

# MAINE STATE LEGISLATURE

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SAC  
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L.D. 1779

Date: 3/26/24

Minority

(Filing No. H-869)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1142, L.D. 1779, "An Act to Develop a Continuum of Care for Youth Involved in the Justice System and to Develop Alternatives for Juveniles Incarcerated in Long Creek Youth Development Center"

Amend the bill by striking out the title and substituting the following:

**'An Act to Prevent Youth Involvement in the Juvenile Justice System by Establishing a Strength-based, Discretionary Juvenile Needs Assessment Program'**

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 15 MRSA §3204**, as amended by PL 2019, c. 220, §§1 and 2, is further amended by enacting after the 4th paragraph a new paragraph to read:

Statements of a juvenile or of a juvenile's parents, guardian or legal custodian made to a law enforcement officer or juvenile community corrections officer related to determining whether to refer the juvenile to the Department of Health and Human Services for a juvenile needs assessment pursuant to section 3207 are not admissible in evidence at an adjudicatory hearing against that juvenile if a petition based on the same facts is filed prior to, in conjunction with or subsequent to referral pursuant to section 3207.

**Sec. 2. 15 MRSA §3207** is enacted to read:

**§3207. Diversion; juvenile needs assessment**

**1. Diversion and referral.** A law enforcement officer who has probable cause to believe that a juvenile has committed a juvenile crime or a juvenile community corrections officer to whom a juvenile has been referred may refer the juvenile to the Department of Health and Human Services, referred to in this section as "the department," for a juvenile needs assessment pursuant to this section. A juvenile referred to the department for a juvenile needs assessment may be released into the custody of the juvenile's parents, guardian or legal custodian at the time of referral, or arrested and placed in a nonsecure setting or detention in accordance with section 3203-A.

**COMMITTEE AMENDMENT**

1           **2. Informing of assessment; consent required.** Prior to referring a juvenile to the  
 2 department for a juvenile needs assessment pursuant to this section, a law enforcement  
 3 officer or juvenile community corrections officer shall inform the juvenile and the  
 4 juvenile's parents, guardian or legal custodian about the purpose and procedures of the  
 5 juvenile needs assessment.

6           A. If, after being informed, the juvenile and the juvenile's parents, guardian or legal  
 7 custodian consent to the department's conducting the juvenile needs assessment, the  
 8 law enforcement officer or juvenile community corrections officer shall refer the  
 9 juvenile to the department for this purpose.

10           B. If, after being informed, the juvenile or the juvenile's parents, guardian or legal  
 11 custodian do not consent to the department's conducting the juvenile needs assessment,  
 12 the law enforcement officer or juvenile community corrections officer may report the  
 13 denial of consent to the prosecutor and the Juvenile Court to which a petition is  
 14 submitted and proceed with arrest, detention, nonsecure placement or release of the  
 15 juvenile into the custody of the juvenile's parents, guardian or legal custodian, as  
 16 appropriate.

17           **3. Juvenile needs assessment.** The juvenile needs assessment conducted by the  
 18 department pursuant to this section must be based on and informed by high-fidelity  
 19 wraparound principles. The assessment must be conducted by persons with comprehensive  
 20 training in the use of the evidence-based, strength-based needs assessment instrument  
 21 designed for holistic, comprehensive assessment of behavioral and emotional needs, child  
 22 life functioning, child risk behaviors, ethnic and cultural factors, child strengths, caregiver  
 23 strengths and family needs. The juvenile needs assessment must be designed to identify the  
 24 supports and services needed to promote child and family well-being and to inform the  
 25 development of an individual wraparound plan that specifies the goals and action to be  
 26 taken to address the medical, educational, social therapeutic or other services needed by a  
 27 juvenile and the juvenile's family.

28           **4. Timing of assessment; applicability of previous assessment.** The department must  
 29 complete a juvenile needs assessment pursuant to this section within 60 days following  
 30 referral of a juvenile to the department. If a juvenile needs assessment was completed for  
 31 the juvenile pursuant to this section within the 6 months prior to referral, the department  
 32 shall provide the referring law enforcement officer or juvenile community corrections  
 33 officer with the report and recommendations created pursuant to subsection 5 from that  
 34 prior assessment.

35           **5. Report and recommendations.** After conducting a juvenile needs assessment  
 36 pursuant to this section, the department shall create a report outlining the scope of the  
 37 assessment that was conducted and recommendations based on the report. The report and  
 38 recommendations must be provided to the juvenile and the juvenile's parents, guardian or  
 39 legal custodian and the law enforcement officer or juvenile community corrections officer  
 40 who recommended referral of the juvenile to the department in accordance with subsection  
 41 1.

42           **6. Referral to coordination services.** If the juvenile needs assessment report pursuant  
 43 to subsection 5 concludes that the juvenile has complex behavioral health needs and is at  
 44 risk of residential, hospital or secure placement or is already involved in multiple service

1 systems, the department shall refer the juvenile and juvenile's parents, guardian or legal  
 2 custodian to high-fidelity wraparound care coordination services.

3 7. Petition following assessment. If a petition is filed following a juvenile needs  
 4 assessment conducted pursuant to this section, prior to filing the petition, the law  
 5 enforcement officer or juvenile community corrections officer who referred the juvenile to  
 6 the department and the prosecutor filing the petition shall review the department's report  
 7 and recommendations created pursuant to subsection 5 to screen the juvenile for  
 8 participation in other available voluntary services or diversion programs.

9 8. Petition prior to assessment. A petition may be filed prior to or in conjunction with  
 10 the juvenile's referral to the department and completion of the juvenile needs assessment  
 11 pursuant to this section if the prosecutor or arresting law enforcement officer or juvenile  
 12 community corrections officer who referred the juvenile to the department determines that  
 13 there is a need to request an order from the Juvenile Court for immediate detention or  
 14 nonsecure placement to protect the safety of the juvenile or the public. If such a petition is  
 15 filed and a juvenile is referred to the department for a juvenile needs assessment in  
 16 accordance with this section, the petitioner must identify the reasons for which diversion  
 17 was not an appropriate disposition prior to seeking court involvement. If the petition is filed  
 18 prior to the referral and juvenile needs assessment, and the juvenile has not had a juvenile  
 19 needs assessment pursuant to this section in the prior 6 months, the department shall  
 20 conduct the juvenile needs assessment and create a report and recommendations pursuant  
 21 to subsection 5. The report and recommendations created pursuant to this subsection are  
 22 subject to use in adjudicatory proceedings in accordance with subsection 9.

23 9. Use of report and recommendations in adjudicatory proceedings. Absent the  
 24 consent of the juvenile following consultation with counsel, the report and  
 25 recommendations developed pursuant to subsection 5, any additional documents and  
 26 records and any statements made by the juvenile or others providing information for the  
 27 purpose of a juvenile needs assessment pursuant to this section cannot be used for any  
 28 purpose by a law enforcement agency during any portion of its investigation and such  
 29 evidence is not admissible in any subsequent adjudicatory hearing pertaining to the  
 30 juvenile. Upon any ruling made at an adjudicatory hearing, the report and recommendations  
 31 may, with the consent of the juvenile following consultation with counsel, be used at the  
 32 dispositional hearing and subsequent hearings for the purpose of determining appropriate  
 33 supports and services for the juvenile.

34 **Sec. 3. Implementation stakeholder group.** The Department of Health and  
 35 Human Services shall convene an implementation stakeholder group to assist in the  
 36 implementation of the juvenile needs assessment established in the Maine Revised Statutes,  
 37 Title 15, section 3207. The group shall develop processes to educate and train relevant  
 38 persons and entities in all matters related to the juvenile needs assessment, including the  
 39 purpose of the juvenile needs assessment, and in procedures for its use. Relevant persons  
 40 and entities must include, but are not limited to, law enforcement officers, law enforcement  
 41 agencies, juvenile community corrections officers, prosecutors involved in the juvenile  
 42 justice system, defense attorneys who represent juveniles in petition proceedings,  
 43 behavioral health staff within the department, judges and advocates and other community  
 44 members. Membership of the implementation stakeholder group must include, at a  
 45 minimum, the following:

- 1 A. The medical director of children's behavioral health services within the Department
- 2 of Health and Human Services, Office of Child and Family Services;
- 3 B. The Associate Commissioner for Juvenile Services within the Department of
- 4 Corrections;
- 5 C. A law enforcement educator;
- 6 D. A prosecutor involved in the prosecution of juvenile crimes in this State;
- 7 E. A defense attorney involved in representing juveniles in petition hearings in this
- 8 State;
- 9 F. A judge or justice with experience in juvenile justice proceedings;
- 10 G. A representative of a restorative justice program or other program designed to divert
- 11 juveniles from the juvenile justice system; and
- 12 H. A person with expertise and experience in promoting the interests of youths
- 13 involved in the juvenile justice system.

14 **Sec. 4. Appropriations and allocations.** The following appropriations and  
15 allocations are made.

16 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**  
17 **Mental Health Services - Children Z206**

18 Initiative: Provides funding for contracts and training required to provide additional  
19 juvenile needs assessments.

20 <b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
21 All Other	\$0	\$1,479,070
22		
23 GENERAL FUND TOTAL	\$0	\$1,479,070

24 **Sec. 5. Effective date.** That section of this Act that amends the Maine Revised  
25 Statutes, Title 15, section 3204 and that section of this Act that enacts Title 15, section  
26 3207 take effect January 1, 2026.'

27 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
28 number to read consecutively.

29 **SUMMARY**

30 This amendment, which is the minority report of the committee, replaces the bill and  
31 changes the title. It establishes a process allowing a law enforcement officer who has  
32 probable cause to believe that a juvenile has committed a juvenile crime, or a juvenile  
33 community corrections officer to whom a juvenile has been referred, to refer the juvenile  
34 to the Department of Health and Human Services for a juvenile needs assessment designed  
35 to identify the supports and services needed to promote child and family well-being and  
36 actions to be taken to address the medical, educational, social therapeutic or other services  
37 needed by the juvenile and the juvenile's family. The assessment must be conducted by  
38 persons with comprehensive training and must be completed within 60 days following  
39 referral of the juvenile to the department. If a juvenile needs assessment was completed for  
40 the juvenile within the 6 months prior to referral, the department must provide that report

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1 to the law enforcement officer or juvenile community corrections officer. The amendment  
2 also requires that if the assessment reveals that the juvenile has complex behavioral health  
3 needs and is at risk or is already involved in multiple service systems, the department must  
4 refer the juvenile and the juvenile's family to high-fidelity wraparound care coordination  
5 services.

6 The amendment also establishes requirements for issuing petitions regarding a juvenile  
7 when that petition is being issued prior to or in conjunction with a referral for a juvenile  
8 needs assessment and following a juvenile needs assessment. The amendment also  
9 establishes criteria for the use of the report and recommendations based on the juvenile  
10 needs assessment in adjudicatory hearings and stipulates that statements made by the  
11 juvenile or the juvenile's parents, guardian or legal custodian related to the juvenile needs  
12 assessment are not admissible as evidence in adjudicatory hearings.

13 The amendment also directs the Department of Health and Human Services to establish  
14 an implementation stakeholder group to assist in the implementation of the juvenile needs  
15 assessment and train relevant persons and entities on all matters related to the juvenile  
16 needs assessment.

17 The portion of the amendment establishing the implementation stakeholder group takes  
18 effect upon enactment of this legislation, and the portions of the amendment establishing  
19 the juvenile needs assessment become effective January 1, 2026.

20 **FISCAL NOTE REQUIRED**

21 (See attached)



# 131st MAINE LEGISLATURE

LD 1779

LR 1570(02)

## An Act to Develop a Continuum of Care for Youth Involved in the Justice System and to Develop Alternatives for Juveniles Incarcerated in Long Creek Youth Development Center

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-869)

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

### Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$1,479,070	\$1,483,270	\$1,479,070
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$1,479,070	\$1,483,270	\$1,479,070

#### Fiscal Detail and Notes

This bill includes a General Fund appropriation to the Department of Health and Human Services of \$1,479,070 in fiscal year 2024-25 for contracts and training required to provide additional juvenile needs assessments. The Judicial Department will require a one-time General Fund appropriation of \$4,200 in fiscal year 2025-26 for costs associated with an active retired judge covering the dockets of a judge serving on a stakeholder group.

Additional costs to the Departments of Corrections and Public Safety associated with this legislation are expected to be minor and can be absorbed within existing budgeted resources.