

Summary of the Juvenile Justice Reform Act of 2018

Background:

The Juvenile Justice and Delinquency Prevention Act (JJDP A) was first authorized in 1974. It was established to ensure states and territories meet certain common standards for how youth across the country are treated in the justice system. It did this by establishing two core protections: a prohibition on the incarceration of youth charged with status offenses (conduct that is not criminal if engaged in by an adult, such as skipping school or breaking curfew), and a requirement that youth have sight and sound separation from adult inmates. Two additional protections were added in a subsequent reauthorization: a prohibition against housing young people in adult facilities while awaiting trial as juveniles, and requiring that states address disproportionate minority contact. States receive federal formula grant funding for complying with these protections.

The Act was last reauthorized in 2002, and expired in 2007. On December 13, 2018, Congress passed H.R. 6964 with broad bipartisan support. Major changes to the Act include:

Core Requirements:

- **Racial and Ethnic Disparities:** Changes the Disproportionate Minority Contact (DMC) requirement to focus on Racial and Ethnic Disparities (RED). Requires that states collect and analyze data on racial and ethnic disparities. Requires states to determine which points create RED, and establish a plan to address RED.
- **Sight and Sound/Jail Removal:** Not later than 3 years after the date of enactment, states are required to ensure sight and sound separation and jail removal for youth awaiting trial as adults. This protection previously applied only to youth being held on juvenile court charges. An exception continues to exist for cases where a court finds, after a hearing and in writing, that it is in the interest of justice.
- **Deincarceration of Status Offenses:** 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.

Title II:

- Is renamed the Charles Grassley Juvenile Justice and Delinquency Prevention Program.
- Creates a new focus on data-driven evidence-based or promising prevention programs.

Title V:

- Is amended to permit Youth PROMISE grants to be used by local policy boards to fund delinquency prevention programs, including but not limited to: alcohol and substance abuse prevention or treatment services; tutoring and remedial education, especially in reading and mathematics; child and adolescent health and mental health services; and, leadership and youth development activities.

State Plans:

- Requires that the state plan be supported by or take account of scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents.
- A state shall make the plan or amended plan publicly available by posting the plan or amended plan on the state's publicly available website.

State Advisory Group Appointees:

- Clarifies who may be appointed to the required State Advisory Group (SAG):
 - 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;
 - 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; and,
 - Youth members must now be not older than 28 at the time of initial appointment.

Required State Staff:

- Requires the state to designate at least one individual who shall coordinate efforts to achieve and sustain compliance with the core requirements and certify whether the state is in compliance with such requirements.

Annual Report:

- A summary of data from 1 month of the applicable fiscal year of the use of restraints and isolation upon juveniles held in the custody of secure detention and correctional facilities operated by a State or unit of local government;

- The number of status offense cases petitioned to court, number of status offenders held in secure detention, the findings used to justify the use of secure detention, and the average period of time a status offender was held in secure detention;
- The number of juveniles released from custody and the type of living arrangement to which they are released;
- The number of juveniles whose offense originated on school grounds, during school sponsored off-campus activities, or due to a referral by a school official, as collected and reported by the Department of Education or similar State educational agency; and
- The number of juveniles in the custody of secure detention and correctional facilities operated by a State or unit of local or tribal government who report being pregnant.

National Recidivism Measure:

- The Administrator, in accordance with applicable confidentiality requirements and in consultation with experts in the field of juvenile justice research, recidivism, and data collection, shall—
 - Establish a uniform method of data collection and technology that States may use to evaluate data on juvenile recidivism on an annual basis;
 - Establish a common national juvenile recidivism measurement system; and
 - Make cumulative juvenile recidivism data that is collected from States available to the public.

Runaway and Homeless Youth Act

- Includes a two-year reauthorization of the Runaway and Homeless Youth Act.