

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 1338

7
8 H.P. 932

House of Representatives, April 19, 1985

9 Reported by Representative Nelson from the Commission to Examine the
10 Availability, Quality and Delivery of Services Provided to Children with
11 Special Needs pursuant to Resolve 1983, Chapter 47, as amended by Resolve
1983, Chapter 86 and printed pursuant to Joint Rule 18.

EDWIN H. PERT, Clerk

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 Resolve, Relating to Improved Delivery of
19 Services to Juvenile Justice Clients.
20

21 Emergency preamble. Whereas, Acts and resolves
22 of the Legislature do not become effective until 90
23 days after adjournment unless enacted as emergencies;
24 and

25 Whereas, the juvenile justice system currently
26 lacks sufficient resources to intervene effectively
27 to maintain juveniles in their homes and communities
28 except in instances involving the protection of the
29 community; and

30 Whereas, the knowledge of placement procedures
31 and resources vary among professionals involved in
32 making placement decisions for juvenile justice cli-
33 ents and insufficient information to support deci-
34 sions made at the dispositional hearings of juve-
35 niles; and

1 Whereas, the length of placements is sometimes
2 restricted by arbitrary time limits dependent only
3 upon a particular system's involvement with the juve-
4 nile, such as juvenile justice or Department of Human
5 Services; and

6 Whereas, in the judgment of the Legislature,
7 these facts create an emergency within the meaning of
8 the Constitution of Maine and require the following
9 legislation as immediately necessary for the preser-
10 vation of the public peace, health and safety; now,
11 therefore, be it

12 Court records of juveniles. Resolved: That the
13 court record of any adjudicated juvenile, within
14 statutory limits, shall include pertinent diagnostic,
15 medical, psychological and educational information,
16 and shall accompany the child, when appropriate, to
17 whatever placement is effected; and be it further

18 Working agreements. Resolved: That the Commis-
19 sioner of the Department of Corrections or his desig-
20 nees, the Commissioner of Educational and Cultural
21 Services or his designees, the Commissioner of Human
22 Services or his designees and the Commissioner of
23 Mental Health and Mental Retardation or designees, in
24 conjunction with the Chief Judge of the District
25 Court, shall develop working agreements and protocols
26 for assuring the appropriate flow of information to
27 judges for dispositional hearings of juveniles; and
28 be it further

29 Copies of resolve forwarded. Resolved: That
30 suitable copies of this resolve be forwarded to the
31 Joint Standing Committee on Human Resources, the
32 Joint Standing Committee on Judiciary, the Office of
33 Court Administrators, the Commissioner of Correc-
34 tions, the Commissioner of Educational and Cultural
35 Services, the Commissioner of Human Services and the
36 Commissioner of Mental Health and Mental Retardation.

37 Emergency clause. In view of the emergency cited
38 in the preamble, this resolve shall take effect when
39 approved.

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STATEMENT OF FACT

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The ability of Maine's social service and mental health agencies to care for troubled children and their families was called into question last year by a Maine Sunday Telegram article that profiled the tragic life of Malcolm Robbins.

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To make sure that Maine social service agencies could better handle the Malcolm Robbins of today, State Representative Sharon Benoit and others persuaded the Legislature to establish the Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs. Governor Joseph E. Brennan supported the initiative.

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The Legislature appointed 31 members, including lawmakers, judges, physicians, classroom and special education teachers, a police chief, social workers, counselors, psychologists and commissioners or representatives from the Department of Corrections, the Department of Educational and Cultural Services, the Department of Human Services and the Department of Mental Health and Mental Retardation to the commission.

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In its search for problem areas or gaps in the system, the commission invited comment from parents, educators, child welfare officials and mental health experts. The commission conducted public hearings and invited written recommendations, state agency proposals and professional association critiques.

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After more than a year of study, the commission found that many positive changes had been made in Maine's social service delivery system since the years when Malcolm Robbins was a child. However, the commission also acknowledged that numerous problems continue to hamper crucial services and treatment to children with mental, emotional or behavioral problems.

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Of the commission's 29 recommendations, 14 required administrative action by the Department of Corrections, the Department of Educational and Cultural Services, the Department of Human Services and

1 the Department of Mental Health and Mental Retarda-
2 tion. An additional 7 recommendations are addressed
3 in legislative resolves.

4 The purpose of this resolve is to mandate that
5 pertinent diagnostic, medical, psychological and edu-
6 cational information be included in the records of
7 adjudicated juveniles for consideration in placement
8 decisions. It is further the purpose of this resolve
9 to mandate that the Department of Corrections, the
10 Department of Educational and Cultural Services, the
11 Department of Human Services and the Department of
12 Mental Health and Mental Retardation, in conjunction
13 with the Chief Judge of the District Court, develop
14 working agreements and protocols for assuring the ap-
15 propriate flow of this information to judges for dis-
16 positional hearings of juveniles.

17 The need for additional information to be availa-
18 ble and considered at the dispositional hearings of
19 juveniles is reflected in the report of the Commis-
20 sion to Examine the Availability, Quality and Deliv-
21 ery of Services Provided to Children with Special
22 Needs.

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