



National Juvenile
Justice Network

Advances in Juvenile Justice Reform

2006-2007



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Introduction

In June 2006, the National Juvenile Justice Network produced its first compilation of advances in the juvenile justice field for the preceding twelve months. The response to that compilation was overwhelming. Advocates, administrators, legislators and funders were inspired to see the number, variety and geographical diversity of reforms, and, even more importantly, were able to use the document to convince partners, colleagues and system players that a consensus was building across the country for more just and humane juvenile justice systems.

It is with great pleasure that, NJJN offers you our second compilation of juvenile justice reforms. We are happy to report that the momentum continues to build for positive changes in juvenile justice systems across the country. The many entries in this booklet represent just a sampling of the reforms that have taken place in 2006 and 2007. Once again, we have included legislation that has been enacted, outcomes of legal challenges to existing conditions, and significant administrative and regulatory changes.

This wonderful tide of reform rests upon too many years of states adopting a more punitive approach to youth in conflict with the law. In the 1990s most states passed laws that focused on increased penalties for young people and moved many of them out of the juvenile system and into the adult system. Since then, research has consistently pointed out the problems with treating children as adults and how transfers into the adult system that were intended to decrease violence have in fact had the opposite effect. Recent advances in brain research has provided the scientific evidence for what we have always intuitively known: young people’s brains are still developing and maturing throughout adolescence, which makes them more likely to act impulsively, to take risks and to submit to peer pressure at times when emotions are running high. Young people need support from adults and opportunities for rehabilitation and redirection. Meanwhile, the decline in juvenile crime that began before most of the “get tough” measures were put into effect has been dramatic, with rates for some violent crime falling to their lowest levels since at least 1980. Advocates can claim great credit for making sure that this good information was shared with policy makers and legislators to encourage them to make the changes that are reflected in this document.

This document is organized according to the following categories: Organizational and Large Scale Changes; Adjudication; Conditions of Confinement; Alternatives and Community Based Services; Disproportionate Minority Contact; Indigent Defense; Reentry-Aftercare-Community Integration; System-Based Services; Girls and

LGBT Youth in the System; Youth Who are Both Dependent and Delinquent; and Gangs. There is also a listing of each state's changes in the appendix.

Copies of much of the legislation referenced here can be found on NJJN's website under the appropriate category in the issue section of the web site — www.njjn.org/issues.html — as well as under the general state information tab for each state in the NJJN Members section at www.njjn.org/members_public.html.

If you notice significant omissions in this document, please let us know at info@njjn.org. We will continue to add information to the Recent Victories section of our web site www.njjn.org/victories.html and will produce another survey of advances next year.

We hope that you find this document both inspirational and useful in your efforts to improve the adjudication and treatment of youth who come into conflict with the law.



Abby Anderson
Co-Chair, NJJN
Executive Director, Connecticut Juvenile Justice Alliance



Betsy Clarke
Co-Chair, NJJN
Executive Director, Illinois Juvenile Justice Initiative

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Organizational and Large Scale Changes

CALIFORNIA

State Youth Prisons Population to be Cut in Half

The California Assembly passed a bill that radically changes the state's troubled juvenile justice system. The number of youth currently housed in state juvenile prisons (2,600) will be cut in half and youth, except those convicted of certain categories of violent crime (murder and some sexual assaults), will be returned to their home counties where they will have access to a range of programs, including alternatives to detention. Counties will receive increased state funding to help them handle the large influx of young people returning to their homes. The Department of Juvenile Justice has been operating under a state court consent decree since 2004. Reports by court-appointed outside experts and the department's own inspector general found continuing problems with widespread violence, deep racial tensions and shortcomings in education and rehabilitation programs. Many of the young people spend 23 hours a day in their cells. SB81, August 2007.

CALIFORNIA

Bill of Rights for Youth Confined in State Juvenile Facilities

The California Assembly passed a bill that requires all facilities of the Division of Juvenile Facilities to provide care, placement and services to youth without discrimination on the basis of race, ethnicity, religion, sexual orientation, gender identity, disability, or HIV status. The bill also requires the Office of the Ombudsman for the Division to investigate complaints, and to report to the Legislature on the number of complaints received and how they are handled. All youth are to be provided with an age-appropriate orientation to make them aware of their rights. SB 518, approved by the Governor October 13, 2007.

CONNECTICUT

Age of Juvenile Jurisdiction Raised

On June 29, 2007, Connecticut raised the age of juvenile court jurisdiction from 16 to 18. The passage of the provision (contained in the state budget bill) followed a legislative report issued earlier in the year that recommended the change. The raise in age will come into effect on July 1, 2009, to give the courts and state agencies time to plan for the change. There are now only two states, North Carolina and New York, which set 16 as the age of criminal court jurisdiction. SB 1500/Public Act 07-4, June 2007.

NORTH CAROLINA

Report Recommends Raising the Age of Juvenile Jurisdiction

The Sentencing and Policy Advisory Commission submitted its report to the NC

Assembly recommending that the state raise from 16 to 18 the age at which children would automatically be referred to adult court. The Commission recommended that the current criteria and process for transfer from juvenile to adult court should not be changed. The implementation of the change in juvenile jurisdiction would be delayed for two years after passage of the act to allow for analysis of the legal and organizational changes required. The legislature did not pass proposed legislation (HB492) to raise the age from 16 to 18, nor did it pass a study to outline steps needed to raise the age of juvenile court jurisdiction.

OKLAHOMA

New Office to Coordinate Programs and Services for Juveniles

The legislature passed a bill to create an Office of Juvenile Affairs as the agency responsible for coordinating and overseeing programs and services for juveniles alleged to be delinquent, adjudicated or in need of services. The new office is designed to increase coordination between state and community services to better meet the needs of children, youth and families. The Divisions of Institutional Services, Community-Based Youth Services, Juvenile Services, and Residential Treatment Programs will be Divisions within the Office to provide a range of defined, core community-based services. HB 2999, May 2006.

MISSISSIPPI

Widespread Reforms to the Juvenile Justice System

In 2006, the Mississippi legislature passed the Mississippi Juvenile Delinquency Prevention Act. This bill provides the following system reforms: training requirement for youth court defenders; comprehensive standards for detention centers; language prohibiting the detention of status offenders; language requiring that community based alternatives to incarceration “must incorporate evidence-based practices and positive behavioral intervention”; transitional planning for youth leaving the training schools and detention centers, and a \$5 million grant program for community-based alternatives designed to reduce training school and detention placement. HB 199, signed into law April 2006.

TEXAS

Major Reforms to Youth Commission

Following the discovery of wide-spread sexual abuse and retaliation against children who complained of their treatment within the Texas Youth Commission, the legislature passed a far-reaching reform bill which mandates the creation of an ombudsman’s office to oversee conditions of confinement and the treatment of incarcerated youth. The bill also prohibits courts from sending youth convicted of misdemeanors to the youth prisons, mandates independent investigations and new accountability measures, and restructures the agency’s management and operations. SB 103, May 2007.

Adjudication

ARIZONA

Improved Treatment of Juvenile Sex Offenders

The Youthful Sex Offenders Treatment Act, passed in April 2007, improves the treatment and adjudication of juvenile sex offenders. The Act requires youth sex offenders to only be placed in a treatment program with youth of a similar age and developmental maturity level. It also requires a court hearing for any juvenile prosecuted as an adult for a sex offense to determine if the juvenile should be transferred to juvenile court. The court must weigh the facts of the case, community safety and prospects for the youth’s rehabilitation in the juvenile justice system in making its determination. The law also allows for an annual probation review hearing by the court for youth sex offenders under age 22 who are in the adult criminal justice system. SB 1628, April 2007.

CALIFORNIA

Taking Steps to End Juvenile Life without Parole

Legislation passed out of the Senate’s Public Safety Committee that would eliminate life without parole sentencing for offenders under age 18. The bill would provide access to parole after 25 years. SB 999 then went to the full Senate and Assembly where it is currently inactive. SB 999, April 2007.

COLORADO

End of Juvenile Life without Parole

In 2006, Colorado enacted legislation that ended the use of the sentence of life without parole for juveniles. The law set the maximum sentence that a youth can receive as 40 years before parole. HB 1315, signed May 2006.

COLORADO

Juvenile Clemency Board Established

Governor Bill Ritter established a seven-member Juvenile Clemency Advisory Board to review clemency and commutation requests by juveniles who were tried as adults and sentenced to state prison. Petitions for clemency and commutation by those youth were previously handled by the Executive Clemency Advisory Board. The new Juvenile Clemency Board will review petitions for commutation at the request of the Governor and consider several factors when making decisions, including: exemplary rehabilitation and institutional behavior; catastrophic or terminal medical conditions; and sentencing disparities and inequities. Board members will include at least one crime victim or victim advocate and state criminal justice and corrections officials and will meet at least twice a year. Final decisions on clemency petitions will still be made by the Governor. Executive Order B-009-07, September 2007.

GEORGIA

Limiting Felony Prosecutions for Sex Offenses by Juveniles

Legislation in Georgia reclassified felony sex offenses as misdemeanors for cases in which the victim is at least 13 but less than 16 years of age, and the person convicted of the crime is 18 years or younger and no more than four years older than the victim. (This provision was part of a bill that generally provided for harsher penalties for sex offenders). HB1059, April 2006.

NORTH CAROLINA

Limiting Use of Shackles in Court

The legislature set new standards for use of restraints on juveniles in court. Juveniles may only be restrained if the judge makes a finding of fact that it is necessary to maintain order, prevent the juvenile's escape, or provide for the safety of the courtroom. Whenever practical, the judge shall provide the juvenile and the juvenile's attorney an opportunity to be heard to contest the use of restraints. HB 1243, June 2007; Session Law 2007-100, October 2007.

VIRGINIA

End of "Once an Adult, Always an Adult"

Virginia's "once an adult, always an adult" law required youth who had been transferred to the adult system to be treated as an adult in all future proceedings, no matter how minor the charge, and even if they were acquitted or had their case dismissed. The amended law requires that youth must be convicted of the offense in order to be tried in adult court for all future offenses. HB 3007, 2007.

Conditions of Confinement

COLORADO

Juvenile Law to Align with JJDPA Requirements

The Colorado legislature amended their Juvenile Law to align with the requirements of the Juvenile Justice and Delinquency Prevention Act (JJDPA). The Juvenile Law will now limit the temporary detention of juveniles in adult facilities to a maximum of 6 hours, require physical segregation of youth from adults and prohibit juvenile courts from ordering youth under 18 to enter an adult jail or lockup as a disposition for an offense. The legislature also required the Division of Criminal Justice to collect data on juveniles held in any secure facilities. HB 06-1112, 2006.

FLORIDA

End of Juvenile Boot Camps and Harmful Intimidation Techniques

After the death of a child who was abused by guards in a boot camp, the legislature included provisions within the state budget to close all four juvenile boot camps by July 2007. The bill also prohibited the use of "harmful psychological intimidation techniques." HB 5019, May 2006.

HAWAII

Improving Conditions in Youth Detention Facility

A report by the US Department of Justice, following a Civil Rights of Institutionalized Persons Act (CRIPA) investigation, described the Hawaii Youth Correctional Facility as "existing in a state of chaos" with severe overcrowding, inadequately trained staff, abusive use of force, sexual assaults, violence, inadequate medical and mental health care, etc. The legislature provided emergency funding of \$1.3 million to improve operations at the Youth Detention Facility in line with the US Department of Justice recommendations following a settlement reached in February 2006.

ILLINOIS

Control of Juvenile Detention Center Given to Court

The Cook County Juvenile Detention Center has been under federal monitoring following a lawsuit brought by the ACLU over conditions of confinement and sexual and physical abuse of youth. In 2007, the Illinois legislature voted to move administrative control over the detention center away from the county and give it to the court. Juvenile corrections expert Earl Dunlap has been appointed by the court as the Center's Interim Director to oversee reforms. Public Act 95-0194, effective January 1, 2008.

MARYLAND

Expanded Monitoring of Residential Facilities

The legislature expanded the responsibilities of the Juvenile Justice Monitoring Unit to include the monitoring of any residential facility licensed by the Department of Juvenile Services. Previously, private facilities were not included under the Monitoring Unit's jurisdiction. SB 360, April 2007.

NEW YORK

Improving Conditions and Oversight

December 2006, New York State Office of Children and Family Services (OCFS) limited the situations in which staff may apply restraints to youth in custody, and announced plans to increase staffing of the ombudsman's office from one to three full-time attorneys and to re-convene the Independent Review Board composed of individuals from outside the agency.

Alternatives and Community Based Services

CONNECTICUT

New Services for Families with Service Needs (FWSN)

Legislation passed in 2007 that created and funded Family Support Centers in four communities to provide families with service needs with immediate access to comprehensive services. The Centers will offer treatment options to at-risk youth and their families on a voluntary basis, without the filing of a FWSN petition, with the goal of keeping children in their communities and out of detention. HB 5576, 2007.

ILLINOIS

Greater Flexibility for Pilot Programs to Reduce Detention

The legislature's 2007 budget increased funding for the "Redeploy Illinois" Program, which gives financial support to counties so that they can provide comprehensive services to delinquent youth in their home counties in lieu of committing youth to state facilities. The legislation also gave the Program greater flexibility in setting target goals for reducing the number of non-violent juvenile offender commitments. The Program Oversight Board can now continue to include counties in the pilot program if they succeeded in attaining a 25% decrease in the number of juvenile commitments in the past three years even if the initial decrease was not sustained at the same reduction level in subsequent years. SB 1145, 2006.

MARYLAND

Improved Prevention and Diversion Programs

New legislation mandated that the At-Risk Youth Prevention and Diversion Programs provide \$12.4 million for at-risk youth prevention and diversion programs. The bill established an Advisory Council to the Children's Cabinet to report on at-risk youth prevention and diversion programs and to implement and fund such programs. SB 882, 2006.

MASSACHUSETTS

Expanded Drug Abuse Treatment and Prevention Programs

Legislation passed that required the Commissioner of Public Health to allocate funding for a comprehensive and accessible continuum of substance abuse treatment and prevention programs including adolescent stabilization and structured outpatient addiction programs for both adults and youth. At least \$750,000 of the funding is allocated for Massachusetts CasaStart, a program designed to target youth and families at risk for crime and drug involvement. HB 5097, July 2006.

NEW MEXICO

JDAI Principles Incorporated into State Children's Code

In 2007, the guiding principles of JDAI were incorporated into the Purpose section of the Delinquency Article of the New Mexico Children's Code, furthering the State's detention reform efforts. These principles include: time periods for the detention hearing; time limits for the filing of a petition; legal representation at the detention hearing; reasons for detention to be specific rather than hypothetical; use of a risk assessment evaluation tool in all detention decisions; and probation staff to make the detention determination in lieu of law enforcement. HB 517, March 2007.

NEW YORK

New Alternative to Detention Program in New York City

New York City is implementing a new alternative to detention (ATD) program. The Department of Probation's ATD program closed in January 2006 leaving the Family Court with no alternative to pre-trial detention. The new program gives judges a risk assessment tool to evaluate youth and assess their eligibility for the ATD program and provides a continuum of graduated, community-based supervision options. The new program began in 2007 and will be expanded through 2008.

NATIONWIDE

Juvenile Detention Alternatives Initiative (JDAI) Successes and Expansions

The Juvenile Detention Alternatives Initiative (JDAI) is a program of the Annie E. Casey Foundation that promotes changes to policies, practices, and programs to reduce reliance on secure detention for juveniles while improving public safety. In Delaware, detention populations have declined in both New Castle County (by 17%) and Sussex County (by 8%) since the introduction of the JDAI programs in 2003. The following states have recently adopted or expanded JDAI: Alabama; Massachusetts; New Jersey; Texas; and Washington.

Disproportionate Minority Contact

FLORIDA

Council to Analyze Disproportionate Arrest and Incarceration Rates

Legislation was passed to establish the Council on the Social Status of Black Men and Boys, which will make a systematic study of conditions affecting black men and boys, including analyses of arrest and incarceration rates. The legislation was passed in response to a legislative finding concerning the disproportionate numbers of black men and boys in the state's correctional facilities. HB 21, June 2006.

KANSAS

Advisory Group to Study Effectiveness of Programs to Reduce Biases in System

Legislation passed that requires the Kansas Advisory Group on Juvenile Justice and Delinquency Prevention to study the effectiveness of juvenile justice programs in reducing racial, geographic, and other biases that may exist in the juvenile justice system. The legislation authorized the Commissioner of Juvenile Justice to make grants to counties for juvenile community correctional services that aim to reduce such biases. SB 47, March 2006.

SOUTH DAKOTA

Improved Treatment of Native American Youth in School

The ACLU filed a class action lawsuit in federal court against the Winner School District in South Dakota, charging that the District maintained an environment hostile to Native Americans by, among other things, disciplining Native American students more harshly than Caucasians and by forcing them to sign “confessions” for minor rule breaking which were subsequently used as the basis for prosecuting them in juvenile and criminal court. This practice will end under the settlement agreement reached by the parties in June 2007. Among other key terms of the agreement, the district will hire a full-time ombudsperson, nominated by the Native American community, to serve as a liaison between families and school officials, especially on disciplinary issues; and an educational expert will work with school officials and families to set benchmarks for improving Native American graduation rates, reducing levels of suspension and school-based arrest disparities.

Indigent Defense

ILLINOIS

Creation of a Juvenile Defender Center

The legislature passed a law making it possible for the State Appellate Defender’s office to create a Juvenile Defender Resource Center that would develop and implement model systems for juvenile defender services, provide legal advice to counsel representing youth and provide training to public defenders on juvenile justice issues. There was no funding for the Center in the Governor’s budget, but it is expected that it will be funded next year. Public Act 95-0376, August 2007.

MARYLAND

Creation of a Juvenile Protection Unit

In response to numerous tragedies occurring in youth facilities in Maryland, the Mary-

land Office of the Public Defender created a statewide Juvenile Protection Division. The Division represents children in state custody who are in detention, placement, or pending placement. Although the primary focus of the Juvenile Protection Division is to address conditions of confinement, the Division also spends a great deal of time advocating for children who are languishing while pending placement or who are inappropriately placed. The Division officially started operation in January 2007.

LOUISIANA

Creation of Juvenile Regional Services, Inc.

The State has contracted with Juvenile Regional Services, Inc. (JRS) to provide legal defense services to youth who face delinquency charges in Orleans Parish. The office composition is based on a best practice model for holistic representation and includes attorneys, investigators, social workers, and clerical staff. JRS is the only provider of juvenile public defense services in the country not connected to a public defender’s office; it began taking on clients from New Orleans in January 2007.

OHIO

Supreme Court Limits Juvenile Waiver of Counsel

Studies of Ohio’s juvenile defense system have shown that high numbers of youth waive their right to counsel in delinquency proceedings and then plead guilty. In an effort to safeguard the rights of youth in these proceedings, the Ohio Supreme Court handed down a decision, *In re C.S.*, requiring a juvenile to be counseled by a parent, guardian, or custodian and consult with an attorney, before waiving the right to counsel. *In re C.S.*, 115 Ohio St.3d 267, September 2007.

Reentry – Aftercare – Community Integration

CALIFORNIA

Simplified Medi-Cal Enrolment

Youth exiting detention will be enrolled more quickly in Medi-Cal after the passage of a new law that requires juvenile detention facilities to provide information to county welfare departments for juveniles who are scheduled to be released. The county must initiate an application and determine the juvenile’s eligibility for Medi-Cal. SB 1469, September 2006.

ILLINOIS

Increased Confidentiality of Juvenile Records

A new law required that the public disclosure of a juvenile’s law enforcement and court records must be approved by a juvenile judge through a court order and that

the judge must give precedence to the minor's interest in confidentiality and rehabilitation over the moving party's interest in obtaining the information. Public Act 95-0194, August 2007.

ILLINOIS

Youth Allowed to Petition for Removal from Sex Offender Registry

In May 2007, the Illinois legislature passed legislation amending provisions of the Sex Offender Registration Act which had required that juveniles adjudicated for a sex offense be placed on the adult registry when they reached 17 years of age (the age of criminal jurisdiction in the state). Under the new provisions, youth may petition the court for removal from the registry after five years for a crime that would have been a felony had the minor been an adult, or after two years for a misdemeanor. The amendment also applies retroactively to adjudicated juvenile delinquents who were required to register before the effective date of the legislation. The governor initially vetoed the bill, but the veto was overridden in the House and the Senate. Public Act 95-0658, effective October 11, 2007.

INDIANA

Coordination of Reentry Services

A bill passed by the legislature established a Juvenile Reentry Court with jurisdiction over any juvenile released from the Department of Corrections. The Court offers a menu of reintegration services that may be required of any juvenile upon release. SB 84, 2006.

NEW MEXICO

Increased Confidentiality of Juvenile Records

In 2007, the New Mexico legislature passed a law to prohibit the Administrative Office of the New Mexico Supreme Court from displaying on their public website the names of persons under age 18 charged or found to be delinquent of an offense. The Office had maintained a publicly accessible website that contained the names, charges, and data complete to disposition for all children arrested or charged for a delinquent act. The child had no opportunity to correct inaccurate information or provide corrective detail such as dropped charges or determination of innocence. Following enactment of the law, the New Mexico Supreme Court took the initiative a step further to prohibit the inclusion of children charged with a crime that resulted in an adult sentence from being posted on the website. HB 738, March 2007.

NORTH CAROLINA

Advancing Towards Expungement of Felony Records

After repeated attempts, the House passed a bill allowing for the expungement of non-violent felonies committed when the youth was under 18, as long as there are no other felony or misdemeanor priors. The person petitioning the criminal

court for expungement would have to meet several criteria, including earning a high school diploma or equivalent and having no subsequent criminal convictions. The Senate did not take up the bill, but it remains eligible for consideration in 2008. SB 677/HB 898, 2007.

System-Based Services

NEW MEXICO

Mental Health and Developmental Disabilities Code Revisions Benefit Youth

The legislature revised the Children's Mental Health and Developmental Disabilities Code to ensure that children receiving mental health or habilitation services have basic rights regardless of the setting. The Code now does the following: states that all children have the right to individualized treatment and habilitation planning; gives basic rights for children in all out of home treatment settings; ensures that the means for disclosing protected health information reflect current federal requirements balanced with the need to share information in urgent situations; allows 14 year olds to consent to mental health treatment if they are determined to have the capacity to understand the treatment; and allows a child under the age of fourteen to consent, absent parental consent, to an initial assessment with a clinician. HB 637, April 2007.

OKLAHOMA

Planning for Individual Rehabilitation Needs

The legislature has passed a law that requires the Office of Juvenile Affairs to establish a rehabilitation plan for each youthful offender. The plan must identify the specific services and programs that will be provided to assist the young offenders in reaching their goals and meeting their needs. SB 1799, 2006.

PENNSYLVANIA

County Planning to Incorporate Needs of Justice-Involved Youth

In 2007, the Pennsylvania Department of Public Welfare required counties to address in their county plans the joint policy statements developed as part of Pennsylvania's Models for Change initiative. As Pennsylvania counties develop their needs-based budget for FY08-09, they will be required to address both the Joint Position Statement on Aftercare developed and adopted by five state government offices and the Mental Health/Juvenile Justice Position Statement developed and adopted by seven state government offices. Counties' Integrated Children's Services Plans will have to incorporate the Mental Health/Juvenile Justice Position Statement. Models

for Change started demonstrating best practices in 8 counties and has spread across the state, with 35 counties signing up to improve aftercare, and 20 adopting standardized mental health screening and assessment.

WASHINGTON

Expansion of Drug Courts

The 2007 Budget Appropriations provided funding for grants to county juvenile courts to expand the number of participants in juvenile drug courts consistent with the conclusions of the Washington State Institute for Public Policy evaluation of effective programs to reduce future prison populations. State funds are to be matched by local funds 65% to 35%. The state appropriation is \$1.031 million.

WASHINGTON

Improved Mental Health Services

A new law in Washington established a children's mental health evidence-based practice institute at the University of Washington. The law also directed the Department of Social and Health Services to expedite Medicaid re-enrollment for eligible youth transitioning out of confinement, and to explore providing Medicaid-funded services to juveniles detained temporarily. 2SHB 1088/Law C359 L07, July 2007.

WASHINGTON

Evidence-Based Program Expansion

Funding was provided in the 2007 Budget Allocation to expand evidence-based treatment and training programs administered by local juvenile courts to serve an additional 2,147 youth by the end of FY 2009. The expanded programs include functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs. In its report, "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates," (October 2006), the Washington State Institute for Public Policy (Institute) identifies these programs as cost-effective in reducing crime rates and future prison costs. The Institute projects that these investments, with expansion of Juvenile Rehabilitation Administration (JRA) therapies, will reduce demand for 302 prison beds by 2017 and 891 beds by 2030. JRA will distribute grants to county juvenile courts based upon the counties' applications and provide grants to the courts consistent with the per participant treatment costs identified by the Institute.

Girls and LGBTQ¹ Youth in the System

HAWAII

Expanded Services for Girls

The legislature mandated the Office of Youth Services and Department of Public Safety to develop and implement gender responsive, community-based programs for female adjudicated youths, including mental health and substance abuse treatment, family-focused programming, life skills development, transitional services and a gender-responsive continuum of care. SB 467, 2006.

HAWAII

Improved Treatment of LGBT Youth

In May 2006, the state settled a lawsuit brought by the ACLU of Hawaii on behalf of gay, lesbian and transsexual youth held in the Hawaii Youth Correctional Facility claiming pervasive and abusive harassment. The state has agreed to implement new policies for the treatment of LGBT youth.

NEW YORK

Anti-Discrimination Policy for LGBTQ Youth

In 2007, the New York City Department of Juvenile Justice released an anti-discrimination policy for LGBTQ youth. The Family Court Advisory Council's Juvenile Justice Subcommittee Working Group on LGBTQ Youth has held a series of trainings for Family Court personnel on working with LGBTQ youth involved in delinquency cases. The Office of Children and Family Services (OCFS) has also issued guidelines for working with LGBTQ youth in OCFS custody.

Youth Who are Both Dependent and Delinquent

ILLINOIS

Increases Age of Department of Children and Family Services (DCFS) Guardianship

The legislature has addressed the issue of teenagers released from state prison who have no homes to return to by providing that a minor may be placed in the guardianship of the DCFS as long as a basis of abuse, neglect, or dependency exists independently from the delinquency charge. The bill also addressed the need of local courts to provide child welfare services to delinquent youth by increasing from 13 to 15 the

¹ Lesbian, Gay, Bisexual, Transgender, and Questioning

age at which the court can provide these services to delinquent youth. The Governor’s amendatory veto was overridden. Public Act 95-0642, effective June 2008.

Gangs

CALIFORNIA

New Gang Injunction Guidelines

In April 2007, the Los Angeles City Attorney’s Office introduced new gang injunction guidelines requiring that service of a gang injunction be based on documented evidence establishing gang membership and making it possible for people to have their names removed from a gang injunction. Prosecutors obtain injunctions from courts, prohibiting those named — under threat of criminal prosecution — from loitering in public with others named in injunctions, possessing or using alcohol, disobeying gang-imposed curfews and trespassing. Previously, removal from injunctions was impossible. The new rules establish review processes to allow the removal of both new and existing injunctions.

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National Juvenile Justice Network

The National Juvenile Justice Network (NJJN) is a membership organization of state-based juvenile justice coalitions and organizations that advocate for state and federal laws, policies and practices that are fair, equitable, and developmentally appropriate for all children, youth and families involved in the justice system. For more information about NJJN please visit www.njjn.org and/or email info@njjn.org.

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1710 Rhode Island Avenue, NW, 10th Floor, Washington, DC 20036