

Written Testimony by  
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For the Joint Standing Committee on Criminal Justice & Public Safety  
March 24, 2025

Dear Chair Beebe-Center, Chair Hasenfus, and members of the Joint Standing Committee on Criminal Justice & Public Safety.

Thank you for the opportunity to provide this written testimony in support of **LD 740 An Act to Establish a Comprehensive Program to Divert Youth from the Criminal Justice System and Address Their Needs**. LD 740 is an important bill designed to best help children, ensure safe communities, and optimize efficient, effective use of Maine resources.

From 2018-2022 I served as New Hampshire’s State Child Advocate. Prior to that I was an Assistant Child Advocate for the State of Connecticut for 11 years. I have extensive experience examining and working to refine and transform juvenile justice systems. As Child Advocate in New Hampshire I had the pleasure of working with a statewide team supported by the Annie E. Casey Foundation on a broad project designed to transform juvenile probation and redirect children away from the juvenile system towards services and supports better equipped to resolve and prevent delinquent behavior. LD 740 models that initiative to achieve the same successful outcomes our neighbor state is now experiencing. Below I provide several comments by section of the bill, followed by recently released outcomes data from New Hampshire as a means to demonstrate what Maine can look to achieve with passage of this bill.

#### **COMMENTS RELEVANT TO PROPOSED SECTION 2. 15 MRSA § 3207**

§3207. 1. Establishes a pre-petition referral for a “juvenile needs assessment.” Optimal wording would be “Evidence-based Comprehensive Strengths and Needs Assessment.” However the description of the assessment in §3207.3 is adequate.

§3207.2. allows for the juvenile and family to be informed of and consent to the option for an assessment prior to petitions being filed. It is helpful for child and family to understand they have an option and what that option will afford them. The assessment will produce recommendations to meet identified needs and mitigate risk of delinquent behavior. Consent for any type of assessment or intervention has been shown to improve outcomes compared with those that are mandated without consent. It is also important to note that nothing in LD 740 disallows law enforcement from filing petitions if they deem necessary.

§3207.3 describes the “juvenile needs assessment.” There are three key aspects of the juvenile needs assessment that, when understood, form the foundation of effective transformation of the juvenile justice system.

- 1) It is comprehensive. It examines the child’s entire situation. In addition to physical, behavioral, and mental health, it also includes the child’s strengths, the strengths the child benefits from within the family, and the family’s circumstances including stability of employment, housing, other factors that may bolster or interfere with the child’s growth and development – all of which impact the child’s behavior and risk of delinquency.
- 2) As a pre-petition intervention, the assessment is conducted prior to any involvement in the juvenile justice system. There is now an abundance of empirical evidence demonstrating that the greatest predictive factor of juvenile justice involvement is juvenile justice involvement. The negative effect of system involvement establishes, perpetuates, and exacerbates risk of delinquency. This is true of the impact of interaction with the juvenile justice system, as well as the absence of resolving child and family deficits while in custody or supervision of the system.

Therefore, while the Department of Corrections may argue that they already conduct multiple assessments of children who enter the juvenile justice system; and while the recent settlement with the U.S. Department of Justice affirms that the State of Maine will comply with the Americans with Disabilities Act in providing mental and behavioral health services to children, including those who were detained or committed in a correctional facility or placed outside that facility during detention or commitment, there is still a need for LD 740. This bill opens the door and re-directs a child’s trajectory *before* system involvement.

- 3) The comprehensive strengths and needs assessment offered to a child suspected of delinquent behavior does not automatically assume complex needs and service recommendations. Outcomes data I will share below from New Hampshire’s implementation of similar legislation demonstrates that for many children, the need is indeed less complex and requires far less complex and costly intervention than anticipated among the qualifying children covered under the settlement with the U.S. Department of Justice. The “single assessment” described in the settlement is for all Medium or High Intensity Behavioral Health Services. It is diagnosis and treatment-focused in a decidedly clinical model. As a solution negotiated under the authority of the ADA, the settlement assumes disability, whereas a strengths and needs assessment conducted prior to delinquency petitions may uncover non-disability related needs such as stable housing, parental service needs, employment or a school tutor, all of which can be common contributors to delinquent behavior. Of course any child assessed in the pre-petition process who is discovered to have intensive needs can and should be accorded all of the agreed upon services outlined in the settlement with the U.S. Department of Justice.

§ 3207.6 Covers referral to coordination of services, specifically referring a child to high fidelity wrap around services when complex behavioral health needs are identified. Here the language could be adjusted to refer the child to the Department of Health and Human Services for assessment of appropriate service referrals according to the settlement agreement with the US Department of Justice. I make this suggestion to avoid overuse of high fidelity wrap around services when not necessary. There may be children assessed with less complex needs that may be addressed appropriately by specific interventions not requiring wrap around. New Hampshire's data below demonstrates nearly half of all referrals are to routine community based services vs. 20.9 percent referred to Bureau of Children's Behavioral Health (e.g. high fidelity wrap around).

§ 3207.7-9. Addresses use of the report and recommendations from the strengths and needs assessment when petitions are filed. The comprehensive assessment contributes to understanding of the child and family's strengths and needs. Using that information to design a treatment plan for an adjudicated child will make for meaningful intervention towards addressing risk of delinquency while in in custody or supervision.

### **SECTION 3**

The Implementation Stakeholder Group established in this section creates an infrastructure for successful implementation of the legislation. **LD 740 An Act to Establish a Comprehensive Program to Divert Youth from the Criminal Justice System and Address Their Needs** represents a state of the evidence, cutting edge approach to transforming how Maine addresses delinquency and risk of delinquent behavior. Even discussing this bill requires significant shift in the paradigm of child and adolescent development in juvenile justice, understanding of how brains develop, and appreciating that behavior is a form of communication. In the case of delinquency, children's behavior may be communicating an underlying need. With the passage of this bill, there will be many stakeholders who would benefit from education and training to better understand these characteristics of children, their needs and strengths, and the best measures for achieving optimal outcomes.

I urge you to **pass LD 740 An Act to Establish a Comprehensive Program to Divert Youth from the Criminal Justice System and Address Their Needs.**

Below I provide you with outcomes data collected in New Hampshire. This data is culled from presentations the New Hampshire Division for Children, Youth and Families shared at recent national conferences. I have their slides and would welcome the opportunity to share a full presentation to the Committee if that would be useful. Please do not hesitate to contact me with any questions.

## Bridging Systems in Juvenile Justice and Children’s Behavioral Health for Sustainable Change in New Hampshire.

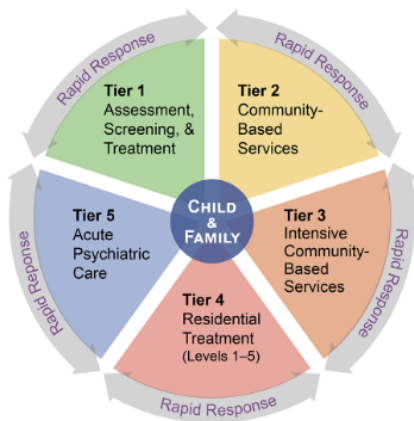
(from NH Department of Health and Human Services, 2024).

Note: New Hampshire has been building a “Children’s System of Care” since approximately 2018. Much of their current infrastructure is similar to that agreed upon in Maine’s settlement with the U.S. Department of Justice.

1. The New Hampshire System of Care is grounded in careful assessment and commitment to preserving children’s place with family in their communities.

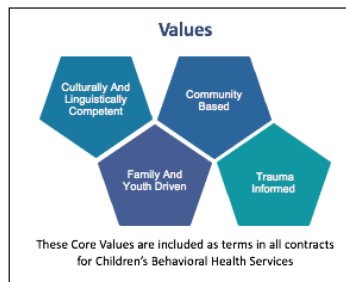
### Children’s System of Care Overview

NH Children’s Behavioral Health System of Care Framework and Values



SoC Framework is designed to ensure that:

- Children & their families receive an array of services across an integrated continuum of care, and
- All services and supports adhere to System of Care Values



2. The option for pre-petition assessment has been well received by New Hampshire children and families.

Approximately 74% of families consent to participate in the needs assessment!

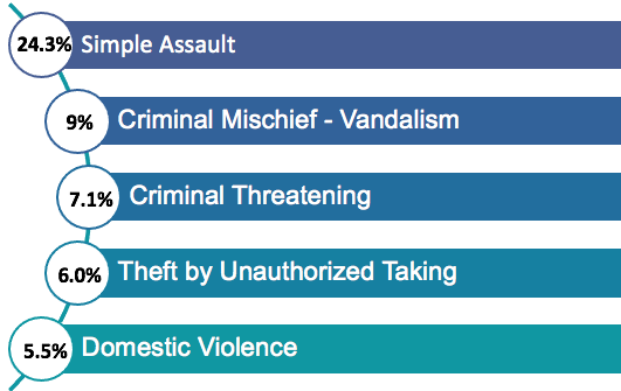


- Between 7/1/2023 and 6/30/2024 (note error on slide) the most common alleged juvenile offense was simple assault (24.3%), which may range from throwing a phone at a parent to school fighting.

**Data from Children’s System of Care and Juvenile Justice**

Top Five Alleged Offenses From Referrals

Referrals Started 7/1/2024 – 6/30/2024



- New Hampshire employs the Child & Adolescent Needs & Strengths (CANS) instrument for pre-petition assessments. It measures child behavioral/emotional needs, child life functioning, child risk behaviors, cultural factors, child strengths, and caregiver strengths and needs. Maine DHHS also currently uses this instrument with other populations. A brief summary of most frequent characteristics unearthed in the CANS indicates a range of factors impacting child behavior, including difficulties at school, family stress and lack of supervision, and trauma, in addition to dangerous behavior.

**Data from Children’s System of Care and Juvenile Justice**

Most Frequently Rated Actionable Items of the Voluntary Needs Assessment

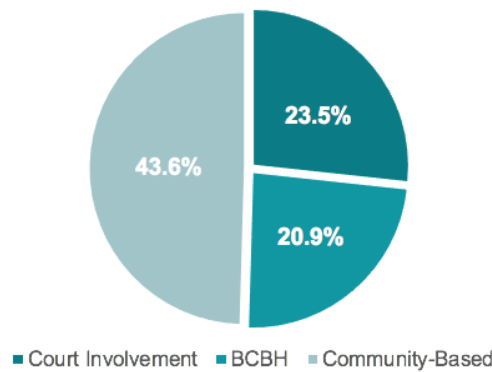


- 5. It is notable that nearly half of the recommendations generated from pre-petition assessments in New Hampshire identify community-based provider services vs intensive services like wraparound through the Bureau of Children’s Behavioral Health. Community-based services include medication management, school and employment supports, medical and behavioral treatment, special education services and developmental services.

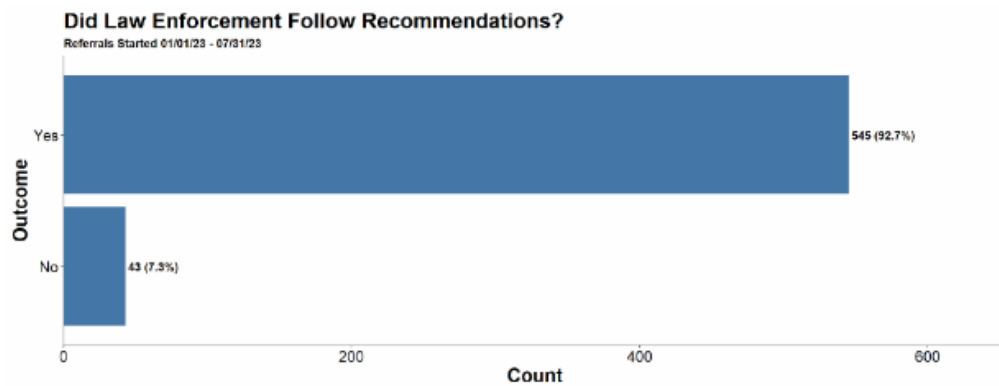
### Data from Children’s System of Care and Juvenile Justice

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Voluntary Needs Assessment - Decision Support Model Recommendations



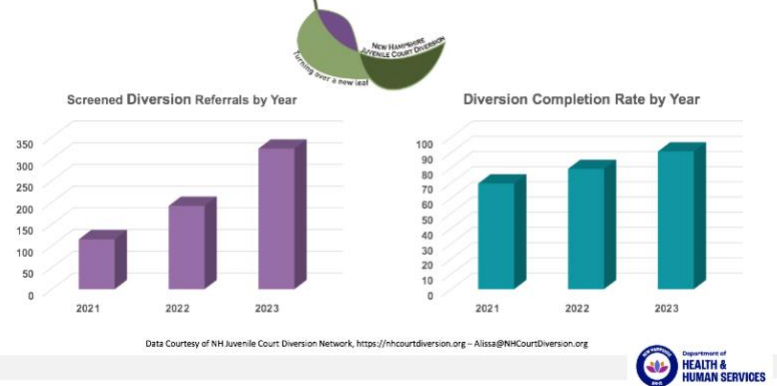
- 6. There has also been significant agreement among law enforcement with assessment recommendations (Data only for 2023, however the trend reportedly persists).



7. Referrals and successful completion of formal diversion programs has risen significantly.

**Data from Children’s System of Care and Juvenile Justice**

**Increase in Use of Diversion Programs**



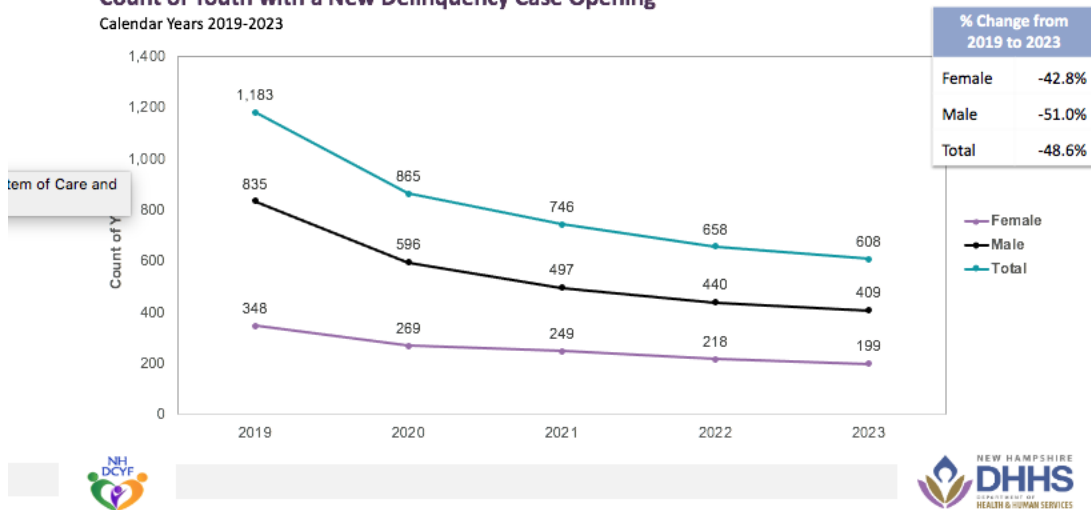
8. The count of new opened delinquency cases has continued a steady downward trend.

**Data from Children’s System of Care and Juvenile Justice**

**Reduced Reliance on Probation**

**Count of Youth with a New Delinquency Case Opening**

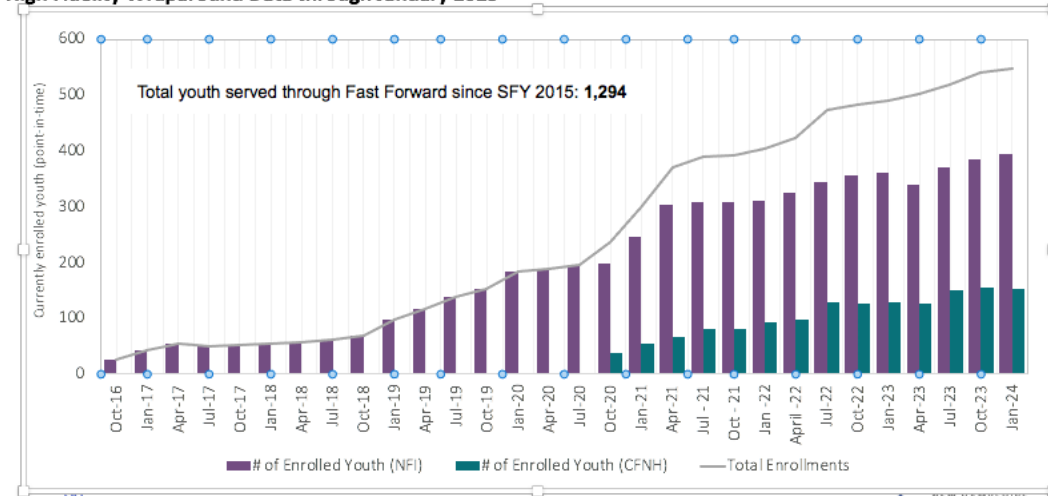
Calendar Years 2019-2023



- At the same time, high fidelity wraparound services have reached exponentially more children. Unfortunately, this slide combines pre-petition referrals with all referrals for wraparound. However the increased access to this service by children in general likely impacts lower counts of new delinquency cases as children's needs are met upstream. This slide also represents the shifting culture to children's needs being identified and their and families supported as normative rather than waiting for family crisis and juvenile justice involvement.

### Data from Children's System of Care and Juvenile Justice

High Fidelity Wraparound Data through January 2023





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LD 740

Hello. I am unable to attend the hearing on LD 740. Please accept my written testimony uploaded here. Thank you so much. Moira O'Neill