



A CAMPAIGN OF THE NATIONAL JUVENILE JUSTICE & DELINQUENCY
PREVENTION COALITION

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Overview of the Juvenile Justice Reform Act of 2018

Background:

The week of December 10, more than a year after the House and Senate passed standalone reauthorization bills for the Juvenile Justice and Delinquency Prevention Act (JJDP), Congress passed H.R. 6964, the Juvenile Justice Reform Act of 2018. The bill contains compromise language of H.R. 1809, which passed the House by voice vote on May 23, 2017, and S. 860, which passed the Senate by unanimous consent on August 1, 2017. H.R. 6964, which had overwhelming bipartisan support, passed the Senate by unanimous consent on December 11, 2018, and passed by unanimous consent in the House on December 13, 2018.

Below, please find a summary of updates to key provisions in the law:

Title II - Charles Grassley Juvenile Justice & Delinquency Prevention Program (Formula grants to states):

H.R. 6964 strengthens the 4 core requirements of the bill by:

- Strengthening the Deinstitutionalization of Status Offenders (DSO) core protection: Under current law, non-delinquent status offenders, such as children who are truant, runaway, violate curfew, or who violate alcohol and tobacco laws, may be held in juvenile lock-ups under the Valid Court Order (VCO) exception, which allows judges to issue detention orders. The practice persists despite evidence that securely detaining status offenders is harmful to youth development and is costly, especially when compared to more effective responses including shelter care, crisis counseling, family support, and/or community and school-based interventions.

While H.R. 6469 does not phase out the VCO exception, it does strengthen protections for youth who commit a status offense. Under the new law, youth who are found in violation of a valid court order may be held in detention, for no longer than seven days, if the court finds that such detention is necessary and enters an order containing the following: 1) identifies the valid court order that has been violated; 2) specifies the factual basis for determining that there is reasonable cause to believe that the status offender has violated such order; 3) includes 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; 4) specifies the length of time, not to exceed seven days, that the status offender may remain in a secure detention facility or correctional facility, and includes a plan for the status offender's release from such facility. Such an order may not be renewed.

- Strengthening the core protection requiring states to reduce Racial and Ethnic Disparities: Research has documented that youth of color are disproportionately over-represented and subject to more punitive sanctions than similarly-charged/situated white youth at all levels of the juvenile justice system. The bill gives clear direction to states and localities to plan and implement data-driven approaches to ensure fairness and reduce racial and ethnic disparities, to set measurable objectives for disparity reduction, and to publicly report such efforts.

- Improving the Jail Removal and Sight and Sound core protections: Research shows youth confined in adult jails and lock-ups are more likely to re-offend upon release and that, while confined, are at pronounced high risks for suffering assault and committing suicide. The bill extends the jail removal and sight and sound core requirements to keep youth awaiting trial in criminal court out of adult jails and lock-ups and to ensure sight and sound separation in the limited circumstances where they are held in adult facilities. This provision must be applied not later than 3 years after the date of enactment of the law.

Overall Delinquency Prevention and Juvenile Justice System Improvements:

- Recognizes the impact of exposure to violence and trauma on adolescent behavior and development: The bill includes a definition of ‘trauma-informed’ and encourage states to ensure that programs and practices designed to address the needs of system-involved youth are both evidence-based and trauma-informed.
- Strengthens commitment to educational progress for system-involved youth: The bill allows for easier transfer and application of education credits (full and partial) earned by system-involved youth across school systems in part by requiring that states receiving funding under the Act to collaborate with state educational agencies to ensure educational process is made for adjudicated juveniles. The bill also calls for individualized case plans to help youth reenter their communities, including education and job training assistance, and an assessment on the living arrangements to which the youth will be discharged.
- Provides comprehensive services and supports for youth: The bill promotes community-based alternatives to detention; encourage family engagement in design and delivery of treatment and services; and improve screening, diversion, assessment, and treatment for mental health and substance abuse needs.
- Strengthens incentives for investment in evidence-based practices: The bill strengthens provisions to promote interventions with a proven impact on reducing recidivism based on research that shows that community-based alternatives can have better outcomes for youth, protect public safety, and cost less.
- Improves conditions of confinement in juvenile facilities: The bill calls for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Administrator to report annually on state data regarding the uses of isolation and restraints in juvenile detention and corrections facilities, and encourage training of facility staff to eliminate dangerous practices. The bill also calls for states to develop policies and procedures to eliminate the use of dangerous practices and unreasonable use of restraints and isolation through the use of alternative behavior management techniques.
- Ends the use of certain restraints on detained, pregnant juveniles during labor, delivery, and recovery (unless there is an immediate and serious threat of harm to self or others): The bill gives states two years to end the use of restraints on detained, pregnant juveniles; however, there is an exception to this requirement if “reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method.”
- Addresses the needs of system-involved girls: The includes significant updates and improvements to address needs and circumstances around girls, including better screening of and alternatives to detention for girls who have been trafficked or experienced sexual violence, girls with disabilities, girls of color, including girls who are members of an Indian Tribe.
- Adds protections for Tribal youth: The bill includes improvements for Tribal youth, including a requirement with the OJJDP Administrator develop, in consultation with Indian Tribes, a policy for collaborating with representatives of Tribes on the implementation of the reauthorization not more than one year after the date of enactment; ensure Statewide Advisory Groups include Indian Tribal representation; and that OJJDP provides Tribal Delinquency Prevention and Response Programs that promote Indian Tribes’ ability to respond to and care for Tribal youth who come in contact with the law.

- Provides Judicial Training: The bill provides training and technical assistance to enhance the capacity of state and local courts, judges, and related judicial personnel to carry out the requirements of the Act and to improve the lives of justice-involved and at-risk youth.
- Promotes fairness: The bill supports state efforts to expand youth access to appropriate legal representation and to inform youth of opportunities to seal or expunge juvenile records once they have gotten their lives back on track.

Title V - Incentive Grants for Prison Reduction Through Opportunities Mentoring Intervention Support & Education (Youth PROMISE Grants):

- Strengthens delinquency prevention components under Title V: The bill incentivizes localities to create local policy boards to develop comprehensive prevention plans through competitive grants that must be matched by local dollars. It also expands uses to include updated evidence-based prevention activities, including mentoring.

Oversight & Accountability:

- Promotes transparency: The bill requires that state plans be posted on OJJDP’s website within 60 days of its approval and that OJJDP annually publicize a plan outlining program goals.
- Non-compliance penalty: The bills includes the same penalty for non-compliance. States found out of compliance with a core protection will lose 20% of its Title II formula grant. Of these monies, 50% will be reallocated to compliant states and 50% will be available to the Administrator to provide technical assistance to states on compliance issues.
- Increases accountability: The bill includes several provisions to ensure effective use of resources, to provide greater oversight of grant programs, and to ensure state compliance with federal standards, including a requirement a call for the Office of Inspector General in the Department of Justice to conduct performance audits to ensure effective and appropriate use of grants, and a prohibition on grant eligibility for nonprofits that hold money in off-shore accounts.

Funding Levels:

- Sets overall authorization levels for juvenile justice funding: The bill provides \$176 million for each fiscal year from 2019 through 2023, of which not more than \$96,053,401 can be used to carry out Title V each year.
- Authorization for Special Programs: The bill directs OJJDP to issue 11% of Title V funding for the Tribal Youth Program.
- Reauthorizes Runaway and Homeless Youth Act: The bill includes a two-year reauthorization of the Runaway and Homeless Youth Act for \$127.4 million each fiscal year from 2019 through 2020.

For additional information on the Juvenile Justice Reform Act of 2018, please see this [summary](#) created by the Coalition for Juvenile Justice (CJJ) and the National Criminal Justice Association. For more information on the data collection requirements under the bill, please see CJJ’s [summary](#).

To learn more about the JJDP reauthorization, visit <http://www.act4jj.org/>