

Juvenile Justice and Delinquency Prevention Act (JJDP A)

BACKGROUND AND HISTORY

In 1899, PTA convention delegates passed their first resolution addressing the way youth were handled in the judicial system. The resolution called for an extension of juvenile courts and probation systems, a relatively new concept at the time. Previously, juveniles committing even minor offenses were locked up with adult offenders. By the early 1900s, as a result of advocacy efforts of PTA members and other child advocates, the majority of states had developed a juvenile court system separate from their adult court system in order to place a greater emphasis on rehabilitation.

Several decades later, in 1957, the PTA published *What PTA Members Should Know About Juvenile Delinquency: Guide for Action*. This booklet offered concrete courses of action for PTAs and communities to undertake to curtail the causes of juvenile delinquency. On the federal front, the PTA successfully supported legislation, signed by President Kennedy in 1961, for a program of grants for anti-delinquency projects. This Juvenile Delinquency and Youth Offenses Control Act authorized \$10 million a year for three fiscal years – 1962-1964 – in grants for pilot projects, training programs, and studies on juvenile delinquency.

Despite PTA's efforts to change the focus of the juvenile court system from punitive to rehabilitative, the National Council of Juvenile Court Judges (NCJCJ) informed the association that many "juvenile court judges were not qualified by training or experience to function effectively in the complicated area of guaranteeing justice to juveniles." PTA co-sponsored four regional conferences with NCJCJ on Judicial Concern for Children in Trouble to address this need. The purposes of these meetings was to acquaint PTA leaders with juvenile courts and their procedures and to inform them of a possible course of action to help solve the problems of children in trouble.

In 1967, the President's Commission on Law Enforcement and the Administration of Justice released the Task Force Report on Juvenile Delinquency. The report highlighted a number of issues of concern to child advocates, including the incarceration of children with "status offenses", non-criminal behaviors such as truancy, curfew violation, or running away from home. In 1973, PTA and NCJCJ co-published *Juvenile Justice: A Handbook for Volunteers in Juvenile Court*. The Law Enforcement Assistance Administration (LEAA) and NCJCJ funded 25-state volunteers-in-court programs through the conduit of state PTA units.

Several years of hearings and research by the U.S. Senate Judiciary Committee followed the Commission's report and the implementation of reforms in the field. These activities culminated in 1974 with the passage of the landmark Juvenile Justice and Delinquency Prevention Act (JJDPA), the most sweeping federal juvenile justice legislation to date. JJDPA provides the major source of federal funding to improve states' juvenile justice systems and sets federal standards for the protection and rehabilitation of youth involved in the juvenile justice system.

Six years after the passage of JJDPA, the issue of detaining status offenders was revisited at the urging of juvenile and family court judges who exposed the tension between the Act's intention to deinstitutionalize and the court's need to enforce its authority by detaining youth who disobeyed court orders. As a result of their urging, the Act was amended in 1980 to include an exception that would allow courts to place status offenders into secure detention if they violated a court order. Since then, the number of children with non-criminal behavior or, "status offenses", held in secure detention has substantially increased.

The JJDPA was last reauthorized in 2002 and recently expired in 2007. During the next reauthorization, PTA will advocate for provisions that promote family-focused, strength-based interventions that support youth and their families and protect and rehabilitate youth involved in the criminal justice system.

CORE REQUIREMENTS OF JJDPA UNDER CURRENT LAW

The main focus of JJDPA is the prevention of juvenile delinquency and the rehabilitation of juvenile offenders while upholding the interests of public safety. In addition to providing grants to states, JJDPA establishes the Office of Juvenile Justice and Delinquency Prevention (OJJDP) within the U.S. Department of Justice. To be eligible for funding, states must comply with JJDPA's four key mandates, or core requirements, that are designed to protect children involved in the juvenile justice system:

Deinstitutionalization of Status Offenders (DSO)

The requirement that youth with status offenses (e.g., non-criminal behavior such as truancy, running away from home, and curfew violation) shall not be placed in secure detention/correctional facilities with delinquent youth. This core requirement was weakened by the provision of the valid court order (VCO) exception, which allows the judge to incarcerate a youth with a status offense who violated a valid court order. For example, if a judge issues a court order for a youth with chronic truancy to attend school and they are absent, the child can be incarcerated, regardless of the court's failure to provide a school-based or community-based plan to re-engage the youth in school. The other two exceptions to the DSO core requirement include youth who are charged with possession of a handgun or ammunition and youth held in accordance with the Interstate Compact.

Sight and Sound Separation

This provision mandates that accused and adjudicated delinquents, status offenders and non-offending juveniles must be kept out of the “sight and sound” of adult inmates.

Removal of Juveniles from Adult Jails and Lockups

A mandate that, under most circumstances, prohibits the detention of juveniles in any adult jails or lockups. However, juveniles who are accused of a crime can be held for up to six hours for processing and juveniles that are waived to adult court may be detained because they are no longer under the jurisdiction of JJDPA.

Reduction of Disproportionate Minority Contact (DMC)

States are required to reduce racial and ethnic disparities in the juvenile justice system. The law states that, if the number of juveniles from minority groups that come into contact with the juvenile justice system exceeds the proportion of such groups represented in the general population, then states will have to take steps to address the overrepresentation of minority youths within the juvenile justice system.

RESOURCES AND CONTACT INFORMATION

For further information on the National PTA's recommendations for the reauthorization of the Juvenile Justice and Delinquency Prevention Act, please see please see PTA's annual Public Policy Agenda. Available online at:
http://www.pta.org/PTA_PublicPolicyPDF_final.pdf

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