

111TH CONGRESS  
2D SESSION

# H. R. 6361

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to establish a demonstration grant program for nonprofit organizations to partner with juvenile justice agencies to monitor juvenile facilities and provide youth in the facilities and their families with increased positive engagement in the system.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2010

Mrs. MCCARTHY of New York introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to establish a demonstration grant program for nonprofit organizations to partner with juvenile justice agencies to monitor juvenile facilities and provide youth in the facilities and their families with increased positive engagement in the system.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Family Justice Act  
5 of 2010”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) According to the National Center for Men-  
4 tal Health and Juvenile Justice, the successful reha-  
5 bilitation of youth in the juvenile justice system, and  
6 their sustained reintegration into the community rely  
7 upon the mutual support of juvenile justice systems  
8 and families in the accomplishment of their goals.

9 (2) Involving families benefits the youth, the  
10 family, the juvenile justice system, and the commu-  
11 nity.

12 (3) Valid information and consistent commu-  
13 nication between families and juvenile justice facili-  
14 ties reduces confusion, frustration, and disappoint-  
15 ment.

16 (4) Training of juvenile justice personnel on the  
17 importance of involving families can help the former  
18 better understand the family perspective and the po-  
19 tential opportunities for families to be educated  
20 about the system, its processes and protocols.

21 (5) Families working together with juvenile jus-  
22 tice systems can improve outcomes for justice-in-  
23 volved youth with mental health issues.

24 **SEC. 3. AMENDMENTS.**

25 (a) ESTABLISHMENT OF DEMONSTRATION GRANT  
26 PROGRAM.—Title II of the Juvenile Justice and Delin-

1 quency Prevention Act of 1974 (42 U.S.C. 5611 et seq.)  
2 is amended—

3 (1) by redesignating part (F) as part (G), and

4 (2) by inserting after part (E) the following:

5 **“PART F—ESTABLISHING INCREASED FAMILY EN-**  
6 **GAGEMENT AND INDEPENDENT MONI-**  
7 **TORING PROGRAMS**

8 **“SEC. 271. GRANT PROGRAM.**

9 “(a) PURPOSES.—The purposes of this section are  
10 the following:

11 “(1) To strengthen the relationships between—

12 “(A) individuals who are employed by juve-  
13 nile justice or adult criminal justice agencies,  
14 including individuals employed at juvenile de-  
15 tention or corrections facilities or adult jails or  
16 prisons; and

17 “(B) individuals who are not employed in  
18 the agencies or facilities, but are involved with  
19 the juvenile justice or adult criminal justice sys-  
20 tem, particularly youth held in juvenile deten-  
21 tion or corrections facilities or adult jails or  
22 prisons and their families.

23 “(2) To create a process through which admin-  
24 istrators and staff at such facilities engage in a dia-  
25 logue with individuals the facilities incarcerate, in-

1 including youth in juvenile detention or corrections fa-  
2 cilities or adult jails or prisons and families of these  
3 youth, as well as other community-based stake-  
4 holders, to collect feedback and input about the fa-  
5 cilities' policies, procedures, and practices.

6 “(3) To ensure that the feedback and input  
7 from youth in these facilities, their families, and  
8 community-based stakeholders are integrated into  
9 the facilities' policies, procedures, and practices.

10 “(4) To allow families of youth incarcerated in  
11 a facility and community-based stakeholders access  
12 to the facility and the youth in order to conduct an  
13 initial assessment of the facility, to assess which  
14 policies and practices help families support youth's  
15 rehabilitation prior to, during, and after their stay  
16 in a facility, and as well as to monitor the facility's  
17 progress towards recommendations made by a panel  
18 described in subsection (b)(1).

19 “(b) GRANTS AUTHORIZED.—

20 “(1) FAMILY ENGAGEMENT DEMONSTRATION  
21 GRANTS.—The Administrator may make grants in  
22 each fiscal year to local or statewide nonprofit orga-  
23 nizations proven to be family oriented and based in  
24 best practices to establish panels to monitor juvenile  
25 detention and corrections facilities in which youth

1 are held and provide youth in those facilities and  
2 their family members with the ability to assist in the  
3 development of policies, procedures, and practices in  
4 these facilities to improve outcomes for youth and  
5 better prepare families to support youth’s rehabilita-  
6 tion and transition back into the community.

7 “(2) GEOGRAPHIC DISTRIBUTION.—Grants  
8 shall be made with preference given to those organi-  
9 zations that have a demonstrable track record of  
10 working with families of incarcerated youth and in-  
11 corporating family input into their decisionmaking  
12 processes. In making grants under this section, the  
13 Administrator shall, to the extent practicable, ensure  
14 that a grant is made to one nonprofit organization  
15 in each State.

16 “(c) APPLICATIONS.—

17 “(1) SUBMISSIONS.—Each local or statewide  
18 nonprofit organization that desires a grant under  
19 this section shall submit an application, in partner-  
20 ship with State or local juvenile justice and criminal  
21 justice agencies, courts, or juvenile detention or cor-  
22 rections facilities or adult jails or prisons, to the Ad-  
23 ministrator in such manner, and accompanied by  
24 such information, as the Administrator may require.

1           “(2) CONTENTS.—Each application submitted  
2 under paragraph (1) shall, at a minimum, include  
3 the following:

4           “(A) A description of the organization’s ex-  
5 perience working with youth involved in the ju-  
6 venile justice or adult criminal justice system  
7 and their families.

8           “(B) A description of the organization’s  
9 approach to family engagement in the juvenile  
10 justice or adult criminal justice system, includ-  
11 ing the organization’s use of parent advocates.

12           “(C) A list of the juvenile detention or cor-  
13 rectional facilities or adult jails and prisons  
14 holding youth that the panel will monitor.

15           “(D) A description of the State or local  
16 partner with which the monitoring panel will  
17 work and which has the authority to make the  
18 changes in the facilities listed under subpara-  
19 graph (C).

20           “(E) Assurances that the organization will  
21 create a monitoring panel that shall include—

22           “(i) two representatives from each  
23 of—

24           “(I) family members of youth  
25 currently incarcerated or incarcerated

1 within the last 2 years in the par-  
2 ticular monitored facility;

3 “(II) youth currently incarcerated  
4 ated or incarcerated within the last 2  
5 years in the particular monitored fa-  
6 cility or a youth advocate who is in  
7 regular contact with the facility; and

8 “(III) nonprofit organizations  
9 that provide assistance to youth in-  
10 volved in the juvenile justice or adult  
11 criminal justice systems or their fami-  
12 lies; and

13 “(ii) one representative from each  
14 of—

15 “(I) a public defender’s office or  
16 court-appointed private attorney rep-  
17 resenting youth in one of the jurisdic-  
18 tions served by a facility that the  
19 panel will monitor;

20 “(II) the State Attorney Gen-  
21 eral’s office or a prosecutor’s office in  
22 one of the jurisdictions served by a fa-  
23 cility that the panel will monitor;

1                   “(III) a representative from the  
2                   State Advisory Group (SAG) or a  
3                   JJJPA State staff representative;

4                   “(IV) the family liaison for men-  
5                   tal health services or a State or local  
6                   children’s mental health provider;

7                   “(V) the Governor’s office;

8                   “(VI) a State or local child wel-  
9                   fare agency; and

10                  “(VII) the family liaison for spe-  
11                  cial education or a State or local edu-  
12                  cation agency representative.

13                  “(F) Assurances that administrators of the  
14                  State or local juvenile justice and criminal jus-  
15                  tice agencies, courts, juvenile detention or cor-  
16                  rections facilities, or adult jails or prisons with  
17                  which the nonprofit is partnering will create a  
18                  facility implementation team that will include  
19                  two individuals employed by each facility being  
20                  monitored who have the authority to make  
21                  changes recommended by the panel.

22                  “(G) Assurances that the applicant, as  
23                  part of its application, has consulted, or will  
24                  within 30 days of being notified of an award  
25                  will consult, with the State Advisory Group

1 (SAG) or the JJDP A State staff to discuss how  
2 the activities of the monitoring panel can sup-  
3 port and strengthen the State’s JJDP A compli-  
4 ance monitoring activities.

5 “(d) USES OF FUNDS.—Grants received under this  
6 section shall be used to ensure meaningful input from  
7 youth in juvenile detention and corrections facilities and  
8 adult jails and prisons, their families, and community-  
9 based stakeholders by providing funds—

10 “(1) to allow the monitoring panel to conduct  
11 an initial assessment and continued monitoring of  
12 the facility to determine how the facility collects,  
13 analyzes, and integrates the input from youth in the  
14 facility, their families, and other community-based  
15 stakeholders into the facility’s policies, practices,  
16 and procedures, including by—

17 “(A) conducting confidential interviews  
18 with youth and staff in the facility for the pur-  
19 pose of evaluating the facility for the purposes  
20 above; and

21 “(B) making unannounced visits to the fa-  
22 cility to observe and assess conditions of con-  
23 finement;

24 “(2) to allow the monitoring panel to make rec-  
25 ommendations to the facility implementation team

1 on how to integrate input from youth, their families,  
2 and community-based stakeholders into the facility’s  
3 policies, procedures, and practices, including—

4 “(A) creating more access to the facility  
5 for outside groups, including—

6 “(i) allowing additional community-  
7 based organizations that work with youth  
8 or individuals to conduct visits to the facil-  
9 ity;

10 “(ii) providing office space in the fa-  
11 cility for entities that act in the interest of  
12 youth in the facility, including community-  
13 based advocacy groups, guardians ad litem,  
14 and public defender offices; or

15 “(iii) assigning a court-appointed at-  
16 torney to be available in the facilities on a  
17 regular basis for youth to speak with about  
18 their grievances with the facility;

19 “(B) creating a support group for families  
20 of youth in the facility;

21 “(C) improving communications between  
22 facility administrators and staff and families,  
23 and encouraging dialogue between these individ-  
24 uals and staff in the facility (such as officers,  
25 medical professionals, and educators) by—

1           “(i) providing regular updates on indi-  
2           vidual youth’s status and progress while in  
3           the facility;

4           “(ii) integrating family input into the  
5           process of making decisions regarding  
6           youth, such as medical, mental health, or  
7           educational decisions;

8           “(iii) creating a youth and family liai-  
9           son position or point of contact for youth  
10          and their families to help advocate for the  
11          youth and their families;

12          “(iv) providing an orientation for  
13          youth and families to the facility, the pro-  
14          grams, and the formal grievance system of  
15          the facility that includes information on  
16          how youth and families can express prob-  
17          lems, questions, or comments; and

18          “(v) ensuring that youth and their  
19          families receive information on the re-  
20          search on the consequences of juvenile jus-  
21          tice system involvement, including the  
22          long-term effects of this involvement and  
23          how it can affect a child later in life;

24          “(D) improving visitation and contact poli-  
25          cies with youth in the facilities, including—

1           “(i) reducing restrictions on who can  
2           visit, including allowing visitation from in-  
3           dividuals outside the youth’s immediate  
4           family that provide positive support to the  
5           youth, such as siblings, godparents, a par-  
6           ent’s unmarried partner, aunts, uncles,  
7           cousins, nieces, nephews, mentors, teach-  
8           ers, coaches, and pastors;

9           “(ii) modifying or extending visitation  
10          time to include additional hours or days of  
11          the week to facilitate visitation with youth;  
12          and

13          “(iii) reducing transportation barriers  
14          for individuals to visit the facility, particu-  
15          larly if the facility is not located near pub-  
16          lic transit or near the communities from  
17          which the youth in the facility are referred;  
18          and

19          “(E) ensuring that quality and effective  
20          after care plans are established that reduce re-  
21          cidivism and help youth successfully reintegrate  
22          into their communities; and

23          “(3) to provide funds to the facility to imple-  
24          ment the recommendations of the monitoring panel,  
25          only to be available to the facility after—

1           “(A) the monitoring panel has presented a  
2 publicly available written report with its rec-  
3 ommendations to the facility;

4           “(B) the monitoring panel and the facility  
5 implementation team meet to discuss the rec-  
6 ommendations and the facility implementation  
7 team have a meaningful opportunity to provide  
8 input into the recommendations; and

9           “(C) the monitoring panel and the facility  
10 implementation team agree by a vote on which  
11 recommendations to fund, in order for any  
12 funds to be spent by the facility to implement  
13 a recommendation, the use of those funds must  
14 be supported by the votes of two-thirds of indi-  
15 viduals on the monitoring panel and the facility  
16 implementation team, and by the vote of at  
17 least one individual as follows:

18                   “(i) A representative from the facility  
19 implementation team.

20                   “(ii) A representative from the moni-  
21 toring panel.

22                   “(iii) A representative from the moni-  
23 toring panel who is a youth or family  
24 member.

1       “(e) FUNDS FOR EVALUATION.—The Administrator  
2 shall reserve 10 percent of the amount made available to  
3 carry out this section for the purpose of evaluating such  
4 demonstrations conducted under this section and issuing  
5 a report describing the approaches and aspects of the dem-  
6 onstrations that the Administrator determines to be most  
7 effective and appropriate for fulfilling the purposes of ju-  
8 venile justice detention and corrections facilities and adult  
9 jails and prisons, integrating input from youth in the fa-  
10 cilities and their families in the facility’s policies, proce-  
11 dures, and practices, taking into account the demo-  
12 graphics of the various localities to be served.”.

13       (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
14 299 of the Juvenile Justice and Delinquency Prevention  
15 Act of 1974 (42 U.S.C. 5671) is amended—

16               (1) in subsection (a)—

17                       (A) in the heading by striking “PARTS  
18                       C AND E” and inserting “PARTS C, E,  
19                       AND F”, and

20                       (B) in paragraph (2) by striking  
21                       “parts C and E” and inserting “parts C,  
22                       E, and F”,

23               (2) by redesignating subsection (d) as sub-  
24               section (e), and

1           (3) by inserting after subsection (c) the fol-  
2       lowing:

3       “(d) AUTHORIZATION OF APPROPRIATIONS FOR  
4 PART F.—There are authorized to be appropriated to  
5 carry out part F such sums as may be necessary for fiscal  
6 years 2011, 2012, 2013, 2014, 2015, and 2016.”.

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