

SECTION-BY-SECTION SUMMARY
Juvenile Justice and Delinquency Prevention Reauthorization Act of 2014 (S.2999)

Section 1. Short Title. This section cites the short title of the Act as the “Juvenile Justice and Delinquency Prevention Reauthorization Act of 2014.”

Section 2. Table of Contents. This section provides the table of contents for the Act.

Title I – Declaration of Purpose and Definitions

Section 101. Purposes. This section contains the Act’s purposes, including a new purpose to support a continuum of programs including delinquency prevention, intervention, mental health and substance abuse treatment, and aftercare, to address the needs of at-risk youth and youth who come into contact with the justice system.

Section 102. Definitions. This section amends certain existing definitions in the Act, including the definition of core requirements, and adds several new definitions. The term “adult inmate” is amended to give States the authority to retain youth who are placed in juvenile facilities after they reach the age of majority. The section also defines for the first time: “isolation,” “restraint,” “evidence based,” “promising,” “dangerous practice,” “screening,” “assessment,” “contact,” “trauma-informed” and “racial and ethnic disparities.”

Title II – Juvenile Justice and Delinquency Prevention

Section 201. Concentration of Federal Efforts. This section clarifies the date on which the Administrator must issue the annual plan for coordinating federal juvenile justice efforts and adds a requirement that the Administrator develop a long-term plan to improve the juvenile justice system that takes into account scientific knowledge about adolescent development.

Section 202. Coordinating Council on Juvenile Justice and Delinquency Prevention. This section provides for the addition of several members to the Coordinating Council on Juvenile Justice and Delinquency Prevention, including individuals from the mental health fields. This section also requires an annual report to Congress regarding the recommendations and activities of the Coordinating Council.

Section 203. Annual Report. This section modifies several existing reporting requirements in the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Administrator’s annual report, including requiring data on conditions of confinement (isolation and restraints), the number of juveniles released from custody, the number of status offenses (including a breakdown by type and disposition), the number of pregnant juveniles held in secure facilities, and the number of juveniles whose offenses originated in connection with school or school activities.

This section also requires that the Administrator include a description of the criteria used to determine what programs qualify as evidence based and promising programs under JJDP titles

II and V and a comprehensive list of those programs that have been determined to meet the criteria, as well as a description of funding provided to Indian Tribes under this Act. Finally, this section requires analyses of grant compliance and payments.

Section 204. Allocation of Funds. This section clarifies that funds should be allocated to States under Juvenile Justice and Delinquency Prevention Act (JJDP A) based on the most recent census data available.

This section authorizes the reinvestment of funds withheld due to noncompliance with one or more of the core requirements as an “incentive grant” aimed at helping States to regain compliance. It also requires that the Administrator provide support and technical assistance to the States in achieving and maintaining compliance with the Act.

Section. 205. State Plans. This section makes a number of changes to the information that participating States must include in their State plans.

Specifically, this section requires States to publicly disclose their State plan on-line within 30 days of its approval by the Administrator.

This section changes the composition of the State Advisory Group to include volunteers who work with delinquent youth or youth at risk of delinquency, the state’s Runaway and Homeless Youth Act executive director, persons with expertise and competence in preventing and addressing mental health or substance abuse needs of juvenile delinquents and those at risk of delinquency, publicly supported legal counsel for delinquent youth, experts in truancy and school failure, and representatives of victim or witness advocacy groups.

This section requires States to inform stakeholders about the State’s plan and compliance with the core requirements. In addition, the plan must also provide alternatives to detention, including diversion to home-based detention or community-based services or treatment for those youth in need of mental health, substance abuse, or co-occurring disorder services at the time the juvenile first came into contact with the juvenile justice system. It must also include proposals to reduce the number of children housed in secure detention and corrections facilities who are awaiting placement in residential treatment programs, to encourage inclusion of family members in the design and delivery of juvenile delinquency prevention and treatment services, and to use community-based services to address the needs of at-risk youth or youth who have come into contact with the juvenile justice system.

This section ensures that States Advisory Groups use JJDP A funds for the provision of training, technical assistance and consultation with State and local juvenile justice and child welfare agencies to develop coordinated dependence and delinquency system plans for early intervention and treatment of youth who have a history of abuse, as well as those juveniles who have prior involvement with the juvenile justice system. JJDP A funds must also be used for programs to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, judiciary juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency. The funds must also go toward

expanding access to publicly supported, court-appointed legal counsel and enhancing capacity for the competent representation of every child.

This section encourages the use of community-based alternatives to secure detention.

This section clarifies that State plans must ensure that juveniles do not have “sight and sound” contact with adult inmates in secure facilities.

This section expands the jail removal requirement to keep youth awaiting trial in adult criminal court out of adult lock-ups under certain circumstances. The section requires a judge to determine whether it is in the “interest of justice” for the youth to be held in an adult facility. The interest of justice shall be determined by looking at a variety of factors, including the age, physical and mental maturity of the juvenile, the nature and circumstances of the alleged offense, the relative ability of the available adult and juvenile detention facilities to meet the specific needs of the juvenile, and the protection of the public among other relevant considerations. The procedural protections for juveniles charged as adults are strengthened by, among other new protections, requiring the court to hold a review hearing at least every 30 days, if it determines that it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults or have contact with adult inmates. The juvenile may not be held for more than 180 days unless the court, in writing, determines that there is a good cause exception.

This section updates the Disproportionate Minority Contact core requirement by providing additional direction to States and localities on how to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system.

This section requires States that still permit the use of the Valid Court Order (VCO) exception, which allows judges to detain non-delinquent status offenders in juvenile lock-ups, to phase it out within three years, and allows States in need to apply for one-year hardship extensions through OJJDP. Until VCO elimination, it provides extra safeguards for status offenders in locked facilities, including limits on how long status offenders may be detained.

This section encourages States to ensure that records are shared between the juvenile justice system and the child welfare system for youth who have been abused or neglected. It also encourages State juvenile justice systems to work with State educational agencies to facilitate continuity of education for incarcerated youth.

This section requires that the plan address mental health and substance abuse screening, assessment, referral, and treatment for juveniles in the juvenile justice system. The plan must describe the methods and policies to be implemented by the State in screening, assessing, referring, and treating youth with mental health or substance abuse needs. The plan must also include policies and procedures, as well as training for staff, on evidence based and promising techniques for that are designed to eliminate the use of dangerous practices and unreasonable restraints and isolation.

This section creates new procedural safeguards to improve juvenile reentry services. The safeguards include, but are not limited to, a written case plan for each juvenile that describes pre-

release and post-release programs; living arrangements after discharge, and post-release support such as behavioral health care, and, as appropriate, a hearing that details the discharge plan for the juvenile that shall take place no earlier than 30 days before the scheduled release.

This section requires States to submit a report to the Administrator detailing the reasons for non-compliance and a plan to regain compliance. The report must be posted on a publicly available website. The Administrator must issue a public report detailing the determination of compliance and post it on a publicly available website.

Section 206. Authority to Make Grants. This section amends the Administrator's grant-making authority to add truancy prevention and reduction activities to the list of after-school programs that provide at-risk juveniles and juveniles in the system with a range of age-appropriate activities.

Section 207. Grants to Indian Tribes. This section removes the requirement that plans by applicant Indian tribes provide evidence that such tribes perform law enforcement functions.

Section 208. Research and Evaluation; Statistical Analyses; Information Dissemination. This section requires the Administrator to provide an annual written and publicly available plan to identify the purposes and goals of all programs carried out with funds. It also requires the Administrator to conduct research or evaluation relating to the prevalence and duration of behavioral needs, including mental health, substance abuse, and co-occurring disorders, among juveniles pre-placement and post-placement when held in the custody of secure detention and corrections facilities, including an examination of the effects of confinement. The research shall also include training efforts and reforms that have produced reductions in or elimination of the use of dangerous practices. Finally, the report shall include a description of the best practices in discharge planning and an assessment of living arrangements for juveniles who cannot return to the homes of the juveniles.

This section requires the development of a National Recidivism Measure. It requires the Administrator to establish a uniform method of data collection and technology used to evaluate data on juvenile recidivism, establish a common national juvenile recidivism measure, and make cumulative juvenile recidivism data that is collected from States available to the public.

Section 209. Training and Technical Assistance.

This section requires the Administrator to coordinate training and technical assistance programs with juvenile detention and corrections personnel of States and units of local government to promote evidence based and promising methods for improving conditions of juvenile confinement, including those that are designed to minimize the use of dangerous practices, unreasonable restraints, and isolation.

This section also provides for training and technical assistance to support juvenile court judges and personnel, the legal representation of children, and appropriate services and placement for youth with mental health or substance abuse needs.

Section 210. Incentive Grants for State and Local Programs. This section creates a new incentive grant program and sets forth activities that may receive incentive grant funding and the

means by which States may apply for the grants. Permissible uses of incentive grant funds include increasing the use of evidence based or promising prevention programs; improving the recruitment, selection, training and retention of professional personnel; and the establishment or support of a partnership between juvenile justice agencies of a State or unit of local government and mental health authorities of State or unit of local government to enhance mental health and substance abuse services for juveniles.

Section 211. Administrative Authority. This section strikes the word “requirements” as described in paragraphs (11), (12), and (13) of section 223(a), and replaces it with “core requirements.”

Section 212. Technical and Conforming Amendments. This section makes several technical and conforming amendments.

Title III – Incentive Grants for Local Delinquency Prevention Programs

Section 301. Definitions. This section adds a definition for the term “mentoring”

Section 302. Grants for Delinquency Prevention Programs. This section adds mentoring as an allowable use of JJDP title V delinquency prevention programs.

Section 303. Technical and Conforming Amendments. This section makes a technical and conforming amendment.

Title IV – Miscellaneous Provisions

Section 401. Evaluation by Government Accountability Office. This section requires the Comptroller General to conduct an evaluation of the performance of OJJDP and an audit of a statistically significant sample of grantees that receive funds under programs administered by it.

Section 402. Authorization of Appropriations. This section provides \$159 million for Fiscal Year 2015 to implement the bill, with a 2 percent increase each fiscal year for the five year term of the reauthorization. This section also provides that no more than 20 percent of the appropriated amount in any fiscal year under this Act be used for mentoring programs.

Section 403. Accountability and Oversight. This section sets out a series of accountability provisions to which all grants awarded under this Act are subject. It also contains a limit on conference expenditures by grantees and a restriction on the use of federal juvenile justice funds for lobbying purposes.