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Transforming Youth Community Supervision

Executive Summary

Since 2010, the State of Maine, the Maine Department of Corrections (MDOC), and other key stakeholders statewide have been committed to efforts to divert young people from formal system involvement, including MDOC supervision and detention in Long Creek Youth Development Center, and increase opportunities for youth to be supported in their communities. In 2011, Maine launched some of this work as part of the Annie E. Casey's Juvenile Detention Alternatives Initiative (JDAI), which supports efforts to reduce reliance on detention and develop community-based alternatives to effectively support youth in their communities.

A 2021 report from the University of Southern Maine found that 77% of youth referred to MDOC for the first time were diverted from formal prosecution between 2014-2018.¹ Of the first time referred youth who were diverted from prosecution:

- The most serious alleged offense was civil (38%), misdemeanor (57%), and felony (5%).
- Three out of four (76%) still received some level of MDOC supervision – under a Juvenile Community Corrections Officer (JCCO) – while diverted. Only one in four (26%) were diverted with no further action (and supervision) by MDOC.
- Only 7% recidivated within a year, 11% within two years, and 16% within three years.²

There is no public data in Maine on total cases diverted (beyond first time referrals). However, with the above available data in mind and drawing from national research on the efficacy of community-based diversion as well as findings and recommendations from an extensive 2020 assessment of Maine juvenile justice policies and practices, there is an opportunity and need to broaden who has access to diversion and to increase the use of diversion, particularly diversion to community-based supports and services, away from MDOC supervision.

The 2020 report documenting findings and recommendations from a year-long juvenile justice system assessment found “over the past ten years, Maine has seen a trend of decreasing arrests of youth and increased use of diversion from MDOC.”³ To sustain this trend, the report identified gaps, including the lack of a robust continuum of alternatives to detention to successfully support youth in the community, the need to strengthen community-police relationships, and the need to improve diversion protocols and practices to ensure equity statewide.

¹ Wheeler, T. & Dumont, R. (2021). Youth Recidivism: Diversion to Discharge in Maine's Juvenile Justice System. Maine Statistical Analysis Center. University of Southern Maine.

² Recidivism defined as being adjudicated as a juvenile or convicted as an adult

³ Center for Children's Law and Policy et al. (2020) Maine Juvenile Justice System Assessment. pp. 72-80.

Recent strategic activities resulting, in part, from the system assessment, include establishment of Regional Care Teams,⁴ investment in Youth Advocate Programs (YAP) and Credible Messenger mentors, and JCCO training on racial equity and a strengths-based coaching model for youth supervision. Despite these efforts, many of the needs identified in the systems assessment remain. Strains on the continuum of care have been exacerbated by the COVID pandemic and related workforce shortages have been challenging. Establishing uniform and consistent community supervision practices that focus on positive youth development, youth wellbeing, and a shared culture around the value of this approach remain goals for transforming community supervision, including probation. Critical to these efforts are the value and practice of centering the voices and lived experiences of young people who have experienced the justice system in Maine by leveraging youth led groups already working in the state including the Young People's Caucus⁵ Youth Justice Network, and the Juvenile Justice Advisory Group (JJAG) Youth Council.

Through participation in the Georgetown University's Center for Juvenile Justice Reform Transforming Juvenile Probation Program, we have been able to better articulate a common vision for community supervision and a better understanding of the steps that need to be taken to realize this vision. The capstone project provides the opportunity to build on and strengthen connections between MDOC and community services, diverting more youth away from system involvement and to sustainable connections with community-based organizations and other services. It reflects Maine's growth in cross-system collaboration since 2020, and Maine's commitment to reducing system contact for young people so that they can stay connected to their communities and on pathways toward safety, well-being, and thriving.

The first part of the capstone project will focus on the goal of making probation/community supervision *smaller* by safely diverting more young people from formal system and court involvement, to community-based supports, services, and opportunities. To work toward this goal, we will begin by undertaking a collaborative system mapping process, with support and assistance from the Annie E. Casey Foundation (AECF). Through the mapping process, a broader collaborative of people will identify the various points of diversion that exist in Maine and may need to be expanded as well as those points that are missing and need to be developed. At each point, we will use local data and examples from other jurisdictions in the country to determine what risk and needs assessments may (or may not) be needed, who should be involved in making the diversion decisions and providing the support, and what measures are needed to ensure we are meeting our goal. After the mapping process, we will work with local stakeholders to identify three pilot sites across Maine to begin implementation of key steps to increase diversions. Following learnings from the pilot sites, practices and policies to reduce the number of youth on community supervision through an increase in diversions will be implemented statewide.

⁴ <https://placemattersmaine.org/regional-care-teams/>

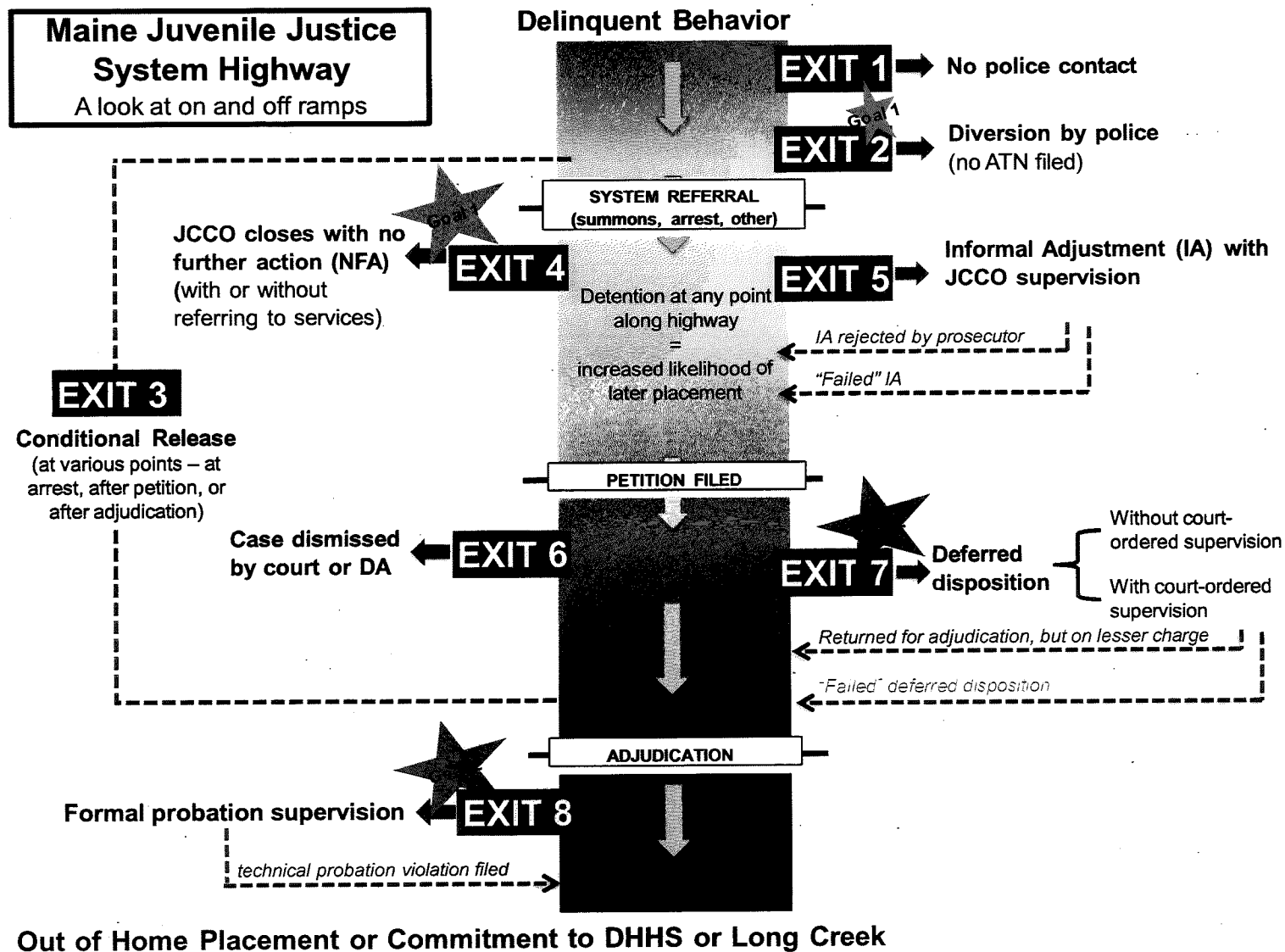
⁵ <https://www.yceme.org/young-people-s-caucus>

The second goal will focus on making probation/community supervision better by ensuring it is strength-based, time-limited, rooted in relationship-building and community partnership, and focused on positive youth development, meaningful accountability, and healing. To work toward this goal, we will redefine Juvenile Community Corrections Officers' (JCCO) role as a coach, rather than a referee. As one key part of that change, we will train and support JCCOs in creating individualized, strength-based, family-engaged, youth-driven case plans that are updated and tailored through the life of a case. The family-engaged case planning (FECF) process will be phased in, starting with a local team participating in an AECF-funded training on the case planning model, followed by local planning around what that model could and should look like in Maine. FECF addresses the overall goal of improving community supervision because it goes beyond interacting with, informing, requiring information from, or explaining things to families. Rather, family engagement involves true partnership. It requires JCCOs to seek advice and opinions from families, honor and respect their insight and perspective and treat them as essential participants in the development of their youth's case plans and the oversight of their youth's experience on probation. The MDOC team is currently mapping out a process for how to rollout the FECF model, and will continue to identify the policies and procedures that may need to change to align with and support this process.

The above goals are grounded in research about youth development and what works to foster long-term behavior change, well-being, and safety. To achieve the goals, we will be working with partners across the juvenile justice system (law enforcement, MDOC, defense, prosecution, judiciary, DHHS), youth and families with direct experience in the system, and other community entities and individuals.

Leadership Team

Steve Labonte, Regional Correctional Administrator (Region 3), Department of Corrections
Joe Hansen, Regional Correctional Manager (Region 1), Department of Corrections
Tara Chiasson, Juvenile Community Corrections Officer (Region 2), Department of Corrections
Judge Matthew Tice, District Court
Betsy Boardman, Judicial Branch
Tanya Pierson, Assistant District Attorney, York County
Timothy Gleason, Youth Leader
Jane Young, Impacted Family
Doran Wright, Executive Director, Straight Ahead Ministries
Christopher Northrop, Director, Rural Practice Clinic
Emma Schwartz, Research Analyst II, USM
Jill Ward, Director, Center for Youth Policy & Law at Maine Law
Denise Merrill, Regional Associate Director, Office of Children and Families, DHHS
Joseph Hufnagel, Executive Director, The Landing Place





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DOJ Settlement and the Children's Behavioral Health System A Timeline, Past and Future

December 2018: Children's Behavioral Health Services Assessment Final Report is issued. This report made 24 recommendations after finding that "children's behavioral health services are not available immediately (or at all)" and as a result these "[u]nmet behavioral health needs start to form a bottleneck in the system of care where children get "stuck", unable to access the services they need or return to a lower level of care as is desirable."

September 2019: Disability Rights Maine files state-wide *Olmstead* Complaint with the U.S. Department of Justice, detailing the ongoing failure to ensure children have access to community based behavioral health services.

June 2022: U.S. Department of Justice ("DOJ") concludes its investigation and issues a letter of findings, indicating: "We have determined that Maine is violating the ADA by failing to provide behavioral health services to children in the most integrated setting appropriate to their needs. Instead, the State unnecessarily relies on segregated settings such as psychiatric hospitals and residential treatment facilities to provide these services. As a result of these violations, children are separated from their families and communities. This letter describes the Department's findings, including steps the State should take to meet its legal obligations and remedy the violations the Department has identified."

June 2022-September 2024: DOJ works to reach a negotiated agreement with Maine to bring Maine into compliance with the Americans with Disabilities Act and prevent the unnecessary institutionalization of Maine children.

September 9, 2024: *United States of America v. State of Maine* is filed in the United States District Court, District of Maine. The Complaint details the ongoing failure of Maine to provide community based behavioral health services resulting in the unnecessary institutionalization of Maine youth. The Complaint begins by asserting: "Each year, the State of Maine ("Maine" or "State") segregates hundreds of children with mental health and/or developmental disabilities, referred to throughout as behavioral health disabilities, away from their families and communities in institutions in- and out of-state. These children do not need to be segregated. The families of many of these children want them home. Other families would choose to have their children live at home or in another family home if provided a meaningful opportunity to do so. Maine administers its behavioral health service system for children in a manner that gives the families and guardians of these children no meaningful choice other than institutions. This leaves hundreds of children separated from their families and segregated from their communities."

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MAINE'S PROTECTION AND ADVOCACY AGENCY FOR PEOPLE WITH DISABILITIES

November 26, 2024: DOJ and Maine announce that they have reached an agreement contingent on the United States District Court, District of Maine, retaining jurisdiction for the purposes of enforcing the settlement agreement.

December 20, 2024: U.S. District Court Judge Stacey D. Neumann issues an Order dismissing the matter while specifically retaining jurisdiction to enforce the Settlement Agreement in accordance with its terms and for its duration. This date is the “Effective Date” of the Settlement Agreement.

The Settlement Agreement can be found here: <https://www.justice.gov/crt/case-document/settlement-agreement-us-v-state-maine>

DOJ also developed a fact sheet regarding the Settlement Agreement, which can be found here: <https://www.justice.gov/crt/media/1378316/dl>

Settlement Agreement Implementation – Selected Dates¹

Year One (12/2024 – 12/2025)

Immediate: “The State will take immediate steps to review, develop, implement, and update a plan to address any current or future workforce shortages of Community Providers, including Therapeutic Intensive Home parents and Therapeutic Foster Care Home parents.” (p.16)

March 20, 2025: “Beginning no later than three months after the Effective Date, the State will hold meetings at least quarterly with Community Providers and Out-of-Home Placement service providers to discuss issues related to State policies, reimbursement, billing, and service provision, and to gather feedback on issues such as providing services consistent with this Agreement, addressing unmet needs, and training staff.” (p.17)

March 20, 2025: State is required to submit a state plan amendment to CMS “to implement the CMS-qualifying mobile crisis service” with the goal that mobile crisis intervention team responses will occur within 120 minutes in rural settings, and 60 minutes in urban settings. (p.23)

April 19, 2025: State must appoint/hire a Children’s Behavioral Services Integration Coordinator, to coordinate State’s efforts to comply with Settlement. (p.19)

April 19, 2025 or 1 week after Independent Reviewer is selected (whichever is later): State must submit Implementation Plan. This plan will, among other things: a) “Assign to the relevant State offices or employees responsibility for achieving each initiative and timeline until the development and submission of the next Implementation Plan update”; b) “Establish clear strategies to achieve Agreement initiatives and outcomes”; c) “Describe evaluation metrics and methods for each proposed strategy to assess efficacy and effectiveness”; d) “Include a Data

¹ This is not a complete list of the timelines in the agreement. Particular attention has been paid to the deadlines within the first two years of the agreement.

Collection and Analysis Plan to measure progress and completion of Agreement initiatives and outcomes”; and e) “State the date that each of the services described in this Agreement reasonably are expected to be implemented.” (pp.19-20)²

April 20, 2025: Deadline for the State and DOJ to select and agree upon an independent reviewer. (p.25)

June 18, 2025: First required annual assessments of at least 10% of community provider agencies to ensure quality service provision. Annual requirement going forward. (p.24)

June 20, 2025: On or before this date, “the State will publish and effectively provide information for Families, Children, and other Stakeholders about Community-Based Services, how to access them, and the rights of Children under this Agreement.” (p.14)

June 20, 2025: On or before this date, “the State will begin providing outreach to Families, Children, and other Stakeholders about Community-Based Services, how to access them, and the rights of Children under this Agreement.” (p.15)³

June 20, 2025: The State is required to provide DOJ and the Independent Reviewer information about juvenile dispositions and juveniles detained more than 30 days. These same reports are required every 6 months under the Agreement. (p.21)

December 20, 2025: The State will “accomplish Community Returns” for 40 children in out-of-home placements. (p.23)⁴

Year Two (12/2025 – 12/2026)

January 1, 2026: Any child who meets a broad range of criteria (ED stay, family requests assistance from school, medical provider, crisis, referral to out of home placement, DOC involvement) “will be offered a Single Assessment for all Medium or High Intensity Behavioral Health Services”. (pp.4-5)

January 1, 2026: Deadline for the State to make high fidelity wraparound services available “for selecting and organizing the services that an eligible Child needs to address their behavioral health challenges when involved in multiple child-serving systems and at risk of or in an Out-of-Home Placement.” (p.7,22)

² Submission of this plan begins a process where the DOJ will provide comments, leading to a revised plan. The process repeats until DOJ approves the implementation plan. pp. 19-21. The Agreement also requires the implementation plan “to be updated and resubmitted at least 6 months before the end of the second full State fiscal year within the Agreement’s term, and at least biennially thereafter.” (p.19)

³ At least 6 outreach events are required in the first two years of the agreement, then three events in each subsequent year of the agreement.

⁴ There are additional deadlines associated with this date, including: a) requiring providers to have contingency and backup plans for when community-based providers are not available (p.16); and b) requiring the State to provide specialized training on care coordination to all juvenile community corrections officers. (p.18)

January 1, 2026: By this date, 50% of Children who receive the Single Assessment and need care coordination will have an individualized service plan within 30 days of their first meeting with the care coordinator. (p.22)

February 20, 2026: State must implement training policies and mandatory, competency-based curricula for providers and care coordinators. (p.17, Appendix C)

December 20, 2026: State will “accomplish Community Returns” for another 55 children in out-of-home placements, for total of 95. (p.23)

Year Three (12/2026 – 12/2027)

January 1, 2027: By this date, all Children who receive the Single Assessment and need care coordination will have an individualized service plan within 30 days of their first meeting with the care coordinator. (p.22)

December 20, 2027: State will “accomplish Community Returns” for another 70 children in out-of-home placements, for total of 165. (p.24)

December 20, 2027: By this date, 95% of all face-to-face mobile crisis responses will occur within 120 mins rural, 60 mins urban. (p.23)

Year Four (12/2027 – 12/2028)

December 20, 2028: State will “accomplish Community Returns” for 80% of all children in out-of-home placements whose Individualized Service Plan states community return as a goal. (p.24)

Year Five (12/2028 – 12/2029)

December 20, 2029: State will “accomplish Community Returns” for 92% of all children in out-of-home placements whose Individualized Service Plan states community return as a goal. (p.24)

Year Six (12/2029 – 12/2030)

March 20, 2030: Independent Reviewer will prepare a final report on compliance. This will follow the same format as required annual reports from the Independent Reviewer, and must include: “recommendations for facilitating or sustaining compliance. The reports must specify how the State is or is not in compliance with each of its obligations in the Agreement; for future obligations in the Agreement, the Independent Reviewer will report on whether the State is progressing at an appropriate pace toward achieving compliance when the obligation takes effect.” (p.26)

December 20, 2030: If the State is in substantial compliance with the Agreement, it will terminate on this date. (p.29)

Other Settlement Provisions of Note

- For information about which Maine Children are covered by the Agreement, see pages 3-4. Briefly, the Agreement covers Maine youth up to their 21st birthday who have behavioral health disabilities and are eligible to receive behavioral health services funded or administered by the State and who are either in an out of home placement or at serious risk of an out of home placement.
- For information about the community-based services that must be provided by the State, see pages 11-14 of the Agreement. This section includes the following:
 - “Children will not be excluded from or denied Community-Based Services due to: (a) complex behavioral health needs; (b) significant physical or medical needs in addition to behavioral health needs; or (c) the need for behavioral health assistance for up to 24 hours per day.” (pp.11-12)
 - “State will develop and ensure sufficient statewide availability of the services”. (p.12)
 - “Timeliness. The State will furnish Community-Based Services that Children need in a Timely manner. To be Timely, services must be available in time to prevent Children from unnecessarily: (1) entering an Out-of-Home Placement for the purpose of receiving behavioral health services; (2) remaining in an Out-of-Home Placement; or (3) having an Emergency Department Stay.” (pp.12)
 - Services that must be provided in accordance with the above include: crisis services and intensive in-home behavioral treatment services, which include behavioral services, therapy services, family and youth peer services, family supports, and therapeutic care homes. (pp.12-14)

QUESTIONS?

If you have questions or would like more information, please contact Atlee Reilly, Disability Rights Maine, at 207.626.2774 x220 or via email to areilly@drme.org.