

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 623

S.P. 187

In Senate, February 23, 1993

An Act Relating to the Evaluation of Juveniles Prior to Court Placement
Out of Their Homes.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.
Cosponsored by Representative LARRIVÉE of Gorham and
Representatives: HOLT of Bath, OLIVER of Portland.

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

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Sec. 1. 15 MRSA §3311, sub-§4 is enacted to read:

4. Requirement when out-of-home placement is considered. Whenever, after adjudication and before disposition, but under no circumstances more than 30 days after adjudication, the court determines that a juvenile adjudicated as having committed a juvenile crime might benefit from long-term placement outside the juvenile's home and it is anticipated that the period of out-of-home placement would exceed 10 calendar days and the out-of-home placement would be with the Department of Human Services or the Department of Corrections, the court shall order that the juvenile be referred for evaluation and recommendations in accordance with chapter 508. This subsection does not apply to a juvenile who has been bound over to the Superior Court. This subsection does not limit or prohibit temporary placement of a juvenile in an emergency shelter, foster home or detention center under circumstances considered appropriate by the court pending disposition or completion of an evaluation.

Sec. 2. 15 MRSA §3312, sub-§1, as amended by PL 1979, c. 681, §28, is further amended to read:

1. Evidence of proper disposition. After making an order of adjudication, the court shall hear evidence on the question of the proper disposition best serving the interests of the juvenile and the public. If not waived by the court, such evidence shall must include, but is not necessarily be limited to, the social study and other reports as provided in section 3311. If the court has ordered an evaluation pursuant to section 3311, subsection 4, the court shall consider the evaluation and any recommendations submitted by the multidisciplinary team. If the court orders a disposition or other action inconsistent with the multidisciplinary team's recommendation, it shall state for the record the reason for its action. The Maine Rules of Evidence shall do not apply in dispositional hearings.

Sec. 3. 15 MRSA c. 508 is enacted to read:

CHAPTER 508

EVALUATION OF JUVENILES
PRIOR TO OUT-OF-HOME PLACEMENT

§3351. Multidisciplinary teams

1. Permanent members. The Commissioner of Human Services shall establish multidisciplinary screening, advisory and

2 planning teams in each District Court district. The
3 multidisciplinary teams must consist of a representative from the
4 Department of Human Services' regional office serving that court
5 district, designated by the Commissioner of Human Services; a
6 representative from the Department of Mental Health and Mental
7 Retardation's regional office serving that court district,
8 designated by the Commissioner of Mental Health and Mental
9 Retardation; and a representative from a local school district
10 within that court district, designated by the Commissioner of
11 Education. Within 30 days of the effective date of this section,
12 the Commissioner of Education and the Commissioner of Mental
13 Health and Mental Retardation shall forward to the Commissioner
14 of Human Services a list of team members assigned in each
15 district and the Commissioner of Human Services shall provide
16 complete team lists to each District Court.

17 2. Ad hoc members. Any other agency or person that may
18 contribute positively to a multidisciplinary team's efforts to
19 assist a juvenile may be included on the team as a voting member
20 at the discretion of the team members designated pursuant to
21 subsection 1. The juvenile's attorney must be invited to
22 participate in all meetings but is not a member. The juvenile
23 may be invited to participate in all proceedings considered
24 appropriate by a majority of the team members and must be allowed
25 to attend at least one meeting to present the juvenile's views on
26 placement before the team makes its final recommendation to the
27 court. Parents may be invited to participate in all proceedings
28 considered appropriate by a majority of the team members.

29 3. Evaluation and report. When a multidisciplinary team
30 receives a referral from the court, it shall immediately direct
31 and coordinate an evaluation appropriate to the juvenile's
32 circumstances. Upon receipt of the diagnostic report, the
33 multidisciplinary team shall meet and review the report and
34 develop a recommendation with regard to future services the
35 juvenile might need as well as a recommendation regarding
36 appropriate disposition or placement. The team shall forward its
37 recommendations to the court as soon as possible and no later
38 than 10 days after the team has received the diagnostic report.
39 The multidisciplinary team may determine that existing diagnostic
40 information is sufficient and may develop recommendations with
41 regard to future services, disposition and placement without an
42 additional diagnostic report.

43 §3352. Diagnostic services

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45 A multidisciplinary team shall use diagnostic service
46 providers who are located as close as possible to the juvenile to
47 minimize transporting the juvenile long distances.
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2 §3353. Cooperation of state, county and local agencies

4 State agencies, counties, municipalities and private
6 agencies shall provide a multidisciplinary team with any
8 information requested in writing by the team upon receipt of a
10 certified copy of the court's order directing the agencies to
12 release information in their possession relating to the
14 juvenile. This section does not require a prosecuting attorney
16 or other criminal investigatory agency to disclose information,
18 nor does it require disclosure of confidential personnel or tax
records. The court shall enter an order for the release of
information on the motion of either party or on its own motion.
When a court order is obtained, the consent of the juvenile's
parent, guardian or custodian is not required, and there is no
liability for violation of privacy or confidentiality for
providing the information relevant to the disposition of the case
to the team. The team shall ensure the confidentiality of all
information it receives and develops.

20 §3354. Other juveniles

22 Juveniles who have not appeared before the court but who
24 require services not readily available in the community or
26 accessible by a single agency may be referred to a
28 multidisciplinary team by the Department of Human Services, the
Department of Mental Health and Mental Retardation, school
districts or juvenile probation officers for evaluation and
recommendations. The multidisciplinary team shall give first
priority to those juveniles referred to the team by the court.

32 STATEMENT OF FACT

34 This bill requires that, after a juvenile is adjudicated of
36 having committed a juvenile crime but before final disposition,
the court must order an evaluation by a multidisciplinary team if
38 the court is considering out-of-home placement for the juvenile.
The court must consider the recommendations of the team and, if
40 the court's disposition or other actions are inconsistent with
the recommendations, the court must state for the record its
reasons for acting contrary to the recommendations.