



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 740

H.P. 482

House of Representatives, February 25, 2025

**An Act to Establish a Comprehensive Program to Divert Youth
from the Criminal Justice System and Address Their Needs**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative LOOKNER of Portland.
Cosponsored by Senator LAWRENCE of York and
Representatives: BRENNAN of Portland, GATTINE of Westbrook, GRAMLICH of Old
Orchard Beach, HASENFUS of Readfield, MCCABE of Lewiston, MILLIKEN of Blue Hill,
Senators: BENNETT of Oxford, MOORE of Washington.

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

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

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

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

11 **§3207. Diversion; juvenile needs assessment**

12 **1. Pre-petition referral.** A law enforcement officer who has probable cause to believe
13 that a juvenile has committed a juvenile crime or a juvenile community corrections officer
14 to whom a juvenile has been referred may, without taking the juvenile into custody and
15 prior to placing the juvenile under arrest or prior to filing a petition, refer the juvenile to
16 the Department of Health and Human Services, referred to in this section as "the
17 department," for a juvenile needs assessment pursuant to this section. A juvenile referred
18 to the department for a juvenile needs assessment may be released into the custody of the
19 juvenile's parents, guardian or legal custodian at the time of referral.

20 This section may not be construed to prohibit a law enforcement officer from taking into
21 custody a juvenile who is found violating any law, whose arrest would be permissible under
22 section 3201, who is reasonably believed to be a fugitive from justice or whose
23 circumstances endanger the juvenile's person or welfare unless immediate action is taken.

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

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

33 B. If, after being informed, the juvenile or the juvenile's parents, guardian or legal
34 custodian do not consent to the department's conducting the juvenile needs assessment,
35 the law enforcement officer or juvenile community corrections officer may report the
36 denial of consent to the prosecutor and the Juvenile Court to which a petition is
37 submitted and proceed with arrest, detention, nonsecure placement or release of the
38 juvenile into the custody of the juvenile's parents, guardian or legal custodian, as
39 appropriate.

40 **3. Juvenile needs assessment.** The juvenile needs assessment conducted by the
41 department pursuant to this section must be based on and informed by high-fidelity
42 wraparound principles. The assessment must be conducted by persons with comprehensive
43 training in the use of the evidence-based, strength-based needs assessment instrument

1 designed for holistic, comprehensive assessment of behavioral and emotional needs, child
2 life functioning, child risk behaviors, ethnic and cultural factors, child strengths, caregiver
3 strengths and family needs. The juvenile needs assessment must be designed to identify the
4 supports and services needed to promote child and family well-being and to inform the
5 development of an individual wraparound plan that specifies the goals and action to be
6 taken to address the medical, educational, social therapeutic or other services needed by a
7 juvenile and the juvenile's family.

8 **4. Timing of assessment; applicability of previous assessment.** The department shall
9 complete a juvenile needs assessment pursuant to this section within 60 days following
10 referral of a juvenile to the department. If a juvenile needs assessment was completed for
11 the juvenile pursuant to this section within the 6 months prior to referral, the department
12 shall provide the referring law enforcement officer or juvenile community corrections
13 officer with the report and recommendations created pursuant to subsection 5 from that
14 prior assessment.

15 **5. Report and recommendations.** After conducting a juvenile needs assessment
16 pursuant to this section, the department shall create a report outlining the scope of the
17 assessment that was conducted with specific recommendations regarding whether a petition
18 should be filed and recommendations for supports and services. The report and
19 recommendations must be provided to the juvenile and the juvenile's parents, guardian or
20 legal custodian, the juvenile's attorney and the law enforcement officer or juvenile
21 community corrections officer who recommended referral of the juvenile to the department
22 in accordance with subsection 1.

23 **6. Referral to coordination services.** If the juvenile needs assessment report pursuant
24 to subsection 5 concludes that the juvenile has complex behavioral health needs and is at
25 risk of residential, hospital or secure placement or is already involved in multiple service
26 systems, the department shall refer the juvenile and juvenile's parents, guardian or legal
27 custodian to high-fidelity wraparound care coordination services.

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

34 **8. Petition prior to assessment.** A petition may be filed prior to or in conjunction with
35 the juvenile's referral to the department and completion of the juvenile needs assessment
36 pursuant to this section if the prosecutor or arresting law enforcement officer or juvenile
37 community corrections officer who referred the juvenile to the department determines that
38 there is a need to request an order from the Juvenile Court for immediate detention or
39 nonsecure placement to protect the safety of the juvenile or the public. If such a petition is
40 filed and a juvenile is referred to the department for a juvenile needs assessment in
41 accordance with this section, the petitioner must identify the reasons for which diversion
42 was not an appropriate disposition prior to seeking court involvement. If the petition is filed
43 prior to the referral and juvenile needs assessment, and the juvenile has not had a juvenile
44 needs assessment pursuant to this section in the prior 6 months, the department shall
45 conduct the juvenile needs assessment and create a report and recommendations pursuant

1 to subsection 5. The report and recommendations created pursuant to this subsection are
2 subject to use in adjudicatory proceedings in accordance with subsection 9.

3 **9. Use of report and recommendations in adjudicatory proceedings.** Absent the
4 consent of the juvenile following consultation with counsel, the report and
5 recommendations developed pursuant to subsection 5, any additional documents and
6 records and any statements made by the juvenile or others providing information for the
7 purpose of a juvenile needs assessment pursuant to this section cannot be used for any
8 purpose by a law enforcement agency during any portion of its investigation and such
9 evidence is not admissible in any subsequent adjudicatory hearing pertaining to the
10 juvenile. Upon any ruling made at an adjudicatory hearing, the report and recommendations
11 may, with the consent of the juvenile following consultation with counsel, be used at the
12 dispositional hearing and subsequent hearings for the purpose of determining appropriate
13 supports and services for the juvenile.

14 **Sec. 3. Implementation stakeholder group.** The Department of Health and
15 Human Services shall convene an implementation stakeholder group to assist in the
16 implementation of the juvenile needs assessment established in the Maine Revised Statutes,
17 Title 15, section 3207. The group shall develop processes to educate and train relevant
18 persons and entities in all matters related to the juvenile needs assessment, including the
19 purpose of the juvenile needs assessment, and in procedures for its use. Relevant persons
20 and entities must include, but are not limited to, law enforcement officers, law enforcement
21 agencies, juvenile community corrections officers, prosecutors involved in the juvenile
22 justice system, defense attorneys who represent juveniles in petition proceedings,
23 behavioral health staff within the department, judges and advocates and other community
24 members. Membership of the implementation stakeholder group must include, at a
25 minimum, the following:

- 26 A. The medical director of children's behavioral health services within the Department
27 of Health and Human Services, Office of Child and Family Services;
- 28 B. The Associate Commissioner for Juvenile Services within the Department of
29 Corrections;
- 30 C. A law enforcement educator;
- 31 D. A prosecutor involved in the prosecution of juvenile crimes in this State;
- 32 E. A defense attorney involved in representing juveniles in petition hearings in this
33 State;
- 34 F. A judge or justice with experience in juvenile justice proceedings;
- 35 G. A representative of a restorative justice program or other program designed to divert
36 juveniles from the juvenile justice system;
- 37 H. A person with expertise and experience in promoting the interests of youths
38 involved in the juvenile justice system; and
- 39 I. A person with expertise and experience in child development and the developmental
40 approach to juvenile justice reform.

41 **Sec. 4. Effective date.** That section of this Act that amends the Maine Revised
42 Statutes, Title 15, section 3204 and that section of this Act that enacts Title 15, section
43 3207 take effect January 1, 2026.

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SUMMARY

2 This bill establishes a process allowing a law enforcement officer who has probable
3 cause to believe that a juvenile has committed a juvenile crime, or a juvenile community
4 corrections officer to whom a juvenile has been referred, to refer the juvenile to the
5 Department of Health and Human Services for a juvenile needs assessment designed to
6 identify the supports and services needed to promote child and family well-being and
7 actions to be taken to address the medical, educational, social therapeutic or other services
8 needed by the juvenile and the juvenile's family. The assessment must be conducted by
9 persons with comprehensive training and must be completed within 60 days following
10 referral of the juvenile to the department. If a juvenile needs assessment was completed for
11 the juvenile within the 6 months prior to referral, the department must provide that report
12 to the law enforcement officer or juvenile community corrections officer. The bill also
13 requires that if the assessment reveals that the juvenile has complex behavioral health needs
14 and is at risk or is already involved in multiple service systems, the department must refer
15 the juvenile and the juvenile's family to high-fidelity wraparound care coordination
16 services.

17 The bill also establishes requirements for issuing petitions regarding a juvenile when
18 that petition is being issued prior to or in conjunction with a referral for a juvenile needs
19 assessment and following a juvenile needs assessment. The bill also establishes criteria for
20 the use of the report and recommendations based on the juvenile needs assessment in
21 adjudicatory hearings and stipulates that statements made by the juvenile or the juvenile's
22 parents, guardian or legal custodian related to the juvenile needs assessment are not
23 admissible as evidence in adjudicatory hearings.

24 The bill also directs the Department of Health and Human Services to establish an
25 implementation stakeholder group to assist in the implementation of the juvenile needs
26 assessment and train relevant persons and entities on all matters related to the juvenile
27 needs assessment.

28 The portion of the bill establishing the implementation stakeholder group takes effect
29 upon enactment of this legislation, and the portions of the bill establishing the juvenile
30 needs assessment become effective January 1, 2026.