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## **Report faults juvenile justice system**

By BETTY ADAMS

AUGUSTA -- The juvenile justice system in Maine is failing young people facing serious charges that can lead to imprisonment because the defendants lack adequate opportunities to defend themselves, according to a report released Wednesday.

The report found that "current laws and practices have the effect of denying youth access to attorneys at critical junctures in the juvenile justice system, including after they have been arraigned and are sitting in detention awaiting trial."

The New England Juvenile Defender Center, the American Bar Association and two Maine juvenile justice advocates joined to release the report Wednesday at the Judicial Center on Stone Street in Augusta.

It said one of the major "barriers to effective representation" is the \$315 fee for each proceeding in which a court-appointed lawyer represents a juvenile.

In contrast, attorneys' fees in child-protective cases are capped at \$625, according to the report.

"This assessment reveals inconsistencies in the quality of Maine's indigent juvenile defense practice resulting from a significant lack of institutional support and systemic barriers to ensuring high-quality juvenile defense," the report states.

The assessment cites "a failure of the state to support a quality juvenile defense bar."

The report also says 18 of Maine's 31 district courts saw a 40 percent increase in the number of charges filed against juveniles in 2001 and 2002. The highest increases were seen in Livermore Falls and Lincoln district courts.

"The report is accurate. We don't provide resources, training and quality assessment in Maine," said Judge Vendean Vafiades, chief judge of the Maine District Courts, who attended the news conference. But she added, "We are fortunate to have many dedicated juvenile attorneys."

Vafiades said when she sees children facing criminal charges, she tries to differentiate between levels of culpability and to learn whether they are being held accountable for their actions elsewhere, perhaps at home and at school.

The report quotes Maine Department of Public Safety numbers that show 9,287 children -- a third of them girls -- were arrested in 2002. Of those arrested, 5,107 were charged and passed through the juvenile court system.

Vafiades called the number of girls in the juvenile justice system "a growing phenomenon."

Other statistics show that a third of juvenile offenders commit new crimes while they're under Department of Corrections supervision or within a year of release from that supervision.

The Maine report was timed to coordinate with the release of five other such assessments -- in Kentucky, Louisiana, Connecticut, Massachusetts and the District of Columbia.

The Maine assessment also says that some relatively minor offenses, particularly those in schools, that were handled formerly by school administrators and others have been turned over to the court system.

Recommendations for improvement include creating a nonprofit organization to support juvenile defense work. A statewide juvenile-defender center would create a network of mentoring attorneys, monitor legislation, advocate for policy and institutions changes in courts and in social service delivery, report on related state policies and support attorneys handling other juvenile criminal proceedings

Lisa Thureau-Gray, director of the New England Juvenile Defender Center, said other states suffer from problems similar to those of Maine's juvenile system.

"Overall, the juvenile justice system is underfunded," she said.

The funding shortage and other barriers set up by the system can be costly, she said, adding, "The court system swallows up a certain percentage of kids every year."

Ned Chester, a lawyer who has represented juveniles for the past 25 years, said, "It's critical that every child have an attorney at every point, particularly when being taken into custody."

He said children can face more severe sentences than adults for similar crimes. A shoplifting conviction that could net an adult a maximum of six months in jail could send a juvenile to one of Maine's two youth centers until age 21, he said.

Chester also said it is hard to get children to trust an attorney when other adults may have abused or abandoned them. It's important to write a letter to the child to describe the outcome of the judicial proceedings, because children can fail to follow what is happening, he said.

Sharon Craig, co-chairwoman of the Maine State Bar Association's interim committee on juvenile justice and child protection, said new "wrap-around meetings" involving defense attorneys, prosecutors, school officials, therapists and family members help keep the children on track for treatment and rehabilitation.

She said attorneys should be paid for their time there and that the state should compile a list of resources available for children in the juvenile justice system.

The bar association is sponsoring a full day of training on the juvenile justice system in January, she said.