

# 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. 1339

7  
8 H.P. 933

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 the Development of a  
19 Plan for the Provision of Court-ordered  
20 Evaluations for Juveniles.  
21

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

26 Whereas, The Maine Youth Center is currently the  
27 primary agency mandated by the Maine Juvenile Code to  
28 perform "Hold for Court" evaluations, which it has  
29 accomplished in large part by using volunteers; and

30 Whereas, the Maine Youth Center is no longer able  
31 to utilize a corps of volunteers to perform these  
32 "Hold for Court" evaluations, which seriously impairs  
33 its ability to fulfill its current obligations to the  
34 courts; and

1           Whereas, information was presented to the Commis-  
2 sion to Examine the Availability, Quality and Deliv-  
3 ery of Services Provided to Children with Special  
4 Needs that the demand for "Hold for Court" evalua-  
5 tions is increasing and is expected to continue to  
6 increase; and

7           Whereas, in many instances juvenile evaluations  
8 could be provided more appropriately and less  
9 expensively in the juvenile's community; and

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

16           Plan. Resolved: That the Department of Correc-  
17 tions be the lead agency to work with the Office of  
18 Court Administrators to develop a plan for providing  
19 court-ordered evaluations for juveniles, both at the  
20 Maine Youth Center and in the community; and be it  
21 further

22           Provisions of plan. Resolved: That the plan in-  
23 clude, but not be limited to:

24           1. Criteria for determining when secure evalua-  
25 tions at the Maine Youth Center are needed or when  
26 evaluations can be performed in the community;

27           2. How and by whom evaluations should be per-  
28 formed;

29           3. How and by whom evaluations should be funded;

30           4. Anticipated level of funding needed;

31           5. Identification of a requisite component of  
32 services;

33           6. Development of a regional capacity for secure  
34 evaluations which should include efforts being ex-  
35 plored by the Juvenile Justice Advisory Group;

1 7. Training that would be needed by community  
2 service providers and a plan to address these train-  
3 ing needs; and

4 8. Development of an evaluation mechanism to  
5 monitor implementation of this plan; and be it fur-  
6 ther

7 **Reports. Resolved:** That the Department of Cor-  
8 rections submit a written report addressing the pro-  
9 vision of court-ordered evaluations for juveniles to  
10 the Joint Standing Committees on Judiciary and Human  
11 Resources no later than January 15, 1986; and be it  
12 further

13 **Copies of resolve forwarded. Resolved:** That  
14 suitable copies of this resolve be forwarded to the  
15 Joint Standing Committees on Judiciary and Human Re-  
16 sources, the Office of Court Administrators, the Ju-  
17 venile Justice Advisory Group and the Department of  
18 Corrections.

19 **Emergency clause.** In view of the emergency  
20 cited in the preamble, this resolve shall take effect  
21 when approved.

22 STATEMENT OF FACT

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

28 To make sure that Maine social service agencies  
29 could better handle the Malcolm Robbins of today,  
30 State Representative Sharon Benoit and others  
31 persuaded the Maine Legislature to establish the Com-  
32 mission to Examine the Availability, Quality and De-  
33 livery of Services Provided to Children with Special  
34 Needs. Governor Joseph E. Brennan supported the ini-  
35 tiative.

36 The Legislature appointed 31 members, including  
37 lawmakers, judges, physicians, classroom and special  
38 education teachers, a police chief, social workers,

1 counselors, psychologists and commissioners or repre-  
2 sentatives from the Department of Corrections, the  
3 Department of Educational and Cultural Services, the  
4 Department of Human Services and the Department of  
5 Mental Health and Mental Retardation to the commis-  
6 sion.

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

13 After more than a year of study, the commission  
14 found that many positive changes had been made in  
15 Maine's social service delivery system since the  
16 years when Malcolm Robbins was a child. The commis-  
17 sion also acknowledged that numerous problems contin-  
18 ue to hamper crucial services and treatment to chil-  
19 dren with mental, emotional or behavioral problems.

20 Of the commission's 29 recommendations, 14 re-  
21 quired administrative action by the Department of  
22 Corrections, the Department of Educational and Cul-  
23 tural Services, the Department of Human Services and  
24 the Department of Mental Health and Mental Retarda-  
25 tion. An additional 7 recommendations are addressed  
26 in legislative resolves.

27 The purpose of this resolve is to mandate the De-  
28 partment of Corrections, in conjunction with the Of-  
29 fice of Court Administrators, to develop a plan for  
30 providing court-ordered evaluations for juveniles,  
31 both at the Maine Youth Center and in the community.  
32 A written report shall be submitted to the Joint  
33 Standing Committee on Human Resources and the Joint  
34 Standing Committee on Judiciary no later than January  
35 15, 1986.

36 The need for a coordinated plan for the provision  
37 of court-ordered evaluations for juveniles is re-  
38 flected in the report of the Commission to Examine  
39 the Availability, Quality and Delivery of Services  
40 Provided to Children with Special Needs.