

Resolution in Support of Reauthorization and Strengthening of the Juvenile Justice and Delinquency Prevention Act and Elimination of the Valid Court Order Exception

WHEREAS, the National Council of Juvenile and Family Court Judges (NCJFCJ) is an organization devoted to ensuring justice and improving outcomes for children, families, and victims who are involved with our courts with a vision of a society in which every family and child has access to fair, equal, effective, and timely justice; and

WHEREAS, the mission of the NCJFCJ is to provide all judges, courts, and related agencies involved with juvenile, family, and domestic violence cases with the knowledge and skills to improve the lives of the families and children who seek justice; and

WHEREAS, the nation's juvenile and family courts have been charged by Congress to ensure the fair, effective, and developmentally appropriate administration of justice on behalf of this population; and

WHEREAS, the Juvenile Justice and Delinquency Prevention Act (JJDP) is key in supporting local and state efforts to prevent delinquency and improve the juvenile justice system, and has resulted in numerous programs for the benefit of children and youth; and

WHEREAS, the NCJFCJ has supported the original JJDP and its reauthorization since its enactment in 1974; and

WHEREAS, justice for children and families and efforts toward delinquency prevention have been significantly advanced through the enactment of the JJDP, the leadership of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the programs implemented through discretionary grants to national organizations, and support of state projects with national coordination; and

WHEREAS, the most recent Senate and House reauthorization bills strengthen the JJDP by amending the Act to:

- include as one of the purposes of the JJDP the support of a trauma-informed continuum of programs to address the needs of at-risk youth and youth who come into contact with the justice system;
- require states to implement plans to ensure fairness and reduce racial and ethnic disparities in the detention of juveniles;
- enhance requirements for separating juveniles from sight and sound contact with adult lock-ups;
- include training and technical assistance to support and enhance the capacity of juvenile court judges and ancillary personnel to improve the lives of children involved in or at risk of being involved in the justice system and to effectuate the requirements of the Act;
- phase out the so-called "valid court order exception" (VCO exception) that allows courts to securely detain juvenile status offenders (who otherwise may not be so detained because they have not committed a criminal offense) because they violate a valid court order;

- require the OJJDP to report annually on policies and procedures to eliminate dangerous practices and unreasonable use of restraints in the detention of juveniles;
- require the OJJDP to report annually on criteria for identifying evidence-based and promising programs for delinquency prevention;
- expand requirements for state plans for juvenile justice and delinquency prevention to include community-based alternatives to the detention of juveniles in correctional facilities, enhance mental health and substance abuse screening, and a description of the use of funds for reentry into the community of juveniles after release;
- require the OJJDP to establish a uniform method of data collection and technology for evaluating data on juvenile recidivism on an annual basis;
- provide training and technical assistance to states and local governments for achieving compliance with the requirements of this Act;
- include the Administrator of the Substance Abuse and Mental Health Services Administration on the Coordinating Council on Juvenile Justice and Delinquency Prevention; and
- provide for the allocation of grant funding to states based on the most recent census data.

WHEREAS, there is an improved understanding of brain development in children and youth and research that reveals negative outcomes for low-risk children who are detained with high-risk children; and

WHEREAS, data made public by the OJJDP showed 23 states did not report any instances of using the VCO exception, 13 states reduced their use of the VCO exception to fewer than 100 instances, only 15 states reported instances of using the VCO exception more than 100 times during the year, and there were three states that reported more than 700 VCO exception uses and one of those states recently reformed its juvenile justice law, in part, to eliminate the use of the VCO exception.

NOW, THEREFORE, BE IT RESOLVED that the NCJFCJ fully supports the reauthorization of the JJDPA, and reaffirms its position taken in 2010 in support of a JJDPA reauthorization with a provision to eliminate the VCO exception as it is in the best interest of our children and communities.

The NCJFCJ shall promote the exercise of judicial leadership to convene and engage states and other jurisdictions, communities, and stakeholders in the child welfare and juvenile justice systems in meaningful partnerships to implement strategies to develop effective interventions for children who need help and replace the use of secure detention of youth not charged with acts that would be crimes if committed by adults.

The NCJFCJ is committed to development of technical assistance resources to assist judges in developing evidence-based strategies including policies, programs, and practices to more effectively address status offense behaviors.

The NCJFCJ remains committed to educating judges on the substantial negative impact trauma has on youth and how secure detention may contribute to youths' trauma.

The NCJFCJ supports the development of consultation resources for those courts that have been using the valid court order exception to guide them in reforming their policies, programs, and practices regarding youth engaged in status offense behaviors.

The NCJFCJ encourages the further study of, and the continued analysis of available data on effective interventions and outcomes for youth engaged in status offense behaviors.

The NCJFCJ shall advocate for information sharing among those involved in the care and treatment of youth engaged in status offense behaviors who are under court jurisdiction and for the development and use of technology to enhance information sharing among all entities responsible for the care of these youth.

References

Howell, J. C., Lipsey, M. W., & Wilson, J. J. (2014). *A Handbook for Evidence-Based Juvenile Justice Systems*. Lanham, MD: Lexington Books

Juvenile Justice and Delinquency Prevention Reauthorization Act of 2017, S. S.860, 115 Cong. (2017). Print.

Juvenile Justice Reform Act of 2017, S. H.R. 1809, 115 Cong. (2017). Print.

Office of Juvenile Justice and Delinquency Prevention. *State Use of Valid Court Order Exception 2013-2014*. Retrieved from <https://www.ojjdp.gov/compliance/index.html>

Adopted by the NCJFCJ Board of Directors, July 15, 2017, Washington, DC.