



Juvenile Justice and Delinquency Prevention Act State Plan Requirements

In December 2018, H. 6964 was signed into the law. The legislation marks the first time in 16 years that the Juvenile Justice and Delinquency Prevention Act has been updated. This document explores the changes that apply specifically to state plans. Please note that the legislation provides that amendments do not apply to funds appropriated for fiscal years that have already begun.

The Office of Juvenile Justice and Delinquency Prevention will be issuing regulations and guidance to further clarify the statute. The following is reflective only of H. 6964's language.

Checklist for New State Plan Requirements:

The following is a list of new items required for inclusion in state plan under H. 6964.

- A plan to provide alternatives to detention for status offenders, survivors of commercial sexual exploitation, and others, where appropriate, such as specialized or problem-solving courts or diversion to home-based or community-based services or treatment for those youth in need of mental health, substance abuse, or co-occurring disorder services at the time such juveniles first come into contact with the juvenile justice system.
- A plan to reduce the number of children housed in secure detention and corrections facilities who are awaiting placement in residential treatment programs.
- A plan to engage family members, where appropriate, in the design and delivery of juvenile delinquency prevention and treatment services, particularly post-placement.
- A plan to use community-based services to respond to the needs of at-risk youth or youth who have come into contact with the juvenile justice system.
- A plan to promote evidence-based and trauma-informed programs and practices.

- A plan to eliminate the use of restraints of known pregnant juveniles housed in secure juvenile detention and correction facilities, during labor, delivery, and post-partum recovery, unless credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others¹; and eliminate the use of abdominal restraints, leg and ankle restraints, wrist restraints behind the back, and four-point restraints on known pregnant juveniles, unless —
 1. credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; or
 2. reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method.

- Collect data in child abuse or neglect reports relating to juveniles entering the juvenile justice system with a prior reported history of arrest, court intake, probation and parole, juvenile detention, and corrections; and provide a plan to use this data to provide necessary services for the treatment of such victims of child abuse or neglect.

- Provide for the coordinated use of funds provided under this title with other Federal and State funds directed at juvenile delinquency prevention and intervention programs.

- Describe the policies, procedures, and training in effect for the staff of juvenile State correctional facilities to eliminate the use of dangerous practices, unreasonable restraints, and unreasonable isolation, including by developing effective behavior management techniques.

- Describe:
 - 1- the evidence-based methods that will be used to conduct mental health and substance abuse screening, assessment, referral, and treatment for juveniles who — (i) request a screening; (ii) show signs of needing a screening; or (iii) are held for a period of more than 24 hours in a secure facility that provides for an initial screening; and
 - 2- how the State will seek, to the extent practicable, to provide or arrange for mental health and substance abuse disorder treatment for juveniles determined to be in need of such treatment.

- Describe how reentry planning by the State for juveniles will include —

¹ This plan must be made not later than 1 year after the date of enactment of the Juvenile Justice Reform Act of 2018, and implemented not later than 2 years after the date of enactment of the Juvenile Justice Reform Act of 2018.

1. A written case plan based on an assessment of needs that includes— (i) the pre-release and post-release plans for the juveniles; (ii) the living arrangement to which the juveniles are to be discharged; and (iii) any other plans developed for the juveniles based on an individualized assessment; and
2. Review processes.

- Provide an assurance that the agency of the State receiving funds under this title collaborates with the State educational agency receiving assistance under part A of title I of the Elementary and Secondary Education Act of 1965 ([20 U.S.C. 6311](#) et seq.) to develop and implement a plan to ensure that, in order to support educational progress—

1. The student records of adjudicated juveniles, including electronic records if available, are transferred in a timely manner from the educational program in the juvenile detention or secure treatment facility to the educational or training program into which the juveniles will enroll;
2. The credits of adjudicated juveniles are transferred; and
3. Adjudicated juveniles receive full or partial credit toward high school graduation for secondary school coursework satisfactorily completed before and during the period of time during which the juveniles are held in custody, regardless of the local educational agency or entity from which the credits were earned.

- Describe policies and procedures to—

1. Screen for, identify, and document in records of the State the identification of victims of domestic human trafficking, or those at risk of such trafficking, upon intake; and
2. Divert youth described in subparagraph (A) to appropriate programs or services, to the extent practicable.

What key changes are made to existing state plan requirements?

- An explanation must now be included to “describe how the State plan is supported by or takes account of scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents.

- Not later than 60 days after the date on which a plan or amended plan is finalized, a State shall make the plan or amended plan publicly available by posting it on the State's publicly available website.

- The SAG shall be given an opportunity within 45 days - instead of the previous 30 days - of the plan's creation to review it.

- Reports to the state executive are now be required “at least every two years” instead of the current annual reporting requirement.
- The definition of Indian Tribe for purposes of funding has changed from “tribes that perform law enforcement functions” to “Indian Tribes that agree to attempt to comply with the core requirements applicable to the detention and confinement of juveniles”. Additionally, the more general application to tribes with law enforcement functions has been altered to an “Indian tribe that has jurisdiction.”
- H. 6964 alters the current state plan requirement to “provide for coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies” and instead requires “coordination and maximum utilization of evidence-based and promising” programs.
- The new law requires that the State, to the maximum extent practicable, implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court.

What new funding priorities are added?

New areas that are permissible for funding include:

- Services for youth who need specialized intensive and comprehensive services that address the unique issues encountered by youth when they become involved with gangs.
- State may use not more than 2 percent of funds to ensure youth have access to appropriate legal representation; and to expand access to publicly supported, court-appointed legal counsel who are trained to represent juveniles in adjudication proceedings.
- Specialized or problem-solving courts.
- Programs that address the needs of girls in or at risk of entering the juvenile justice system, including pregnant girls, young mothers, survivors of commercial sexual exploitation or domestic child sex trafficking, girls with disabilities, and girls of color, including girls who are members of an Indian Tribe.
- Monitoring for compliance with the core requirements and providing training and technical assistance on the core requirements to secure facilities.
- Programs and projects designed²—

² States can use not more than 2 percent of their funds for this purpose.

- to inform juveniles of the opportunity and process for sealing and expunging juvenile records; and
- to assist juveniles in pursuing juvenile record sealing and expungements for both adjudications and arrests not followed by adjudications.

Priority is now given for funding “entities meeting the criteria for evidence-based or promising programs.”