



Reauthorized Juvenile Justice Act Strengthens Core Protections

By Anne Teigen and Lucia Bragg

Attempts to improve the juvenile justice system, especially in regard to detention procedures, took another step forward with the latest reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP A).

The reauthorization strengthens the JJDP A's core protections and makes other significant improvements that reflect developments in youth justice since the act was last reauthorized in 2002.

The reauthorized law, [HR 6964](#), goes into effect in 2020. It was approved with bipartisan support in December 2018 and signed into law on Dec. 21, 2018.

It's stated purpose is to better meet the needs of at-risk youth—and anyone who comes in contact with the juvenile justice system—by supporting

evidence-based programs that reflect the science of adolescent development. This includes trauma-informed practices that understand, recognize and respond to trauma.

The reauthorization builds on earlier versions of the act, which created four protections for youth in state juvenile justice systems. In order to receive federal grants, states were required to:

- Limit children from being housed in the same facility as adult offenders.
- Provide a sight and sound separation in the limited circumstances when children are housed in the same facility as adults. This means that children cannot be housed next to adult cells, share dining halls, recreation areas or any other common spaces with adults, or be placed in any circumstance that could

Did You Know?

- The original Juvenile Justice and Delinquency Prevention Act was enacted in 1974 and was last reauthorized in 2002.
- Approximately 400 bills have already been introduced related to juvenile justice in 2019 nationwide.
- Juvenile justice reform continues to be a bipartisan issue across government branches.

expose them to threats or abuse from adult offenders.

- Prohibit placing status offenders in detention. Status offenders are children who have committed infractions based solely on their age (e.g., underage drinking, curfew violations, truancy). This provision contained many exceptions that allow status offenders to be detained.
- Determine whether their system has disproportionate contact with minority offenders.

The federal Office for Juvenile Justice and Delinquency Prevention (OJJDP) under the Department of Justice has oversight and reporting responsibilities for the act. Each state has a governor-appointed statewide advisory group (SAG) to oversee and guide each state's plan and decide how to allocate funding.

Federal Action

The reauthorization requires each state SAG to post plans on a publicly available website and take account of the science regarding adolescent development. The states also must provide alternatives to detention, use community-based services to serve at-risk youth and others involved in the system, and engage families in services such as mental health, crisis intervention and employment readiness training. They must promote evidence-based and trauma-informed programs and practices.

The new law also updated the original core protections. First, states must ensure within three years of the law's enactment that no youth are housed in an adult facility—whether they're charged as a juvenile or as an adult—while awaiting trial or other legal processes. The sight and sound separation requirement still stands for the very limited circumstances in which youth are held in adult facilities.

The JJDPA also eliminated some previous exceptions that were getting status offenders locked up in detention. The new law states that young status offenders in violation of a valid court order may not be held in detention longer than seven days. Additionally, for a status offender to be detained in such a facility at all, a judge must find that there is no appropriate, less-restrictive alternative available, considering the best interest of the juvenile.

The new law includes provisions covering the shackling of youth and solitary confinement. Within two years of the law's enactment date, states must implement plans that eliminate the use of restraints on pregnant girls housed in secure detention and correctional facilities. The bill also calls for states to develop policies and procedures that eliminate the unreasonable use of restraints and isolation in favor of alternative behavior manage-

ment techniques.

States are now required to document how they are addressing racial and ethnic disparities. A coordinating body composed of juvenile justice stakeholders must be established or designated to advise states, units of local government, and Native American tribes. These councils must identify and analyze data on race and ethnicity at decision points in state, local, or tribal juvenile justice systems to determine which points create racial and ethnic disparities. States must then develop and implement a plan based on the data that contains measurable objectives for policy, practice, or other system changes.

State Action

Lawmakers at both the federal and state levels continue to work across the aisle to improve justice systems for youth. They are enacting policies rooted in the latest research and evidence on adolescent development that provide cost-effective alternatives to incarceration. Although compliance with the new provisions will not be required until 2020, some states have already passed provisions that are in line with the goals of the JJDPA.

Kentucky, Oregon, and West Virginia already have laws requiring youth who are certified and sentenced as adults to remain in juvenile facilities. Oregon's law prohibits the incarceration of people under 18 in adult prisons "under any circumstances."

Other states in recent years have limited or stopped detaining status offenders. Georgia prohibits residential commitment for youth charged with status offenses, and Rhode Island prohibits the detention of juveniles who are in violation of a court order. Kansas prohibits committing a youth on probation to state custody for technical violations and requires probation officers to respond to violations with a continuum of community-based, graduated sanctions and incentives. Utah limits the use of secure confinement for young people facing probation violations and truancy violations are no longer referred to juvenile court.

At least eight states—Arizona, California, Florida, Maine, New York, Oklahoma, New Mexico and Washington—have already legislatively limited or prohibited the shackling of pregnant juveniles and at least 11 states statutorily limit or prohibit solitary confinement.

Some states, like California, Illinois and Mississippi, are already requiring the standardized collection of data on the ethnicity and race of individuals arrested or committed to their departments of juvenile justice.

Additional Resources

- [Campaign for Youth Justice](#)
- [Act 4 Juvenile Justice \(ACT4JJ\), a campaign of the National Juvenile Justice and Delinquency Prevention Coalition](#)
- [The Annie E. Casey Foundation](#)

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