

JJDPA REAUTHORIZATION

Changes made in 2018



HR 6964: SIGNED INTO LAW ON 12/21/18

- First time the law had been updated since 2002
- Strong bi-partisan support; passed through unanimous consent in both chambers of Congress
- Makes updates to core protections; restructures the prevention components of the Act; expands OJJDP research & evaluation purposes; and increases funding/accountability.
- Defines the purpose of the Act to “support a continuum of evidence based or promising programs that are trauma informed, reflect the science of adolescent development and are designed to meet the needs of at-risk youth and youth who come in contact with the justice system”.
- All amendments related to state plans and core protections take effect no earlier than Fiscal Year 2020. Many provisions will be phased in over time.



STATEWIDE ADVISORY GROUP (SAG) CHANGES

Changes to the Governor-Appointed Statewide Advisory Group that oversees the state's 3 year plan and funding priorities has had membership updates that include:

- Youth can now be appointed up to age **28**;
- Where a person who is currently or previously involved with the system is not available to serve, **a family member can be appointed** when appropriate;
- **Prevention and treatment rep are expanded** to include child welfare, social services, child and adolescent mental health, education, child and adolescent substance abuse, special education, services for youth with disabilities recreation, and youth services.



NEW SAG MEMBERS

Three **new** member categories:

- persons, licensed or certified by the applicable State, with expertise and competence in preventing and addressing **mental health and substance abuse** needs in delinquent youth and youth at risk of delinquency;
- representatives of **victim or witness advocacy** groups, including at least one individual with expertise in addressing the challenges of **sexual abuse and exploitation and trauma**, particularly the needs of youth who experience disproportionate levels of sexual abuse, exploitation, and trauma before entering the juvenile justice system; and
- for a State in which one or more Indian Tribes are located, an **Indian Tribal representative** (if such representative is available) or other individual with significant expertise in tribal law enforcement and juvenile justice in Indian tribal communities;



CHANGES TO STATE PLANS

- State plans must now be **posted** on publicly available website;
- Reports to the Governor are now required **every other** year;
- Requires explanation of **evidence-based or promising** practices;
- Addition of **expanded funding areas** for the states;
- Plan must explain how it takes into account **adolescent brain science**;
- Plans need to identify how the state will reduce the number of incarcerated youth, engage family members, and stop the use of restraints on known pregnant youth.
- A full list of changes is available here:
<http://www.juvjustice.org/sites/default/files/resource-files/State%20Plans%20H%206964.pdf>



CHANGES TO CORE PROTECTIONS: DSO

- Valid Court Order must be written and may not be renewed;
- The court must identify the valid court order that has been violated;
- The court must specify the factual basis for determining that there is “reasonable cause to believe that the status offender has violated such order”;
- The court must include “findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the status offender in such a facility, with due consideration to the best interest of the juvenile”; and
- The court must specify the length of time, not to exceed 7 days, that the young person may remain in a secure detention facility or correctional facility, and must include a plan for their release from the facility.



CHANGES TO CORE PROTECTIONS: JAIL REMOVAL

- Definition of Adult Inmate: an individual who has reached the age of full criminal responsibility; has been arrested and is in custody for or awaiting trial on a criminal charge or is convicted of a criminal offense.
- States will have 3 years from the time of implementation to remove youth, including those certified as adults, from adult jails, unless the court finds in is in the interest of justice.
- Certified youth shall not have sight or sound contact with adult inmates;
- In determining “interest of justice”, courts shall consider 7 factors that include the age, physical/mental maturity of the youth, whether there is imminent harm, youths delinquency history; and juvenile detentions ability to meet the needs of youth and safety of other youth in its care.



CHANGES TO CORE PROTECTIONS: SIGHT & SOUND

- If court determines it is in the “interest of justice” to permit a youth to be placed in jail or lockup, then a hearing must take place every 30-45 days to review placement, youth may **not have sight/sound contact** with adult inmates, and youth must not be held longer than 180 days unless the court, in writing, finds good cause.



CHANGES TO **CORE** PROTECTIONS: **RED**

- Shifts from former Disproportionate Minority Contact to Racial and Ethnic Disparities;
- Reflective of the direction the field has been moving;
- Requires data collection on **ethnicity** as defined by the U.S. Census Bureau;
- **Requires an actionable plan** with measurable goals that are aimed at addressing points of disparity that are shown through data.



CHANGES TO **DATA** REQUIREMENTS

- New data: **ethnicity** as defined by the U.S. Census Bureau
- New data: number of status offenses petitioned to court/held in detention and the findings used to place them there, as well as average length of stay; one month snapshot of use **of isolation and restraints**; living arrangements to which youth are released when leaving secure custody.
- Much of the new data required under the Act is not part of the core protections.
- Full list of data requirements available at:
<http://www.juvjustice.org/sites/default/files/resource-files/Data%20Collection%20Requirements%20H%206964.pdf>



CHANGES TO **TITLE V**: PREVENTION TO PROMISE

- Creates local policy boards that can apply for and seek funding for prevention programs;
- More than 30 types of programming that are permitted under this designation;
- Requires a 50% match from localities.
- Tribal Youth Program is still funded under Title V, with an 11% carve out;
- Important note: these funds have been fully earmarked in recent years, and continue to be so under proposals for FY'19. Current appropriations in Title V also include monies from other prevention programs (e.g. Opioid Prevention).



FUNDING & COMPLIANCE

- **Funding Authorized** for Title II & V at \$176m of which not more than \$96m can be used for Title V.
- **TA & Training**: 5% of Title II will go to TA and Training support
- **Min. Allocation** to States/Territories: No changes
- **Compliance**: 20% reduction in funding for reach core requirement that state is not within compliance (50% of remaining funds would need to be put towards coming back into compliance). The 20% penalty is divided between TA support from OJJDP and rolled back into funding for states in full compliance.
- Reauthorizes Runaway & Homeless Youth Act for 2 years at \$127m

