



Alliance for Addiction and Mental Health Services, Maine

The unified voice for Maine's community behavioral health providers

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Testimony Neither For Nor Against LD 546

An Act To Implement the Recommendations of the Maine Juvenile Justice System Assessment and Reinvestment Task Force

Sponsored by Representative Michael Brennan

March 26, 2021

Sen. Deschambault, Rep. Warren and members of the Joint Standing Committee on Criminal Justice & Public Safety, ***please excuse me for not being able to present this testimony in person, but I just could not be there. I would be happy to participate in any work session or discussions regarding this legislation.*** I am Malory Shaughnessy, a resident of Westbrook, and the Executive Director of the Alliance for Addiction and Mental Health Services. The Alliance is the state association for Maine's community based mental health and substance use treatment providers. The Alliance advocates for the implementation of sound policies and evidence-based practices that serve to enhance the quality and effectiveness of our behavioral health care system.

On behalf of the Alliance, I want to share our thoughts on LD 546. **We are not weighing in as supporting this legislation because we have concerns that it does not go far enough in making changes, does not invest enough in needed services, and is far less than children that are at risk of escalating into crisis or into justice involvement, and their families and communities, deserve.**

As a member of the Maine Juvenile Justice System, I can tell you that we spent a lot of time reviewing the current system of care, hearing about the lack of programming, and the need for investment in our community-based behavioral health services for our youth. We learned that most youth at Long Creek Youth Development Center are there not because they are a danger to others, but because there is no other appropriate place for them to go. Incarcerating youth who pose no risk to public safety should not be acceptable simply because we lack the community-based investment to provide alternative, more therapeutic placements.

As a former County Commissioner, I was also a member of the Juvenile Justice Task Force that last reviewed this system over ten years ago. **It is extremely concerning that the major gaps found now were highlighted over ten years ago, and have actually grown larger in those interim years.**

In the early 2000s, Maine did decide to invest in Home and Community Treatment Services for youth struggling with behavioral health issues, to work with them in their homes, and with their families. Maine created an exemplary system of care after the Risinger v. Concannon lawsuit demanded action.

However, we built this service and then never maintained it. The reimbursement rate for providing this service has not really changed since 2005. There is not much that you find today that costs the same as it did in 2005. Most everything has changed since then and the cost of everything has gone up.

So now we have a system of community-based care that is stretched too thin, largely missing in our rural areas, and so underfunded that it is not providing the level of care that these youth actually need.

Our residential behavioral health treatment services have suffered a similar fate in these interim years. We now have empty beds in residential treatment homes across the state because the rate has not kept pace with the cost of providing care, and staff cannot be found and retained to keep these beds open, and meet increasingly escalating behaviors.

So, while we support this legislation in Sections 1 through 3, we have serious concerns to share about Sections 4 through 8.

Sections 1-3:

We wholeheartedly agree and support repealing the provision of the Maine Juvenile Code that establishes as a purpose of pre-adjudication detention providing physical care for a juvenile who cannot return home because there is no parent or other suitable person willing and able to supervise the juvenile adequately.

We wholeheartedly support reestablishing the juvenile justice task force to help implement the recommendation made in the [February 2020 report](#) issued by the Maine Juvenile Justice System Task Force. The task force is directed to work with stakeholder groups and the Departments of Corrections and Health and Human Services regarding the development of a community-based system of therapeutic services for justice-involved youths that works to divert youths from detention and commitment, reduce the rates of detention and commitment across the State and achieve the benchmarks for progress established in this bill to oversee implementation of the recommendations.

Section 4:

We support the detailed annual reports back to the legislature through 2025, **BUT** believe that they should be presented to both the Criminal Justice and Public Safety Committee **AND** the Health and Human Services Committee.

Section 5:

This section calls for the Department of Corrections to report to the Criminal Justice and Public Safety Committee on possible sites and locations for 2 to 4 small, secure, therapeutic residences for youths for the purposes of providing confinement and detention in a therapeutic setting.

We agree with the need for secure therapeutic settings for up to 20 youths, we however believe that these youth should be within the oversight of the Department of Health and Human Service's youth-serving Office of Child and Family Services.

Section 6-8:

Section 6-8 appropriates ongoing funding to nonprofit community-based providers of therapeutic services or programs for the purpose of diverting justice-involved youths from detention and commitment and reducing the rate of youth detention and commitment, using funding appropriated for that purpose. These services or programs may include behavioral health services, family support, housing, community supervision, restorative justice and transportation.

We have serious concerns about continuing to put money into the Department of Corrections for community care for youth that might be better placed within Health and Human Services. We support Juvenile Justice becoming part of a continuum of services and programming within our youth serving agency rather than staying in our adult corrections system.

We know that behavioral health, child welfare, and protective services intersect with juvenile corrections. Having them housed together is what is happening across the country. We are one of only 6 or 7 states with juveniles still under the oversight of adult corrections. Maine is behind in this movement.

It also appropriates the amount of \$1,500,000 to the Department of Corrections and \$500,000 to the Department of Health and Human Services.

We do not think this legislation goes far enough. We are failing our children and our state’s future by not taking this moment in time to invest far more into our shattered system of care.

The figures below were highlighted in the [*Children’s Behavioral Health Services Assessment Final Report*](#) in December of 2018. The reduction in investment into the system is obvious.

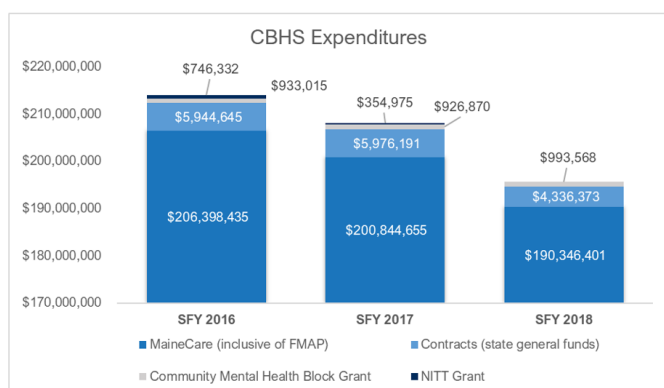


Figure 5. CBHS expenditures

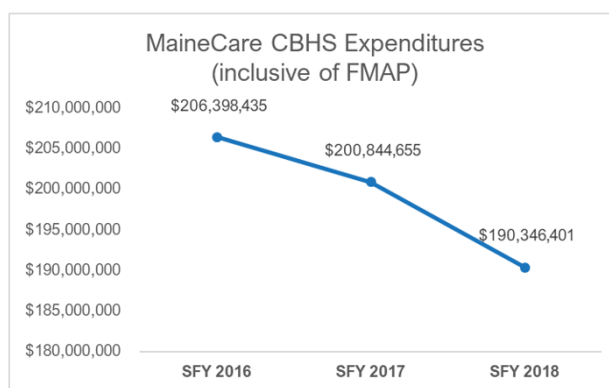


Figure 6. MaineCare CBHS expenditures

This appropriation of \$2 million is a drop in the bucket compared to the amount of money that was removed from the system of care just from SFY 2016 to SFY2018.

We would advocate that the legislature goes further than this legislation before you today -- **finally shoring up the foundation of children’s behavioral health -- the community-based system.** We also need to invest in a full continuum of appropriate care, including residential treatment.

We do not want to drop the ball this time.

Given these concerns and our call for further action -- while we do support the intent of this legislation to fill critical gaps and meet immediate needs, we are testifying as neither for nor against as we cannot support that it goes nearly far enough to answer the concerns established in the Maine Juvenile Justice System Assessment and Reinvestment Task Force.

Thank you for this opportunity to share the thoughts of the Alliance. I would be happy to provide any additional information to the committee for the work session.