

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 electronic originals
(may include minor formatting differences from printed original)



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1470

H.P. 1051

House of Representatives, April 30, 2013

An Act To Develop Juvenile Assessment Centers

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MASTRACCIO of Sanford.
Cosponsored by Senator TUTTLE of York.

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

2 **Sec. 1. 34-A MRSA c. 8** is enacted to read:

3 **CHAPTER 8**

4 **JUVENILE ASSESSMENT CENTERS**

5 **§8001. Juvenile assessment centers**

6 This section governs the establishment, organization and duties of juvenile
7 assessment centers.

8 **1. Definitions.** As used in this chapter, unless the context otherwise indicates, the
9 following terms have the following meanings.

10 A. "Board" means a juvenile assessment advisory board established pursuant to
11 subsection 2.

12 B. "District" means one of the 8 prosecutorial districts as defined in Title 30-A,
13 section 254.

14 C. "Juvenile assessment center" or "center" means a center composed of community-
15 operated facilities and programs that provides colocated central intake and screening
16 services for juveniles referred to the department.

17 D. "Participating entity" means a substance abuse treatment provider, mental health
18 treatment provider, law enforcement agency, school, health services provider,
19 prosecuting attorney and defense attorney and any other agency serving juveniles.

20 **2. Center; juvenile assessment advisory board.** A district may establish one center
21 within the district. A district that establishes a center shall establish a juvenile assessment
22 advisory board to govern the center.

23 A. The following officers or agencies shall designate one representative to serve on
24 the board:

25 (1) Each county sheriff;

26 (2) The department;

27 (3) The Department of Health and Human Services, Bureau of Child and Family
28 Services;

29 (4) The Department of Education;

30 (5) The district attorney;

31 (6) The State Police;

32 (7) Each municipal police department; and

33 (8) A county mental health organization.

1 Representatives from the following may also be invited: an association representing
2 health service providers, an association of criminal defense lawyers and other state
3 and local agencies serving juveniles.

4 B. The board shall organize itself and elect from among its members a chair. Until a
5 chair is elected, the district attorney serves as interim chair.

6 C. The chair may appoint additional members of the board as necessary to
7 accomplish the purposes of this chapter.

8 D. The board shall adopt by a majority vote of its members a written juvenile
9 assessment protocol. The purpose of the protocol is to ensure coordination and
10 cooperation of all agencies involved in the assessments and evaluations of juveniles
11 referred to the department to increase efficiency and effectiveness of those agencies
12 and to ensure that more effective treatment is provided for juveniles.

13 **3. Juvenile assessment centers; memorandum of understanding; participants.**
14 On the execution of a memorandum of understanding, a center may be established. A
15 memorandum of understanding regarding participation in the operation of the center must
16 be executed among the following participating entities:

17 A. The department;

18 B. The Department of Health and Human Services, Bureau of Child and Family
19 Services;

20 C. Representatives of state, county and municipal law enforcement agencies;

21 D. A district attorney;

22 E. A juvenile defense attorney;

23 F. Community mental health treatment providers;

24 G. Community substance abuse treatment providers; and

25 H. Representatives of any other governmental or community entity that participates
26 in assessing, evaluating and treating juveniles that wants to participate in the
27 operation of the center.

28 A memorandum of understanding under this subsection must include the agreement of
29 each participating entity to cooperate in developing a cooperative team approach to
30 assessing and evaluating juveniles and developing and maintaining effective treatment
31 and rehabilitative services for juveniles. A memorandum of understanding executed
32 under this subsection may include the agreement of one or more participating entities to
33 provide office space and administrative services necessary for the center's operation.

34 **4. Juvenile assessment center duties. A center shall:**

35 A. Provide sufficient services needed to facilitate the initial screening of and case
36 processing for juveniles, including, at a minimum, positive identification of the
37 juveniles, detention admission screening, needs assessments, substance abuse
38 screenings and assessments, physical and mental health screenings and diagnostic
39 testing as appropriate. The department shall provide sufficient staff and resources at
40 each center to provide detention screening and intake services;

1 B. Establish a truancy program to serve as the central intake and screening of truant
2 juveniles for a specific geographic area based upon written agreements between the
3 center, local law enforcement agencies and local school boards. A center may work
4 cooperatively with any truancy program operating in the area serving the center;

5 C. Provide for the coordination and sharing of information among the participating
6 entities to facilitate the screening of and case processing for juveniles referred to the
7 department; and

8 D. Provide a forum for the department to conduct predisposition assessments and
9 evaluations of juveniles. Assessments and evaluations of a juvenile may be
10 conducted by center staff while that juvenile is in a juvenile detention center awaiting
11 placement in a residential commitment facility. If feasible, a juvenile may be
12 transported from a juvenile detention center to a center in order that an assessment or
13 evaluation may be conducted. Assessments and evaluations may include, but are not
14 limited to, needs assessments, substance abuse evaluations, physical and mental
15 health evaluations, psychological evaluations, behavioral assessments, educational
16 assessments, aptitude testing and vocational testing. To the extent possible, the
17 juvenile's parents or guardians and other family members must be involved in the
18 assessment and evaluation process. All information, conclusions, treatment
19 recommendations and reports derived from an assessment and evaluation of a
20 juvenile must accompany the juvenile to the residential commitment facility in which
21 the juvenile is committed.

22 **5. Immunity from liability.** A person is immune from civil liability for a
23 recommendation or an opinion given in good faith while acting in the official scope of the
24 person's duties as a participating entity, staff member or volunteer of a center.

25 **6. Confidential records.** The files, reports, records, communications and working
26 papers used or developed in conducting intake, evaluations and assessments and
27 providing services under this chapter are confidential and are not public records for
28 purposes of Title 1, chapter 13, subchapter 1. Information may be disclosed only to the
29 following persons in the performance of their duties:

30 A. The participating entities that provide services to the juvenile; and

31 B. The attorney for the juvenile who is the subject of the confidential records.

32 **7. Reports.** Beginning January 2015, the department shall annually report to the
33 joint standing committees of the Legislature having jurisdiction over criminal justice and
34 public safety matters and health and human services matters regarding the centers. The
35 report must include an overview of the number of centers, the protocols adopted by the
36 centers and the effectiveness of the centers in evaluating, assessing and coordinating the
37 treatment of juveniles.

38 SUMMARY

39 This bill develops guidelines for the establishment of juvenile assessment centers
40 throughout the State. One center may be established in each prosecutorial district and

1 each center is responsible for providing collocated central intake and screening services
2 for juveniles referred to the Department of Corrections.

3 The bill establishes a juvenile assessment advisory board to govern each center. A
4 board must include representatives from the Department of Corrections; the county
5 sheriff; the Department of Health and Human Services, Bureau of Child and Family
6 Services; the district attorney; the State Police; municipal police departments; and county
7 mental health organizations, and may include representatives from associations
8 representing health service providers and associations of criminal defense lawyers and
9 other state and local agencies serving juveniles. Each board must prepare a written
10 protocol.

11 The bill provides that, on the execution of a memorandum of understanding, a center
12 may be established. The center must provide sufficient services needed to facilitate the
13 initial screening of and case processing for juveniles, including, at a minimum, positive
14 identification of the juveniles, detention admission screening, needs assessments,
15 substance abuse screening and assessments, physical and mental health screening and
16 diagnostic testing as appropriate. The department must provide sufficient staff and
17 resources at each center to provide detention screening and intake services. The centers
18 must also establish a truancy program to serve as the central intake and screening of
19 truant juveniles for a specific geographic area based upon written agreements between the
20 center, local law enforcement agencies and local school boards. A center may work
21 cooperatively with any truancy program operating in the area serving the center. The
22 centers must provide for the coordination and sharing of information among the
23 participating agencies to facilitate the screening of and case processing for juveniles
24 referred to the department and must provide a forum for the department to conduct
25 predisposition assessments and evaluations of juveniles.

26 The bill specifies that a person is immune from civil liability for a recommendation
27 or an opinion given in good faith while acting in the official scope of the person's duties
28 as a participating entity, staff person or volunteer of a center. The bill also specifies that
29 the files, reports, records, communications and working papers used or developed in
30 providing services are confidential and are not public records for purposes of the Maine
31 Revised Statutes, Title 1, chapter 13, subchapter 1.

32 Beginning January 2015, the Department of Corrections must annually report to the
33 joint standing committees of the Legislature having jurisdiction over criminal justice and
34 public safety matters and health and human services matters regarding the centers. The
35 report must include an overview of the number of centers, the protocols adopted by the
36 centers and the effectiveness of the centers in evaluating, assessing and coordinating the
37 treatment of juveniles.