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LD 756, An Act Regarding Criminal Services for Juveniles presented by Representative Victoria Morales, South Portland, House District 33

Good morning, friends and colleagues of the Criminal Justice and Public Safety Committee:

My name is Victoria Morales and I represent South Portland in House District 33. **I am proud to present LD 756 An Act Regarding Criminal Services for Juveniles.**

At this outset, I want to acknowledge the fast pace of the Legislature at this time to do our important work and to express my deep gratitude to everyone who has come together - all of the young people, advocates, service providers across all sectors, policy experts, friends and colleagues - to work on this important policy. What I promise today to everyone listening is that I will work with you all in good faith over the next two months of this session as we discuss this policy all the way through this committee, other committees, and to the floors of the House and Senate.

What I can assure you is that none of the policies in this bill are new. They were all discussed in the year-long Juvenile Justice Systems Assessment Task Force that I participated in along with the Chairs of this Committee, Representative Patrick Corey, the Departments of Corrections, Education, Labor, and Health and Human Services, Children's Cabinet, the Judicial Branch, justice-involved people, community service providers, advocates, the recovery community, and many others. And they continue to be discussed with every bill, every report presented by the Department, every budget discussion, etc. As members of that task force, we learned about examples from other states that have proven to be successful at preventing young people from entering systems through oversight, accountability, and resourcing the community continuum of care. What I am presenting to you today is in line with our State's collaborative and inclusive learning process and is consistent with best practices in juvenile justice reform.

What LD 756 does is as follows:

Last year we removed a provision from Title 15 with the support of the Department that allowed judges to sentence young people to DOC for "their care." **Sections 1 and 2** in this bill are additional sections in

the code that align with that policy by removing the provisions in the code that allow incarceration to *protect children from harming themselves* and to *provide treatment*.

Section 3 of the bill is critically important. It requires that children sentenced to detention or commitment under DOC custody must have a *needs assessment* completed once they are incarcerated. For decades, we have heard over and over from the judicial system, from prosecutors, from the DOC, from practitioners that we incarcerate children because there is no other place for them to go.

We currently do not conduct a needs assessment, which is different from a public safety “risk assessment.” A needs assessment determines what the child needs on a foundational level to improve their behavior in the community, whether the child or family is housing insecure, food insecure, has medical needs, whether the child has experienced trauma, has a parent in prison or jail, needs additional educational support or behavioral health support, needs job training, supportive housing, etc. Conducting a needs assessment is in line with best practices and will individualize the approach to creating the best rehabilitation plan for each child. This approach is similar to how the Regional Care Teams assess the needs of each child they seek to divert from the system in the three DOC regions now. The data from this approach shows that they are over 80% successful in diverting young people from the system and dramatically reducing recidivism. This approach is also very similar to how Maine’s current education system utilizes an Individualized Education Plan (IEP) for each child in need of special education services in Maine. And, as we know, nearly 90% of the children in DOC custody have an IEP. **Sections 4 and 6** provide the resources to meet the needs of the children identified in each plan.

Section 4 of the bill provides that The Governor’s Office of Policy, Innovation, and the Future (GOPIF), through their existing connections with providers in the continuum of care and through their work with the Children’s Cabinet, will create a pilot program to be administered by a nonprofit entity to invest \$1 million dollars to fund small community-based services statewide.

Section 5 of the bill provides that OPEGA will, by March 2023, recommend an appropriate oversight plan for juvenile services. There are many models to review, including recommendations made by the Center for Children’s Law and Policy, the Juvenile Justice Research and Reform Lab at Drexel University, and the Center for the Study of Social Policy, as well as the approaches taken in other states in providing oversight of each state’s juvenile justice system, including but not limited to the mechanisms implemented in Connecticut, New Hampshire, Kansas, Kentucky and Utah, and the ombudsman model used by DHHS here in Maine.

Section 6 of the bill establishes an ongoing General Fund appropriation of \$7,000,000 beginning in fiscal year 2022-23 to the Department of Health and Human Services, the Department of Education and the Department of Labor to expand child and juvenile services in the following areas: youth development, crisis response, mental health, peer support, restorative justice services, trauma-responsive services and services for victims of gender-based violence. It also establishes an ongoing General Fund

appropriation of \$4,000,000 beginning in fiscal year 2022-23 to the Department of Health and Human Services to expand housing and related resources for children and juveniles and their caregivers, in a manner that prioritizes investment in service models and resources accessible to children and juveniles, including but not limited to transitional housing, emergency shelter and mobile respite beds, host homes and rental assistance.

For context in terms of the investment this bill envisions:

In 2021, the Department of Corrections received a total of 2,757 referrals of youth - 200 detention admissions to Long Creek and 19 commitments to Long Creek. Though the majority of referrals to the Department of Corrections are dismissed or diverted, the number of referrals can be used as one indicator to estimate the baseline population of youth in need of preventive community-based programming and diversion services. In reality, by focusing on resourcing the DOE, DHHS and DOL, the number of youth who will be served, the positive net-widening effect, will be greater because these investments will also benefit youth who are at-risk of referral to the legal system and provide preventive services to avoid involvement with the legal system. Given these numbers and the appropriations this bill seeks, the average investment in each child under this bill is approximately \$4,352 per year. This amount is comparable to program costs of many of the most common diversion programs per youth and far less than the cost of hospitalization or incarceration. Some youth will have service needs that cost less than this amount, such as referral to a mentoring program which could cost \$2,500 per youth, whereas other youth may have service needs that exceed this amount, such as functional family therapy at \$7,508 per youth.

Thank you for the opportunity to present this important policy.