

New England Juvenile Defender Center Press Release

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PRESS CONFERENCE to RELEASE:

STATEWIDE ASSESSMENT OF MAINE JUVENILE DEFENSE FINDS LACK OF UNIFORM COMMITMENT TO ENSURING QUALITY LEGAL SERVICES TO CHILDREN

12:30 p.m. The Judicial Center, 65 Stone Street, AUGUSTA

AUGUSTA – October 22 -- Today the New England Juvenile Defender Center and the American Bar Association released its Maine Juvenile Defender Assessment at the Judicial Center, in Augusta. The assessment was funded by the Maine Juvenile Justice Advisory Group.

Dennis Archer, President of the American Bar Association will also release the Maine Juvenile Defender Assessment and five other state assessments today at the Press Club in Washington, D.C., to highlight nationwide deficiencies in juvenile defense.

The Maine assessment 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, as well as after they have been committed to one of the state's two youth treatment centers operated by the Department of Corrections.

“Recent news stories make clear the potential for terrible physical and emotional abuse when the court does not periodically review the status of a child placed in a correctional facility,” said Ned Chester, a juvenile justice advocate who participated in the assessment and who recently filed suit against a number of current and former state officials, alleging abusive treatment of a 13 year-old boy when he was confined in a state correctional facility. “That review can only be meaningful,” Chester said, “if the court and the child’s counsel are afforded full access to the child and all information about his participation in the program at the facility.”

Unlike many states, Maine provides no formal, organized support for juvenile defenders. The assessment revealed that frequently, attorneys who serve as “lawyer of the day” have no time to speak with a youth before going into court and representing the youth at arraignment where the court must decide if the youth should be held in detention. Maine offers no training in handling juvenile delinquency cases and requires no particular qualifications for juvenile defenders, even in those cases in which specialized training is essential, as when the state seeks to transfer a child to adult court for trial and sentencing in the adult corrections system. Together these factors reduce the likelihood of obtaining positive outcomes for kids.

“Over the last five years there have only been three hours of training offered to Maine’s juvenile defenders,” said Chris Northrop, a juvenile justice advocate who participated in the assessment and is co-chair of the Maine State Bar Association. “The lack of commitment to training demonstrates how marginalized juvenile defense is in this state.”

In addition, the assessment found that inadequate resources are the bane of defenders. The assessment revealed disparities in the way courts treat attorneys’ request for compensation. The current allocation is \$50/hour for a \$315 maximum with some courts allowing waivers for attorneys who work more than six hours on a case.

“There appear to be mixed messages about how much effort the state wants attorneys to put into representing youth charged in delinquencies and how hard attorneys are expected to work to ensure that youth are receiving the services they need instead of being directed to detention,” said Lisa Thureau-Gray, director of the New England Juvenile Defender Center, which directed the study.

The lack of resources within the state is a persistent theme of the report. The state Department of Human Services does not advertise what community-based treatment services are available, or how they are accessed or funded. The report revealed that the lack of community mental health services means that adults, out of desperation, often try to “park” youth in the juvenile justice system.

Recent changes at the detention centers have generally improved the quality of services for committed youth, but the state as a whole remains woefully under-resourced in community-based mental health services for adolescents. In addition, the assessment revealed that schools also send youth to the juvenile justice system instead of handling altercations or troubled children within their own systems. This problem is compounded by the lack of resources for education advocates.

“You take all these factors and dump them in the form of a needy child in the lap of juvenile defenders who have the least access to community programs and resources, have bare bones office support, and then you tell them, ‘Fix it,’” said Patti Puritz, Director of the ABA’s Juvenile Justice Center. “There are great juvenile defenders out there doing their best but the state has to step up to the plate to provide defenders with training and support, and with more community based services for kids.”

PRESS CONFERENCE PARTICIPANTS

- Ned Chester, Juvenile Justice Advocate
- The Honorable Vendean V. Vafiades, Chief Judge of the Maine District Court
- Christine Thibeault, District Attorney, Portland Juvenile Court
- Sharon Craig, Esq., Co-Chair, Maine State Bar Association, Comm. On Juvenile Justice
- Lisa Thureau-Gray, Director, New England Juvenile Defender Center

For more information call 617-513-8366.

The mission of the New England Juvenile Defender Center is to ensure excellence in juvenile defense and promote justice for all children.