the juvenile and the juvenile's parents, guardian or legal  
30 custodian consent to the department's conducting the juvenile needs assessment, the  
31 law enforcement officer or juvenile community corrections officer shall refer the  
32 juvenile to the department for this purpose.

33 B. If, after being informed, the juvenile or the juvenile's parents, guardian or legal  
34 custodian do not consent to the department's conducting the juvenile needs assessment,  
35 the law enforcement officer or juvenile community corrections officer may report the  
36 denial of consent to the prosecutor and the Juvenile Court to which a petition is  
37 submitted and proceed with arrest, detention, nonsecure placement or release of the  
38 juvenile into the custody of the juvenile's parents, guardian or legal custodian, as  
39 appropriate.

40 **3. Juvenile needs assessment.** The juvenile needs assessment conducted by the  
41 department pursuant to this section must be based on and informed by high-fidelity  
42 wraparound principles. The assessment must be conducted by persons with comprehensive  
43 training in the use of the evidence-based, strength-based needs assessment instrument

1 designed for holistic, comprehensive assessment of behavioral and emotional needs, child  
2 life functioning, child risk behaviors, ethnic and cultural factors, child strengths, caregiver  
3 strengths and family needs. The juvenile needs assessment must be designed to identify the  
4 supports and services needed to promote child and family well-being and to inform the  
5 development of an individual wraparound plan that specifies the goals and action to be  
6 taken to address the medical, educational, social therapeutic or other services needed by a  
7 juvenile and the juvenile's family.

8 **4. Timing of assessment; applicability of previous assessment.** The department shall  
9 complete a juvenile needs assessment pursuant to this section within 60 days following  
10 referral of a juvenile to the department. If a juvenile needs assessment was completed for  
11 the juvenile pursuant to this section within the 6 months prior to referral, the department  
12 shall provide the referring law enforcement officer or juvenile community corrections  
13 officer with the report and recommendations created pursuant to subsection 5 from that  
14 prior assessment.

15 **5. Report and recommendations.** After conducting a juvenile needs assessment  
16 pursuant to this section, the department shall create a report outlining the scope of the  
17 assessment that was conducted with specific recommendations regarding whether a petition  
18 should be filed and recommendations for supports and services. The report and  
19 recommendations must be provided to the juvenile and the juvenile's parents, guardian or  
20 legal custodian, the juvenile's attorney and the law enforcement officer or juvenile  
21 community corrections officer who recommended referral of the juvenile to the department  
22 in accordance with subsection 1.

23 **6. Referral to coordination services.** If the juvenile needs assessment report pursuant  
24 to subsection 5 concludes that the juvenile has complex behavioral health needs and is at  
25 risk of residential, hospital or secure placement or is already involved in multiple service  
26 systems, the department shall refer the juvenile and juvenile's parents, guardian or legal  
27 custodian to high-fidelity wraparound care coordination services.

28 **7. Petition following assessment.** If a petition is filed following a juvenile needs  
29 assessment conducted pursuant to this section, prior to filing the petition, the law  
30 enforcement officer or juvenile community corrections officer who referred the juvenile to  
31 the department and the prosecutor filing the petition shall review the department's report  
32 and recommendations created pursuant to subsection 5 to screen the juvenile for  
33 participation in other available voluntary services or diversion programs.

34 **8. Petition prior to assessment.** A petition may be filed prior to or in conjunction with  
35 the juvenile's referral to the department and completion of the juvenile needs assessment  
36 pursuant to this section if the prosecutor or arresting law enforcement officer or juvenile  
37 community corrections officer who referred the juvenile to the department determines that  
38 there is a need to request an order from the Juvenile Court for immediate detention or  
39 nonsecure placement to protect the safety of the juvenile or the public. If such a petition is  
40 filed and a juvenile is referred to the department for a juvenile needs assessment in  
41 accordance with this section, the petitioner must identify the reasons for which diversion  
42 was not an appropriate disposition prior to seeking court involvement. If the petition is filed  
43 prior to the referral and juvenile needs assessment, and the juvenile has not had a juvenile  
44 needs assessment pursuant to this section in the prior 6 months, the department shall  
45 conduct the juvenile needs assessment and create a report and recommendations pursuant

1 to subsection 5. The report and recommendations created pursuant to this subsection are  
2 subject to use in adjudicatory proceedings in accordance with subsection 9.

3 **9. Use of report and recommendations in adjudicatory proceedings.** Absent the  
4 consent of the juvenile following consultation with counsel, the report and  
5 recommendations developed pursuant to subsection 5, any additional documents and  
6 records and any statements made by the juvenile or others providing information for the  
7 purpose of a juvenile needs assessment pursuant to this section cannot be used for any  
8 purpose by a law enforcement agency during any portion of its investigation and such  
9 evidence is not admissible in any subsequent adjudicatory hearing pertaining to the  
10 juvenile. Upon any ruling made at an adjudicatory hearing, the report and recommendations  
11 may, with the consent of the juvenile following consultation with counsel, be used at the  
12 dispositional hearing and subsequent hearings for the purpose of determining appropriate  
13 supports and services for the juvenile.

14 **Sec. 3. Implementation stakeholder group.** The Department of Health and  
15 Human Services shall convene an implementation stakeholder group to assist in the  
16 implementation of the juvenile needs assessment established in the Maine Revised Statutes,  
17 Title 15, section 3207. The group shall develop processes to educate and train relevant  
18 persons and entities in all matters related to the juvenile needs assessment, including the  
19 purpose of the juvenile needs assessment, and in procedures for its use. Relevant persons  
20 and entities must include, but are not limited to, law enforcement officers, law enforcement  
21 agencies, juvenile community corrections officers, prosecutors involved in the juvenile  
22 justice system, defense attorneys who represent juveniles in petition proceedings,  
23 behavioral health staff within the department, judges and advocates and other community  
24 members. Membership of the implementation stakeholder group must include, at a  
25 minimum, the following:

- 26 A. The medical director of children's behavioral health services within the Department  
27 of Health and Human Services, Office of Child and Family Services;
- 28 B. The Associate Commissioner for Juvenile Services within the Department of  
29 Corrections;
- 30 C. A law enforcement educator;
- 31 D. A prosecutor involved in the prosecution of juvenile crimes in this State;
- 32 E. A defense attorney involved in representing juveniles in petition hearings in this  
33 State;
- 34 F. A judge or justice with experience in juvenile justice proceedings;
- 35 G. A representative of a restorative justice program or other program designed to divert  
36 juveniles from the juvenile justice system;
- 37 H. A person with expertise and experience in promoting the interests of youths  
38 involved in the juvenile justice system; and
- 39 I. A person with expertise and experience in child development and the developmental  
40 approach to juvenile justice reform.

41 **Sec. 4. Effective date.** That section of this Act that amends the Maine Revised  
42 Statutes, Title 15, section 3204 and that section of this Act that enacts Title 15, section  
43 3207 take effect January 1, 2026.

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## SUMMARY

2           This bill establishes a process allowing a law enforcement officer who has probable  
3 cause to believe that a juvenile has committed a juvenile crime, or a juvenile community  
4 corrections officer to whom a juvenile has been referred, to refer the juvenile to the  
5 Department of Health and Human Services for a juvenile needs assessment designed to  
6 identify the supports and services needed to promote child and family well-being and  
7 actions to be taken to address the medical, educational, social therapeutic or other services  
8 needed by the juvenile and the juvenile's family. The assessment must be conducted by  
9 persons with comprehensive training and must be completed within 60 days following  
10 referral of the juvenile to the department. If a juvenile needs assessment was completed for  
11 the juvenile within the 6 months prior to referral, the department must provide that report  
12 to the law enforcement officer or juvenile community corrections officer. The bill also  
13 requires that if the assessment reveals that the juvenile has complex behavioral health needs  
14 and is at risk or is already involved in multiple service systems, the department must refer  
15 the juvenile and the juvenile's family to high-fidelity wraparound care coordination  
16 services.

17           The bill also establishes requirements for issuing petitions regarding a juvenile when  
18 that petition is being issued prior to or in conjunction with a referral for a juvenile needs  
19 assessment and following a juvenile needs assessment. The bill also establishes criteria for  
20 the use of the report and recommendations based on the juvenile needs assessment in  
21 adjudicatory hearings and stipulates that statements made by the juvenile or the juvenile's  
22 parents, guardian or legal custodian related to the juvenile needs assessment are not  
23 admissible as evidence in adjudicatory hearings.

24           The bill also directs the Department of Health and Human Services to establish an  
25 implementation stakeholder group to assist in the implementation of the juvenile needs  
26 assessment and train relevant persons and entities on all matters related to the juvenile  
27 needs assessment.

28           The portion of the bill establishing the implementation stakeholder group takes effect  
29 upon enactment of this legislation, and the portions of the bill establishing the juvenile  
30 needs assessment become effective January 1, 2026.