

111TH CONGRESS
1ST SESSION

S. 678

To reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 24, 2009

Mr. LEAHY (for himself, Mr. SPECTER, Mr. KOHL, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Juvenile Justice and
5 Delinquency Prevention Reauthorization Act of 2009”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

Sec. 101. Findings.

- Sec. 102. Purposes.
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TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

- Sec. 201. Concentration of Federal efforts.
 Sec. 202. Coordinating Council on Juvenile Justice and Delinquency Prevention.
 Sec. 203. Annual report.
 Sec. 204. Allocation of funds.
 Sec. 205. State plans.
 Sec. 206. Authority to make grants.
 Sec. 207. Grants to Indian tribes.
 Sec. 208. Research and evaluation; statistical analyses; information dissemination.
 Sec. 209. Training and technical assistance.
 Sec. 210. Incentive grants for State and local programs.
 Sec. 211. Authorization of appropriations.
 Sec. 212. Administrative authority.
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TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

- Sec. 301. Definitions.
 Sec. 302. Grants for delinquency prevention programs.
 Sec. 303. Authorization of appropriations.
 Sec. 304. Technical and conforming amendment.

1 **TITLE I—FINDINGS AND** 2 **DECLARATION OF PURPOSE**

3 **SEC. 101. FINDINGS.**

4 Section 101 of the Juvenile Justice and Delinquency
 5 Prevention Act of 1974 (42 U.S.C. 5601) is amended to
 6 read as follows:

7 **“SEC. 101. FINDINGS.**

8 “Congress finds the following:

9 “(1) A growing body of adolescent development
 10 research supports the use of developmentally appro-
 11 priate services and sanctions for youth in the juve-
 12 nile justice system and those at risk for delinquent
 13 behavior to help prevent youth crime and to success-

1 fully intervene with youth who have already entered
2 the system.

3 “(2) Research has shown that targeted invest-
4 ments to redirect offending juveniles onto a different
5 path are cost effective and can help reduce juvenile
6 recidivism and adult crime.

7 “(3) Minorities are disproportionately rep-
8 resented in the juvenile justice system.

9 “(4) Between 1990 and 2004, the number of
10 youth in adult jails increased by 208 percent.

11 “(5) Every day in the United States, an aver-
12 age of 7,500 youth are incarcerated in adult jails.

13 “(6) Youth who have been previously tried as
14 adults are, on average, 34 percent more likely to
15 commit crimes than youth retained in the juvenile
16 justice system.

17 “(7) Research has shown that every dollar
18 spent on evidence based programs can yield up to
19 \$13 in cost savings.

20 “(8) Each child prevented from engaging in re-
21 peat criminal offenses can save the community
22 \$1,700,000 to \$3,400,000.

23 “(9) Youth are 19 times more likely to commit
24 suicide in jail than youth in the general population

1 and 36 times more likely to commit suicide in an
2 adult jail than in a juvenile detention facility.

3 “(10) Seventy percent of youth in detention are
4 held for nonviolent charges, and more than $\frac{2}{3}$ are
5 charged with property offenses, public order of-
6 fenses, technical probation violations, or status of-
7 fenses, such as truancy, running away, or breaking
8 curfew.

9 “(11) The prevalence of mental disorders
10 among youth in juvenile justice systems is 2 to 3
11 times higher than among youth in the general popu-
12 lation.

13 “(12) Eighty percent of juveniles in juvenile
14 justice systems have a nexus to substance abuse.

15 “(13) The proportion of girls entering the jus-
16 tice system has increased steadily over the past sev-
17 eral decades, rising from 20 percent in 1980 to 29
18 percent in 2003.”.

19 **SEC. 102. PURPOSES.**

20 Section 102 of the Juvenile Justice and Delinquency
21 Prevention Act of 1974 (42 U.S.C. 5602) is amended—

22 (1) in paragraph (2), by striking “and” at the
23 end;

24 (2) in paragraph (3), by striking the period at
25 the end and inserting “; and”; and

1 (3) by adding at the end the following:

2 “(4) to support a continuum of programs (in-
3 cluding delinquency prevention, intervention, mental
4 health and substance abuse treatment, and
5 aftercare) to address the needs of at-risk youth and
6 youth who come into contact with the justice sys-
7 tem.”.

8 **SEC. 103. DEFINITIONS.**

9 Section 103 of the Juvenile Justice and Delinquency
10 Prevention Act of 1974 (42 U.S.C. 5603) is amended—

11 (1) in paragraph (8), by amending subpara-
12 graph (C) to read as follows:

13 “(C) an Indian tribe; or”;

14 (2) by amending paragraph (18) to read as fol-
15 lows:

16 “(18) the term ‘Indian tribe’ has the meaning
17 given that term in section 4 of the Indian Self-De-
18 termination and Education Assistance Act (25
19 U.S.C. 450b);”;

20 (3) in paragraph (22), by striking “or confine
21 adults” and all that follows and inserting “or con-
22 fine adult inmates;”;

23 (4) in paragraph (25), by striking “contact”
24 and inserting “sight and sound contact”;

1 (5) by amending paragraph (26) to read as fol-
2 lows:

3 “(26) the term ‘adult inmate’—

4 “(A) means an individual who—

5 “(i) has reached the age of full crimi-
6 nal responsibility under applicable State
7 law; and

8 “(ii) has been arrested and is in cus-
9 tody for or awaiting trial on a criminal
10 charge, or is convicted of a criminal charge
11 offense; and

12 “(B) does not include an individual who—

13 “(i) at the time of the time of the of-
14 fense, was younger than the maximum age
15 at which a youth can be held in a juvenile
16 facility under applicable State law; and

17 “(ii) was committed to the care and
18 custody of a juvenile correctional agency by
19 a court of competent jurisdiction or by op-
20 eration of applicable State law;”;

21 (6) in paragraph (28), by striking “and” at the
22 end;

23 (7) in paragraph (29), by striking the period at
24 the end and inserting a semicolon; and

25 (8) by adding at the end the following:

1 “(30) the term ‘core requirements’ means the
2 requirements described in paragraphs (11), (12),
3 (13), and (15) of section 223(a);

4 “(31) the term ‘chemical agent’ means a spray
5 used to temporarily incapacitate a person, including
6 oleoresin capsicum spray, tear gas, and 2-
7 chlorobenzalmalonitrile gas;

8 “(32) the term ‘isolation’—

9 “(A) means any instance in which a youth
10 is confined alone for more than 15 minutes in
11 a room or cell; and

12 “(B) does not include confinement during
13 regularly scheduled sleeping hours, or for not
14 more than 1 hour during any 24-hour period in
15 the room or cell in which the youth usually
16 sleeps, protective confinement (for injured
17 youths or youths whose safety is threatened),
18 separation based on an approved treatment pro-
19 gram, confinement that is requested by the
20 youth, or the separation of the youth from a
21 group in a non-locked setting for the purpose of
22 calming;

23 “(33) the term ‘restraint’ has the meaning
24 given that term in section 591 of the Public Health
25 Service Act (42 U.S.C. 290ii);

1 “(34) the term ‘evidence based’ means a pro-
2 gram or practice that is demonstrated to be effective
3 and that—

4 “(A) is based on a clearly articulated and
5 empirically supported theory;

6 “(B) has measurable outcomes, including a
7 detailed description of what outcomes were pro-
8 duced in a particular population; and

9 “(C) has been scientifically tested, opti-
10 mally through randomized control studies or
11 comparison group studies;

12 “(35) the term ‘promising’ means a program or
13 practice that is demonstrated to be effective based
14 on positive outcomes from 1 or more objective eval-
15 uations, as documented in writing to the Adminis-
16 trator;

17 “(36) the term ‘dangerous practice’ means an
18 act, procedure, or program that creates an unreason-
19 able risk of physical injury, pain, or psychological
20 harm to a juvenile subjected to the act, procedure,
21 or program;

22 “(37) the term ‘screening’ means a brief proc-
23 ess—

24 “(A) designed to identify youth who may
25 have mental health or substance abuse needs

1 requiring immediate attention, intervention, and
2 further evaluation; and

3 “(B) the purpose of which is to quickly
4 identify a youth with a possible mental health
5 or substance abuse need in need of further as-
6 sessment;

7 “(38) the term ‘assessment’ includes, at a min-
8 imum, an interview and review of available records
9 and other pertinent information—

10 “(A) by a mental health or substance
11 abuse professional who meets the criteria of the
12 applicable State for licensing and education in
13 the mental health or substance abuse field; and

14 “(B) which is designed to identify signifi-
15 cant mental health or substance abuse treat-
16 ment needs to be addressed during a youth’s
17 confinement; and

18 “(39) the term ‘contact’ means the point at
19 which a youth interacts with the juvenile justice sys-
20 tem or criminal justice system, including interaction
21 with a juvenile justice, juvenile court, or law enforce-
22 ment official, and including brief, sustained, or re-
23 peated interaction.”.

1 **TITLE II—JUVENILE JUSTICE**
2 **AND DELINQUENCY PREVEN-**
3 **TION**

4 **SEC. 201. CONCENTRATION OF FEDERAL EFFORTS.**

5 Section 204(a)(2)(B)(i) of the Juvenile Justice and
6 Delinquency Prevention Act of 1974 (42 U.S.C.
7 5614(a)(2)(B)(i)) is amended by striking “240 days after
8 the date of enactment of this paragraph” and inserting
9 “July 2, 2009”.

10 **SEC. 202. COORDINATING COUNCIL ON JUVENILE JUSTICE**
11 **AND DELINQUENCY PREVENTION.**

12 Section 206 of the Juvenile Justice and Delinquency
13 Prevention Act of 1974 (42 U.S.C. 5616) is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (1)—

16 (i) by inserting “the Administrator of
17 the Substance Abuse and Mental Health
18 Services Administration, the Secretary of
19 Defense, the Secretary of Agriculture,”
20 after “the Secretary of Health and Human
21 Services,”; and

22 (ii) by striking “Commissioner of Im-
23 migration and Naturalization” and insert-
24 ing “Assistant Secretary for Immigration
25 and Customs Enforcement”; and

1 (B) in paragraph (2)(A), by inserting “(in-
2 cluding at least 1 representative from the men-
3 tal health fields)” after “field of juvenile jus-
4 tice”; and

5 (2) in subsection (c)—

6 (A) in paragraph (1), by striking “para-
7 graphs (12)(A), (13), and (14) of section
8 223(a) of this title” and inserting “the core re-
9 quirements”; and

10 (B) in paragraph (2)—

11 (i) in the matter preceding subpara-
12 graph (A), by inserting “, on an annual
13 basis” after “collectively”;

14 (ii) in subparagraph (A), by striking
15 “and” at the end;

16 (iii) in subparagraph (B),

17 (I) by striking “180 days after
18 the date of the enactment of this
19 paragraph” and inserting “May 3,
20 2009”;

21 (II) by striking “Committee on
22 Education and the Workforce” and
23 inserting “Committee on Education
24 and Labor”; and

1 (III) by striking the period and
2 inserting “; and”; and

3 (iv) by adding at the end the fol-
4 lowing:

5 “(C) not later than 120 days after the comple-
6 tion of the last meeting in any fiscal year, submit to
7 Congress a report regarding the recommendations
8 described in subparagraph (A), which shall—

9 “(i) include a detailed account of the ac-
10 tivities conducted by the Council during the fis-
11 cal year, including a complete detailed account-
12 ing of expenses incurred by the Coordinating
13 Council to conduct operations in accordance
14 with this section;

15 “(ii) be published on the websites of the
16 Department of Justice and the Coordinating
17 Council; and

18 “(iii) be in addition to the annual report
19 required by section 207.”.

20 **SEC. 203. ANNUAL REPORT.**

21 Section 207 of the Juvenile Justice and Delinquency
22 Prevention Act of 1974 (42 U.S.C. 5617) is amended—

23 (1) in the matter preceding paragraph (1), by
24 striking “a fiscal year” and inserting “each fiscal
25 year”;

1 (2) in paragraph (1)—

2 (A) in subparagraph (B), by inserting
3 “, ethnicity,” after “race”;

4 (B) in subparagraph (E), by striking
5 “and” at the end;

6 (C) in subparagraph (F)—

7 (i) by inserting “and other” before
8 “disabilities,”; and

9 (ii) by striking the period at the end
10 and inserting a semicolon; and

11 (D) by adding at the end the following:

12 “(G) a summary of data from 1 month of
13 the applicable fiscal year of the use of restraints
14 and isolation upon juveniles held in the custody
15 of secure detention and correctional facilities
16 operated by a State or unit of local government;

17 “(H) the number of juveniles released from
18 custody and the type of living arrangement to
19 which each such juvenile was released;

20 “(I) the number of status offense cases pe-
21 titioned to court (including a breakdown by
22 type of offense and disposition), number of sta-
23 tus offenders held in secure detention, the find-
24 ings used to justify the use of secure detention,

1 and the average period of time a status of-
2 fender was held in secure detention; and

3 “(J) the number of pregnant juveniles held
4 in the custody of secure detention and correc-
5 tional facilities operated by a State or unit of
6 local government.”; and

7 (3) by adding at the end the following:

8 “(5) A description of the criteria used to deter-
9 mine what programs qualify as evidence based and
10 promising programs under this title and title V and
11 a comprehensive list of those programs the Adminis-
12 trator has determined meet such criteria.

13 “(6) A description of funding provided to In-
14 dian tribes under this Act, including direct Federal
15 grants and funding provided to Indian tribes
16 through a State or unit of local government.

17 “(7) An analysis and evaluation of the internal
18 controls at Office of Juvenile Justice and Delin-
19 quency Prevention to determine if grantees are fol-
20 lowing the requirements of Office of Juvenile Justice
21 and Delinquency Prevention grant programs and
22 what remedial action Office of Juvenile Justice and
23 Delinquency Prevention has taken to recover any
24 grant funds that are expended in violation of the
25 grant programs, including instances where sup-

1 reporting documentation was not provided for cost re-
2 ports, where unauthorized expenditures occurred,
3 and where subrecipients of grant funds were not
4 compliant with program requirements.

5 “(8) An analysis and evaluation of the total
6 amount of payments made to grantees that were re-
7 couped by the Office of Juvenile Justice and Delin-
8 quency Prevention from grantees that were found to
9 be in violation of policies and procedures of the Of-
10 fice of Juvenile Justice and Delinquency Prevention
11 grant programs. This analysis shall include the full
12 name and location of the grantee, the violation of
13 the program found, the amount of funds sought to
14 be recouped by the Office of Juvenile Justice and
15 Delinquency Prevention, and the actual amount re-
16 couped by the Office of Juvenile Justice and Delin-
17 quency Prevention.”.

18 **SEC. 204. ALLOCATION OF FUNDS.**

19 (a) TECHNICAL ASSISTANCE.—Section 221(b)(1) of
20 the Juvenile Justice and Delinquency Prevention Act of
21 1974 (42 U.S.C. 5631(b)(1)) is amended by striking “2
22 percent” and inserting “5 percent”.

23 (b) OTHER ALLOCATIONS.—Section 222 of the Juve-
24 nile Justice and Delinquency Prevention Act of 1974 (42
25 U.S.C. 5632) is amended—

1 (1) in subsection (a)(1), by striking “age eight-
2 een.” and inserting “18 years of age, based on the
3 most recent census data to monitor any significant
4 changes in the relative population of people under
5 18 years of age occurring in the States.”;

6 (2) by redesignating subsections (c) and (d) as
7 subsection (d) and (e), respectively;

8 (3) by inserting after subsection (b) the fol-
9 lowing:

10 “(c)(1) If any amount allocated under subsection (a)
11 is withheld from a State due to noncompliance with the
12 core requirements, the funds shall be reallocated for an
13 improvement grant designed to assist the State in achiev-
14 ing compliance with the core requirements.

15 “(2) The Administrator shall condition a grant de-
16 scribed in paragraph (1) on—

17 “(A) the State, with the approval of the Admin-
18 istrator, developing specific action steps designed to
19 restore compliance with the core requirements; and

20 “(B) submitting to the Administrator semi-
21 annually a report on progress toward implementing
22 the specific action steps developed under subpara-
23 graph (A).

24 “(3) The Administrator shall provide appropriate and
25 effective technical assistance directly or through an agree-

1 ment with a contractor to assist a State receiving a grant
2 described in paragraph (1) in achieving compliance with
3 the core requirements.”;

4 (4) in subsection (d), as so redesignated, by
5 striking “efficient administration, including moni-
6 toring, evaluation, and one full-time staff position”
7 and inserting “effective and efficient administration,
8 including the designation of at least 1 person to co-
9 ordinate efforts to achieve and sustain compliance
10 with the core requirements”; and

11 (5) in subsection (e), as so redesignated, by
12 striking “5 per centum of the minimum” and insert-
13 ing “not more than 5 percent of the”.

14 **SEC. 205. STATE PLANS.**

15 Section 223 of the Juvenile Justice and Delinquency
16 Prevention Act of 1974 (42 U.S.C. 5633) is amended—

17 (1) in subsection (a)—

18 (A) in the matter preceding paragraph (1),
19 by inserting “Not later than 30 days after the
20 date on which a plan or amended plan sub-
21 mitted under this subsection is finalized, a
22 State shall make the plan or amended plan pub-
23 licly available by posting the plan or amended
24 plan on a publicly available website.” after
25 “compliance with State plan requirements.”;

1 (B) in paragraph (3)—

2 (i) in subparagraph (A)(ii)—

3 (I) in subclause (II), by striking
4 “counsel for children and youth” and
5 inserting “publicly supported court-
6 appointed legal counsel for children
7 and youth charged in delinquency
8 matters”;

9 (II) in subclause (III), by strik-
10 ing “mental health, education, special
11 education” and inserting “children’s
12 mental health, education, child and
13 adolescent substance abuse, special
14 education, services for youth with dis-
15 abilities”;

16 (III) in subclause (V), by striking
17 “delinquents or potential delinquents”
18 and inserting “delinquent youth or
19 youth at risk of delinquency, including
20 volunteers who work with youth of
21 color”;

22 (IV) in subclause (VII), by strik-
23 ing “and” at the end;

24 (V) by redesignating subclause
25 (VIII) as subclause (XI);

1 (VI) by inserting after subclause
2 (VII) the following:

3 “(VIII) the executive director or
4 the designee of the executive director
5 of a public or nonprofit entity that is
6 located in the State and receiving a
7 grant under part A of title III;

8 “(IX) persons with expertise and
9 competence in preventing and ad-
10 dressing mental health or substance
11 abuse needs in juvenile delinquents
12 and those at-risk of delinquency;

13 “(X) representatives of victim or
14 witness advocacy groups; and”;

15 (VII) in subclause (XI), as so re-
16 designated, by striking “disabilities”
17 and inserting “and other disabilities,
18 truancy reduction or school failure”;

19 (ii) in subparagraph (D)(ii), by strik-
20 ing “requirements of paragraphs (11),
21 (12), and (13)” and inserting “core re-
22 quirements”; and

23 (iii) in subparagraph (E)(i), by adding
24 “and” at the end;

25 (C) in paragraph (5)—

1 (i) in the matter preceding subpara-
2 graph (A), by striking “section 222(d)”
3 and inserting “section 222(e)”; and

4 (ii) in subparagraph (C), by striking
5 “Indian tribes” and all that follows
6 through “applicable to the detention and
7 confinement of juveniles” and inserting
8 “Indian tribes that agree to attempt to
9 comply with the core requirements applica-
10 ble to the detention and confinement of ju-
11 veniles”;

12 (D) in paragraph (7)(B)—

13 (i) by striking clause (i) and inserting
14 the following:

15 “(i) a plan for ensuring that the chief ex-
16 ecutive officer of the State, State legislature,
17 and all appropriate public agencies in the State
18 with responsibility for provision of services to
19 children, youth and families are informed of the
20 requirements of the State plan and compliance
21 with the core requirements;”;

22 (ii) in clause (iii), by striking “and”
23 at the end; and

24 (iii) by striking clause (iv) and insert-
25 ing the following:

1 “(iv) a plan to provide alternatives to de-
2 tention, including diversion to home-based or
3 community-based services that are culturally
4 and linguistically competent or treatment for
5 those youth in need of mental health, substance
6 abuse, or co-occurring disorder services at the
7 time such juveniles first come into contact with
8 the juvenile justice system;

9 “(v) a plan to reduce the number of chil-
10 dren housed in secure detention and corrections
11 facilities who are awaiting placement in residen-
12 tial treatment programs;

13 “(vi) a plan to engage family members in
14 the design and delivery of juvenile delinquency
15 prevention and treatment services, particularly
16 post-placement; and

17 “(vii) a plan to use community-based serv-
18 ices to address the needs of at-risk youth or
19 youth who have come into contact with the ju-
20 venile justice system;”;

21 (E) in paragraph (8), by striking “exist-
22 ing” and inserting “evidence based and prom-
23 ising”;

24 (F) in paragraph (9)—

1 (i) in the matter preceding subpara-
2 graph (A), by striking “section 222(d)”
3 and inserting “section 222(e)”;

4 (ii) in subparagraph (A)(i), by insert-
5 ing “status offenders and other” before
6 “youth who need”;

7 (iii) in subparagraph (B)(i)—

8 (I) by striking “parents and
9 other family members” and inserting
10 “status offenders, other youth, and
11 the parents and other family members
12 of such offenders and youth”; and

13 (II) by striking “be retained”
14 and inserting “remain”;

15 (iv) by redesignating subparagraphs
16 (G) through (S) as subparagraphs (J)
17 through (V), respectively;

18 (v) by redesignating subparagraphs
19 (E) and (F) as subparagraphs (F) and
20 (G), respectively;

21 (vi) by inserting after subparagraph
22 (D) the following:

23 “(E) providing training and technical as-
24 sistance to, and consultation with, juvenile jus-
25 tice and child welfare agencies of States and

1 units of local government to develop coordinated
2 plans for early intervention and treatment of
3 youth who have a history of abuse and juveniles
4 who have prior involvement with the juvenile
5 justice system;”;

6 (vii) in subparagraph (G), as so redes-
7 igned, by striking “expanding” and in-
8 sserting “programs to expand”;

9 (viii) by inserting after subparagraph
10 (G), as so redesignated, the following:

11 “(H) programs to improve the recruitment,
12 selection, training, and retention of professional
13 personnel in the fields of medicine, law enforce-
14 ment, judiciary, juvenile justice, social work and
15 child protection, education, and other relevant
16 fields who are engaged in, or intend to work in,
17 the field of prevention, identification, and treat-
18 ment of delinquency;

19 “(I) expanding access to publicly sup-
20 ported, court-appointed legal counsel and en-
21 hancing capacity for the competent representa-
22 tion of every child;”;

23 (ix) in subparagraph (O), as so redes-
24 igned—

1 (I) in clause (i), by striking “re-
2 straints” and inserting “alternatives”;
3 and

4 (II) in clause (ii), by striking “by
5 the provision”; and

6 (x) in subparagraph (V), as so redes-
7 ignated, by striking the period at the end
8 and inserting a semicolon;

9 (G) in paragraph (11)—

10 (i) in subparagraph (A), by striking
11 “and” at the end;

12 (ii) in subparagraph (B), by adding
13 “and” at the end; and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(C) encourage the use of community-
17 based alternatives to secure detention, including
18 programs of public and nonprofit entities re-
19 ceiving a grant under part A of title III;”;

20 (H) in paragraph (12)(A), by striking
21 “contact” and inserting “sight and sound con-
22 tact”;

23 (I) in paragraph (13), by striking “con-
24 tact” each place it appears and inserting “sight
25 and sound contact”;

1 (J) by striking paragraph (22);

2 (K) by redesignating paragraphs (23)
3 through (28) as paragraphs (24) through (29),
4 respectively;

5 (L) by redesignating paragraphs (14)
6 through (21) as paragraphs (16) through (23),
7 respectively;

8 (M) by inserting after paragraph (13) the
9 following:

10 “(14) require that—

11 “(A) not later than 3 years after the date
12 of enactment of the Juvenile Justice and Delin-
13 quency Prevention Reauthorization Act of 2009,
14 unless a court finds, after a hearing and in
15 writing, that it is in the interest of justice, juve-
16 niles awaiting trial or other legal process who
17 are treated as adults for purposes of prosecu-
18 tion in criminal court and housed in a secure
19 facility—

20 “(i) shall not have sight and sound
21 contact with adult inmates; and

22 “(ii) except as provided in paragraph
23 (13), may not be held in any jail or lockup
24 for adults;

1 “(B) in determining under subparagraph
2 (A) whether it is in the interest of justice to
3 permit a juvenile to be held in any jail or lock-
4 up for adults, or have sight and sound contact
5 with adult inmates, a court shall consider—

6 “(i) the age of the juvenile;

7 “(ii) the physical and mental maturity
8 of the juvenile;

9 “(iii) the present mental state of the
10 juvenile, including whether the juvenile
11 presents an imminent risk of harm to the
12 juvenile;

13 “(iv) the nature and circumstances of
14 the alleged offense;

15 “(v) the juvenile’s history of prior de-
16 linquent acts;

17 “(vi) the relative ability of the avail-
18 able adult and juvenile detention facilities
19 to meet the specific needs of the juvenile
20 and to protect the public;

21 “(vii) whether placement in a juvenile
22 facility will better serve the long-term in-
23 terests of the juvenile and be more likely to
24 prevent recidivism;

1 “(viii) the availability of programs de-
2 signed to treat the juvenile’s behavioral
3 problems; and

4 “(ix) any other relevant factor; and

5 “(C) if a court determines under subpara-
6 graph (A) that it is in the interest of justice to
7 permit a juvenile to be held in any jail or lock-
8 up for adults, or have sight and sound contact
9 with adult inmates—

10 “(i) the court shall hold a hearing not
11 less frequently than once every 30 days to
12 review whether it is still in the interest of
13 justice to permit the juvenile to be so held
14 or have such sight and sound contact; and

15 “(ii) the juvenile shall not be held in
16 any jail or lockup for adults, or permitted
17 to have sight and sound contact with adult
18 inmates, for more than 180 days, unless
19 the court, in writing, determines there is
20 good cause for an extension or the juvenile
21 expressly waives this limitation;

22 “(15) implement policy, practice, and system
23 improvement strategies at the State, territorial,
24 local, and tribal levels, as applicable, to identify and
25 reduce racial and ethnic disparities among youth

1 who come into contact with the juvenile justice sys-
2 tem, without establishing or requiring numerical
3 standards or quotas, by—

4 “(A) establishing coordinating bodies, com-
5 posed of juvenile justice stakeholders at the
6 State, local, or tribal levels, to oversee and mon-
7 itor efforts by States, units of local government,
8 and Indian tribes to reduce racial and ethnic
9 disparities;

10 “(B) identifying and analyzing key decision
11 points in State, local, or tribal juvenile justice
12 systems to determine which points create racial
13 and ethnic disparities among youth who come
14 into contact with the juvenile justice system;

15 “(C) developing and implementing data
16 collection and analysis systems to identify
17 where racial and ethnic disparities exist in the
18 juvenile justice system and to track and analyze
19 such disparities;

20 “(D) developing and implementing a work
21 plan that includes measurable objectives for pol-
22 icy, practice, or other system changes, based on
23 the needs identified in the data collection and
24 analysis under subparagraphs (B) and (C); and

1 “(E) publicly reporting, on an annual
2 basis, the efforts made in accordance with sub-
3 paragraphs (B), (C), and (D);”

4 (N) in paragraph (16), as so redesign-
5 nated—

6 (i) by striking “adequate system” and
7 inserting “effective system”;

8 (ii) by striking “requirements of para-
9 graph (11),” and all that follows through
10 “monitoring to the Administrator” and in-
11 sserting “the core requirements are met,
12 and for annual reporting to the Adminis-
13 trator of such plan, including the results of
14 such monitoring and all related enforce-
15 ment and educational activities”; and

16 (iii) by striking “, in the opinion of
17 the Administrator,”;

18 (O) in paragraph (17), as so redesignated,
19 by inserting “ethnicity,” after “race,”;

20 (P) in paragraph (24), as so redesign-
21 nated—

22 (i) in subparagraph (B), by striking
23 “and” at the end;

24 (ii) in subparagraph (C)—

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(I) in clause (i), by striking
“and” at the end;

(II) in clause (ii), by adding
“and” at the end; and

(III) by adding at the end the
following:

“(iii) if such court determines the ju-
venile should be placed in a secure deten-
tion facility or correctional facility for vio-
lating such order—

“(I) the court shall issue a writ-
ten order that—

“(aa) identifies the valid
court order that has been vio-
lated;

“(bb) specifies the factual
basis for determining that there
is reasonable cause to believe
that the juvenile has violated
such order;

“(cc) includes findings of
fact to support a determination
that there is no appropriate less
restrictive alternative available to
placing the juvenile in such a fa-

1 eility, with due consideration to
2 the best interest of the juvenile;

3 “(dd) specifies the length of
4 time, not to exceed 7 days, that
5 the juvenile may remain in a se-
6 cure detention facility or correc-
7 tional facility, and includes a
8 plan for the juvenile’s release
9 from such facility; and

10 “(ee) may not be renewed or
11 extended; and

12 “(II) the court may not issue a
13 second or subsequent order described
14 in subclause (I) relating to a juvenile,
15 unless the juvenile violates a valid
16 court order after the date on which
17 the court issues an order described in
18 subclause (I);”; and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(D) there are procedures in place to en-
22 sure that any juvenile held in a secure detention
23 facility or correctional facility pursuant to a
24 court order described in this paragraph does
25 not remain in custody longer than 7 days or the

1 length of time authorized by the court, which
2 ever is shorter; and

3 “(E) not later than 3 years after the date
4 of enactment of the Juvenile Justice and Delin-
5 quency Prevention Reauthorization Act of 2009
6 with a 1 year extension for each additional year
7 that the State can demonstrate hardship as de-
8 termined by the Administrator, the State will
9 eliminate the use of valid court orders to pro-
10 vide secure lockup of status offenders;”;

11 (Q) in paragraph (26), as so redesignated,
12 by striking “section 222(d)” and inserting “sec-
13 tion 222(e)”;

14 (R) in paragraph (27), as so redesign-
15 ated—

16 (i) by inserting “and in accordance
17 with confidentiality concerns,” after “max-
18 imum extent practicable,”; and

19 (ii) by striking the semicolon at the
20 end and inserting the following: “, so as to
21 provide for—

22 “(A) a compilation of data reflecting infor-
23 mation on juveniles entering the juvenile justice
24 system with a prior reported history as victims
25 of child abuse or neglect through arrest, court

1 intake, probation and parole, juvenile detention,
2 and corrections; and

3 “(B) a plan to use the data described in
4 subparagraph (A) to provide necessary services
5 for the treatment of victims of child abuse and
6 neglect who have entered, or are at risk of en-
7 tering, the juvenile justice system;”;

8 (S) in paragraph (28), as so redesign-
9 nated—

10 (i) by striking “establish policies” and
11 inserting “establish protocols, policies, pro-
12 cedures,”; and

13 (ii) by striking “and” at the end;

14 (T) in paragraph (29), as so redesignated,
15 by striking the period at the end and inserting
16 a semicolon; and

17 (U) by adding at the end the following:

18 “(30) provide for the coordinated use of funds
19 provided under this Act with other Federal and
20 State funds directed at juvenile delinquency preven-
21 tion and intervention programs;

22 “(31) develop policies and procedures, and pro-
23 vide training for facility staff to eliminate the use of
24 dangerous practices, unreasonable restraints, and

1 unreasonable isolation, including by developing effective behavior management techniques;

2
3 “(32) describe—

4 “(A) how the State will ensure that mental health and substance abuse screening, assessment, referral, and treatment for juveniles in the juvenile justice system includes efforts to implement an evidence-based mental health and substance abuse disorder screening and assessment program for all juveniles held in a secure facility for a period of more than 24 hours that provides for 1 or more initial screenings and, if an initial screening of a juvenile demonstrates a need, further assessment;

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15 “(B) the method to be used by the State to provide screening and, where needed, assessment, referral, and treatment for youth who request or show signs of needing mental health or substance abuse screening, assessment, referral, or treatment during the period after the initial screening that the youth is incarcerated;

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22 “(C) the method to be used by the State to provide or arrange for mental health and substance abuse disorder treatment for juve-

1 niles determined to be in need of such treat-
2 ment; and

3 “(D) the policies of the State designed to
4 develop and implement comprehensive collabo-
5 rative State or local plans to meet the service
6 needs of juveniles with mental health or sub-
7 stance abuse needs who come into contact with
8 the justice system and the families of the juve-
9 niles;

10 “(33) provide procedural safeguards to adju-
11 dicated juveniles, including—

12 “(A) a written case plan for each juvenile,
13 based on an assessment of the needs of the ju-
14 venile and developed and updated in consulta-
15 tion with the juvenile, the family of the juvenile,
16 and, if appropriate, counsel for the juvenile,
17 that—

18 “(i) describes the pre-release and
19 post-release programs and reentry services
20 that will be provided to the juvenile;

21 “(ii) describes the living arrangement
22 to which the juvenile is to be discharged;
23 and

24 “(iii) establishes a plan for the enroll-
25 ment of the juvenile in post-release health

1 care, behavioral health care, educational,
2 vocational, training, family support, public
3 assistance, and legal services programs, as
4 appropriate;

5 “(B) as appropriate, a hearing that—

6 “(i) shall take place in a family or ju-
7 venile court or another court (including a
8 tribal court) of competent jurisdiction, or
9 by an administrative body appointed or ap-
10 proved by the court, not earlier than 30
11 days before the date on which the juvenile
12 is scheduled to be released, and at which
13 the juvenile would be represented by coun-
14 sel; and

15 “(ii) shall determine the discharge
16 plan for the juvenile, including a deter-
17 mination of whether a safe, appropriate,
18 and permanent living arrangement has
19 been secured for the juvenile and whether
20 enrollment in health care, behavioral health
21 care, educational, vocational, training, fam-
22 ily support, public assistance and legal
23 services, as appropriate, has been arranged
24 for the juvenile; and

1 “(C) policies to ensure that discharge plan-
2 ning and procedures—

3 “(i) are accomplished in a timely fash-
4 ion prior to the release from custody of
5 each adjudicated juvenile; and

6 “(ii) do not delay the release from
7 custody of the juvenile; and

8 “(34) provide a description of the use by the
9 State of funds for reentry and aftercare services for
10 juveniles released from the juvenile justice system.”;

11 (2) in subsection (c)—

12 (A) in the matter preceding paragraph
13 (1)—

14 (i) by striking “applicable require-
15 ments of paragraphs (11), (12), (13), and
16 (22) of subsection (a)” and inserting “core
17 requirements”; and

18 (ii) by striking “2001, then” and in-
19 serting “2009”;

20 (B) in paragraph (1)—

21 (i) by striking “the subsequent fiscal
22 year” and inserting “that fiscal year”; and

23 (ii) by striking “, and” at the end and
24 inserting a semicolon;

25 (C) in paragraph (2)(B)(ii)—

1 (i) by inserting “, administrative,”
2 after “appropriate executive”; and

3 (ii) by striking the period at the end
4 and inserting “, as specified in section
5 222(e); and”; and

6 (D) by adding at the end the following:

7 “(3) the State shall submit to the Adminis-
8 trator a report detailing the reasons for noncompli-
9 ance with the core requirements, including the plan
10 of the State to regain full compliance, and the State
11 shall make publicly available such report, not later
12 than 30 days after the date on which the Adminis-
13 trator approves the report, by posting the report on
14 a publicly available website.”;

15 (3) in subsection (d)—

16 (A) by striking “section 222(d)” and in-
17 serting “section 222(e)”;

18 (B) by striking “described in paragraphs
19 (11), (12), (13), and (22) of subsection (a)”
20 and inserting “described in the core require-
21 ments”; and

22 (C) by striking “the requirements under
23 paragraphs (11), (12), (13), and (22) of sub-
24 section (a)” and inserting “the core require-
25 ments”; and

1 (4) by striking subsection (f) and inserting the
2 following:

3 “(f) COMPLIANCE DETERMINATION.—

4 “(1) IN GENERAL.—Not later than 60 days
5 after the date of receipt of information indicating
6 that a State may be out of compliance with any of
7 the core requirements, the Administrator shall deter-
8 mine whether the State is in compliance with the
9 core requirements.

10 “(2) REPORTING.—The Administrator shall—

11 “(A) issue an annual public report—

12 “(i) describing any determination de-
13 scribed in paragraph (1) made during the
14 previous year, including a summary of the
15 information on which the determination is
16 based and the actions to be taken by the
17 Administrator (including a description of
18 any reduction imposed under subsection
19 (c)); and

20 “(ii) for any such determination that
21 a State is out of compliance with any of
22 the core requirements, describing the basis
23 for the determination; and

1 “(B) make the report described in sub-
2 paragraph (A) available on a publicly available
3 website.

4 “(g) TECHNICAL ASSISTANCE.—

5 “(1) ORGANIZATION OF STATE ADVISORY
6 GROUP MEMBER REPRESENTATIVES.—The Adminis-
7 trator shall provide technical and financial assist-
8 ance to an agency, institution, or organization to as-
9 sist in carrying out the activities described in para-
10 graph (3). The functions and activities of an agency,
11 institution, or organization under this subsection
12 shall not be subject to the Federal Advisory Com-
13 mittee Act.

14 “(2) COMPOSITION.—To be eligible to receive
15 assistance under this subsection, an agency, institu-
16 tion, or organization shall—

17 “(A) be governed by individuals who—

18 “(i) have been appointed by a chief
19 executive of a State to serve as a member
20 of a State advisory group established
21 under subsection (a)(3); and

22 “(ii) are elected to serve as a gov-
23 erning officer of such an agency, institu-
24 tion, or organization by a majority of the
25 member Chairs (or the designees of the

1 member Chairs) of all State advisory
2 groups established under subsection (a)(3);
3 “(B) include member representatives—
4 “(i) from a majority of the State advi-
5 sory groups established under subsection
6 (a)(3); and
7 “(ii) who are representative of region-
8 ally and demographically diverse State ju-
9 risdictions; and
10 “(C) annually seek advice from the Chairs
11 (or the designees of the member Chairs) of each
12 State advisory group established under sub-
13 section (a)(3) to implement the advisory func-
14 tions specified in subparagraphs (D) and (E) of
15 paragraph (3) of this subsection.
16 “(3) ACTIVITIES.—To be eligible to receive as-
17 sistance under this subsection, an agency, institu-
18 tion, or organization shall agree to—
19 “(A) conduct an annual conference of the
20 member representatives of the State advisory
21 groups established under subsection (a)(3) for
22 purposes relating to the activities of such State
23 advisory groups;

1 “(B) disseminate information, data, stand-
2 ards, advanced techniques, and program mod-
3 els;

4 “(C) review Federal policies regarding ju-
5 venile justice and delinquency prevention;

6 “(D) advise the Administrator regarding
7 particular functions or aspects of the work of
8 the Office; and

9 “(E) advise the President and Congress re-
10 garding State perspectives on the operation of
11 the Office and Federal legislation relating to ju-
12 venile justice and delinquency prevention.”.

13 **SEC. 206. AUTHORITY TO MAKE GRANTS.**

14 Section 241(a) of the Juvenile Justice and Delin-
15 quency Prevention Act of 1974 (42 U.S.C. 5651(a)) is
16 amended—

17 (1) in paragraph (1), by inserting “status of-
18 fenders,” before “juvenile offenders, and juveniles”;

19 (2) in paragraph (5), by striking “juvenile of-
20 fenders and juveniles” and inserting “status offend-
21 ers, juvenile offenders, and juveniles”;

22 (3) in paragraph (10), by inserting “, including
23 juveniles with disabilities” before the semicolon;

24 (4) in paragraph (17), by inserting “truancy
25 prevention and reduction,” after “mentoring,”;

1 (5) in paragraph (24), by striking “and” at the
2 end;

3 (6) by redesignating paragraph (25) as para-
4 graph (26); and

5 (7) by inserting after paragraph (24) the fol-
6 lowing:

7 “(25) projects that support the establishment of
8 partnerships between a State and a university, insti-
9 tution of higher education, or research center de-
10 signed to improve the recruitment, selection, train-
11 ing, and retention of professional personnel in the
12 fields of medicine, law enforcement, judiciary, juve-
13 nile justice, social work and child protection, edu-
14 cation, and other relevant fields who are engaged in,
15 or intend to work in, the field of prevention, identi-
16 fication, and treatment of delinquency; and”.

17 **SEC. 207. GRANTS TO INDIAN TRIBES.**

18 (a) IN GENERAL.—Section 246(a)(2) of the Juvenile
19 Justice and Delinquency Prevention Act of 1974 (42
20 U.S.C. 5656(a)(2)) is amended—

21 (1) by striking subparagraph (A);

22 (2) by redesignating subparagraphs (B)
23 through (E) as subparagraphs (A) through (D), re-
24 spectively; and

1 (3) in subparagraph (B)(ii), as so redesignated,
 2 by striking “subparagraph (B)” and inserting “sub-
 3 paragraph (A)”.

4 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
 5 Section 223(a)(7)(A) of the Juvenile Justice and Delin-
 6 quency Prevention Act of 1974 (42 U.S.C. 5633(a)(7)(A))
 7 is amended by striking “(including any geographical area
 8 in which an Indian tribe performs law enforcement func-
 9 tions)” and inserting “(including any geographical area of
 10 which an Indian tribe has jurisdiction)”.

11 **SEC. 208. RESEARCH AND EVALUATION; STATISTICAL**
 12 **ANALYSES; INFORMATION DISSEMINATION.**

13 (a) **IN GENERAL.**—Section 251 of the Juvenile Jus-
 14 tice and Delinquency Prevention Act of 1974 (42 U.S.C.
 15 5661) is amended—

16 (1) in subsection (a)—

17 (A) in paragraph (1)—

18 (i) in the matter proceeding subpara-
 19 graph (A), by striking “may” and inserting
 20 “shall”;

21 (ii) in subparagraph (A), by striking
 22 “plan and identify” and inserting “annu-
 23 ally provide a written and publicly avail-
 24 able plan to identify”; and

25 (iii) in subparagraph (B)—

1 (I) by amending clause (iii) to
2 read as follows:

3 “(iii) successful efforts to prevent status
4 offenders and first-time minor offenders from
5 subsequent involvement with the criminal jus-
6 tice system;”;

7 (II) by amending clause (vii) to
8 read as follows:

9 “(vii) the prevalence and duration of be-
10 havioral health needs (including mental health,
11 substance abuse, and co-occurring disorders)
12 among juveniles pre-placement and post-place-
13 ment when held in the custody of secure deten-
14 tion and corrections facilities, including an ex-
15 amination of the effects of confinement;”;

16 (III) by redesignating clauses
17 (ix), (x), and (xi) as clauses (xi), (xii),
18 and (xiii), respectively; and

19 (IV) by inserting after clause
20 (viii) the following:

21 “(ix) training efforts and reforms that
22 have produced reductions in or elimination of
23 the use of dangerous practices;

24 “(x) methods to improve the recruitment,
25 selection, training, and retention of professional

1 personnel in the fields of medicine, law enforce-
2 ment, judiciary, juvenile justice, social work and
3 child protection, education, and other relevant
4 fields who are engaged in, or intend to work in,
5 the field of prevention, identification, and treat-
6 ment of delinquency;” and

7 (B) in paragraph (4)—

8 (i) in the matter preceding subpara-
9 graph (A), by inserting “and not later than
10 1 year after the date of enactment of the
11 Juvenile Justice and Delinquency Preven-
12 tion Reauthorization Act of 2009” after
13 “date of enactment of this paragraph”;

14 (ii) in subparagraph (F), by striking
15 “and” at the end;

16 (iii) in subparagraph (G), by striking
17 the period at the end and inserting a semi-
18 colon; and

19 (iv) by adding at the end the fol-
20 lowing:

21 “(H) a description of the best practices in dis-
22 charge planning; and

23 “(I) an assessment of living arrangements for
24 juveniles who cannot return to the homes of the ju-
25 veniles.”;

1 (2) in subsection (b), in the matter preceding
2 paragraph (a), by striking “may” and inserting
3 “shall”; and

4 (3) by adding at the end the following:

5 “(f) NATIONAL RECIDIVISM MEASURE.—The Admin-
6 istrator, in consultation with experts in the field of juve-
7 nile justice research, recidivism, and data collection,
8 shall—

9 “(1) establish a uniform method of data collec-
10 tion and technology that States shall use to evaluate
11 data on juvenile recidivism on an annual basis;

12 “(2) establish a common national juvenile re-
13 cidivism measurement system; and

14 “(3) make cumulative juvenile recidivism data
15 that is collected from States available to the pub-
16 lic.”.

17 (b) STUDIES.—

18 (1) ASSESSMENT OF TREATING JUVENILES AS
19 ADULTS.—The Administrator shall—

20 (A) not later than 3 years after the date
21 of enactment of this Act, assess the effective-
22 ness of the practice of treating youth under 18
23 years of age as adults for purposes of prosecu-
24 tion in criminal court; and

1 (B) not later than 42 months after the
2 date of enactment of this Act, submit to Con-
3 gress and the President, and make publicly
4 available, a report on the findings and conclu-
5 sions of the assessment under subparagraph
6 (A) and any recommended changes in law iden-
7 tified as a result of the assessment under sub-
8 paragraph (A).

9 (2) OUTCOME STUDY OF FORMER JUVENILE
10 OFFENDERS.—The Administrator shall conduct a
11 study of adjudicated juveniles and publish a report
12 on the outcomes for juveniles who have reintegrated
13 into the community, which shall include information
14 on the outcomes relating to family reunification,
15 housing, education, employment, health care, behav-
16 ioral health care, and repeat offending.

17 (3) DISABILITIES.—Not later than 2 years
18 after the date of enactment of this Act, the Adminis-
19 trator shall conduct a study that addresses the prev-
20 alence of disability and various types of disabilities
21 in the juvenile justice population.

22 (4) DEFINITION OF ADMINISTRATOR.—In this
23 subsection, the term “Administrator” means the
24 head of the Office of Juvenile Justice and Delin-
25 quency Prevention.

1 **SEC. 209. TRAINING AND TECHNICAL ASSISTANCE.**

2 Section 252 of the Juvenile Justice and Delinquency
3 Prevention Act of 1974 (42 U.S.C. 5662) is amended—

4 (1) in subsection (a)—

5 (A) in the matter preceding paragraph (1),
6 by striking “may”;

7 (B) in paragraph (1), by inserting “shall”
8 before “develop and carry out projects”; and

9 (C) in paragraph (2), by inserting “may”
10 before “make grants to and contracts with”;

11 (2) in subsection (b)—

12 (A) in the matter preceding paragraph (1),
13 by striking “may”;

14 (B) in paragraph (1)—

15 (i) by inserting “shall” before “de-
16 velop and implement projects”; and

17 (ii) by striking “and” at the end;

18 (C) in paragraph (2)—

19 (i) by inserting “may” before “make
20 grants to and contracts with”; and

21 (ii) by striking the period at the end
22 and inserting a semicolon; and

23 (D) by adding at the end the following:

24 “(3) shall provide technical assistance to States
25 and units of local government on achieving compli-
26 ance with the amendments made by the Juvenile

1 Justice and Delinquency Prevention Reauthorization
2 Act of 2009; and

3 “(4) shall provide technical assistance to States
4 in support of efforts to establish partnerships be-
5 tween the State and a university, institution of high-
6 er education, or research center designed to improve
7 the recruitment, selection, training, and retention of
8 professional personnel in the fields of medicine, law
9 enforcement, judiciary, juvenile justice, social work
10 and child protection, education, and other relevant
11 fields who are engaged in, or intend to work in, the
12 field of prevention, identification, and treatment of
13 delinquency.”; and

14 (3) by adding at the end the following:

15 “(d) TECHNICAL ASSISTANCE TO STATES REGARD-
16 ING LEGAL REPRESENTATION OF CHILDREN.—The Ad-
17 ministrator shall develop and issue standards of practice
18 for attorneys representing children, and ensure that the
19 standards are adapted for use in States.

20 “(e) TRAINING AND TECHNICAL ASSISTANCE FOR
21 LOCAL AND STATE JUVENILE DETENTION AND CORREC-
22 TIONS PERSONNEL.—The Administrator shall coordinate
23 training and technical assistance programs with juvenile
24 detention and corrections personnel of States and units
25 of local government to—

1 “(1) promote methods for improving conditions
2 of juvenile confinement, including those that are de-
3 signed to minimize the use of dangerous practices,
4 unreasonable restraints, and isolation; and

5 “(2) encourage alternative behavior manage-
6 ment techniques.

7 “(f) TRAINING AND TECHNICAL ASSISTANCE TO
8 SUPPORT MENTAL HEALTH OR SUBSTANCE ABUSE
9 TREATMENT INCLUDING HOME-BASED OR COMMUNITY-
10 BASED CARE.—The Administrator shall provide training
11 and technical assistance, in conjunction with the appro-
12 priate public agencies, to individuals involved in making
13 decisions regarding the disposition of cases for youth who
14 enter the juvenile justice system about the appropriate
15 services and placement for youth with mental health or
16 substance abuse needs, including—

17 “(1) juvenile justice intake personnel;

18 “(2) probation officers;

19 “(3) juvenile court judges and court services
20 personnel;

21 “(4) prosecutors and court-appointed counsel;

22 and

23 “(5) family members of juveniles and family ad-
24 vocates.”.

1 **SEC. 210. INCENTIVE GRANTS FOR STATE AND LOCAL PRO-**
 2 **GRAMS.**

3 Title II of the Juvenile Justice and Delinquency Pre-
 4 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amend-
 5 ed—

6 (1) by redesignating part F as part G; and

7 (2) by inserting after part E the following:

8 **“PART F—INCENTIVE GRANTS FOR STATE AND**
 9 **LOCAL PROGRAMS**

10 **“SEC. 271. INCENTIVE GRANTS.**

11 “(a) INCENTIVE GRANT FUNDS.—The Administrator
 12 may make incentive grants to a State, unit of local govern-
 13 ment, or combination of States and local governments to
 14 assist a State, unit of local government, or combination
 15 thereof in carrying out an activity identified in subsection
 16 (b)(1).

17 “(b) USE OF FUNDS.—

18 “(1) IN GENERAL.—An incentive grant made by
 19 the Administrator under this section may be used
 20 to—

21 “(A) increase the use of evidence based or
 22 promising prevention and intervention pro-
 23 grams;

24 “(B) improve the recruitment, selection,
 25 training, and retention of professional personnel
 26 (including in the fields of medicine, law enforce-

1 ment, judiciary, juvenile justice, social work,
2 and child prevention) who are engaged in, or in-
3 tend to work in, the field of prevention, inter-
4 vention, and treatment of juveniles to reduce
5 delinquency;

6 “(C) establish or support a partnership be-
7 tween juvenile justice agencies of a State or
8 unit of local government and mental health au-
9 thorities of State or unit of local government to
10 establish and implement programs to ensure
11 there are adequate mental health and substance
12 abuse screening, assessment, referral, treat-
13 ment, and after-care services for juveniles who
14 come into contact with the justice system by—

15 “(i) carrying out programs that divert
16 from incarceration juveniles who come into
17 contact with the justice system (including
18 facilities contracted for operation by State
19 or local juvenile authorities) and have men-
20 tal health or substance abuse needs—

21 “(I) when such juveniles are at
22 imminent risk of being taken into cus-
23 tody;

24 “(II) at the time such juveniles
25 are initially taken into custody;

1 “(III) after such juveniles are
2 charged with an offense or act of juve-
3 nile delinquency;

4 “(IV) after such juveniles are ad-
5 judicated delinquent and before case
6 disposition; and

7 “(V) after such juveniles are
8 committed to secure placement; or

9 “(ii) improving treatment of juveniles
10 with mental health needs by working to en-
11 sure—

12 “(I) that—

13 “(aa) initial mental health
14 screening is—

15 “(AA) completed for a
16 juvenile immediately upon
17 entering the juvenile justice
18 system or a juvenile facility;
19 and

20 “(BB) conducted by
21 qualified health and mental
22 health professionals or by
23 staff who have been trained
24 by qualified health, mental

1 health, and substance abuse
2 professionals; and

3 “(bb) in the case of screen-
4 ing, results that indicate possible
5 need for mental health or sub-
6 stance abuse services are re-
7 viewed by qualified mental health
8 or substance abuse treatment
9 professionals not later than 24
10 hours after the screening;

11 “(II) that a juvenile who suffers
12 from an acute mental disorder, is sui-
13 cidal, or is in need of medical atten-
14 tion due to intoxication is—

15 “(aa) placed in or imme-
16 diately transferred to an appro-
17 priate medical or mental health
18 facility; and

19 “(bb) only admitted to a se-
20 cure correctional facility with
21 written medical clearance;

22 “(III) that—

23 “(aa) for a juvenile identi-
24 fied by a screening as needing a
25 mental health assessment, the

1 mental health assessment and
2 any indicated comprehensive eval-
3 uation or individualized treat-
4 ment plan are written and imple-
5 mented—

6 “(AA) not later than 2
7 weeks after the date on
8 which the juvenile enters the
9 juvenile justice system; or

10 “(BB) if a juvenile is
11 entering a secure facility,
12 not later than 1 week after
13 the date on which the juve-
14 nile enters the juvenile jus-
15 tice system; and

16 “(bb) the assessments de-
17 scribed in item (aa) are com-
18 pleted by qualified health, mental
19 health, and substance abuse pro-
20 fessionals;

21 “(IV) that—

22 “(aa) if the need for treat-
23 ment is indicated by the assess-
24 ment of a juvenile, the juvenile is

1 referred to or treated by a quali-
2 fied professional;

3 “(bb) a juvenile who is re-
4 ceiving treatment for a mental
5 health or substance abuse need
6 on the date of the assessment
7 continues to receive treatment;

8 “(cc) treatment of a juvenile
9 continues until a qualified mental
10 health professional determines
11 that the juvenile is no longer in
12 need of treatment; and

13 “(dd) treatment plans for
14 juveniles are reevaluated at least
15 every 30 days;

16 “(V) that—

17 “(aa) discharge plans are
18 prepared for an incarcerated ju-
19 venile when the juvenile enters
20 the correctional facility in order
21 to integrate the juvenile back
22 into the family and the commu-
23 nity;

24 “(bb) discharge plans for an
25 incarcerated juvenile are updated,

1 in consultation with the family or
2 guardian of a juvenile, before the
3 juvenile leaves the facility; and

4 “(cc) discharge plans ad-
5 dress the provision of aftercare
6 services;

7 “(VI) that any juvenile in the ju-
8 venile justice system receiving psycho-
9 tropic medications is—

10 “(aa) under the care of a li-
11 censed psychiatrist; and

12 “(bb) monitored regularly by
13 trained staff to evaluate the effi-
14 cacy and side effects of the psy-
15 chotropic medications; and

16 “(VII) that specialized treatment
17 and services are continually available
18 to a juvenile in the juvenile justice
19 system who has—

20 “(aa) a history of mental
21 health needs or treatment;

22 “(bb) a documented history
23 of sexual offenses or sexual
24 abuse, as a victim or perpetrator;

1 “(cc) substance abuse needs
2 or a health problem, learning dis-
3 ability, or history of family abuse
4 or violence; or

5 “(dd) developmental disabil-
6 ities;

7 “(D) provide training, in conjunction with
8 the public or private agency that provides men-
9 tal health services, to individuals involved in
10 making decisions involving youth who enter the
11 juvenile justice system (including intake per-
12 sonnel, law enforcement, prosecutors, juvenile
13 court judges, public defenders, mental health
14 and substance abuse service providers and ad-
15 ministrators, probation officers, and parents)
16 that focuses on—

17 “(i) the availability of screening and
18 assessment tools and the effective use of
19 such tools;

20 “(ii) the purpose, benefits, and need
21 to increase availability of mental health or
22 substance abuse treatment programs (in-
23 cluding home-based and community-based
24 programs) available to juveniles within the
25 jurisdiction of the recipient;

1 “(iii) the availability of public and pri-
2 vate services available to juveniles to pay
3 for mental health or substance abuse treat-
4 ment programs; or

5 “(iv) the appropriate use of effective
6 home-based and community-based alter-
7 natives to juvenile justice or mental health
8 system institutional placement; and

9 “(E) develop comprehensive collaborative
10 plans to address the service needs of juveniles
11 with mental health or substance abuse disorders
12 who are at risk of coming into contact with the
13 juvenile justice system that—

14 “(i) revise and improve the delivery of
15 intensive home-based and community-based
16 services to juveniles who have been in con-
17 tact with or who are at risk of coming into
18 contact with the justice system;

19 “(ii) determine how the service needs
20 of juveniles with mental health or sub-
21 stance abuse disorders who come into con-
22 tact with the juvenile justice system will be
23 furnished from the initial detention stage
24 until after discharge in order for these ju-

1 veniles to avoid further contact with the
2 justice system;

3 “(iii) demonstrate that the State or
4 unit of local government has entered into
5 appropriate agreements with all entities re-
6 sponsible for providing services under the
7 plan, such as the agency of the State or
8 unit of local government charged with ad-
9 ministering juvenile justice programs, the
10 agency of the State or unit of local govern-
11 ment charged with providing mental health
12 services, the agency of the State or unit of
13 local government charged with providing
14 substance abuse treatment services, the
15 educational agency of the State or unit of
16 local government, the child welfare system
17 of the State or local government, and pri-
18 vate nonprofit community-based organiza-
19 tions;

20 “(iv) ensure that the State or unit of
21 local government has in effect any laws
22 necessary for services to be delivered in ac-
23 cordance with the plan;

24 “(v) establish a network of individuals
25 (or incorporates an existing network) to

1 provide coordination between mental health
2 service providers, substance abuse service
3 providers, probation and parole officers,
4 judges, corrections personnel, law enforce-
5 ment personnel, State and local edu-
6 cational agency personnel, parents and
7 families, and other appropriate parties re-
8 garding effective treatment of juveniles
9 with mental health or substance abuse dis-
10 orders;

11 “(vi) provide for cross-system training
12 among law enforcement personnel, correc-
13 tions personnel, State and local educational
14 agency personnel, mental health service
15 providers, and substance abuse service pro-
16 viders to enhance collaboration among sys-
17 tems;

18 “(vii) provide for coordinated and ef-
19 fective aftercare programs for juveniles
20 who have been diagnosed with a mental
21 health or substance abuse disorder and
22 who are discharged from home-based care,
23 community-based care, any other treat-
24 ment program, secure detention facilities,
25 secure correctional facilities, or jail;

1 “(viii) provide for the purchase of
2 technical assistance to support the imple-
3 mentation of the plan;

4 “(ix) estimate the costs of imple-
5 menting the plan and proposes funding
6 sources sufficient to meet the non-Federal
7 funding requirements for implementation
8 of the plan under subsection (c)(2)(E);

9 “(x) describe the methodology to be
10 used to identify juveniles at risk of coming
11 into contact with the juvenile justice sys-
12 tem;

13 “(xi) provide a written plan to ensure
14 that all training and services provided
15 under the plan will be culturally and lin-
16 guistically competent; and

17 “(xii) describe the outcome measures
18 and benchmarks that will be used to evalu-
19 ate the progress and effectiveness of the
20 plan.

21 “(2) COORDINATION AND ADMINISTRATION.—A
22 State or unit of local government receiving a grant
23 under this section shall ensure that—

1 “(A) the use of the grant under this sec-
2 tion is developed as part of the State plan re-
3 quired under section 223(a); and

4 “(B) not more than 5 percent of the
5 amount received under this section is used for
6 administration of the grant under this section.

7 “(c) APPLICATION.—

8 “(1) IN GENERAL.—A State or unit of local
9 government desiring a grant under this section shall
10 submit an application at such time, in such manner,
11 and containing such information as the Adminis-
12 trator may prescribe.

13 “(2) CONTENTS.—In accordance with guide-
14 lines that shall be established by the Administrator,
15 each application for incentive grant funding under
16 this section shall—

17 “(A) describe any activity or program the
18 funding would be used for and how the activity
19 or program is designed to carry out 1 or more
20 of the activities described in subsection (b);

21 “(B) if any of the funds provided under
22 the grant would be used for evidence based or
23 promising prevention or intervention programs,
24 include a detailed description of the studies,
25 findings, or practice knowledge that support the

1 assertion that such programs qualify as evi-
2 dence based or promising;

3 “(C) for any program for which funds pro-
4 vided under the grant would be used that is not
5 evidence based or promising, include a detailed
6 description of any studies, findings, or practice
7 knowledge which support the effectiveness of
8 the program;

9 “(D) if the funds provided under the grant
10 will be used for an activity described in sub-
11 section (b)(1)(D), include a certification that
12 the State or unit of local government—

13 “(i) will work with public or private
14 entities in the area to administer the train-
15 ing funded under subsection (b)(1)(D), to
16 ensure that such training is comprehensive,
17 constructive, linguistically and culturally
18 competent, and of a high quality;

19 “(ii) is committed to a goal of increas-
20 ing the diversion of juveniles coming under
21 its jurisdiction into appropriate home-
22 based or community-based care when the
23 interest of the juvenile and public safety
24 allow;

1 “(iii) intends to use amounts provided
2 under a grant under this section for an ac-
3 tivity described in subsection (b)(1)(D) to
4 further such goal; and

5 “(iv) has a plan to demonstrate, using
6 appropriate benchmarks, the progress of
7 the agency in meeting such goal; and

8 “(E) if the funds provided under the grant
9 will be used for an activity described in sub-
10 section (b)(1)(D), include a certification that
11 not less than 25 percent of the total cost of the
12 training described in subsection (b)(1)(D) that
13 is conducted with the grant under this section
14 will be contributed by non-Federal sources.

15 “(d) REQUIREMENTS FOR GRANTS TO ESTABLISH
16 PARTNERSHIPS.—

17 “(1) MANDATORY REPORTING.—A State or unit
18 of local government receiving a grant for an activity
19 described in subsection (b)(1)(C) shall keep records
20 of the incidence and types of mental health and sub-
21 stance abuse disorders in their juvenile justice popu-
22 lations, the range and scope of services provided,
23 and barriers to service. The State or unit of local
24 government shall submit an analysis of this informa-
25 tion yearly to the Administrator.

1 “(2) STAFF RATIOS FOR CORRECTIONAL FA-
2 CILITIES.—A State or unit of local government re-
3 ceiving a grant for an activity described in sub-
4 section (b)(1)(C) shall require that a secure correc-
5 tional facility operated by or on behalf of that State
6 or unit of local government—

7 “(A) has a minimum ratio of not fewer
8 than 1 mental health and substance abuse
9 counselor for every 50 juveniles, who shall be
10 professionally trained and certified or licensed;

11 “(B) has a minimum ratio of not fewer
12 than 1 clinical psychologist for every 100 juve-
13 niles; and

14 “(C) has a minimum ratio of not fewer
15 than 1 licensed psychiatrist for every 100 juve-
16 niles receiving psychiatric care.

17 “(3) LIMITATION ON ISOLATION.—A State or
18 unit of local government receiving a grant for an ac-
19 tivity described in subsection (b)(1)(C) shall require
20 that—

21 “(A) isolation is used only for immediate
22 and short-term security or safety reasons;

23 “(B) no juvenile is placed in isolation with-
24 out approval of the facility superintendent or

1 chief medical officer or their official staff des-
2 ignee;

3 “(C) all instances in which a juvenile is
4 placed in isolation are documented in the file of
5 a juvenile along with the justification;

6 “(D) a juvenile is in isolation only the
7 amount of time necessary to achieve security
8 and safety of the juvenile and staff;

9 “(E) staff monitor each juvenile in isola-
10 tion once every 15 minutes and conduct a pro-
11 fessional review of the need for isolation at least
12 every 4 hours; and

13 “(F) any juvenile held in isolation for 24
14 hours is examined by a physician or licensed
15 psychologist.

16 “(4) MEDICAL AND MENTAL HEALTH EMER-
17 GENCIES.—A State or unit of local government re-
18 ceiving a grant for an activity described in sub-
19 section (b)(1)(C) shall require that a correctional fa-
20 cility operated by or on behalf of that State or unit
21 of local government has written policies and proce-
22 dures on suicide prevention. All staff working in a
23 correctional facility operated by or on behalf of a
24 State or unit of local government receiving a grant
25 for an activity described in subsection (b)(1)(C) shall

1 be trained and certified annually in suicide preven-
2 tion. A correctional facility operated by or on behalf
3 of a State or unit of local government receiving a
4 grant for an activity described in subsection
5 (b)(1)(C) shall have a written arrangement with a
6 hospital or other facility for providing emergency
7 medical and mental health care. Physical and mental
8 health services shall be available to an incarcerated
9 juvenile 24 hours per day, 7 days per week.

10 “(5) IDEA AND REHABILITATION ACT.—A
11 State or unit of local government receiving a grant
12 for an activity described in subsection (b)(1)(C) shall
13 require that all juvenile facilities operated by or on
14 behalf of the State or unit of local government abide
15 by all mandatory requirements and timelines set
16 forth under the Individuals with Disabilities Edu-
17 cation Act (20 U.S.C. 1400 et seq.) and section 504
18 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

19 “(6) FISCAL RESPONSIBILITY.—A State or unit
20 of local government receiving a grant for an activity
21 described in subsection (b)(1)(C) shall provide for
22 such fiscal control and fund accounting procedures
23 as may be necessary to ensure prudent use, proper
24 disbursement, and accurate accounting of funds re-

1 ceived under this section that are used for an activ-
2 ity described in subsection (b)(1)(C).”.

3 **SEC. 211. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 299 of the Juvenile Justice and Delinquency
5 Prevention Act of 1974 (42 U.S.C. 5671) is amended—

6 (1) in subsection (a)—

7 (A) in the subsection heading, by striking
8 “PARTS C AND E” and inserting “PARTS C, E,
9 AND F”;

10 (B) in paragraph (1), by striking “this
11 title” and all that follows and inserting the fol-
12 lowing: “this title—

13 “(A) \$245,900,000 for fiscal year 2010;

14 “(B) \$295,100,000 for fiscal year 2011;

15 “(C) \$344,300,000 for fiscal year 2012;

16 “(D) \$393,500,000 for fiscal year 2013; and

17 “(E) \$442,700,000 for fiscal year 2014.”; and

18 (C) in paragraph (2), in the matter pre-
19 ceding subparagraph (A), by striking “parts C
20 and E” and inserting “parts C, E, and F”;

21 (2) in subsection (b), by striking “fiscal years
22 2003, 2004, 2005, 2006, and 2007” and inserting
23 “fiscal years 2010, 2011, 2012, 2013, and 2014”;

1 (3) in subsection (c), by striking “fiscal years
2 2003, 2004, 2005, 2006, and 2007” and inserting
3 “fiscal years 2010, 2011, 2012, 2013, and 2014”;

4 (4) by redesignating subsection (d) as sub-
5 section (e); and

6 (5) by inserting after subsection (c) the fol-
7 lowing:

8 “(d) AUTHORIZATION OF APPROPRIATIONS FOR
9 PART F.—

10 “(1) IN GENERAL.—There are authorized to be
11 appropriated to carry out part F, and authorized to
12 remain available until expended, \$80,000,000 for
13 each of fiscal years 2010, 2011, 2012, 2013, and
14 2014.

15 “(2) ALLOCATION.—Of the sums that are ap-
16 propriated for a fiscal year to carry out part F—

17 “(A) not less than 40 percent shall be used
18 to fund programs that are carrying out an ac-
19 tivity described in subparagraph (C), (D), or
20 (E) of section 271(b)(1); and

21 “(B) not less than 50 percent shall be used
22 to fund programs that are carrying out an ac-
23 tivity described in subparagraph (A) of that
24 section.”.

1 **SEC. 212. ADMINISTRATIVE AUTHORITY.**

2 Section 299A(e) of the Juvenile Justice and Delin-
3 quency Prevention Act of 1974 (42 U.S.C. 5672(e)) is
4 amended by striking “requirements described in para-
5 graphs (11), (12), and (13) of section 223(a)” and insert-
6 ing “core requirements”.

7 **SEC. 213. TECHNICAL AND CONFORMING AMENDMENTS.**

8 The Juvenile Justice and Delinquency Prevention Act
9 of 1974 (42 U.S.C. 5601 et seq.) is amended—

10 (1) in section 204(b)(6), by striking “section
11 223(a)(15)” and inserting “section 223(a)(16)”;

12 (2) in section 246(a)(2)(D), by striking “section
13 222(c)” and inserting “section 222(d)”; and

14 (3) in section 299D(b), of by striking “section
15 222(c)” and inserting “section 222(d)”.

16 **TITLE III—INCENTIVE GRANTS**
17 **FOR LOCAL DELINQUENCY**
18 **PREVENTION PROGRAMS**

19 **SEC. 301. DEFINITIONS.**

20 Section 502 of the Incentive Grants for Local Delin-
21 quency Prevention Programs Act of 2002 (42 U.S.C.
22 5781) is amended—

23 (1) in the section heading, by striking “**DEFI-**
24 **NITION**” and inserting “**DEFINITIONS**”; and

25 (2) by striking “this title, the term” and insert-
26 ing the following: “this title—

1 “(1) the term ‘mentoring’ means matching 1
2 adult with 1 or more youths (not to exceed 4 youths)
3 for the purpose of providing guidance, support, and
4 encouragement aimed at developing the character of
5 the youths, where the adult and youths meet regu-
6 larly for not less than 4 hours each month for not
7 less than a 9-month period; and

8 “(2) the term”.

9 **SEC. 302. GRANTS FOR DELINQUENCY PREVENTION PRO-**
10 **GRAMS.**

11 Section 504(a) of the Incentive Grants for Local De-
12 linquency Prevention Programs Act of 2002 (42 U.S.C.
13 5783(a)) is amended—

14 (1) in paragraph (7), by striking “and” at the
15 end;

16 (2) in paragraph (8), by striking the period at
17 the end and inserting “; and”; and

18 (3) by adding at the end the following:

19 “(9) mentoring programs.”.

20 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

21 Section 505 of the Incentive Grants for Local Delin-
22 quency Prevention Programs Act of 2002 (42 U.S.C.
23 5784) is amended to read as follows:

1 **“SEC. 505. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 this title—

4 “(1) \$322,800,000 for fiscal year 2010;

5 “(2) \$373,400,000 for fiscal year 2011;

6 “(3) \$424,000,000 for fiscal year 2012;

7 “(4) \$474,600,000 for fiscal year 2013; and

8 “(5) \$525,200,000 for fiscal year 2014.”.

9 **SEC. 304. TECHNICAL AND CONFORMING AMENDMENT.**

10 The Juvenile Justice and Delinquency Prevention Act
11 of 1974 is amended by striking title V, as added by the
12 Juvenile Justice and Delinquency Prevention Act of 1974
13 (Public Law 93–415; 88 Stat. 1133) (relating to miscella-
14 neous and conforming amendments).

○