

CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 2

**Reaffirming Support for the Reauthorization of the Juvenile Justice
Delinquency Prevention Act**

WHEREAS, in 1999, 2003, 2007, and 2014, the Conference of Chief Justices and the Conference of State Court Administrators, by resolution, reaffirmed support for reforms to improve the effectiveness of the juvenile justice system and the reauthorization of the Juvenile Justice Delinquency Prevention Act; and

WHEREAS, because children are not fully imbued with the developmental or legal capacity of adults, juvenile justice systems were created; and

WHEREAS, the Juvenile Justice Delinquency Prevention Act (JJJPA) is the main law governing federal efforts to support effective juvenile justice and delinquency prevention activities; and

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators support the current four core mandates in the JJJPA that require: (1) the deinstitutionalization of status offenders; (2) separation of juveniles from adult inmates in secure facilities; (3) removal of juveniles from adult jails or lockups; and (4) reduction of disproportionate minority contact with the juvenile justice system; and

WHEREAS, in recent years Congress has focused on more punitive efforts to deal with offending youth, such as harsher penalties and reduced protections; and

WHEREAS, advances in medical technology and the social sciences have provided a better understanding of adolescent development; and

WHEREAS, research¹ has shown that areas of the brain associated with decision-making develop at different rates, that adolescents are more susceptible to environmental influences, and that these aspects of evolving maturity highlight the need to carefully consider the impact of juvenile justice interventions and programs; and

WHEREAS, the authorization for the JJJPA expired at the end of FY 2007 and, while Congress has continued to fund juvenile justice grant programs, the amounts appropriated to support these programs have been declining;

¹ National Research Council. *Reforming Juvenile Justice: A Developmental Approach*. Washington, DC: The National Academies Press, 2013.

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators support the reauthorization of this important Act which should include the following:

- Ensure Judicial Participation in Planning: It is critical that the judiciary be viewed at all levels as a full participant in the juvenile justice system and have a meaningful role in funding decisions and in developing and implementing state plans for improvements;
- Maintain Flexibility in Administering the Juvenile Delinquency Programs: Administrators of juvenile justice programs, including those involved in the adjudication of juveniles, need flexibility to carry out their responsibilities and to tailor appropriate responses that will be effective for each youth in each set of circumstances. Federal lawmakers should respect the institutional knowledge that state and local practitioners have achieved in this area and recognize the variations in juvenile justice systems;
- Eliminate the Valid Court Order (VCO) Exception for Detaining Status Offenders, and Provide for Resources to Assist State Courts to Develop and Implement Alternatives: The VCO exception should be phased out over a period of time and federal resources should be provided to courts to allow states and territories time to develop and implement alternatives for dealing with runaway youth and other status offenders for violations of court orders that prohibit the child from engaging in specified status offense behaviors;
- Eliminate Solitary Confinement for Juveniles: Solitary confinement should be eliminated because social interaction and sensory stimulation are basic human needs and research has shown that isolation, particularly for juveniles, can result in trauma and, in some instances, suicide;
- Strengthen the Disproportionate Minority Contact Core Mandate and Provide Resources to Assist State Courts to Clearly Define and Articulate Data that Should be Collected: To reduce racial and ethnic disparity, the key decision points in the juvenile justice system and the criteria by which decisions are made must be identified and data must be collected at every point of contact that juveniles have with the juvenile justice system to identify where disparities exist, the causes of those disparities, and corrective actions needed;
- Extend the JJDPA Sight and Sound Protections for Youth Charged as Adults: Youth charged as adults should not be housed with adult prisoners in secure facilities. Youth in adult jails and prisons have daily interactions with adults with histories of offending. Due to their lack of maturity, youth are susceptible to the influence of others. They are also especially vulnerable to sexual and physical abuse and, as such, face greater risks of mental health problems, trauma, and suicide;

- Safeguard the Confidentiality of Juvenile Records: Juvenile courts were established to provide youth with the opportunity to rehabilitate and lead productive adult lives. Most children age out of criminal activity and do not reoffend. Disclosing juvenile records can make it extremely difficult for youth to successfully rehabilitate and successfully transition into adult life;
- Eliminate the Indiscriminate Shackling of Youth in the Courtroom: Shackling can be physically painful and the humiliation of shackling in public is particularly problematic for adolescents. Restraints should only be used in courtroom proceedings when a case-by-case determination has been made that a youth is in danger of harming himself/herself or others;
- Screen Youth for Behavioral Health Disorders: Many youth entering the juvenile justice system have behavioral health disorders that contribute to the behavior that resulted in the youth's referral to the juvenile justice system. Identifying behavioral health disorders and connecting these youth with effective treatment and services will reduce the likelihood of reoffending;
- Screen Youth for Victimization of Human Trafficking: Children who have experienced interpersonal trauma, family instability, isolation, and particularly children in the child welfare system and juvenile justice systems, are vulnerable to being victims of human trafficking; and

BE IT FURTHER RESOLVED that the Conference of Chief Justices and the Conference of State Administrators urge Congress and the United States Department of Justice to provide adequate funding to state courts to: (1) provide training for judges and court personnel so that they understand the federal policies and requirements; (2) develop resources and best court practices; and (3) fully implement these best practices.

Adopted as proposed by the CCJ/COSCA Courts, Children and Families Committee at the Conference of State Court Administrators 2015 Midyear Meeting on December 5, 2015 and at the Conference of Chief Justices 2016 Midyear Meeting on February 3, 2016.