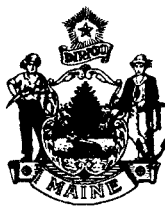


MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1589

H.P. 1130

House of Representatives, March 2, 1999

**An Act to Require an Assessment Evaluation of Juveniles Entering the
Juvenile Justice System.**

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative O'BRIEN of Augusta.

Cosponsored by Representatives: PEAVEY of Woolwich, QUINT of Portland, TOWNSEND of Portland, Senators: PARADIS of Aroostook, RAND of Cumberland.

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

2
4 **Sec. 1. 15 MRSA §3003, sub-§2-B** is enacted to read:

6 **2-B. Assessment evaluation.** "Assessment evaluation" means
8 an immediate evaluation of a juvenile to assess the risks the
10 juvenile may pose and to determine the needs the juvenile may
12 have, which must include, but is not limited to, educational,
14 vocational, psychological, psychiatric and substance abuse
16 examinations.

18 **Sec. 2. 15 MRSA §3301, sub-§1**, as amended by PL 1985, c. 439,
20 §11, is further amended to read:

22 **1. Preliminary investigation and assessment evaluation.**
24 When a juvenile accused of having committed a juvenile crime is
26 referred to a juvenile caseworker, the juvenile caseworker shall,
28 except in cases in which an investigation is conducted pursuant
30 to Title 5, section 200-A, conduct a preliminary investigation
32 and shall cause an assessment evaluation to be made to determine
34 whether the interests of the juvenile or of the community require
36 that further action be taken.

38 On the basis of the preliminary investigation and assessment
40 evaluation, the juvenile caseworker shall:

- 42 A. Decide that no further action is required, either in the
44 interests of the public or of the juvenile;
- 46 B. Make whatever informal adjustment is practicable without
48 a petition; or
- 50 C. Request a petition to be filed.

52 **Sec. 3. 15 MRSA §3301, sub-§5**, as amended by PL 1997, c. 350,
54 §1 and c. 421, Pt. A, §2, is further amended to read:

56 **5. Juvenile caseworker alternatives.** On the basis of the
58 preliminary investigation and the assessment evaluation, the
60 juvenile caseworker shall choose one of the following
62 alternatives:

- 64 A. Decide that no further action is required either in the
66 interests of the public or of the juvenile. If the juvenile
68 caseworker determines that the facts in the report prepared
70 for the caseworker by the referring officer pursuant to
72 section 3203-A, subsection 3, are sufficient to file a
74 petition, but in the caseworker's judgment the interest of
76 the juvenile and the public will be served best by providing
78 the juvenile with services voluntarily accepted by the

2 juvenile and the juvenile's parents, guardian or legal
custodian if the juvenile is not emancipated, the juvenile
caseworker may refer the juvenile for that care and
4 treatment and not request that a petition be filed;

6 B. Make whatever informal adjustment is practicable without
a petition. The juvenile caseworker may effect whatever
8 informal adjustment is agreed to by the juvenile and the
juvenile's parents, guardian or legal custodian if the
10 juvenile is not emancipated, including a restitution
contract with the victim of the crime and the performance of
12 community service. Informal adjustments may extend no longer
than 6 months and may not be commenced unless:

14 (1) The juvenile caseworker determines that the
16 juvenile and the juvenile's parents, guardian or legal
custodian, if the juvenile is not emancipated, were
18 advised of their constitutional rights, including the
right to an adjudicatory hearing, the right to be
20 represented by counsel and the right to have counsel
appointed by the court if indigent;

22 (2) The facts establish prima facie jurisdiction,
24 except that any admission made in connection with this
informal adjustment may not be used in evidence against
26 the juvenile if a petition based on the same facts is
later filed; and

28 (3) Written consent to the informal adjustment is
30 obtained from the juvenile and the juvenile's parents,
guardian or legal custodian if the juvenile is not
32 emancipated; or

34 C. If the juvenile caseworker determines that the facts are
sufficient for the filing of a petition, the juvenile
36 caseworker may request the prosecuting attorney to file a
petition. If this alternative is chosen, the juvenile
38 caseworker shall issue and may serve a summons in accordance
with section 3304. If the juvenile caseworker does not make
40 service before requesting the prosecuting attorney to file a
petition, the juvenile caseworker shall request a law
42 enforcement officer to serve the summons in accordance with
section 3304.

46 SUMMARY

48 This bill requires the Department of Corrections to provide
a juvenile with an assessment evaluation as soon as a juvenile
50 caseworker receives notice of the juvenile's arrest. The purpose

2 of an assessment evaluation is to assess the risks the juvenile
may pose and to determine the needs the juvenile may have. An
4 assessment evaluation must include the following: educational,
vocational, psychological, psychiatric and substance abuse
6 examinations.