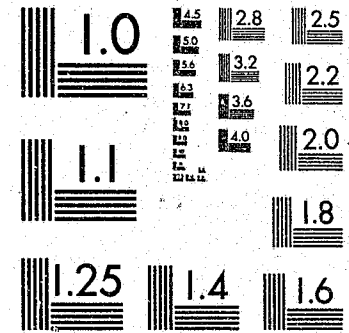


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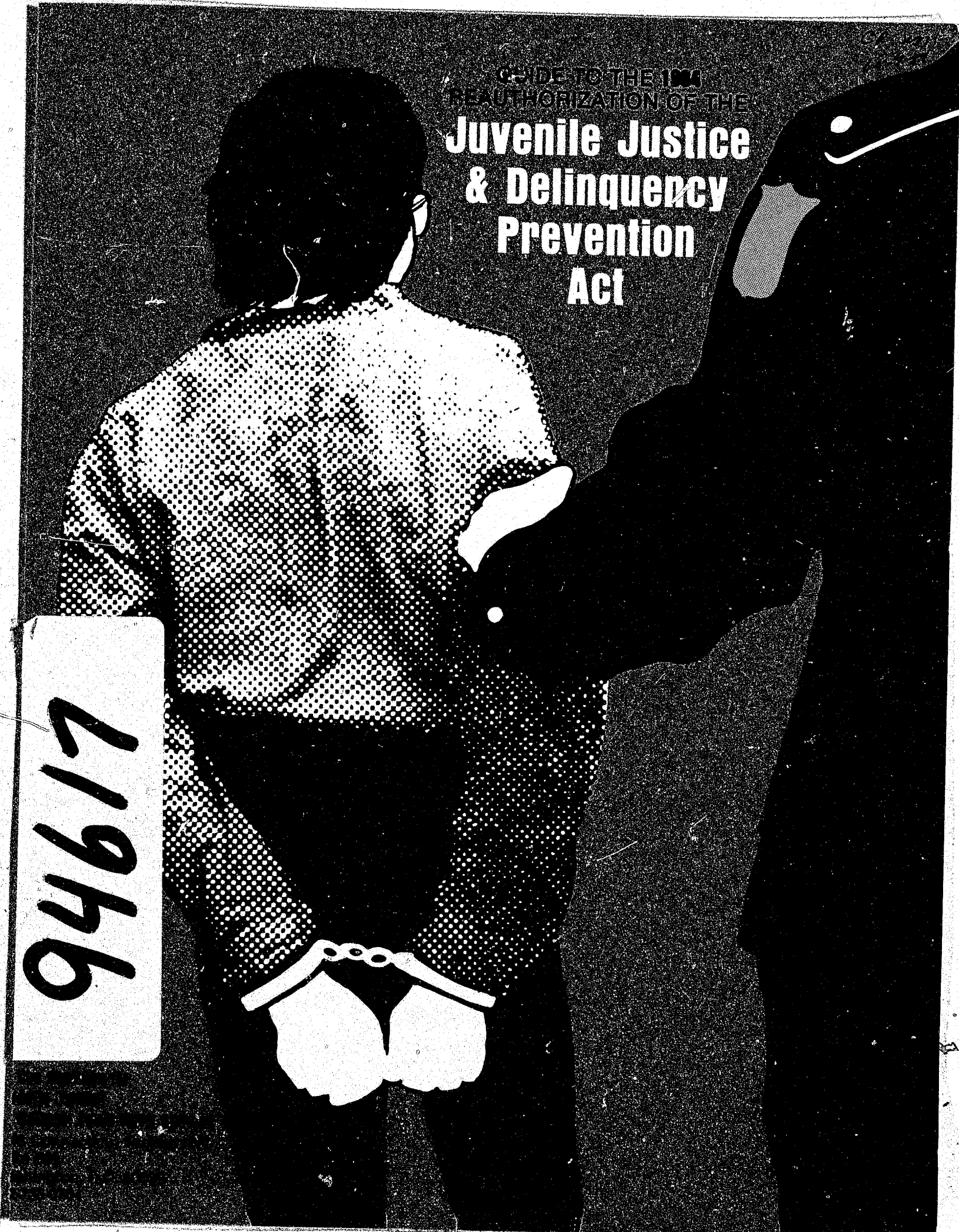
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GUIDE TO THE 1994
REAUTHORIZATION OF THE
**Juvenile Justice
& Delinquency
Prevention
Act**



94617

GUIDE TO THE 1984 REAUTHORIZATION OF THE
JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

Prepared by the Ad Hoc Coalition for Juvenile Justice
Washington, D.C.

-June 1983-

94617
U.S. Department of Justice
National Institute of Justice

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PREFACE

The past four years has been an exciting period of growth for the Ad Hoc Coalition for Juvenile Justice; it has been a period wherein we have seen increased interest in the issues surrounding juvenile justice and delinquency prevention as exemplified in the addition of many diverse organizations to our membership. During this time, the Coalition has helped accomplish major victories in legislative, regulatory and funding areas.

The Coalition played a vital role in the 1980 reauthorization of the Juvenile Justice and Delinquency Prevention Act. The reauthorization process was not completed until the lame duck session following the most recent presidential elections. Although the Speaker of the House predicted that the JJJPA would never make it to the House Floor, a week later it passed unanimously. We were forewarned that the Senate would never accept the House version, however, the President-elect intervened and a vote was allowed by the majority leader. Without the fanfare of a signing ceremony, the 1980 Amendments to the JJJPA were signed into law by the outgoing President.

For the past three years, the current Administration has proposed the elimination of the Office of Juvenile Justice and Delinquency Prevention. However, Coalition members and others have fought hard to save the program. It has been sustained and will continue to be sustained via strong Congressional support and reinforcement of the Coalition.

It has been my good fortune to have been called upon to serve as Chairman of the Coalition for the past four years. From that unique perspective, I have been able to see that the victories which have been accomplished have been beyond the efforts of any individual person or organization. What has come to pass has been because of the diverse energies and commitments of many who have come together to support one of the most effective pieces of legislation ever passed into law. Not only has the Coalition played a vital role; additionally, much of the credit must be ascribed to excellent Hill staff, local constituencies, federal employees, the media and untold others.

Such an atmosphere of collaboration has created this Guide to the 1984 Reauthorization of the Juvenile Justice and Delinquency Prevention Act. Nearly every member of the Coalition has played some role in the completion of this document. A few who deserve specific mention for the extraordinary work they committed to the development of the Guide are as follows:

- o Rick Miller and the Boys' Clubs of America for the cover design and the excellent graphics.
- o John S. Farnsworth of the United States Catholic Conference, editor of both the discussion guide and this document.
- o Jean Borkenhagen and Shirley Holliday, also of the USCC for the countless hours of word processing.
- o Michelle Hannahs, Pablo Eisenberg and the Center for Community Change for assisting with writing and production.

- o Jan Frohman of the National Association of Counties for the writing of initial issues and ongoing consultation.
- o Don Mathis of Act Together Inc. for the writing of initial issues and press relations.
- o Aetna Insurance Company for printing the guide.
- o Marcia Cohen for diligent proofreading.
- o Rod O'Connor for facilitating the symposium process and the writing of initial issues.
- o Jennifer Lawler, Jean Skawinski and Tim Roche, interns at the National Youth Work Alliance, for overall communications and coordination.

Mr. Robbie Callaway
 Chairperson
 Ad Hoc Coalition for Juvenile Justice
 General Editor
 5/15/83

INTRODUCTION

The primary purpose of this guide is to focus attention on the 1984 reauthorization of the Juvenile Justice and Delinquency Prevention Act. In an effort to accomplish this the Ad Hoc Coalition for Juvenile Justice embarked on an intensive process (described below) to identify the major issues surrounding the reauthorization. These issues, which are not listed in any priority order, and sample responses from various organizations are presented in Part III of the guide. Other sections of the guide are designed to familiarize the reader with the Act, its background and its potential path to reauthorization.

The Coalition, originally created in 1978 to provide support for continued appropriations for the JJDP Act, agreed in the Fall of 1982 to meet as a group to identify major issues that should be addressed during the reauthorization of the Act in 1984. There was hope that a consensus could be reached on the major, crucial issues concerning reauthorization and general agreement upon changes that should be made in the Act. The result was a day long symposium and another half-day meeting at which participants shared information and ideas on their organizations' views of reauthorization of the JJDP Act.

At the symposium, members of the Coalition met in small groups to identify key issues. The small group process led to reports back to the entire Coalition on the selected major issues. The entire group then proceeded to combine those reports into one list of issues. At a second meeting, Coalition members discussed each issue in depth, suggested various approaches and positions that should be adopted. Individual Coalition members were then asked to write short summaries both of the issue and the view of the Coalition.

The summaries were combined into a discussion guide entitled Issues in Juvenile Justice and Delinquency Prevention. Copies of the guide were distributed to scores of national and state youth-serving agencies and organizations along with the invitation to submit formal positions in regard to the issues.

This Guide is a result of that effort. The ability to bring together the diverse elements of the youth services community reflects not only the increase in knowledge gleaned from the JJDP Act in the past ten years, but also the results of five years of the Coalition's effort to support the JJDP Act.

PART I

BACKGROUND ON THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

The Juvenile Justice and Delinquency Prevention Act

In 1974, Congress adopted the Juvenile Justice and Delinquency Prevention Act (JJDP Act) in response to the documented failure of the juvenile justice system. After lengthy hearings and substantial investigation of the problem, Congress concluded that existing federal programs had not provided the direction, coordination and resources required to respond to this national crisis. It was determined that nothing short of restructuring the entire federal effort would produce the national leadership believed to be desperately needed.

Congress was concerned that state and local governments were unable to provide sufficient technical expertise and adequate resources to effectively cope with the problems of: school violence and truancy; understaffed, overcrowded juvenile courts and correctional facilities; teenage drug and alcohol abuse; the abuse of children in adult correctional facilities; abandoned, neglected and runaway youth; and the increase in serious and violent crime.

The JJDP Act revitalized federal efforts and enabled state and local governments to develop and implement innovative approaches to preventing juvenile crime and delinquency.

At the heart of this legislation is the requirement that states develop comprehensive plans to remove all non-offenders (dependent and neglected youth) and all status offenders (youth who have committed non-criminal offenses) from secure detention or correctional facilities. The Act also requires that juveniles be removed from adult jails. States that do not comply with these provisions within specific periods of time are ineligible to receive federal juvenile justice funds.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) was established to administer the provisions of the Act and to coordinate all federal level activities relating to juvenile justice. Within OJJDP, a Formula Grants Program was created to provide direct assistance to states, local governments and private agencies to enable them to develop effective delinquency prevention and control efforts, particularly community-based programs and services which would reduce the use of costly and unnecessary incarceration of youth. These funds were also to be used to do research in the area of juvenile delinquency; to conduct training to assist local juvenile justice personnel; and to provide technical assistance to those responsible for the management of juvenile justice programs. In order to further enable OJJDP to develop techniques and strategies, the Special Emphasis and Treatment Program was created to make grants directly to public and private non-profit agencies.

The National Institute of Juvenile Justice and Delinquency Prevention was created within OJJDP to conduct additional research; to gather and disseminate information; and to provide additional training to law enforcement officials, judges, educators, youthworkers, and others connected with the treatment of troubled youth.

To provide a central focus for the many federal programs that relate to juvenile delinquency, Congress gave OJJDP authority to coordinate all federal activities relating to juvenile justice. A federal Coordinating Council was

created, consisting of agencies involved with such activities, to assist in the development of a consistent federal policy. A National Advisory Committee, composed of citizens, was formed to advise OJJDP on federal policies and priorities with regard to juvenile delinquency prevention and control.

When the JJDP Act was originally adopted, and then again when it was twice reauthorized in 1977 and 1980, it received overwhelming bi-partisan support from both Houses of Congress. The Act has also repeatedly been endorsed by numerous national organizations familiar with the juvenile justice system and youth development issues.

In 1980, the JJDP Act was amended in several significant ways, among them:

- o It was mandated that additional attention be given to the problem of juveniles who commit serious and violent crimes. Particular emphasis was given to sentencing procedures, the need to provide resources for informed dispositions and the need for more effective rehabilitation programs.
- o The Office of Juvenile Justice and Delinquency Prevention was administratively separated from the Law Enforcement Assistance Administration and placed under the general authority of the Attorney General to assure that OJJDP would remain more accountable to Congress and so that federal juvenile justice programs would receive priority attention from both the Administration and Congress.
- o Participating states were permitted to use secure facilities to confine status offenders who had violated valid court orders.
- o Within a strict five-year period of time, beginning in 1980, all participating states would be required to remove juveniles from adult jails. Exceptions would be allowable in areas characterized by low population density and in situations where juveniles had committed serious crimes against persons.

PART II

COMPREHENSIVE LISTING OF ISSUES AND SELECTED SAMPLE POSITIONS
FROM LOCAL, STATE, AND NATIONAL ORGANIZATIONS

ISSUE #1

DELINQUENCY PREVENTION

Programs funded through the JJDP Act have focused more on the rehabilitation of those identified as delinquents than on the prevention of delinquency.

Delinquency prevention requires a systematic process for improving the conditions of life for both delinquents and nondelinquents. It further requires that institutions and organizations (such as schools, employers, and social service agencies) responsible for shaping youths' values and attitudes provide structural opportunities for young people to experience success through increased participation at various levels of responsibility.

A major issue identified by the Ad Hoc Coalition is that in order to give priority to juvenile delinquency prevention, a separate Title of the Juvenile Justice and Delinquency Prevention Act which exclusively addresses delinquency prevention should be included. This Title should emphasize that preventing delinquency requires OJJDP programs to improve family life, programs to provide resources to private-sector organizations and institutions which affect youth, as well as training and technical assistance to states, localities, civic and non-profit organizations. Such a delinquency prevention strategy would include the involvement of schools and nonprofit organizations, including youth-serving, neighborhood and community-based organizations. The Title should also state that determining the effectiveness of various delinquency prevention methods should be a priority for research by the National Institute for Juvenile Justice and Delinquency Prevention.

ISSUE #1: POSITIONS

NATIONAL CONGRESS OF PARENTS AND TEACHERS
(National PTA)

The National PTA believes that the federal commitment to the prevention of juvenile delinquency is a priority that should be reemphasized and strengthened, and that this national goal must be reflected in federal statute.

Therefore, the National PTA supports amending the Juvenile Justice and Delinquency Prevention Act to establish a separate Title with its own authorization for juvenile delinquency prevention programs. Federal resources should be provided to local communities, nonprofit, civic and neighborhood organizations to assist them in establishing and implementing programs that promote linkages between children and the major institutions that affect their lives, i.e., their schools, families and communities.

The National PTA agrees with the position of the Ad Hoc Coalition that evaluation of strategies employed in prevention programs should be a research priority. In addition, we recommend the new Title authorize assistance for the dissemination of information regarding methods implemented to prevent delinquency that have proven to be successful.

NATIONAL YOUTH WORK ALLIANCE

Throughout the current three Titles of the JJDP Act you will find references to delinquency prevention. It is in fact mentioned over 90 times throughout the JJDP Act. Despite this legislative emphasis on delinquency prevention, the Office of Juvenile Justice has historically spent little of its funds on adequate prevention efforts. Most of the efforts of OJJDP have been secondary or tertiary prevention aimed at youth already involved in the juvenile justice system. Now with the increased attention on serious and violent juvenile offenders, delinquency prevention efforts are being given even less attention than in previous years.

The National Youth Work Alliance agrees with the Ad Hoc Coalition's position that creation of a Title IV of the JJDP Act will once and for all place the necessary emphasis on delinquency prevention. NYWA's position is that delinquency prevention should continue to be mentioned over 90 times in Titles I, II, and III. The separate Delinquency Prevention Title IV could:

- a). Be administered in either OJJDP, the Department of Health and Human Services, or the Action Agency. This would be determined by Congressional leaders based on which agency would most effectively address the issue.
- b). Be a National Categorical Program administered similarly to Title III, the Runaway and Homeless Youth Act.
- c). Accept proposals from states, counties, local governments, schools, and private non-profit organizations interested in pursuing innovative approaches to delinquency prevention.
- d). Provide the means for information dissemination on effective programs and funds to replicate successful programs.
- e). Provide a role and funding base for delinquency prevention efforts by the federal Coordinating Council.
- f). Have an authorization period equivalent to Titles I, II, and III.
- g). Have its own minimal authorization level of \$50 million which would in no way decrease the authorization or appropriation levels of Titles I, II, and III.

History has shown us that delinquency prevention efforts are relegated to the back seat if attention is not specifically focused in that direction. A separate Title would provide the necessary attention and should be considered for at least a five year trial basis.

MISSOURI (GOVERNORS) STATE ADVISORY GROUP

The prevention of juvenile delinquency has been one of the areas of emphasis for the JJDP Act since its inception. The Missouri State Advisory Group believes it is an important issue and one that has not always received

the priority or attention that it warrants. As a result, the Missouri State Advisory Group would oppose any change in the JJDP Act that would reduce the emphasis on delinquency prevention programming.

NATIONAL COLLABORATION FOR YOUTH

Whereas twelve national voluntary youth organizations have banded together as the National Collaboration for Youth, the following member agencies have endorsed this resolution: American Red Cross; Big Brothers/Big Sisters of America; Boys' Clubs of America; Camp Fire Inc.; Girl Scouts of the USA; Girls Clubs of America; National Board, YWCA of the USA; National Network of Runaway and Youth Services, Inc.; United Neighborhood Centers of America, Inc.; and YMCA of the USA. We call for a federal commitment to delinquency prevention. We continue to believe, as we have since our participation in development of the 1974 Act, that delinquency prevention is a national concern. The multiplicity of federal, state, and local efforts--public and private--demands both:

- o Federal leadership--in research, training, and development and replication of successful programs; and
- o Federal coordination, to make such efforts more effective.

Of even greater concern are those youth still not effectively reached by either governmental or voluntary prevention efforts. A renewed federal commitment is essential in this regard.

THE NATIONAL NETWORK

The National Network strongly believes in primary prevention programs and diversion from the system of first offenders. The Network feels however, that a separate title and funding for prevention might be easier to eliminate or underfund. We prefer that the concept of prevention be woven throughout the legislation so that it cannot be ignored as an essential part of the intent of the Act.

BOYS' CLUBS OF AMERICA

Over a decade ago, and in every successive year since, Boys' Clubs of America has called upon the federal government to seek successful models and implement national strategies for the prevention of juvenile delinquency.

The passage of the JJDP Act seemed to respond to the call of Boys' Clubs and other organizations which believe that youthful deviance can be prevented. However, the conceptual confusion about the nature of prevention and the lack of adequate funding has retarded the development of a sound theory. Yet, the concept of prevention has proven sound in such areas as public health and medical services. With adequate funding, clarity and patience, effective models can be found and similar success as experienced in health will be demonstrated. The alternatives to delinquency prevention have already proven too costly, inhumane and ineffective.

Boys' Clubs of America further recommends that an adequate "set aside" be authorized for prevention as part of overall funding authorization for the Juvenile Justice and Delinquency Prevention Act.

NATIONAL COUNCIL OF JEWISH WOMEN

Many community services are made available only after a child has come into contact with the law. This places an additional stigma on the child who seeks help. NCJW recommends that community services be available to all children when they need them; an arrest or court record should not be an eligibility requirement for service. We believe the JJDP Act should continue to place a strong emphasis on programs and services designed to prevent juvenile delinquency.

THE DELAWARE JUVENILE JUSTICE ADVISORY GROUP

We endorse the position that delinquency prevention should be a separate subtitle under the Act.

NORTHEAST COALITION OF STATE JUVENILE JUSTICE ADVISORY GROUPS

The Northeast Coalition strongly supports an increased emphasis on delinquency prevention programs, activities and research. The Coalition is concerned, however that efforts to create a separate Title for prevention might make prevention too vulnerable. The Coalition suggests that emphasizing prevention in the body of the Act or adding prevention programs and activities where appropriate could accomplish the same purpose.

FLORIDA DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES TO CHILDREN,
YOUTH AND FAMILIES PROGRAM OFFICE

We are in agreement with the Ad Hoc Coalition for Juvenile Justice that a systematic process should be developed for helping delinquents as well as non-delinquents. It is important to solicit assistance from social services agencies, schools and the private sector for providing youth with positive activities for the prevention of delinquent behavior. We support allocation of funds for research and development of delinquency prevention programs.

We do not agree that a separate Title should be created to exclusively address delinquency prevention. This would unnecessarily limit these funds from being used by some states who have a greater need for funding other areas that are eligible for these funds.

MAINE JUVENILE JUSTICE ADVISORY GROUP

The JJAG strongly supports an increased emphasis on delinquency prevention programs, activities and research. The JJAG is concerned, however, that efforts to create a separate title for prevention might make prevention too

vulnerable. The JJAG suggests that emphasizing prevention in the body of the Act or adding prevention programs and activities, where appropriate, could accomplish the same purpose.

WEST VIRGINIA STATE ADVISORY GROUP

The WV SAG favors additional funding for prevention efforts but not at the expense of resources for rehabilitation efforts. Due to the lack of resources available in West Virginia, we must put available monies into direct services and development of alternative rehabilitative programs.

NATIONAL ASSOCIATION OF COUNTIES (NACo)

Be it resolved that the National Association of Counties urges Congress, in reauthorization of the JJDP Act, to:

- o Place delinquency prevention programs under a separate Title of the Act.

CENTER FOR COMMUNITY CHANGE

We agree with the position of the Ad Hoc Coalition, but would add that programs to prevent delinquency would include programs to change those organizations which affect youth.

SOUTH CAROLINA DEPARTMENT OF YOUTH SERVICES

Delinquency prevention requires a systematic approach and should be given a priority in the new Act by making delinquency prevention a separate Title; delinquency prevention should also be a research priority of NIJDP.

RESPONSE: Agree

THE AMERICAN LEGION

WHEREAS, The National Commission on Children and Youth is vitally concerned about the high levels of violent crime committed by juveniles in this nation each year; and

WHEREAS, The Juvenile Justice Delinquency Prevention programs now promoted by the Office of Juvenile Justice have proven very effective in many states; and

WHEREAS, The proposed block grants for states will not specifically earmark funds for delinquency prevention programs and, therefore, such programs may be significantly limited or even eliminated; now, therefore, be it

RESOLVED, By the National Executive Committee of the American Legion in regular meeting assembled in Indianapolis, Indiana, May 6-7, 1981, that The

American Legion opposes any and all efforts to eliminate the Office of Juvenile Justice and its programs because of a lack of appropriate funding; and, be it further

RESOLVED, That the need to bring the national economy under control cannot overshadow or ignore the need to further the Office of Juvenile Justice and its programs which may be our only national defense against an impending escalation of juvenile crime in America.

NATIONAL COMMITTEE OF STATE ADVISORY GROUPS' CHAIRS

The SAG Chairs strongly support an increased emphasis on delinquency prevention programs, activities and research and recommend that prevention be emphasized in the body of the Act and that prevention programs and activities be added where appropriate.

ISSUE #2

STATUS OFFENDERS

Status offenders are youth who are accused of, or have committed certain offenses which are defined by law as juvenile delinquency, but which would not be offenses if committed as an adult. Examples of status offenses include running away, truancy, ungovernability, incorrigibility, and violation of curfew.

Statutes in most states provide that these status offenders are under the jurisdiction of the juvenile or family court; consequently, they may be held in a secure (i.e., locked) facility while awaiting court action. Status offenders may, under some state laws, be sentenced to state training schools or other correctional facilities which house serious and violent juvenile offenders. On the average, status offenders remain institutionalized for longer periods than more serious offenders. In some communities, these runaways and truants are kept in adult jails.

The Juvenile Justice and Delinquency Prevention Act requires that states receiving funds under the Act* must remove status offenders, as well as dependent or neglected children who are not charged with any offense, from secure facilities. In 1980, amendments to the Act gave states three years after submitting their initial juvenile justice plans to the Office of Juvenile Justice and Delinquency Prevention to achieve substantial compliance. Although states have made a great deal of progress in complying with the Act, an estimated 50,000 status offenders and dependent/neglected children are placed in secure detention annually. If the provisions in the Act requiring deinstitutionalization for status offenders and nonoffenders were to be discontinued, it could result in a dramatic increase of youth in these categories who are incarcerated.

Status offenders should not be under the jurisdiction of the juvenile court. Responsibility for these youth, who have committed no real crimes, should be returned to their families and communities. Some states, spurred by the requirements of the Act, have already changed their juvenile delinquency codes to remove status offenses from court jurisdictions.

The Act, as amended in 1980, allows for the placement of status offenders in secure facilities if they have violated a valid court order. This provision allows the courts a "loophole" so that, for example, a runaway who is ordered to attend counseling sessions and does not do so can be placed in secure detention or sentenced to a secure correctional facility.

If status offenders are to remain under the jurisdiction of court systems, the clause in the Act (Sec. 223, S12(A)) which allows youth who have violated court orders to be placed in secure institutions, should be stricken.

* States not currently participating in the Act are: Hawaii, Nevada, North Dakota, South Dakota, Oklahoma and Wyoming.

ISSUE #2: POSITIONS

CAMP FIRE, INC.

The Board of Directors of Camp Fire, Inc. shall support the following position on behalf of status offenders (youth who have not violated the criminal code). The board shall pledge to encourage efforts by the Camp Fire membership to work with that population, either through advocacy or direct-service activities.

We believe that children are our most precious resource, that every child deserves the right to develop to his or her fullest potential and that the family is essential to the nurturing and development of this potential.

While the cost of care for our children may be great, the cost of their neglect is astronomical. With this in mind, Camp Fire, Inc. supports the concept that children and their families should have the opportunities essential for their optimal physical, emotional, mental, and social growth. Therefore, we are committed to the following principles:

1. Status offenders should be removed from all secure facilities, public or private.
2. Status offenders should be removed from any secure or non-secure public or private facility which also houses adult offenders.
3. Status offenders should not be mixed with juvenile offenders in any facility, including community-based facilities, which house more than 20 youth.
4. Community-based programs for status offenders, such as foster care and shelter care homes, group homes, halfway houses, and homemaker and home health services, should be provided.
5. Services and programs which will maintain and strengthen the family unit, so that the juvenile may stay at home, must be supported.
6. The deinstitutionalization of status offenders should be accompanied by a redirection of funding resources to assure the provision of adequate alternative services, appropriately assigned to public and private agencies.
7. Educational programs which help youth remain in elementary, secondary, or alternative learning situations should be expanded.
8. Special attention must be given to girls and minorities, who are over-represented in the institutionalized status offender population.
9. Jurisdiction over status offenders should be removed from the juvenile court. Community services offered by community-based voluntary agencies, youth service bureaus, and public social service departments are more appropriate resources for non-criminal youth.

NATIONAL CONGRESS OF PARENTS AND TEACHERS
(National P.T.A.)

The National PTA supports the provision of the Juvenile Justice and Delinquency Prevention Act which mandates the removal of status offenders from secure detention, and recommends reauthorization of this federal mandate. In addition, we advocate extending the prohibition against placing status offenders in secure detention by removing them from the jurisdiction of the juvenile courts.

We agree with the Ad Hoc Coalition's recommendation that if juvenile courts maintain jurisdiction over status offenders, then the Act should be amended to delete the Valid Court Order provision.

NATIONAL COLLABORATION FOR YOUTH

Whereas twelve national voluntary youth organizations have banded together as the National Collaboration for Youth; the following member agencies have endorsed this resolution: American Red Cross; Big Brothers/Big Sisters of America; Boys' Clubs of America; Camp Fire, Inc.; Girl Scouts of the USA; Girls Clubs of America; National Board, YWCA of the USA; National Network of Runaway and Youth Services, Inc.; United Neighborhood Centers of America, Inc.; and YMCA of the USA.

We call for continuation of efforts to deinstitutionalize status offenders, both to ensure that the progress of the past decade is not lost and to encourage appropriate steps in states and communities where progress has been slow. (In June 1982, 14 participating states were still not in full compliance with this section of the Act.) Receipt of funds under the Act should continue to be linked to progress in deinstitutionalization.

THE NATIONAL NETWORK

The National Network sees as a priority federal leadership and resource allocation toward the nationwide deinstitutionalization of status offenders. We oppose all policies and funding which allow for incarceration of status offenders under any circumstances--including the first hours a youth is in custody.

BOYS' CLUBS OF AMERICA

Boys' Clubs of America continues to support a provision in the Juvenile Justice and Delinquency Prevention Act which ensures that status offenders are not inappropriately placed in secure detention facilities. Only full compliance with this section is acceptable.

In addition, Boys' Clubs of America calls upon Congress to be fully consistent with the intent of its deinstitutionalization of status offenders provision by eliminating the Valid Court Order section.

ISSUE #2

STATUS OFFENDERS

Status offenders are youth who are accused of, or have committed certain offenses which are defined by law as juvenile delinquency, but which would not be offenses if committed as an adult. Examples of status offenses include running away, truancy, ungovernability, incorrigibility, and violation of curfew.

Statutes in most states provide that these status offenders are under the jurisdiction of the juvenile or family court; consequently, they may be held in a secure (i.e., locked) facility while awaiting court action. Status offenders may, under some state laws, be sentenced to state training schools or other correctional facilities which house serious and violent juvenile offenders. On the average, status offenders remain institutionalized for longer periods than more serious offenders. In some communities, these runaways and truants are kept in adult jails.

The Juvenile Justice and Delinquency Prevention Act requires that states receiving funds under the Act* must remove status offenders, as well as dependent or neglected children who are not charged with any offense, from secure facilities. In 1980, amendments to the Act gave states three years after submitting their initial juvenile justice plans to the Office of Juvenile Justice and Delinquency Prevention to achieve substantial compliance. Although states have made a great deal of progress in complying with the Act, an estimated 50,000 status offenders and dependent/neglected children are placed in secure detention annually. If the provisions in the Act requiring deinstitutionalization for status offenders and nonoffenders were to be discontinued, it could result in a dramatic increase of youth in these categories who are incarcerated.

Status offenders should not be under the jurisdiction of the juvenile court. Responsibility for these youth, who have committed no real crimes, should be returned to their families and communities. Some states, spurred by the requirements of the Act, have already changed their juvenile delinquency codes to remove status offenses from court jurisdictions.

The Act, as amended in 1980, allows for the placement of status offenders in secure facilities if they have violated a valid court order. This provision allows the courts a "loophole" so that, for example, a runaway who is ordered to attend counseling sessions and does not do so can be placed in secure detention or sentenced to a secure correctional facility.

If status offenders are to remain under the jurisdiction of court systems, the clause in the Act (Sec. 223, S12(A)) which allows youth who have violated court orders to be placed in secure institutions, should be stricken.

* States not currently participating in the Act are: Hawaii, Nevada, North Dakota, South Dakota, Oklahoma and Wyoming.

FLORIDA DEPARTMENT OF MENTAL AND REHABILITATIVE SERVICES:
CHILDREN, YOUTH, AND FAMILIES PROGRAM OFFICE

We are philosophically in agreement with the Ad Hoc Coalition that status offenders should not be placed in secure detention or secure correctional facilities as a result of violating a court order, for example, an order to attend counseling. Labeling a status offender as a delinquent allows the status offender to enter the criminal justice system. We believe that all efforts should be made to keep status offenders out of the criminal justice system.

Prohibiting the placing of status offenders in secure detention or secure correctional facilities in the Juvenile Justice Delinquency Prevention Act will only prevent some states from receiving funds from the Office of Juvenile Justice and Delinquency Prevention (OJJDP). It will not prevent courts from ordering the detention of status offenders who have violated court orders.

NATIONAL YOUTH WORK ALLIANCE

The National Youth Work Alliance supports the position of the Ad Hoc Coalition which encourages the removal of status offenders from the jurisdiction of the juvenile court. This, however, cannot be accomplished overnight and must be prefaced with the strengthening and development of new and existing community programs to serve this population.

The status offender has broken no law and is usually reacting to either a family, community, or individual problem. Therefore, NYWA believes that the family and community should be better equipped to handle the problem. Adequate programs at the community level would result in families and communities no longer having to abdicate their responsibility to the juvenile court. The juvenile court could then more adequately direct their energies to those juveniles who have broken the law or have been legally declared neglected or abused.

Since status offenders are a family and community problem, efforts to address their needs should be returned to the family and community. The JJDP could help accomplish this by providing financial incentives to the states which are moving toward legislation providing for removal of juvenile court jurisdiction over status offenders. This financial incentive would be utilized to develop or replicate new or existing programs which prove that juvenile court jurisdiction provides no greater success rate in addressing their family and community problem. The track record of programs such as Salt Lake County Youth Services Center shows that these status offenders can be dealt with in the community. They do not need the leverage of the juvenile court to keep them involved with the program and receiving proper care, guidance, and reunification with their families.

NATIONAL CONGRESS OF PARENTS AND TEACHERS
(National P.T.A.)

The National PTA supports the provision of the Juvenile Justice and Delinquency Prevention Act which mandates the removal of status offenders from secure detention, and recommends reauthorization of this federal mandate. In addition, we advocate extending the prohibition against placing status offenders in secure detention by removing them from the jurisdiction of the juvenile courts.

We agree with the Ad Hoc Coalition's recommendation that if juvenile courts maintain jurisdiction over status offenders, then the Act should be amended to delete the Valid Court Order provision.

NATIONAL COLLABORATION FOR YOUTH

Whereas twelve national voluntary youth organizations have banded together as the National Collaboration for Youth; the following member agencies have endorsed this resolution: American Red Cross; Big Brothers/Big Sisters of America; Boys' Clubs of America; Camp Fire, Inc.; Girl Scouts of the USA; Girls Clubs of America; National Board, YWCA of the USA; National Network of Runaway and Youth Services, Inc.; United Neighborhood Centers of America, Inc.; and YMCA of the USA.

We call for continuation of efforts to deinstitutionalize status offenders, both to ensure that the progress of the past decade is not lost and to encourage appropriate steps in states and communities where progress has been slow. (In June 1982, 14 participating states were still not in full compliance with this section of the Act.) Receipt of funds under the Act should continue to be linked to progress in deinstitutionalization.

THE NATIONAL NETWORK

The National Network sees as a priority federal leadership and resource allocation toward the nationwide deinstitutionalization of status offenders. We oppose all policies and funding which allow for incarceration of status offenders under any circumstances--including the first hours a youth is in custody.

BOYS' CLUBS OF AMERICA

Boys' Clubs of America continues to support a provision in the Juvenile Justice and Delinquency Prevention Act which ensures that status offenders are not inappropriately placed in secure detention facilities. Only full compliance with this section is acceptable.

In addition, Boys' Clubs of America calls upon Congress to be fully consistent with the intent of its deinstitutionalization of status offenders provision by eliminating the Valid Court Order section.

NATIONAL COUNCIL OF JEWISH WOMEN

NCJW believes that status offenders should be excluded from the jurisdiction of the juvenile court and the correctional system. Incarceration is not an appropriate substitute for adequate community services to deal with troubled youth who have not committed a criminal act.

NATIONAL ASSOCIATION OF COUNTIES (NACo)

Be it resolved that the National Association of Counties urges Congress, in reauthorization of the JJDP Act, to:

- o Retain the requirement that all status offenders must be removed from secure detention;
- o Strike the phrase that allows status offenders who have violated court orders to be placed in secure detention.

NEW JERSEY JUVENILE JUSTICE AND DELINQUENCY
PREVENTION ADVISORY COMMITTEE

The Legislative Subcommittee wishes to reiterate the position taken by the New Jersey JJDP Advisory Committee in December, 1982 regarding the Valid Court Order provision of the Act:

"There are valid positions on both sides of the issue as to whether the 'Valid Court Order' amendment should be continued in the JJDP Act. The New Jersey SAG recommends that alternative programs should be created to handle the small number of status offenders for whom secure detention might be necessary. Federal leadership is needed to develop such models to be made available to the states. In any event, exceptions to the deinstitutionalization requirement because of violations to the Valid Court Order amendment should comply with the legal definition of de minimus applied to the entire DSO rule."

MAINE JUVENILE JUSTICE ADVISORY GROUP

The JJAG believes that status offenders should not be subject to the jurisdiction of the courts. However, in states where status offenders are subject to the jurisdiction of the juvenile courts, the clause in the Act (Section 223, Subsection 12(A)) which permits status offenders who have violated valid court orders to be placed in secure institutions should be stricken.

CENTER FOR COMMUNITY CHANGE

We endorse the Ad Hoc Coalition's position.

WEST VIRGINIA STATE ADVISORY GROUP FOR JUVENILE JUSTICE

The WV SAG opposes co-mingling of status and criminal offenders and also opposes the conversion of status offenders to criminal offenders in the absence of any overt criminal act.

MICHIGAN GOVERNOR'S ADVISORY COMMITTEE

ON JUVENILE JUSTICE

In our testimony during the 1980 reauthorization, the ACCJ went on record opposing the Valid Court Order Amendment. We reaffirmed that position at our April ACJJ meeting.

NATIONAL COMMITTEE OF STATE ADVISORY GROUPS' CHAIRS

The SAG Chairs recommend striking the clause in the Act (Sec. 223(a)(12)(A)), which allows youth who have violated valid court orders to be placed in secure institutions.

MISSOURI (GOVERNORS) STATE ADVISORY GROUP

The Missouri State Advisory Group finds the final regulation published in Volume 47, No. 158 of the Federal Register, acceptable and should be included in the JJDP Act.

ISSUE #3

REMOVING JUVENILES FROM ADULT JAILS AND LOCK-UPS

One of the 1980 amendments to the Juvenile Justice and Delinquency Prevention Act requires states to remove juveniles from adult jails and lock-ups within seven years or risk losing federal juvenile justice funds. This provision was supported by all elements of the juvenile justice system and should be retained in the reauthorized act.

More than 479,000 youth were detained in adult jails in 1980. Incarceration harms them in several ways; most evident are the reported physical and sexual abuse by adults in the same facilities. Most jails, designed for adults, provide no adequate educational or recreational facilities for children. Psychiatrists have found that juveniles in jail may undergo serious emotional distress. The suicide rate for juveniles in adult jails is about five times greater than that among youth in the general population.

Moreover, since the 1980 amendments, federal courts have made rulings on the constitutionality of jailing juveniles. D.B., et al. v. Tewkesbury (No. 80-817 D. OR., August 6, 1982) ruled that "the very existence of the juvenile justice system, with its professed goal of individualized treatment, constitutionally precludes the placement of all juveniles in adult jails." If upheld by the Supreme Court, this decision would result in an absolute ban on the jailing of children.

Martin v. Strasburg (Nos. 81-2175, 81-2193 2d Cir. September 20, 1982) held that the practice of preventive detention of juveniles, detaining them before adjudication for the protection of the community and/or the juveniles, is unconstitutional. The court found that preventive detention violated juveniles' due process rights because it was used primarily as pretrial punishment.

In Benitez v. Collazo (Nos. 77-662, 77-1170 D. Puerto Rico, August 27, 1982), the court ruled that non-delinquent juveniles cannot be held, detained, committed, or otherwise confined in any manner in any secure detention center.

The 1980 amendments to the Juvenile Justice Act also mandated that a study be done of the costs, experiences and ramifications of removing children from adult jails and lock-ups. The study found that jail removal could be accomplished at a relatively low cost, but that more information on alternatives to incarceration was sorely needed.

Other studies have found that only 10-14 percent of juveniles in jails have committed serious crimes. They also show the high cost to the community of jailing juveniles. A study by the American Justice Institute found an 86 percent recidivism rate among jailed children as opposed to a 49 percent rate for those placed in foster care.

ISSUE #3: POSITIONS

AMERICAN BAR ASSOCIATION

The Juvenile Justice Standards of the American Bar Association/Institute of Judicial Administration unequivocally oppose the confinement of juveniles "in any facility of part thereof also used to detain adults" (Interim Status, 10.2). The volume on Corrections Administration goes even further in specifying that juvenile facilities should be operated "operationally autonomous from the administration of adult corrections" and that juvenile correctional authorities should not have the authority to transfer juveniles to "any institution or program operated by the adult corrections agency" (Corrections Administration 2.2). In sum, the American Bar Association/Institute of Judicial Administration Standards require an absolute prohibition on the mixing of juvenile and adult offenders in the same facility.

CHILD WELFARE LEAGUE OF AMERICA

The Child Welfare League supports the removal of juveniles from adult jails and lock-ups. We find the incarceration of youth in adult jails to be a continuing problem, and to be in need of strong federal leadership and incentives if youth are to be served in a humane and constructive manner.

NATIONAL YOUTH WORK ALLIANCE

A recent investigation by the Government Accounting Office (GAO) revealed that out of five states investigated, all still placed juvenile runaways and others in adult jails. This same phenomenon will be found in nearly all of our states and territories.

The National Youth Work Alliance agrees with the absolute position of Senator Arlen Specter that by 1985 all juveniles who have not been waived into adult courts should not be allowed in adult jails and correctional facilities. This absolute restriction should not allow their jailing for any period of time. The current allowance of 24 hours needs to be stricken. It does not take 24 hours for a juvenile to be raped, abused, and otherwise ill effected by placement in such a facility.

This mandate requiring the removal of juveniles from adult jails and correctional facilities should be enforced in all states whether or not they choose to participate in the JJDP. Financial incentives should be provided to all states to assist in the establishment of adequate resources to serve this population which otherwise would be incarcerated with adults. Most home programs and transportation corps are just two of the successful resources currently being utilized by some states to keep juveniles out of adult incarceration facilities.

Remember, the juveniles on whom this position is based are those young people who have not committed a serious enough offense to have been waived into adult court. They therefore should not be detained, incarcerated, or served by adult facilities. They should not be placed where they can be trained to become adult criminals.

NATIONAL COMMITTEE OF STATE ADVISORY GROUPS' CHAIRS

The SAG Chairs recommend that the provision to remove juveniles from adult jails and lockups by December 1985 be retained in the reauthorized Act.

THE NATIONAL NETWORK

The National Network opposes all policies which allow the jailing of juveniles in adult facilities. NNRYS supports policies which insure that juvenile offenders receive services separate and apart from the adult system. Additional services and attention must be focused on providing adequate and rehabilitative programming to the serious offender in the least restrictive appropriate setting.

Juveniles must not be placed in jail on a temporary basis for a few hours while other plans are being formulated. States allowing such placement should be considered out of compliance with the Act.

BOYS' CLUBS OF AMERICA

Even though the present Act requires states to remove juveniles from adult jails and lock ups, and research indicates that the majority of these youth "could be released without endangering public safety," Boys' Clubs of America is appalled that over 500,000 youth are still held in adult jails throughout the United States, many of whom are subject to physical, emotional and verbal abuse. Boys' Clubs of America urges full compliance with this section.

FLORIDA DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES:
CHILDREN, YOUTH, AND FAMILIES PROGRAM OFFICE

We agree that placing juveniles in adult jails is extremely detrimental to juveniles and should be prohibited. In the state of Florida, the law allows a juvenile to be placed in adult jails only if they are awaiting criminal prosecution or if they are ordered into jail by the court because they are beyond the control of the staff at the juvenile detention facility.

Changing the Act to prohibit any juvenile under any circumstances from being placed in adult jails would only prevent certain states from receiving funds from the Office of Juvenile Justice and Delinquency Prevention (OJJDP). It would not prevent the incarceration of all juveniles in jails.

THE DELAWARE JUVENILE JUSTICE ADVISORY GROUP

Delaware fully endorses the provision to remove juveniles from adult jails and lock-ups and believes that this provision should be retained in the reauthorized Act.

NORTHEAST COALITION OF STATE JUVENILE
JUSTICE ADVISORY GROUPS

The Northeast Coalition strongly supports the provision to remove juveniles from adult jails and lockups and believes that provisions should be retained in the reauthorized Act. In addition, the Coalition recommends that technical assistance be provided to state and local governments to assist them in removing juveniles from jails.

NATIONAL CONGRESS OF PARENTS AND TEACHERS
(National P.T.A.)

The National PTA strongly advocates a federal mandate for the removal of juveniles from adult jails and lock-ups. We believe that, at a minimum, the reauthorized Act must retain the current language which requires total state compliance by 1987 or suffer the loss of federal juvenile justice funding.

The problem remains, however, that some states are not currently participating in federal juvenile justice programs, and there are indications that others also may choose to forgo federal juvenile justice monies rather than comply with the statute. Therefore, the National PTA supports strengthening the federal mandate by amending the statute to require that all states, both those receiving federal juvenile justice funds and those which do not, remove juveniles from adult jails and lock-ups.

CENTER FOR COMMUNITY CHANGE

A reauthorized Juvenile Justice Act should retain the provisions for removal of juveniles from adult jails and lock-ups. In addition, we are concerned that many states are lowering the age limit for juvenile court jurisdiction or allowing certain juvenile offenders to be transferred to adult courts. This transfer of youth under 18 to the adult criminal justice system could undermine efforts to remove youth from adult jails by reclassifying many youth as adults.

MAINE JUVENILE JUSTICE ADVISORY GROUP

The JJAG strongly supports the provision to remove juveniles from adult jails and lock-ups and believes that provision should be retained in the Act as reauthorized. In addition, the JJAG recommends that technical assistance be provided to state and local governments to assist them in removing juveniles from jails.

WEST VIRGINIA STATE ADVISORY GROUP
FOR JUVENILE JUSTICE

The WV SAG, in view of its consistent opposition to the co-mingling of adult and juvenile offenders, supports the removal of all juveniles from adult secure facilities.

NATIONAL ASSOCIATION OF COUNTIES (NACo)

Be it resolved that the National Association of Counties urges Congress, in reauthorization of the JJDP Act, to:

- o Retain the provision on removing juveniles from adult jails and lockups as is.

NEW JERSEY JUVENILE JUSTICE AND DELINQUENCY
PREVENTION ADVISORY COMMITTEE

The subcommittee strongly supports the provision to remove juveniles from adult jails and lock-ups. The established time frame of compliance by December, 1985 should be adhered to and re-enforced. Furthermore, technical assistance should be provided to states and local governments to assist them in removing juveniles from jail.

NATIONAL COLLABORATION FOR YOUTH

Whereas twelve national voluntary youth organizations have banded together as the National Collaboration for Youth; the following member agencies have endorsed this resolution: American Red Cross; Big Brothers/ Big Sisters of America; Boys' Clubs of America; Camp Fire, Inc.; Girl Scouts of the USA; Girls Clubs of America; National Board, YWCA of the USA; National Network of Runaway and Youth Services, Inc.; United Neighborhood Centers of America, Inc.; and YMCA of the USA.

We support provisions of the JJDP Act requiring states to remove juveniles from adult jails and lock-ups, and we urge that Congress insist on adherence to the timetable in the present Act. We note that 25 participating states had not yet achieved compliance with this section of the Act by mid-1982.

MICHIGAN (GOVERNORS) ADVISORY COMMITTEE
ON JUVENILE JUSTICE

We recommend that the JJDP Act continue the current stand on jailing. We believe that removal of juveniles from adult jails and lock-ups is the right approach to take. We are happy to add that Michigan is making much progress in this area.

The Jail Removal Initiative can be accomplished over time much like the Deinstitutionalization of Status Offenders Initiative. We want to proceed.

If the JJDP Act were to abandon this direction, much of the initiative and substantial funding for alternatives would be lost. Given the success we have seen, we feel it would be very fortunate to turn back.

NATIONAL COUNCIL OF JEWISH WOMEN

NCJW is committed to the total removal of juveniles from adult jails and lock-ups and supports the continuation of this provision in the JJDP Act.

ISSUE #4

AUTHORIZATION LEVEL, APPROPRIATION LEVEL, PERIOD OF AUTHORIZATION

Titles I (Findings and Declarations of Purpose) and II (Juvenile Justice and Delinquency Prevention) of the Act should have an authorization level of \$200 million for FY 1985, \$225 million for FY 1986, \$250 million for FY 1987, \$275 million for FY 1988, and \$300 million for FY 1989.* Since the appropriation level seldom reaches the authorization level, it is recommended that the minimum appropriation level for FY 1985 be set at \$125 million (with full funding for the remaining years.) Any new titles added to the Act should have their own authorization level above and beyond that of existing titles.

The authorization period for this legislation should be five years instead of the current four-year cycle. The five-year cycle proposed would remove the reauthorization period from election year cycles. Additionally, the longer authorization period will provide more stability in the implementation of the Act, a factor that is greatly needed at this time.

ISSUE #4: POSITIONS

NATIONAL CONGRESS OF PARENTS AND TEACHERS
(National PTA)

The National PTA believes that only through adequate federal funding can federal mandates be implemented. Therefore, we strongly concur with the Coalition's recommendations for authorization and appropriation levels for Titles I and II of the Act (as well as Title III, Issue # 11).

In addition, we agree that the authorization period should be lengthened to five years to provide increased stability for the programs authorized. Short term funding has major implications for program operations: activities may be devoted to receiving renewed funding to the detriment of the program's operations; a program is unlikely to operate in a given neighborhood for a significant fraction of a youth's adolescence; a program will not gain sufficient influence to enable it to affect attitudes, values or behavior. Like schools, programs must be there in order to have a chance of success and must have adequate resources to attract dedicated staff and provide them with the resources to perform.

* When the Act was reauthorized in 1980 it read:

Part D -- Administrative Provisions

Sec. 261. (a) To carry out the purposes of this title there is authorized to be appropriated \$200,000,000 for each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984. Funds appropriated for any fiscal year may remain available for obligation until expended.

NATIONAL COUNCIL OF JEWISH WOMEN

NCJW supports a five-year authorization level which would allow time for the accomplishment of the Act's goals. We support the funding levels set forth in the discussion guide.

NATIONAL COLLABORATION FOR YOUTH

Whereas twelve national voluntary youth organizations have banded together as the National Collaboration for Youth; the following member agencies have endorsed this resolution: American Red Cross; Big Brothers/ Big Sisters of America; Boys' Clubs of America; Camp Fire, Inc.; Girl Scouts of the USA; Girls Clubs of America; National Board, YWCA of the USA; National Network of Runaway and Youth Services, Inc.; United Neighborhood Centers of America, Inc.; and YMCA of the USA.

We draw attention to the discrepancy between the authorization levels Congress approved in 1980--\$200 million a year--and the appropriation over the last few years of only about \$70 million a year. Maintaining even this minimal level of funding has on occasion required extraordinary efforts by youth advocates and Congress alike. We urge adequate authorization and appropriation levels, as envisioned by Congress in 1980.

THE DELAWARE JUVENILE JUSTICE ADVISORY GROUP

Delaware believes that titles one and two of the Act should have a minimum authorization level of \$200 million for FY 1985, \$225 million for FY 1986, \$250 million for FY 1987, \$275 million for FY 1988, and \$300 million for FY 1989. The appropriation level for each of these years should be the same for the authorization level. Delaware endorses a five-year authorization cycle.

MAINE JUVENILE JUSTICE ADVISORY GROUP

The JJAG agrees that Titles I and II of the Act should have an authorization level of \$200 million for FY 1985, \$225 million for FY 1986, \$250 million for FY 1987, \$275 million for FY 1988, and \$300 million for FY 1989. The minimum appropriation level for FY 1985 should be \$125 million (with full funding for the remaining years). The JJAG strongly supports a five-year authorization.

WEST VIRGINIA STATE ADVISORY GROUP
FOR JUVENILE JUSTICE

The WV SAG supports the position taken in the discussion guide. The five-year cycle appears to be a particularly good suggestion.

NORTHEAST COALITION OF STATE JUVENILE
JUSTICE ADVISORY GROUPS

The Northeast Coalition supports an authorization level for Titles I and II of the Act for \$200 million for FY 1985, \$225 million for FY 1986, \$250 million for FY 1987, \$275 million for FY 1988 and \$300 million for FY 1989. The minimum appropriation level for FY 1985 should be \$125 million, with full funding for the remaining years. The Northeast Coalition strongly supports a five-year authorization cycle.

NEW JERSEY JUVENILE JUSTICE AND DELINQUENCY
PREVENTION ADVISORY COMMITTEE

The subcommittee supports the levels of authorization for Titles I and II of the Act as noted in the discussion guide: \$200 million for FY 1985, \$225 million for FY 1986, \$250 million for FY 1987, \$275 million for FY 1988 and \$300 million for FY 1989. We also support authorization of the Act on a five-year cycle.

NATIONAL YOUTH WORK ALLIANCE

We refer to the 1980 authorization level of \$200 million for Title I and II and recommend an increasing authorization level for these titles beginning with a FY 1985 level of \$200 million. The subsequent yearly appropriation level needs to more closely approach the full authorization level. Any new titles such as delinquency prevention should have their own separate authorization and appropriation level.

A five year authorization period would provide greater stability for local, state, and national juvenile justice programs. A five year cycle would also remove the JJJPA from unnecessary partisan political influence.

NATIONAL COMMITTEE OF STATE ADVISORY GROUPS' CHAIRS

The SAG Chairs recommend the following authorization levels:

\$200 million - FY 85
\$225 million - FY 86
\$250 million - FY 87
\$275 million - FY 88
\$300 million - FY 89

The SAG Chairs recommend an appropriation level of \$125 million minimum for FY 85 and full funding thereafter.

MISSOURI (GOVERNORS) STATE ADVISORY COMMITTEE

Authorization Level for the JJDP Act Program

A funding level of up to \$200 million was approved in the 1980 reauthorization of the Juvenile Justice and Delinquency Prevention Act passed by Congress and signed into law. The Missouri State Advisory Group believes this level of funding should be continued for the next reauthorization period of the JJDP Act.

The recommendation is based on the premise that the JJDP Act program needs to continue to provide fiscal incentives to states to enhance juvenile justice reform efforts. With the cutbacks in state juvenile justice budgets and the loss of LEAA juvenile justice funds, the continued reduction or total loss of JJDP Act monies would seriously jeopardize the progress made in the juvenile justice system in recent years.

Authorization Period for the JJDP Act

The current reauthorization for the JJDP Act was for four years. The Missouri SAG recommends the next authorization period for the Act should be five years.

Reauthorization of the JJDP Act for this period of time would facilitate better planning at both the federal and state level by allowing sufficient time to develop and implement strategies that will promote compliance to the provisions of the Act. The expanded time frame would also provide some assurance to states that a major change in federal policy would likely not take place during this period of time and thus allow states to develop long range plans to improve their state's juvenile justice system.

ISSUE #5

ALTERNATIVES TO INSTITUTIONALIZATION

Congress envisioned that deinstitutionalization and jail removal would occur as communities used JJDP Act funds to develop community-based programs. Such programs provide services near the juveniles' homes and invite juveniles and their families to participate both in the planning of programs and in the delivery of services. In addition, Congress mandated that two-thirds of all funds allocated to states under the formula grant program must be passed on to local public and private agencies. Seventy-five percent of all formula grant funds must be used for "advanced techniques," mostly community programs that the Act specifies. An additional measure, the discretionary Special Emphasis Program provides funds to be used at the national level toward developing new initiatives which have a strong emphasis on alternatives at the community level.

The implied goal of this effort was to remove most juveniles from large, secure state training schools and other overcrowded, institutional facilities by placing them instead in community programs. Through this process, Congress believed, local communities would assume responsibility for those youth traditionally sent from their home communities. The result would be a more effective service network assisting youth to remain in their normal environment and confronting their problems in the context of the society where the problems developed. Consequently, recidivism rates would be substantially lowered. Additionally, communities would become more sensitive and aware of the needs and problems of their youth and take steps to ameliorate the conditions causing those problems.

The recommendations for alternatives to institutionalization described below are recommendations for changes in Section 223 (a)(10), the advanced techniques section of the formula grants program and Section 224(a), areas for use of special emphasis funds. (In addition to the proposals in this section, see Issue #7, Coordination of Services to Youth.) The following premises are the basis for the recommendations made:

1. Comprehensive services are necessary to meet the needs of individual youth and to attain the goals of the JJDP Act;
2. Coordination of services among public, private, neighborhood and voluntary organizations is necessary both to meet the diverse needs of youth and to provide effective services in order to receive maximum benefit from scarce resources;
3. The creation of alternative programs should involve the greatest diversity of public and private service providers, including community groups, neighborhood-based organizations, and voluntary organizations as well as traditional public and private non-profit service providers. This mix of services can assure that the agency most appropriate to provide services will provide those services; and
4. Efforts to reduce the number of commitments of juveniles to any form of juvenile facility as a ratio of the state juvenile population,

increase the use of nonsecure community-based programs and services, and reduce the use of secure incarceration and detention should be undertaken.

The following changes are recommended for inclusion in a reauthorized JJDP Act:

- o Add mediation and home detention to diversion of juveniles from the formal juvenile justice system (Section 224 (a)(3)).
- o Include community-based organizations, neighborhood-based organizations and voluntary organizations as key actors in alternative programs (Sections 224 (a)(4) and 223 (a)(10)(C)).
- o Insert language to promote success in schools as a model program (Section 224 (a)(6) and 223 (a)(10)(E)).
- o Include the use of monitoring procedures, placement criteria and sentencing guidelines as processes to be used in assuring due process standards in juvenile courts (Section 224 (a)(9)).

The following two new areas are proposed for inclusion in both the formula grants, advanced techniques and special emphasis sections:

- o Develop and implement programs that meet the comprehensive needs of the juvenile, including health, education, employment, social services, mental health and other services.
- o Develop and implement age appropriate and client appropriate drug and alcohol abuse prevention and rehabilitation services.

ISSUE #5: POSITIONS

FLORIDA DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES: CHILDREN, YOUTH, AND FAMILIES PROGRAM OFFICE

The Department of Health and Rehabilitative Services (HRS) is in full support of handling juveniles in community-based programs as opposed to placing juveniles in large institutions that are removed from the juvenile's home community. The community-based program is used in Florida whenever possible.

We believe that the recommended changes in the Juvenile Justice and Delinquency Prevention (JJDP) Act will encourage states to develop community-based programs that will prevent juveniles from being placed in institutions due to the lack of more appropriate programs. We in the Children, Youth and Families (CYF) Program Office encourage the inclusion of these recommendations in the JJDP Act.

SOUTH CAROLINA DEPARTMENT OF YOUTH SERVICES

Recommended changes within Section 223-(a) (10):

1.& 2. Comprehensive and Coordinated Services are Necessary.

RESPONSE: Agree. States are moving toward this through coalition or statute. Language would support their individual efforts.

3. Involve the Greatest Diversity of Service Providers.

RESPONSE: Agree. Increasing diversity may slow down implementation, something which caused a greater deal of concern in the past.

4. Efforts to Reduce Commitments.

RESPONSE: While an honorable goal, must be looked at in conjunction with delinquency rates, legislative changes, etc.

5. Other: "Insert Language to Promote Successes in Schools"

RESPONSE: This as well as other matters referring to adjunct areas should be addressed by strengthening (or changing) the Coordinating Council at the federal level. Attempts should be made at language which influences the funding of Education, Health, Alcohol and Drug, Labor, etc. in desired areas as opposed to OJJDP's meager funds.

6. "Include the use of Monitoring Procedures, Sentencing Guidelines"

RESPONSE: The increased use of these leads juvenile justice closer to adult courts with the possible demise of juvenile processing. Any language should always include treatment as opposed to consequences or punishment.

7. "Implement Alcohol and Drug Prevention and Rehabilitation Services"

RESPONSE: Again this could be addressed through Coordinating Council as opposed to increased fragmentation within juvenile justice. See 5.5.

NATIONAL CONGRESS OF PARENTS AND TEACHERS (National PTA)

The National PTA supports the recommended changes presented in the guide. However, we would advise that the phrase "home detention" be defined in the statute to prevent any interpretation of the law which could result in the use of secure private homes as an alternative.

NATIONAL COMMITTEE OF STATE ADVISORY GROUPS' CHAIRS

The SAG Chairs do not believe that the suggested additions to sections dealing with special emphasis and advanced techniques are necessary, since those activities are currently possible under the Act.

NATIONAL ASSOCIATION OF COUNTIES (NACo)

Be it resolved that the National Association of Counties urges Congress, in reauthorization of the JJDP Act, to:

Add mediation and home detention to diversion of juveniles from the formal juvenile justice system; include community-based, neighborhood-based, and voluntary organizations as key actors in alternative programs; include promoting success in schools as a model program; include the use of monitoring procedures, placement criteria and sentencing guidelines as processes to be used in assuring due process standards in juvenile courts.

NATIONAL COUNCIL OF JEWISH WOMEN

NCJW Sections throughout the country have initiated over 120 community service projects in juvenile justice. Many of these programs are aimed at creating alternatives to institutionalization, such as group homes, crisis centers, Youth Service Bureaus, and school assistance programs. These activities have enabled NCJW to gain the support and understanding of the local community about the needs and problems of troubled youth. Through coalition efforts we have been successful in bringing together public, private and voluntary agencies. We urge continuation of efforts in the JJDP Act to expand programs and services aimed at diverting juveniles from the juvenile justice system and providing community-based alternatives to detention and correctional facilities.

CHILD WELFARE LEAGUE OF AMERICA, INC.

The Child Welfare League believes that the continued support for community-based programs is critical in terms of the delinquency prevention aspects of the legislation concerned, and that these alternatives to institutionalization are appropriate for the majority of youths served by this federal program. We believe that community-based, voluntary non-profit programs are cost-effective and serve a variety of purposes in serving juveniles: they strengthen the family, hasten reunification with the family and/or the community, and provide the necessary services and linkages which ensure that the juvenile is receiving medical care, education, and other necessary social services.

NATIONAL COLLABORATION FOR YOUTH

Whereas twelve national voluntary youth organizations have banded together as the National Collaboration for Youth, the following member agencies have

endorsed this resolution: American Red Cross; Big Brothers/Big Sisters of America; Boys' Clubs of America; Camp Fire, Inc.; Girl Scouts of the USA; Girls Clubs of America; National Board, YWCA of the USA; National Network of Runaway and Youth Services, Inc.; United Neighborhood Centers of America, Inc.; and YMCA of the USA.

We continue to urge the creation of diverse alternatives to the placement of youth in institutions. Such alternatives are necessary for positive results from deinstitutionalization and jail removal, not only for individual youth but for the community and the society at large. State and community-level decision making should be coupled with federal initiatives in developing models and in assistance for implementation.

THE DELAWARE JUVENILE JUSTICE ADVISORY GROUP

Delaware endorses the addition of special programs that support successful reintegration into the families, the school and the community. These programs should be added to the advanced techniques and special emphasis section.

AMERICAN BAR ASSOCIATION

A fundamental principle underlying the American Bar Association/Institute of Judicial Administration Standards is that the least restrictive alternative should be the choice of decision makers for intervention in the lives of juveniles and their families. If a decision maker, such as a judge or an intake officer, imposes a restrictive disposition, he or she must state in writing the reasons for finding less drastic remedies inappropriate or inadequate to further the purpose of the juvenile justice system.

NEW JERSEY JUVENILE JUSTICE AND DELINQUENCY
PREVENTION ADVISORY COMMITTEE

The subcommittee supports the recommended additions to be included in a reauthorized JJDP Act in the advanced techniques section of the formula grants programs and regarding the use of special emphasis funds.

The subcommittee also supports the inclusion of the two new areas in both the advanced techniques and special emphasis sections. In regard to the two new areas proposed, the subcommittee concluded that the statement referring to comprehensive needs for youth needed further clarification. It was recommended that the importance of "coordination" be clearly stated and strongly emphasized in the development and implementation of programs attempting to meet the comprehensive needs of juveniles.

The subcommittee recommends the inclusion of the following in both the formula grants, advanced techniques and the special emphasis section:

- o Develop and implement programs that support successful re-entry/reintegration of youth returning from out-of-home placement. Programs should focus on reintegration into the family, the school and the community.

NATIONAL YOUTH WORK ALLIANCE

To best serve the juvenile, the family, and the community at large, the National Youth Work Alliance believes that services need to be provided in the community with the ultimate goal of reuniting the juvenile with his or her family. If necessary services have to be provided away from the family and community, a reintegration plan is essential for any successful rehabilitative effort. NYWA supports the least restrictive environment for any placement of juveniles.

MICHIGAN (GOVERNORS) ADVISORY COMMITTEE
ON JUVENILE JUSTICE

We support the need for alternatives to institutionalization and the concept of the least restrictive alternative. We support the four changes suggested on the bottom of page seven with the exception of the addition of "language to promote success in schools as a model program." This language is too broad and too inclusive to be useful. Everyone is for programs to promote success in schools as a component of juvenile justice and delinquency prevention programs. The language must be tighter if we are to consider it as a model program.

We do not agree with the two new areas proposed on the top of page eight. The first area is again too broad and too inclusive to be of use. We all strive to provide programs which meet the comprehensive needs of youth. How you would differentiate programs which do from those which don't would be difficult. And saying that such programs would be a new advanced technique would be a real disservice to many programs which already meet this objective. The second area is both too big and too narrow for us to address. Michigan has many needs in these areas, but there are a network of specific agencies around the state and existing federal and state programs to deal with them. We do not have resources available from JJDP funds to address these needs if we are to maintain our other initiatives.

ISSUE #6

THE ROLE OF NONPROFIT AND NEIGHBORHOOD-BASED ORGANIZATIONS IN
JUVENILE JUSTICE AND DELINQUENCY PREVENTION

There is a need for the Juvenile Justice and Delinquency Prevention Act to explicitly recognize the key role played by nonprofit organizations, including neighborhood-based organizations*, in preventing juvenile delinquency and working with youth who become delinquent. Because nonprofit organizations enjoy tax-exempt status, they have special obligations and opportunities to serve the public by working toward delinquency prevention and providing services for juvenile offenders. As a rule, they can do so through programs that are highly cost-effective and designed to meet the special needs of individual neighborhoods.

To avoid unnecessary bureaucratic delay, the JJDP Act provision that local private agencies may receive state formula grant funds only if they have previously applied for and been denied funding by a local government entity should be stricken. Instead, local private agencies should be encouraged to work closely with units of local government in the development and submission of grant applications.

ISSUE #6: POSITIONS

CENTER FOR COMMUNITY CHANGE

We agree with the Coalition's position, but we believe that the neighborhood-based organizations are in an especially good position to organize and conduct effective activities to prevent delinquency and offer alternatives to traditional treatment programs of the juvenile justice system. That is because these organizations are comprised of neighborhood residents who have a great personal stake in seeing that the neighborhood's youth abide by the law. The Act should encourage OJJDP's active support of the critical role neighborhood-based organizations play in delinquency prevention and treatment with both funding and technical assistance.

NATIONAL COLLABORATION FOR YOUTH

Whereas twelve national voluntary youth organizations have banded together as the National Collaboration for Youth, the following member agencies have endorsed this resolution: American Red Cross; Big Brothers/Big Sisters of America; Boys' Clubs of America; Camp Fire, Inc.; Girl Scouts of the USA; Girls Clubs of America; National Board, YWCA of the USA; National Network of Runaway and Youth Services, Inc.; United Neighborhood Centers of America, Inc.; and YMCA of the USA.

* Neighborhood-based organizations are private, nonprofit organizations that are operated for the benefit of a particular neighborhood's population and are controlled by people who live in that neighborhood.

Youth-serving organizations and other community-based groups provide effective programs tailored to specific needs of the community and the individual needs of youth involved. Such agencies often provide the intervention in a young person's life that makes the difference. Role models, mentors, and mainstream peer groups can positively affect the behavior of a young person whose family or school environment has not provided the necessary support. In addition to their experience in youth development (delinquency prevention stated positively), Collaboration agencies have substantial experience in promoting voluntarism and in developing partnerships to unite governmental, non-profit, and for-profit resources to solve problems. Such expertise, and that of other neighborhood and community-based groups, should be clearly recognized and utilized in federally supported juvenile justice and delinquency prevention efforts.

BOYS' CLUBS OF AMERICA

The urgency of finding alternatives to the juvenile justice system certainly places a great burden and responsibility on community agencies such as Boys' Clubs. Yet, voluntary youth serving organizations and other community-based groups around this country are well prepared to work closer with the public sector to combat delinquency. The Juvenile Justice and Delinquency Prevention Act should recognize the great unharnessed potential of the voluntary sector and provide the necessary incentives to ensure effective utilization of such groups in partnership with government.

NATIONAL COUNCIL OF JEWISH WOMEN

NCJW is a non-profit membership organization with Sections in 200 communities throughout the country. One of our domestic priorities is Children and Youth, especially juvenile justice. NCJW would support a change that would encourage non-profit agencies and organizations to apply for state formula grant monies without unnecessary bureaucratic procedures.

NATIONAL ASSOCIATION OF COUNTIES (NACo)

Be it resolved that the National Association of Counties urges Congress, in reauthorization of the JJDP Act, to:

- o Strike the provision that local private agencies may receive formula grant funds only if they have previously applied for and been denied funding by a local government entity;
- o Strengthen its support for coordinative planning by inserting language stating that local private agencies are expected to work closely with units of local government in the development and submission of grant applications.

THE NATIONAL NETWORK

The National Network supports policies which emphasize diversion, the provision of community-based alternatives and a full range of effective prevention services which must include services to those youth not currently involved with the juvenile justice system.

NATIONAL YOUTH WORK ALLIANCE

The National Youth Work Alliance recognizes the vital role nonprofit and neighborhood based organizations have played in juvenile justice and delinquency prevention. This vital role should be strengthened by removing the bureaucratic legislative language that requires them to have been turned down by the local government before applying to the state for federal formula grant funds.

NYWA also recognizes that the most effective nonprofit and neighborhood based organizations work cooperatively with units of local government as well as their state government.

MAINE JUVENILE JUSTICE ADVISORY GROUP

The JJAG supports recognizing the key role that non-profit organizations, including neighborhood-based organizations, play in preventing delinquency and in working with youth who become delinquent.

NATIONAL COMMITTEE OF STATE ADVISORY GROUPS' CHAIRS

The SAG Chairs support recognizing the key role that nonprofit organizations, including neighborhood-based organizations, play in preventing juvenile delinquency and working with youth who become delinquent.

The SAG chairs also support striking the provision that local, private agencies may receive state formula grant funds only if they have previously applied for and been denied funding by a local government entity.

FLORIDA DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES

We are in agreement with this recommendation encouraging private agencies to work with local governments in the development and submission of grant applications for prevention and diversion of delinquent behavior.

This change should allow more private agencies at the local level to become involved in developing delinquency prevention and diversion programs.

MICHIGAN (GOVERNORS) ADVISORY COMMITTEE
ON JUVENILE JUSTICE

We concur with the discussion guide. We particularly agree that local private agencies should be encouraged to work closely with units of local government in the development and submission of grant applications.

NORTHEAST COALITION OF STATE JUVENILE
JUSTICE ADVISORY GROUPS

The Northeast Coalition supports recognizing the key role that non-profit organizations, including neighborhood-based organizations, play in preventing delinquency and in working with youth who become delinquent.

In addition, the Northeast Coalition supports striking the provision that local private agencies may receive state formula grant funds only if they have previously applied for and been denied funding by a local government entity.

NEW JERSEY JUVENILE JUSTICE AND DELINQUENCY
PREVENTION ADVISORY COMMITTEE

The subcommittee is supportive of the statement regarding the key role of non-profit and neighborhood based organizations in preventing delinquency and with youth who are delinquent.

THE DELAWARE JUVENILE JUSTICE ADVISORY GROUP

Delaware believes that agencies should not be required to seek local funding before they apply for Office of Juvenile Justice and Delinquency Prevention (OJJDP) funds. It should be noted that Delaware does not believe that any minimum percentage should automatically be funneled to private, non-profit agencies.

ISSUE #7

COORDINATION OF SERVICES TO YOUTH

There has been broad recognition that youth receiving services under the Juvenile Justice and Delinquency Prevention Act often qualify to receive services under other federal, state and local programs in areas such as social services, mental health, education and special education, employment and substance abuse programs. A substantial number of young people under the jurisdiction of the juvenile court are placed in foster care, shelter care, group homes or other programs funded out of separate funding sources. Additionally, it is recognized that many youth have multiple needs that no single program can meet. Each program, however, has its own target population, eligibility criteria, technical regulations and practices. The results for youth needing services from multiple sources are often negative. A youth may be labeled, often inappropriately, in order to be eligible for services or may be bounced among programs receiving only screening evaluations and no services. The result is that many youth in need of services fall between the cracks of the service delivery system or are placed inappropriately to receive specific services.

The JJDP Act sought to overcome these barriers in several ways. It created a federal Coordinating Council on Juvenile Justice and Delinquency Prevention, an interagency, Cabinet-level committee composed of the key youth service funding agencies at the federal level in order to reach a consistent policy and programmatic focus. The Act gives to the Administrator of the Office of Juvenile Justice and Delinquency Prevention authority to enter into interagency agreements, to waive technical regulatory requirements in order to provide funds and even to set common match shares among various federal programs. Congress hoped that the OJJDP Administrator and the Coordinating Council working together could network the federal level problems and facilitate coordination of services at the state and local level. Progress in this area has been limited.

To ensure that juveniles receive comprehensive services appropriate to their needs -- particularly services responding to the JJDP Act mandates for delinquency prevention and alternative services -- there must be stronger linkages among all children and youth-serving programs. Successful delinquency prevention efforts, in particular, require adequate support services to juveniles and especially to their families -- services found primarily under other programs such as child welfare and social services. Horizontal linkages connecting the many federal programs for youth, as well as vertical linkages between the federal, state, and local administration of services, are needed to ensure that service dollars follow the juvenile who is in need of those services. Such linkages could take the form of better information sharing among federal agencies, use of computerized information systems to track youth receiving services, funding incentives and streamlined procedures to facilitate joint-agency projects, or increased authority for the OJJDP Administrator relating to jointly funded programs. One coordination effort which has worked successfully at the federal level, and which could serve as a model for expanded coordination, is a mandate under P.L. 96-272, the Adoption Assistance and Child Welfare Act of 1980, which requires planners of Title XX social services to coordinate their efforts with Title IV-B and Title IV-E child

welfare services under P.L. 96-272. These and other existing federal coordinating mechanisms must be examined and expanded to ensure that services available reach youth in need of them.

ISSUE #7: POSITIONS

CHILD WELFARE LEAGUE OF AMERICA, INC.

To the extent that coordination of services to youth is strengthened, children and youth in this country will be better served. The Child Welfare League believes that children and youth are served by many systems within this country. To the extent that stronger linkages are provided among these systems, then children and youth will be better served. Service dollars from the various systems need to be maximized in order that the children and youth in need of care, and for whom society has recognized a responsibility, will be served to the maximum extent possible with appropriate placement and services.

NATIONAL ASSOCIATION OF COUNTIES (NACo)

Be it resolved that the National Association of Counties urges Congress, in the reauthorization of the JJDP Act, to:

- o Add two new areas in both the formula grants, advanced techniques and special emphasis sections: (1) develop and implement programs that meet the comprehensive needs of the juvenile; and (2) develop and implement drug and alcohol prevention and rehabilitation services.

NATIONAL YOUTH WORK ALLIANCE

The National Youth Work Alliance agrees with the Ad Hoc Coalition's emphasis on coordination of services to youth. Section 206 (c) encourages such coordination of federal juvenile justice and delinquency prevention efforts. This subsection also, however, creates a bureaucratic roadblock to certain successful coordination efforts. "The council shall review, and make recommendations with respect to any joint funding proposal undertaken by the office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council."

In principle this sounds reasonable but in practice it can cause unnecessary bureaucratic delays since the Coordinating Council only sporadically meets four times a year. This Council review should only be required for jointly funded efforts that involve over \$500,000. This would allow timely and efficient implementation of successful, less costly, joint efforts such as those initiated between the ACTION Agency and OJJDP.

NATIONAL COMMITTEE OF STATE ADVISORY GROUPS' CHAIRS

The SAG Chairs support examining and expanding federal coordinating mechanisms to ensure that services available reach youth in need of them.

SOUTH CAROLINA DEPARTMENT OF YOUTH SERVICES

Other existing federal mechanisms must be expanded to ensure that services reach youth in need of them.

RESPONSE: Prior to redrafting these, such mechanisms should be spelled out in detail. This is the area where legislative changes have the capability of big impact.

CENTER FOR COMMUNITY CHANGE

We endorse the Ad Hoc Coalition's statement and would add that the proposed coordinating body should develop a comprehensive national policy around youth development and juvenile delinquency prevention.

SOUTHWEST YOUTH SERVICES BUREAU

Concur particularly with funding incentives and "streamlined" procedure to facilitate joint projects. The development of positive, non-prejudicial incentives is long overdue.

MICHIGAN (GOVERNORS) ADVISORY COMMITTEE
ON JUVENILE JUSTICE

We concur. Linkages and networking are two key words with which all juvenile justice advocates, professionals, and volunteers should be acquainted. We agree that the best place to start is where we are. For the JJDP, that means the federal government, with OJJDP working with other federal agencies. With a good model in Washington, state and local networking will be easier. We also recognize the importance of appropriate monitoring at the state level.

STATE OF VERMONT DELINQUENCY PREVENTION
COORDINATING COUNCIL

We support these sections and agree with the Northeast Coalition's comments.

WEST VIRGINIA STATE ADVISORY GROUP
FOR JUVENILE JUSTICE

The WV SAG strongly supports the position taken in the discussion guide.

NORTHEAST COALITION OF STATE
JUVENILE JUSTICE ADVISORY GROUPS

The Northeast Coalition supports the examination and expansion of federal coordinating mechanisms to ensure that services are available to all youth in need of them.

NEW JERSEY JUVENILE JUSTICE AND DELINQUENCY
PREVENTION ADVISORY COMMITTEE

The subcommittee supports the expansion of the federal coordination effort to ensure a greater availability and accessibility of services to youngsters.

ISSUE #8

JUVENILE JUSTICE STANDARDS

The Office of Juvenile Justice and Delinquency Prevention and the former Law Enforcement Assistance Administration have been responsible for the development of a number of juvenile justice standards in the past ten years. The work of the American Bar Association, the Commission on Accreditation for Corrections, the National Commission on Criminal Justice Standards and Goals, among others, has been assisted through funding and technical assistance provided by LEAA and OJJDP. Under the JJDP Act, the National Institute for Juvenile Justice and Delinquency Prevention and the National Advisory Committee have responsibility for the development, and facilitation and adoption of juvenile justice standards. The National Advisory Committee standards were published in 1981. To date, no significant activities have been undertaken to implement the National Advisory Committee standards.

The language on standards in the 1980 Juvenile Justice Amendments should be retained and technical assistance provided to state and local governments to help them implement standards.

The juvenile justice system has been in need of reexamination and overhaul for years. One way of doing this is through developing and implementing standards nationally. The process provides an opportunity to examine the underlying principles on which the system is based -- to step back and reach some commonality on what directions are being taken. Through standards, the juvenile justice system can (1) establish uniformity, (2) codify existing case law, and (3) better develop the roles of and linkages among youth serving agencies so that gaps and duplication can be identified and planning coordinated.

While standards do offer the possibilities outlined above, it is important to recognize that standards are not an all-or-nothing proposition. They are a potential roadmap that each jurisdiction can use as needed.

ISSUE #8: POSITIONS

SOUTH CAROLINA DEPARTMENT OF YOUTH SERVICES

The language on standards in the 1980 Juvenile Justice amendments should be retained and technical assistance provided to state and local governments to help them implement standards.

RESPONSE: Standards need to be emphasized more with specific small funds set aside for technical assistance, self-studies and portions of accreditation expenses. One of the areas of criticism for OJJDP is the lack of attention of day to day problems of ongoing juvenile justice activities. Standards are a proven mechanism (education, health, etc.) for consistency and measurement.

FLORIDA DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES:
CHILDREN, YOUTH, AND FAMILIES PROGRAM OFFICE

Juvenile Justice System standards established by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) are needed among youth serving agencies. The Department of Health and Rehabilitative Services (HRS) realizes the value of implementing national standards.

1. The 1980 Juvenile Justice Amendments should be retained.
2. An accreditation system for states adopting OJJDP standards should be established similar to the American Correctional Association (ACA) Accreditation. This accreditation would be directed towards juvenile justice systems and those agencies that serve juveniles.

CENTER FOR COMMUNITY CHANGE

We agree with the Ad Hoc Coalition's position.

MICHIGAN (GOVERNORS) ADVISORY COMMITTEE
ON JUVENILE JUSTICE

We strongly concur. The National Advisory Committee should continue the leadership which their predecessors and the Office of Juvenile Justice and Delinquency Prevention have given to standards. The NAC standards, as well as those developed by other national groups, are helpful for improving juvenile justice services and the provision of justice.

We would like to give particular attention to the Commission on Accreditation for Corrections which has a clearly defined process for achieving accreditation. Several agencies in Michigan are currently using this process and speak highly of the approach. We were very pleased when Acting Administrator Charles Lauer recognized funding for such projects as a JJDP eligible activity during the past year.

NORTHEAST COALITION OF STATE JUVENILE
JUSTICE ADVISORY GROUPS

The Northeast Coalition supports retention of the language on standards and the provision of technical assistance to state and local governments to help them implement standards.

NATIONAL CONGRESS OF PARENTS AND TEACHERS
(National PTA)

The National PTA agrees that technical assistance should be provided to state and local governments to help them implement standards. We also believe, however, that the statute as reauthorized should require at least some minimal implementation of standards. Perhaps a subset of the proposed

standards could be used to begin the implementation process. In addition, coordination of youth services should be made a part of the standards.

MAINE JUVENILE JUSTICE ADVISORY GROUP

The JJAG supports retention of the language regarding the standards and strongly believes that the Act should provide for technical assistance to state and local governments to help them implement standards.

WEST VIRGINIA STATE ADVISORY GROUP
FOR JUVENILE JUSTICE

The WV SAG supports the development and implementation of standards nationally and recommends the continuing assessment of such standards.

NEW JERSEY JUVENILE JUSTICE AND DELINQUENCY
PREVENTION ADVISORY COMMITTEE

The subcommittee recognizes the significance of standards and strongly urges that implementation of established standards be given much greater consideration.

NATIONAL COMMITTEE OF STATE ADVISORY GROUPS' CHAIRS

The SAG Chairs recommend that the language on standards in the 1980 Juvenile Justice Amendments be retained and that technical assistance be provided to state and local governments to help them implement standards.

THE DELAWARE JUVENILE JUSTICE ADVISORY GROUP

Delaware endorses retention of the language on standards and the provision of free technical assistance to state and local governments to help implement them.

ISSUE #9

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE
AND DELINQUENCY PREVENTION

The National Advisory Committee was created to provide citizen input to the Office of Juvenile Justice and Delinquency Prevention. Aside from its responsibilities to review the federal delinquency related effort and advise the Administrator of OJJDP, the Committee has responsibility for oversight of the National Institute of Juvenile Justice and Delinquency Prevention and specific authority to develop and recommend adoption of juvenile justice standards. Its fifteen members should have responsibility for, or knowledge of juvenile justice, youth services, law enforcement and other public and private agencies activities at the state or local level. In addition, there are youth members of the Committee, some of whom either are or have been under the authority of the juvenile justice system.

The number of members on the National Advisory Committee should be increased from 15 to 21 -- the number mandated by the Juvenile Justice Act between 1974 and 1980. Membership criteria should be expanded to include current members of State Advisory Groups and state and local elected officials. The new Act should authorize that a certain number of committee seats be designated for representatives of youth serving organizations and that minority representatives on the committee be in the same proportion as minorities are in the juvenile justice system. The requirement for youth membership should remain the same.

The Act should mandate that time for public comment be made available during each NAC meeting.

ISSUE #9: POSITIONS

NORTHEAST COALITION OF
STATE JUVENILE JUSTICE ADVISORY GROUPS

The Northeast Coalition supports the expansion of the National Advisory Committee from 15 to at least 21 members. Membership criteria should be expanded to include current members of State Advisory Groups and state and local elected officials. In addition, the Northeast Coalition recommends that representatives of both urban and rural areas be included to ensure that problems specific to each of those areas be recognized and addressed. The requirement for youth membership should remain the same.

CENTER FOR COMMUNITY CHANGE

We believe that the five youth members required by the Act should be under 21, rather than under 25 as in the existing legislation. Other than that, we agree with the statement as presented.

THE DELAWARE JUVENILE JUSTICE ADVISORY GROUP

Delaware endorses the expansion of the National Advisory Committee to 21 members. Membership criteria should include current members of state advisory groups and state and local officials.

NATIONAL ASSOCIATION OF COUNTIES (NACo)

Be it resolved that the National Association of Counties urges Congress, in reauthorization of the JJDP Act, to:

- o Expand membership on the National Advisory Committee on Juvenile Justice and Delinquency Prevention to include local and state elected officials.

NATIONAL YOUTH WORK ALLIANCE

Since the JJDP Act is federal legislation designed to provide leadership to the states, the membership on the National Advisory Committee (NAC) should somewhat reflect the juvenile justice leadership in the states. To most effectively accomplish this goal, the membership of the NAC should include State Advisory Group (SAG) members. These SAG members were appointed by their Governor because of their expertise and interest in juvenile justice and delinquency prevention.

The membership of the NAC should be increased to its pre-1980 number of 21. These six new seats should be filled by current and active SAG members. NAC members should also be appointed for staggered binding terms and, if active, should not be removed for political reasons. The NAC should reflect differing non-partisan viewpoints on the broad issue of juvenile justice and delinquency prevention.

NATIONAL CONGRESS OF PARENTS AND TEACHERS
(National PTA)

The National PTA concurs with the recommendations of the Ad Hoc Coalition. However, we believe that in expanding membership criteria, parent representation must be included as well as parents of youth who have been involved in the juvenile justice system.

MAINE JUVENILE JUSTICE ADVISORY GROUP

The JJAG supports the expansion of the National Advisory Committee from 15 to 21 members. Membership criteria should be expanded to include current members of State Advisory Groups and state and local elected officials. In addition, the JJAG recommends that representatives of both urban and rural areas be included to ensure that problems specific to each of those areas be recognized and addressed. The JJAG also supports the other recommendations of the Ad Hoc Coalition regarding the NAC.

WEST VIRGINIA STATE ADVISORY GROUP FOR JUVENILE JUSTICE

The WV SAG wholeheartedly supports the suggestions made in the discussion guide and feels that the inclusion of current SAG members on the National Advisory Committee would be particularly relevant.

NATIONAL COMMITTEE OF STATE ADVISORY GROUPS' CHAIRS

The SAG Chairs support the following recommendations regarding the National Advisory Committee:

- o Number of members on NAC should be increased from 15 to 21.
- o Membership criteria should be expanded to include current members of State Advisory Groups and state and local elected officials.
- o A certain number of members should be representatives of youth-serving organizations.
- o Minorities should be represented.
- o The requirements for youth membership should remain the same.
- o There should be representation from both urban and rural areas.
- o Time for public comment during each NAC meeting should be mandated.

NEW JERSEY JUVENILE JUSTICE AND DELINQUENCY PREVENTION ADVISORY GROUP

The subcommittee supports the expansion of the National Advisory Committee beyond the increase to 21 members. It recommends that the NAC include a representative from each state participating in the Act. From this group a steering or executive committee would be selected of 15 to 21 members to give direction to OJJDP and oversee implementation of the Act. The expanded NAC would allow for representation and input from both urban and rural areas. The subcommittee also encourages representation from SAG's and youth serving organizations on the NAC.

MICHIGAN (GOVERNORS) ADVISORY COMMITTEE
ON JUVENILE JUSTICE

We agree with the suggestions on the National Advisory Committee. We are particularly concerned that the representation of minorities and women on the committee be at least in the same proportion as minorities and women are represented under the jurisdiction of the juvenile justice agencies, or on staffs on juvenile justice agencies, whichever is higher. We also support continued participation of youth on the NAC and its subcommittee. We are also very supportive of the idea that the Act should mandate that time for public comment be made available during each NAC meeting.

ISSUE #10

STATE ADVISORY GROUPS

Section 223 (a) of the JJDP Act requires a State Juvenile Justice and Delinquency Prevention Advisory Group (SAG) in every state receiving JJDP formula grant funds. For the most part, this section has been effective, but many SAG's are hampered by their positioning within the state.

The SAG's were originally designed when the Law Enforcement Assistance Administration (LEAA) was funnelling funds through state Criminal Justice Councils (CJC). With the demise of LEAA and its funds, the state CJC's took on differing roles and some were disbanded altogether. Given the loss of LEAA funds and the subsequent decline of the CJC's, many states have rightfully established the SAG's as the lead agency on juvenile justice and delinquency prevention. In these states the additional layer of bureaucracy has been eliminated; the SAG's report directly to the governor and advise the state legislature. The SAG's provide them with their expert juvenile justice oriented positions. The SAG's also make final funding decisions without risking being overturned by the Criminal Justice Councils, which are not necessarily oriented toward juvenile justice.

The trend away from CJC dominance is a healthy one for juvenile justice and delinquency prevention. If a state has maintained a CJC, the SAG should be on an equal partnership basis and be the responsible agent regarding juvenile justice and delinquency prevention funds.

The suggested changes to the existing Section 223 are in CAPITALS. The deleted language is in brackets:

Section 223 (a) In order to receive formula grants under this part, a state shall submit a plan for carrying out its purposes applicable to a three-year period. Such plan shall be amended annually to include new programs, and the state shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan and shall describe the status of compliance with state plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall--

1. Designate the State ADVISORY GROUP [criminal justice council established by the state under section 402 (b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968] as the sole agency for supervising the preparation and administration of the plan.
2. Contain satisfactory evidence that the state agency designated in accordance with paragraph (1) (hereafter referred to in this part as the "State" [criminal justice council] ADVISORY GROUP) has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;
3. Provide for an advisory group appointed by the chief executive of the state to carry out the functions specified in subparagraph (F), and to DEVELOP [participate in the development, and review of] the State's

juvenile justice plan [prior to submission to the supervisory board for final action] and (A) which shall consist of not less than 15 and not more than 33 persons who have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, (B) which shall include locally elected officials, representation of units of local government, law enforcement and juvenile justice agencies such as law enforcement, correction or probation personnel, and juvenile or family court judges, and public agencies concerned with delinquency prevention or treatment such as welfare, social services, mental health, education, special education, or youth services departments, (C) which shall include representatives of private organizations concerned with delinquency prevention or treatment; concerned with neglected or dependent children; concerned with the quality of juvenile justice, education, or social services for children; which utilize volunteers to work with delinquents or potential delinquents; community-based delinquency prevention or treatment programs; business groups and businesses employing youth, youth workers involved with alternative youth programs, and persons with special experience and competence in addressing the problem of school violence and vandalism and the problem of learning disabilities; and organizations which represent employees affected by this Act, (D) a majority of whose members (including the chairman) shall not be full-time employees of the Federal, State or local government, (E) at least one-fifth of whose members shall be under the age of 24 at the time of appointment and at least 3 of whose members shall have been or shall currently be under the jurisdiction of the juvenile justice system, and (F) which (i) shall, consistent with this title, advise the GOVERNOR AND STATE LEGISLATURE [State criminal justice council and its supervisory board] (ii) shall submit to the Governor and the legislature at least annually recommendations with respect to matters related to its functions, including State compliance with the requirements of paragraph (12)(A) and paragraph (13)(iii) SHALL REVIEW, APPROVE, OR DISAPPROVE ALL JUVENILE JUSTICE AND DELINQUENCY PREVENTION GRANT APPLICATIONS SUBMITTED TO THE SAG. THIS REVIEW PROCESS SHALL BE DONE IN A TIMELY FASHION WITH ALL APPLICANTS RECEIVING A RESPONSE WITHIN 90 DAYS. ANY APPEAL PROCESS WOULD BE AT THE GOVERNORS' DISCRETION. [shall have an opportunity for review and comment on all juvenile justice and delinquency prevention grant applications submitted to the state criminal justice council, except that any such review and comment shall, made no later than 30 days after the submission of any such application to the advisory group;] (iv) SHALL HAVE [may be given] a role in monitoring state compliance with the requirements of paragraph (12)(A) and paragraph (13), [in advising on state criminal justice council and local criminal justice advisory board composition, in advising on the State's maintenance of effort under section 1002 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended] and in review of the progress and accomplishments of juvenile justice and delinquency prevention projects funded under the comprehensive state plan; and (v) shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.

ISSUES #10: POSITIONS

WEST VIRGINIA STATE ADVISORY GROUP FOR JUVENILE JUSTICE

The WV SAG is very much in favor of the suggested changes in Section 223. We feel that such changes are imperative if the JJDP funds are to continue to be used in a manner consistent with the goals of the JJDP Act.

MAINE JUVENILE JUSTICE ADVISORY GROUP

The JJAG recommends that the Act provide that State Advisory Groups (SAGS) shall, in all cases, have final planning and funding authority.

STATE OF VERMONT
DELINQUENCY PREVENTION COORDINATING COUNCIL

We suggest deletion of the statement, "Any appeal process would be at the Governor's discretion" (p. 13). This appears to be neither fair nor politically wise.

CENTER FOR COMMUNITY CHANGE

We concur with the Ad Hoc Coalition, but would add that the State Advisory Groups should include, among their members, minorities in the same proportion that minorities are represented in the state's juvenile justice system.

FLORIDA DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES:
CHILDREN, YOUTH, AND FAMILIES PROGRAM OFFICE

We support the proposed changes in this issue. This change should improve funding for programs for delinquent and dependent children at the state level by removing the advisory council from an adult corrections environment. This change should also give the local council more authority over the funding of programs related to children in the state. These changes would give the states authority over the allocation of the funds while eliminating a needless layer of bureaucracy.

NATIONAL ASSOCIATION OF COUNTIES (NACO)

Be it resolved that the National Association of Counties urges Congress, in reauthorization of the JJDP Act, to:

- o Designate the State Advisory Group, with strong local representation, as the agency for supervising the preparation and administration of the state's juvenile justice and delinquency prevention plan and for reviewing, approving or disapproving all juvenile justice and delinquency prevention grant applications submitted under the act.

NATIONAL COMMITTEE OF STATE ADVISORY GROUPS' CHAIRS

The SAG Chairs recommend that State Advisory Groups have final planning and funding authority with respect to the Juvenile Justice and Delinquency Prevention Act.

NATIONAL CONGRESS OF PARENTS AND TEACHERS
(NATIONAL PTA)

The question of State Advisory Groups and their responsibilities needs to be clarified. As the name describes, an advisory group is just that -- advisory -- and does not possess decision making power. Therefore, the statute would require amendment in order to provide for an appropriate, broad-based, representative mechanism which could have the authority described in the guide. Such state bodies as "State Juvenile Justice Boards" could be established for the entities currently called "State Advisory Groups." In addition, such boards should include in its membership parents, public school and public service personnel.

NATIONAL YOUTH WORK ALLIANCE

In 1974 when the JJDP Act was enacted, there existed a strong and seemingly viable Law Enforcement Assistance Administration (LEAA). Provisions within LEAA called for strong viable Criminal Justice Councils (CJC) at the state level. The JJDP Act was a new, minimally funded program which administratively needed an infrastructure to support it at the state level. The CJC's were the logical choice. Since 1974, in many states, the relationship worked out fine. In many others though, limited juvenile justice funds were being used to supplant the vanishing LEAA funds. In one case, the limited juvenile justice funds were used to purchase police cars. However necessary these police cars may have been, this clearly does not reflect the intent of the JJDP Act.

Since 1974, Congressional and local support for LEAA has continued to decline, resulting in the elimination of the program as well as the elimination of some state CJC's.

Many CJC's still exist, but now the only funds many administer are the JJDP Act funds. This is a needless bureaucratic step and the 1984 reauthorization is the appropriate time to eliminate this no longer necessary holdover from 1974. At one point, when LEAA was being eliminated by Congress, OJJDP was almost eliminated because of its association with the Congressionally unpopular LEAA program. "The baby was almost thrown out with the bath water" was the way one Congressman described it as he moved to save the JJDP program.

By 1984, what was the 1974 baby has grown up and should be allowed to stand on its own. The recommendations of the Ad Hoc Coalition are not only programmatically reasonable but also administratively streamlined and sound. If the JJDP program cannot ultimately stand alone administratively and programmatically, then by 1989 it too will go the way of the over-bureaucratized and over-financed LEAA program.

The positions of the Ad Hoc Coalition or State Advisory Groups need to be incorporated into the 1984 reauthorized JJDP Act.

MICHIGAN (GOVERNORS) ADVISORY COMMITTEE
ON JUVENILE JUSTICE

We concur with the recommendations in this section with one exception: on page 13, line 16, the following addition should be made "paragraph (13 (iii)), SHALL HAVE RESPONSIBILITY FOR REVIEW, APPROVAL OR DISAPPROVAL OF ALL JUVENILE JUSTICE AND DELINQUENCY PREVENTION GRANT APPLICATIONS SUBMITTED TO THE SAG." The intent of this addition is to provide for delegation of the grant application funding decision to the staff responsible for JJDP Act activities if the SAG provides for this action. The Michigan Advisory Committee on Juvenile Justice does not review all subgrant applications at this time, choosing rather to devote time to state and national level policy issues regarding juvenile justice. We find the current language in the discussion guide potentially too restrictive on this point.

Given the intent and the reality of the proposal in the text of this issue, if and when it becomes enacted, we suggest that the word Advisory be replaced by a more suitable word in the title of the state group for implementation of the Act.

MISSOURI (GOVERNORS) STATE ADVISORY GROUP

It is our recommendation the JJDP Act be revised to give SAGs supervisory powers. The Missouri State Advisory Group believes the JJDP Act should be amended to designate the State Advisory Group as the supervisory body for the administration of the JJDP Act formula grant program in each state.

ISSUE #11

RUNAWAY AND HOMELESS YOUTH ACT

Title III of the JJDPJA is the Runaway and Homeless Youth Act (RHYA). The RHYA has been an extremely effective program as it is currently authorized, and has established runaway centers throughout the country. Currently, 166 programs are funded by this Act. Congressional action in 1982, which increased the appropriation, will further serve to strengthen the program.

The entire RHYA should be maintained as currently written. Major provisions that should be highlighted include:

Purposes of Grants Program

Sec. 311 (a) "The Secretary is authorized to make grants and to provide technical assistance to states, localities, and non-profit private agencies and coordinated networks of such agencies...."

The current system is very effective and allows funding of (1) States, (2) Localities, (3) Non-profit Private Agencies, and (4) Any Coordinated Networks of such agencies. Each of these four has applied and received funding under the RHYA. This system allows the greatest degree of flexibility and has been effective at meeting the local and national needs of runaway and homeless youth.

Sec. 311 (a).....

"Grants under this part shall be made equitably among the states based upon their respective populations of youth under 18 years of age..."

This provision guarantees that youth from all states will have an opportunity to find a center in their own state. Given an adequate appropriation, sufficient programs in areas hardest hit by an influx of runaways will still be allowed.

An additional subsection to Section 311 should be added:

For special direct service projects which runaway centers may propose for the runaway youth which may extend beyond the present 15 day limitation of service, the Secretary shall have the authority to waive that 15 day limit if the proposed project is consistent with the goals and objectives of this Title.

Aftercare

Section 312 (b)(5) "shall develop an adequate plan for aftercare counseling involving runaway youth and their parents..."

- o Aftercare has been one of the services that has been most visibly affected by the lack of adequate funding for the RHYA. With increased appropriations, aftercare services should be increased.

Outreach

- o Sec. 312 (b) should add (11) shall develop an outreach plan that clearly shows how the runaway center will reach into the areas that are most frequented by runaway and homeless youth. This plan must show how the center proposes to disrupt the ease with which the criminal element has preyed upon runaway and homeless youth.

This outreach component should be added to every funded center that currently has no effective outreach. An increased appropriation should be geared to this component.

Application Limit

Current law Sec. 313 provides that priority shall be given to grants smaller than \$150,000. While adequate in many cases, this figure should be raised to \$200,000 to help with the extra aftercare and outreach requirements being placed upon the centers.

Authorization of Appropriations

Section 341 (a) currently authorizes \$25 million for fiscal years 1981-84. The RHYA should be authorized for five years with the following authorization levels, FY '85-- \$50 million, FY-- '86 \$60 million, FY '87-- \$70 million, FY '88-- \$75 million, and FY '89-- \$75 million. This higher authorization figure will allow the appropriating bodies to more effectively consider the increased demands placed upon the legislation.

ISSUE #11: POSITIONS

THE NATIONAL NETWORK

The National Network supports continued federal categorical efforts at the full authorization level on behalf of runaway and homeless youth services, and thus places major emphasis on the reauthorization of the RHYA. The legislation and the service model it supports should be replicated through individual state initiatives. Until and unless such state support is clearly developed, federal funding should continue to be allocated in response to the growing magnitude and complexity of this population and its needs.

Such efforts should build upon and be coordinated with the proven national system of youth and family crisis services presently supported by the RHYA. IN PARTICULAR, we support the voluntary nature of services, client confidentiality, and cooperation/coordination among all segments of the youth service system.

Recognizing that a variety of socio-economic and political factors have contributed to the growth of a population of HOMELESS and uncared for adolescents and young adults and recognizing that this population must be considered in terms of its unique need for permanency planning including long-term shelter and advocacy which insures access to health, education, legal, employment, and welfare services, the National Network supports efforts to heighten

public awareness of the gaps in services and administrative obstacles which result in the continuous exploitation and victimization of homeless adolescents. Research and demonstration projects as well as media campaigns concerning this population, are appropriate focuses of program funds.

CHILD WELFARE LEAGUE OF AMERICA, INC.

Purposes of the Grants Program:

The Child Welfare League continues to favor funding for runaway and homeless youth programs through the state and localities, as opposed to a block grant to the states. We support the extension of the 15 day period if the proposed project is consistent with the goals and objectives of this Title.

After Care:

We believe that there is a continued need for after care services with the communities, and that further development of after care services is necessary, especially in states in which services are not widely available to all in need.

Outreach:

The Child Welfare League believes that there are strong prevention components in an outreach program. It is both financially and emotionally easier to remedy a situation before running away occurs. We also believe that outreach needs to be strengthened in numbers and in activities in the future if they are to meet their full potential.

NATIONAL COLLABORATION FOR YOUTH

Whereas twelve national voluntary youth organizations have banded together as the National Collaboration for Youth, the following member agencies have endorsed this resolution: American Red Cross; Big Brothers/Big Sisters of America; Boys' Clubs of America; Camp Fire, Inc.; Girl Scouts of the USA; Girls Clubs of America; National Board, YWCA of the USA; National Network of Runaway and Youth Services, Inc.; United Neighborhood Centers of America, Inc.; and YMCA of the USA.

We urge full reauthorization of the Runaway and Homeless Youth Act, with full funding of at least \$25 million per year. The proven success of community-based services for these youth and their families clearly warrants the maintenance and extension of federal support.

THE DELAWARE JUVENILE JUSTICE ADVISORY GROUP

Delaware supports the continuation of this act as it is currently written and we request that the proposed authorization level be continued.

THE NATIONAL YOUTH WORK ALLIANCE

The Alliance has supported the Runaway and Homeless Youth Act since its inception in 1974 and through its reauthorization in 1977 and 1980. It has proven to be one of the most effective pieces of legislation ever signed into law. The only major drawback of the RHYA is that historically it has been underfunded by Congress.

Sen. Specter and his Senate supporters changed all of that during the 1982 lame duck session of Congress. Working with friends in the Senate and House the appropriation was more than doubled to \$21.5 million. This figure is expected to increase to \$25 million during the 1983 session of Congress.

The Alliance strongly supports the position of the Ad Hoc Coalition in regards to RHYA. The overwhelming majority of runaway centers funded under the RHYA are doing an exemplary job of meeting the needs of the youngsters and families they serve. With new funding it is imperative that these programs, whenever necessary, strengthen the aftercare and outreach components.

- o Outreach - As more and more of our runaway and homeless youth are being solicited for prostitution and crime, we must make outreach a priority. We must place runaway center workers in the areas most frequented by these runaway and homeless youth. These workers must get to these young people before they become victims or are forced to victimize others.
- o Aftercare - Every effort should continue to be made to reunite and strengthen families whenever and wherever possible after youngsters leave the Centers.

The program staff of the RHYA programs often work long hard hours at very modest pay. The success of the RHYA is not just the legislation but the thousands of workers across the U.S. who have made it work.

SOUTH CAROLINA YOUTH SERVICES

- (a) "extend present 15 day limitation"
- (b) "shall develop an adequate plan for aftercare"
- (c) "raise projects to \$200,000 to help with aftercare and outreach."

RESPONSE: Program is effective as operating. By definition, aftercare and outreach should remain in providence of youth's home community. Inflation supports the need for increased funding without mandatory aftercare and outreach responsibilities.

FLORIDA DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES:
CHILDREN, YOUTH, AND FAMILIES PROGRAM OFFICE

The Children, Youth and families (CYF) Program Office concurs with the recommendations in this issue. We have no further comments on this issue.

NORTHEAST COALITION OF
STATE JUVENILE JUSTICE ADVISORY GROUPS

The Northeast Coalition strongly supports the continuation of the Runaway and Homeless Youth Act as currently written. The RHYA should be authorized for five years, with the following authorization levels: FY 85 - \$50 million, FY 86 - \$60 million, FY 87 - \$70 million, FY 88 - \$75 million and, FY 89 - \$75 million.

MAINE JUVENILE JUSTICE ADVISORY GROUP

The JJAG strongly supports the continuation of the RHYA as currently written. It also concurs with the authorization levels recommended by the Ad Hoc Coalition.

NEW JERSEY JUVENILE JUSTICE AND DELINQUENCY PREVENTION ADVISORY COMMITTEE

The subcommittee supports the continuation of the Runaway and Homeless Youth Act as written.

NATIONAL COMMITTEE OF STATES ADVISORY GROUPS' CHAIRS

The SAG Chairs recommend that the Runaway and Homeless Youth Act be maintained as currently written. They also recommend a five-year authorization cycle and the following authorization levels:

\$50 million - FY 85
\$60 million - FY 86
\$70 million - FY 87
\$75 million - FY 88
\$75 million - FY 89

PART III

ADDITIONAL ISSUES ADDRESSED BY INDIVIDUAL AGENCIES

CENTER FOR COMMUNITY CHANGE

Other Issues

We have identified several areas of the Act not mentioned in the Ad Hoc Coalition's recommendations which need strengthening:

- Add to Sec. 102, "Purpose, "a new subsection 102 (a) (9): "To provide for the inclusion of minorities in policy, research and decision-making with regard to juvenile justice and delinquency prevention."
- In Sec. 103, "Definitions," the definition of a community-based facility, program or service should include that it be operated by a private non-profit organization.
- A definition needs to be added as Sec. 103 (16) which defines diversion as "voluntary" (i.e., not by court order) and operated by non-justice system agencies.
- We recommend that Section 224 (c) concerning Special Emphasis grants specify that 50 percent rather than the present 30 percent of the funds be available to non-profit agencies and organizations.
- In the many sections of the Act where schools are mentioned, we would emphasize the OJJDP provide programs which change school policies and practices so that more students experience success. It is thought that students who succeed in school are less likely to become delinquent.
- In Section 243 (5) concerning studies to be undertaken by the National Institute for Juvenile Justice and Delinquency Prevention, we would add: "school policies and practices which affect student success" and "the extent to which youth in the juvenile justice system are treated differently on the basis of race or ethnicity."

However, notwithstanding our many recommendations for changes in the Juvenile Justice Act, if we are faced with a choice between a reauthorized Act with no changes or no Act at all, we would support reauthorization of the Act as it is now worded.

NATIONAL BOARD YWCA OF THE U.S.A.

YWCA STATEMENT RE: ISSUES IN JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Submitted to the National Coalition for Youth, 4/13/83, by Sara-Alyce P. Wright, Executive Director, National Board, YWCA of the U.S.A.

The National Board of the YWCA, in consonance with its interests and commitments, has taken part in the preparation of the National Collaboration for Youth statement to which this statement referring to selected issues is appended. As it emphasizes special concerns of the YWCA, it also affirms

continuation of the efforts that have been carried on by the YWCA through its 100+ years of operation and which have been demonstrated throughout the past ten years of its supportive activities on behalf of the enactment and implementation of the Juvenile Justice and Delinquency Prevention Act of 1974. These efforts have sought to focus attention upon the distinctive needs and potentials of female youth and members of racial and cultural minorities for preventive and rehabilitative services as well as the protections toward which the JJDP has been directed. It has been the privilege of the National Board YWCA, and many of its member Associations, to engage in a range of activities*--some supported by the JJDP and others conducted without special funding--to carry out the intent of the legislation as it was structured originally, and in accordance with its several amendments; and as a result of those activities--to have developed a keen perception of some aspects of the legislation which we consider to be essential in response to distinctive needs and potentials of juveniles who are female and members of minorities.

In this regard, we wish to direct special attention to:

- o the need to safeguard the roles and functions of the Special Emphasis Divisions of OJJDP as well as to enhance its authority for initiation, management, and testing of the action programs that are essential to accomplishment of both the preventive and rehabilitative goals of the Act;
- o the complementary need for retention within the Special Emphasis Division of responsibility for management of delinquency prevention and rehabilitation programs in the event that a separate title of the Act is created for the Delinquency Prevention function: it is essential that the provision of such a title mandate the continued integration of prevention and rehabilitation methods where indicated in order to avert creation of an administrative vehicle susceptible to use in establishment of racial/ethnic segregation of youth as a result of discriminatory practices effecting differentials in categorization by those individuals and/or institutions that determine the status of youth involved in the educational, social, and justice systems to which they are exposed;
- o the imperative of building into the Act, through fiscal policy or other appropriate conditions, an equitable balance between the provisions for prevention and those for rehabilitation as prerequisite to discharging the responsibilities of the federal government in relation to the complex problem of youth "at risk" as well as youth "in trouble";
- o the importance of provisions to assure the availability of adequate protection of and services to socially or economically disadvantaged status offenders who may be released from the jurisdiction of juvenile

* Most recent example -- 1978-1982 -- sponsored capacity building project conducted through six national organizations with participation of 20 YWCAs; activities in 53 localities -- 23 states and D.C.; involved over 10,000 individuals.

or family courts in the absence of essential alternative custodianship: it is noted that the extensive experience of the YWCA, especially with female and minority juveniles, has revealed many situations in which the realities of sex and race are not recognized in the designing of inflexible standards based on theory;

- o the inclusion in appropriate sections of the ACT of provisions for the involvement and participation of knowledgeable representatives of minority/ethnic groups in the various levels of advisory, operative, evaluative, and management personnel to assure recognition of distinctive cultures and experiences of the youth who come within the purview of the justice system.

In conclusion of these very brief comments with respect to a few of the complex issues, the National Board of the YWCA most emphatically urges Reauthorization of the Juvenile Justice and Delinquency Prevention Act.

NATIONAL YOUTH WORK ALLIANCE

The strength of the juvenile justice system has been its separation from the adult system. One has to believe that most children are much more susceptible to rehabilitation than are adult offenders.

Based on this belief, the National Youth Work Alliance opposed attempts to combine the juvenile justice system with the adult system. An arms length distance with appropriate coordination will provide for effective juvenile and adult systems. Just such an appropriate coordinated approach currently exists between the National Institute of Justice (NIJ) and the National Institute of Juvenile Justice and Delinquency Prevention (NIJJDP). Any attempt to legislatively or administratively merge the two should be opposed on the basis of the dual juvenile and adult systems. Joint efforts between NIJ and NIJJDP can be undertaken but eliminating either of the agencies would be a grave mistake.

MAINE JUVENILE JUSTICE ADVISORY GROUP

The JJAG recommends the creation of an autonomous office of Juvenile Justice and Delinquency Prevention and a requirement for a presidentially appointed administrator.

PART IV

ADDITIONAL SAMPLE ORGANIZATIONS SUPPORTING
GENERAL PHILOSOPHY OF THE JJCPA AND/OR THE GUIDE.



UNITED STATES CATHOLIC CONFERENCE

1312 MASSACHUSETTS AVENUE, N.W., WASHINGTON, D.C. 20005 (202) 659-6822

Department of Education

April 1, 1983

M E M O R A N D U M

TO: Ad Hoc Coalition on Juvenile Justice
FROM: John S. Farnsworth, Representative for Youth Ministry
RE: Discussion Guide: Issues in Juvenile Justice and
Delinquency Prevention

The United States Catholic Conference, through its Department of Education, would like to be on record voicing strong support of the Juvenile Justice and Delinquency Prevention Act. As part of this interest, we are in support of the reauthorization of said act in 1984.

In regard to the specific issues contained in the discussion guide, our primary agenda is as follows:

1. the deinstitutionalization of status offenders and non offenders.
2. removing juveniles from adult jails and lockups.
3. programs for runaway and homeless youth and their families.
4. developing alternatives to institutionalization.
5. delinquency prevention.

As a member of the Ad Hoc Coalition, the Conference finds itself in general support of the issues as delineated in the discussion guide as well as the general philosophy implied in the issues.

Please feel free to publish this response.

A handwritten signature in black ink, appearing to be "John S. Farnsworth".

STATE OF MICHIGAN



JAMES J. BLANCHARD, Governor
DEPARTMENT OF MANAGEMENT AND BUDGET

J. Phillip Jourdan, Director

OFFICE OF CRIMINAL JUSTICE

P.O. BOX 30026, LEWIS CASS BLDG., LANSING, MICHIGAN 48909

May 11, 1983

Robbie Callaway, Chairperson
Ad Hoc Coalition for Juvenile Justice
@ National Youth Work Alliance
1346 Connecticut Avenue, N.W.
Washington, D.C. 20036

RE: Response to the Discussion Guide

Dear Mr. Callaway:

The Michigan Advisory Committee on Juvenile Justice is responding to your request for comment on the Discussion Guide. We are appreciative of the work which the Coalition has devoted to the formulation of issues. We are also pleased with your personal attention to the field and the leadership which you have provided through NYWA.

The comments which we are providing are the result of careful review by the Legislative Subcommittee followed by formal action of the full Advisory Committee on Juvenile Justice. As you know, the Michigan ACJJ is actively involved in the Juvenile Justice and Delinquency Prevention Act initiatives and has given careful attention to reauthorization in each of the previous reauthorization discussions.

We would be delighted to be listed in the acknowledgements. We would like to receive a copy of the final publication of the guide when it is prepared. Please mail it to Ms. Claudia Gold, Chairperson, Legislative Subcommittee, ACJJ, @ Office of Criminal Justice, Second Floor, Lewis Cass Building, Lansing, Michigan, 48909.

If you have questions about this response or wish to obtain comments on other areas, please contact Ms. Claudia Gold at (313) 661-1261, Ms. Elizabeth Arnovits at (517) 482-4161, or Ralph Monsma at (517) 373-6510.

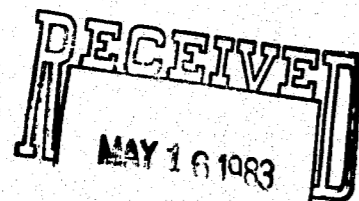
Sincerely,

Claudia Gold

Claudia Gold
Chairperson, Legislative
Committee, ACJJ

Beth Arnovits

Beth Arnovits
Vice Chairperson, ACJJ



National Youth
Work Alliance

CG:BA:RM:kc



DIVISION OF YOUTH SERVICES

M. Tom Shimizu
Commissioner

Chris Segura
Director, Human Services

James R. Walker, Ph.D.
Director

April 5, 1983

Robbie Callaway, Chairperson
Ad Hoc Coalition for Juvenile Justice
c/o National Youth Work Alliance
1345 Connecticut Avenue, NW
Washington, D.C. 20036

Dear Robbie:

At the meeting of the Utah Board of Juvenile Justice and Delinquency Prevention held on March 23, 1983, the members of the Board asked that the three of us report to you in behalf of the Board regarding the "Discussion Guide: Issues in Juvenile Justice and Delinquency Prevention".

Our major concern is to go on record in supporting the reauthorization of the JJDP Act. We feel that this Act has been instrumental in the implementation of many worthwhile programs and projects both throughout our State and nationally. We in no way feel that the need for the JJDP Act has been completed. It should most definitely be reauthorized.

Regarding the issues which you have summarized in your discussion guide, we are in general agreement with the philosophy presented. Unfortunately, however, the Board did not have time to go into detail on each of these subjects.

We will be most interested in the continuing developments regarding this most important subject. If possible, we would be appreciative of receiving continuing information at the address below.

Sincerely,

UTAH BOARD OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Elyse Clawson
Elyse Clawson, Board Member

Jori Kocinski
Lori Kocinski, Board Member

James R. Walker
James R. Walker, Board Member

50 WEST 3900 SOUTH, SUITE 2-A
SALT LAKE CITY, UTAH 84107
Phone: 535-5018

NATIONAL COALITION FOR JAIL REFORM

1828 L Street, N.W., Suite 1200, Washington, D.C. 20036 • 202/296-8630

COMMENTS ON THE REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

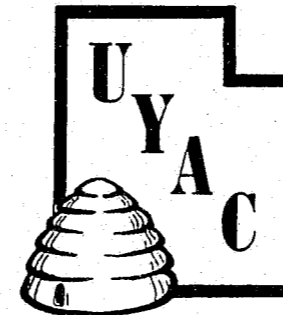
The National Coalition for Jail Reform is composed of 39 national organizations including the American Correctional Association, American Jail Association, National Center for State Courts, National Criminal Justice Association, National League of Cities, National Criminal Justice Association, National League of Cities, National Sheriffs' Association, and Police Executive Research Forum. These organizations are working on the problems of local jails--where many juveniles end up. The member organizations are working to reduce inappropriate confinement and conditions in jails.

All 39 organizations endorsed the goal that, "No Juveniles should be held in adult jails or lockups".

The role of OJJDP in removing juveniles from jail has been critical to the progress that has been made in this area. Many jurisdictions have reduced the number of juveniles held in adult facilities due to the help provided by OJJDP Programs. Establishment of objective criteria for secure detention, twenty-four hour intake screening, and alternatives where needed have been some of the results of the OJJDP act.

But the problem is not yet solved. Juveniles still remain in jail. In 1982, according to the U.S. Department of Justice' Bureau of Justice Statistics, there were still over 300,000 juveniles in adult jails. In addition, there are several hundred thousand more juveniles held in police lockups.

It is critically important in the reauthorization of the OJJDP act, to retain the provision on removing juveniles from adult jails and lockups. The federal leadership role in this area is extremely important. Congress, in 1980, amended the JJDP act to require states to remove juveniles from adult jails and lockups within seven years. A 1981 Congressionally-mandated nationwide survey showed that removing juveniles from jail could be accomplished without expensive construction, which was a concern of Congress. The help that OJJDP provides to local jurisdictions on alternatives to jail is crucial to the effort to remove the rest of the juveniles from adult jails.



UTAH YOUTH ADVOCACY COALITION

An affiliate of the National Youth Work Alliance

April 5, 1983

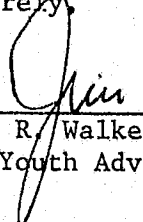
Robbie Callaway, Chairperson
Ad Hoc Coalition for Juvenile Justice
c/o National Youth Work Alliance
1346 Connecticut Avenue, NW
Washington, D.C. 20036

Dear Robbie:

The Utah Youth Advocacy Coalition is most interested in issues which directly or indirectly affect the children and youth of our State and nation. We feel that the upcoming issue regarding the reauthorization of the Juvenile Justice and Delinquency Prevention Act is of critical importance. After review and discussion of your "Discussion Guide: Issues in Juvenile Justice and Delinquency Prevention" our Board of Directors would like to go on record in supporting the general philosophy contained within your Discussion Guide.

We will be most interested in continuing developments on this matter and would appreciate receiving updates from you if possible.

Sincerely,


James R. Walker, Ph.D., President
Utah Youth Advocacy Coalition

JRW/jf

NATIONAL PTA COMMENTS FOR THE GUIDE TO THE REAUTHORIZATION OF THE JUVENILE
JUSTICE AND DELINQUENCY PREVENTION ACT

The National PTA believes that a major issue confronting youth advocates concerned with juvenile protection is the continued assault on the federal role in juvenile justice. Therefore, we believe our primary goal should be the reauthorization of the Juvenile Justice and Delinquency Prevention Act to assure that the federal government will continue to be a vital partner with states and local communities in delivering juvenile justice programs and services to youths in need, and to maintain and strengthen the federal delinquency prevention mandate.

Although positive changes have been made as a result of the Act, much still remains to be done to improve the juvenile justice system. Areas of improvement include:

- * Removing all juveniles from adult jails and lock-ups;
- * Assisting states and local communities in developing and implementing effective delinquency prevention strategies;
- * Eliminating the Valid Court Order provision of the Act and assure that status offenders are not held in secure detention; and
- * providing programs to help runaway and homeless youth and their families.

Without a strong federal mandate, federal leadership, and adequate federal funding gains already made and the promise of successful efforts in the future would be lost.

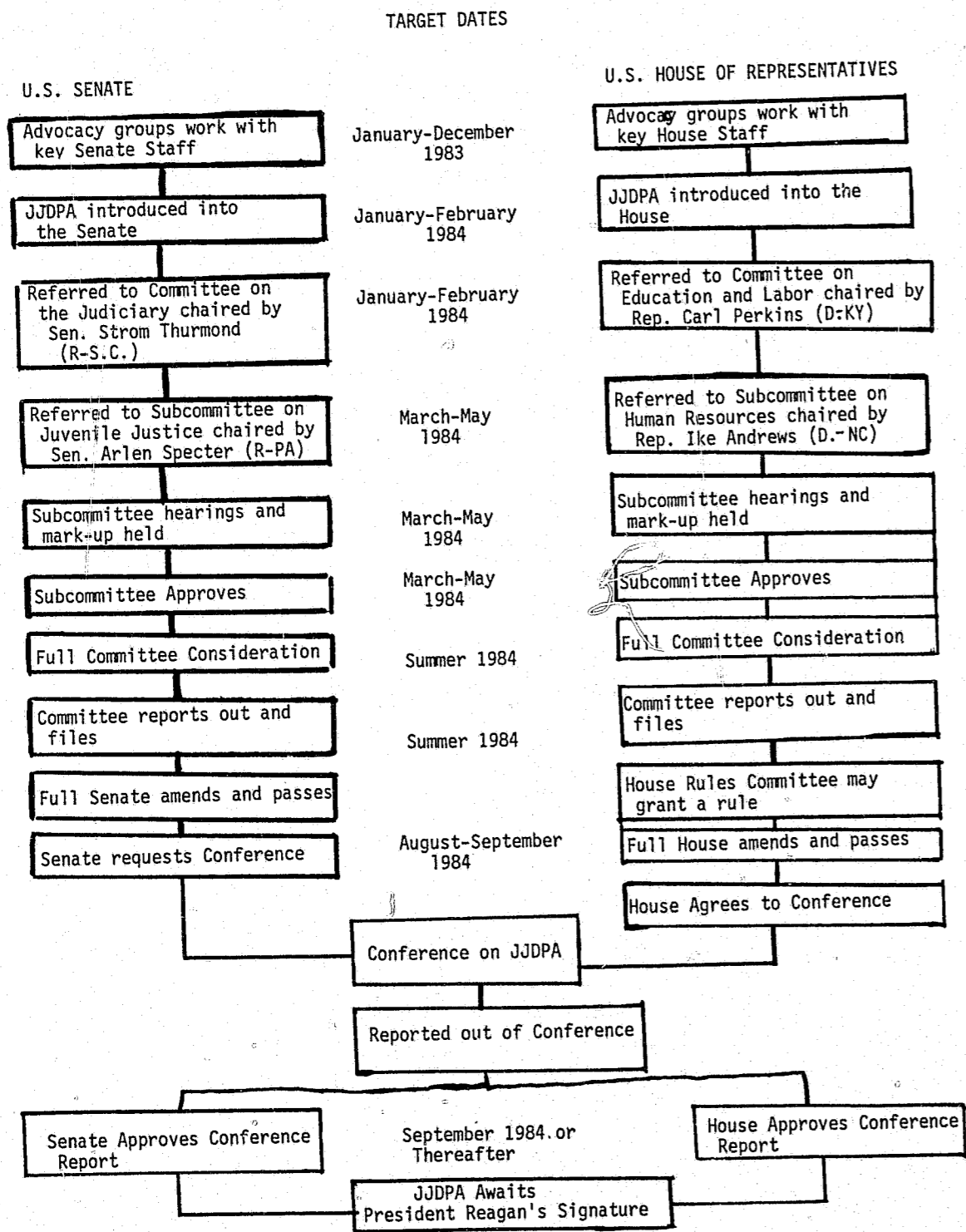
The National PTA supports the recommendations contained in this Guide to the Reauthorization of the Juvenile Justice and Delinquency Prevention Act, and offers additional comments and suggestions on several of the issues presented in the Guide. As a member of the Ad Hoc Coalition on Juvenile Justice, we appreciate this opportunity to contribute to the reauthorization process.

PART V

POTENTIAL PATH FOR THE 1984 REAUTHORIZATION

PART V
98th Congress

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT (JJDPA)
POTENTIAL REAUTHORIZATION PATH FOR 1983-84



* must be signed before the adjournment of the 98th Congress on the entire procedure must be repeated in the 99th

PART VI

REAUTHORIZATION COMMITTEES
FOR
THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

U.S. SENATE JUDICIARY COMMITTEE

(R) Dirksen Senate Office Building
Room 224
(202) 224-5225
Steve Markham, Staff Director

(D) Russell Senate Office Building
Room 470
(202) 224-5701
Mark Gitenstein, Minority Staff
Director

Vinton Lide, Chief Counsel

<u>REPUBLICANS</u>	<u>PHONE</u>	<u>ROOM*</u>
Strom Thurmond (SC)**	45972	SR-218
Charles Mathias (MD)	44654	SR-387A
Paul Laxalt (NV)	43542	SR-323A
Orrin Hatch (UT)	45251	SR-135
Robert Dole (KS)	46521	SH-141
Alan Simpson (WY)	43424	SD-457
John East (NC)	43154	SD-553
Charles Grassley (IA)	43744	SR-246
Jeremiah Denton (AL)	45744	SD-547
Arlen Specter (PA)	44254	SR-360
<u>DEMOCRATS</u>	<u>PHONE</u>	<u>ROOM*</u>
Joseph Biden (DE)	45042	SR-486
Edward Kennedy (MA)	44543	SR-113
Robert Byrd (WV)	43954	SH-311
Howard Metzenbaum (OH)	42315	SR-363
Dennis DeConcini (AZ)	44521	SD-326
Patrick Leahy (VT)	44242	SR-433A
Max Baucus (MT)	42651	SD-183
Howell Heflin (AL)	44124	SD-357

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AD HOC COALITION FOR JUVENILE JUSTICE

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