



Juvenile Justice and Delinquency Prevention Act (JJDP) Formula Grant Reauthorization

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Although juvenile justice is administered by the states, the federal government plays a role in this area through the administration of grant programs. Congress has influenced juvenile justice policy and practice by authorizing and funding grant programs administered by the Department of Justice’s Office of Juvenile Justice and Delinquency Prevention (OJJDP). The Juvenile Justice and Delinquency Prevention Act of 1974 (JJDP; P.L. 93-415) was the first comprehensive juvenile justice legislation passed by Congress. The JJDP, among other things, authorized a series of grant programs designed to support state juvenile justice systems and prevent juvenile delinquency.

Since its enactment, the JJDP has undergone several key amendments, including a significant reorganization in 2002 (by the 21st Century Department of Justice Appropriations Authorization Act; P.L. 107-273). The 2002 act reauthorized the JJDP’s grant programs—some through FY2007 and others through FY2008. After that, they remained unauthorized—though Congress continued to provide appropriations for certain grants and activities—through FY2018. In December 2018, Congress passed the [Juvenile Justice Reform Act of 2018](#), amending and reauthorizing the JJDP.

Among other things, the Juvenile Justice Reform Act of 2018 reauthorized the JJDP’s Title II, Part B, state formula grants program. Through this program, [OJJDP makes grants](#) to states that can be used to fund the planning, establishment, operation, coordination, and evaluation of juvenile delinquency programs and improve juvenile justice systems. State formula grant funds are [allocated annually](#) based on each eligible state’s proportion of people under the age of 18, and based on the total program appropriation, the JJDP sets minimum allocations states receive each year. Connecticut, Nebraska, Wyoming, and American Samoa currently elect not to participate in this program. They receive funds through a nonparticipating state competitive solicitation.

To receive formula grant funding through the JJDP, states must establish plans for the administration of juvenile justice in their states and agree to submit annual reports to OJJDP concerning their progress in implementing the plans. The 2018 JJDP reauthorization amended requirements for state plans to include prioritizing evidence-based programs, phasing out the use of restraints on pregnant juveniles, screening for human trafficking victimization, and screening and treating the mental health and substance abuse needs of youth in the care of the state’s juvenile justice system. It also clarified and expanded the [purpose areas for the formula grants](#) to include programs that address [needs of girls](#) in or at risk of entering the

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juvenile justice system, assist youth with access to legal representation, and provide youth information on procedures to [seal and expunge records](#). Policymakers may examine the degree to which states use funding for these expanded purpose areas.

[States must also adhere to four core mandates](#)—except for specified exceptions—in order to receive their full funding.

1. States must keep status offenders (such as truants) out of secure detention or correctional facilities. One exception to this requirement is that they may be held in a secure facility if a judge finds they are in [violation of a valid court order](#) (VCO). This “VCO exception” has been [particularly controversial](#), with some advocating to phase it out or eliminate it entirely. The 2018 reauthorization retained the VCO exception but, among other things, put a seven-day limit on the time a status offender in violation of a valid court order can be held in a secure facility.
2. States cannot detain or confine juveniles in facilities in which they would have [sight or sound contact](#) with adult inmates. Additionally, correctional staff who work with both adult and juvenile offenders must have been trained and certified to work with juveniles. The 2018 reauthorization applies this requirement to [youth awaiting a trial as adults](#), and states have three years to comply.
3. Juveniles cannot be detained or confined in any jail or lockup for adults. However, they may be held for up to six hours (up to 48 hours for rural locations) as they are processed, waiting to be released, awaiting transfer to a juvenile facility, or awaiting their court appearance. The 2018 reauthorization applies this requirement to youth awaiting trial as adults, and states have three years to comply.
4. States must show that they are working to address racial and ethnic disparities that exist in their juvenile justice systems, as minority youth are involved in juvenile justice at disproportionately higher rates than nonminority youth. The 2018 reauthorization replaced the [concept of disproportionate minority contact](#) with racial and ethnic disparities. States are not to establish numerical standards but are to determine which juvenile justice system decision points create disparities and develop measureable objectives for reducing the disparities.

[According to the JJDPA](#), a state’s failure to adhere to the four core requirements should result in a 20% reduction of formula grant funding for each of the mandates with which the state is not in compliance. OJJDP has previously received criticism regarding its monitoring of states’ compliance with the JJDPA and specifically with the state formula grants core requirements. Notably, [this involved claims](#) that certain grantees had falsified compliance data submitted to OJJDP and that OJJDP had failed to sufficiently act on reports of this misconduct. The Juvenile Justice Reform Act of 2018 requires the Justice Department to report on OJJDP’s internal controls and its ability to evaluate states’ compliance with the JJDPA grant program requirements. The act also requires a Government Accountability Office (GAO) report evaluating OJJDP’s functions, programs, grants, and performance as well as a GAO audit of selected OJJDP grantees.

The Juvenile Justice Reform Act of 2018 reauthorized the formula grants program through FY2023. Under this act, the authorization of appropriations for the JJDPA Title II programs—which includes the state formula grants program—are bundled with the JJDPA [Title V programs](#), and the collective authorization for those programs is \$176.0 million annually from FY2019 to FY2023. Congress [appropriated \\$60 million](#) for the state formula grants program for FY2019.

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