



Youth At Risk

ABA Urges Strengthened Juvenile Justice and Delinquency Prevention Act

The federal Juvenile Justice and Delinquency Prevention Act (JJDPA) established in 1974 and last reauthorized in 2002, provides for: a juvenile planning and advisory system in all states; federal funding for delinquency prevention programs to improve state and local juvenile justice systems; and operation of the Justice Department's Office of Juvenile Justice and Delinquency Prevention (OJJDP) dedicated to training, technical assistance, model program development, research and evaluation, and support of state and local reform efforts. ABA juvenile justice policy is based upon the IJA/ABA Juvenile Justice Standards, which were developed over many years through the contributions of judges, prosecutors, defenders and other juvenile justice professionals, as well as other policy resolutions approved subsequently by the Association.

The critical federal role of the JJDPA would be threatened by efforts to make sweeping changes to the Act, including the elimination of the Act's four core mandates to the states, the abolition of the Justice Department's Office of Juvenile Justice and Delinquency Prevention (OJJDP) and a concentration on "get tough" program grants to the states. The mandates are: (1) deinstitutionalization of status offenders; (2) sight and sound separation of juveniles from adult offenders; (3) removal of juveniles from adult jails and lock-ups; and (4) reduction of disproportionate minority confinement. Funding for JJDPA-authorized programs would have been severely cut or eliminated under President Bush's budget recommendation for Fiscal Year 2008 but Congress instead approved modest increases in appropriations. Supporters of a strong federal partnership role with the states are pushing to restore severe funding cuts made over the past several years and to strengthen the core requirements of JJDPA. **The ABA urges Congress to strengthen the JJDPA through reauthorizing legislation for the following reasons:**

- **The JJDPA has been repeatedly reauthorized with broad bipartisan support.** A strong consensus has developed over decades that youth and families involved with the juvenile and criminal justice systems should be safeguarded by federal standards for care and custody, while also upholding the interests of community safety and prevention of victimization.
- **The JJDPA core state mandates should be maintained and strengthened by Congress as it reauthorizes the Act.** The mandates promote public safety by eliminating factors that lead to delinquent behavior, by supporting preventative and diversion programs that address precursor issues like truancy and status offenses, without resort to the criminal courts and by supporting other steps to keep children and youth out of the juvenile and criminal justice systems.
- **The juvenile courts should maintain jurisdiction over juvenile offenders.** The JJDPA reauthorization should maintain juvenile court jurisdiction for all juveniles younger than 15, and juvenile court judges should decide after a hearing whether a waiver of juvenile court jurisdiction is appropriate in a particular case.
- **Funding resources for JJDPA programs must be strengthened as well.** The continuing success of effective juvenile crime prevention and deterrence depends on Congress acting to strengthen both the provisions of the Act as well as to provide the funding resources needed to fulfill such provisions to the greatest possible extent. The Act provides crucial support for state programs that assist communities to take a comprehensive approach to juvenile crime prevention and to address the needs of vulnerable youth and those of their families early and effectively.