

The Honorable Patrick J. Leahy  
Chairman  
Senate Committee on the Judiciary  
United States Senate  
Senate Russell Office Building  
Washington, DC 20510

The Honorable Arlen Specter  
Ranking Member  
Senate Committee on the Judiciary  
United States Senate  
433 Senate Hart Office Building 711  
Washington, DC 20510

The Honorable Herbert H. Kohl  
United States Senate  
Senate Hart Office Building  
Washington, DC 20510

The Honorable Dick Durbin  
United States Senate  
330 Senate Hart Office Building 309  
Washington, DC 20510

February 17, 2010

Dear Senators Leahy, Specter, Kohl, and Durbin:

On behalf of the National Alliance to End Homelessness (Alliance), I wish to express our strong support for S. 678, the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009. The Alliance is pleased with many provisions in S. 678, including the meaningful improvements to the Act's core protections, support for prevention services, diversion of status offenders from unnecessary detention, and renewed emphasis on thorough discharge planning.

The Alliance is dedicated to furthering public policy that ends youth homelessness. The number of juvenile offenders who experience homelessness upon discharge from juvenile justice detention centers, jails, and group homes is simply unacceptable:

- In recent studies of homeless youth in Washington, Minnesota, and New York, between 28 and 46 percent of the homeless youth surveyed had histories of out-of-home placement within the juvenile justice system.
- Two separate studies found that one in four youth released from foster care, a group home, or juvenile detention center spent their first night either in a shelter or on the street.
- When compared to their housed peers, homeless youth are more likely to become involved in prostitution, to use and abuse drugs, and to engage in other dangerous and illegal behaviors.

Youth reentering their communities from out-of-home placement struggle to achieve housing stability. Many times, youth are released from confinement only to return to parents who are

abusive, chemically dependent, or actively involved in criminal activity. Detention facilities often fail to work with families of the detained youth. Factors contributing to high mobility and residential displacement among youth include: severe and unresolved conflicts with parents, homeless parents, overcrowding, lack of rental history, income levels insufficient to afford market rate rent, criminal history, and deficits in independent living skills. Additionally, a segment of the youth reentry population is precluded from returning to their family homes by federal policies and local public housing authority rules that prohibit individuals convicted of particular drug offenses from residing in public or Section 8 housing.

The Alliance advocates for strategies to divert youth from secure confinement and toward community-based alternatives as a means of preventing youth homelessness. Evidence-based community programs have demonstrated results in lowering rates of offending, while incarceration often results in higher rates of recidivism. By avoiding incarceration, youth avoid the stigma that it carries with private landlords. Youth diverted from detention and incarceration are often referred to community-based organizations which can offer family counseling, training in independent living skills, education assistance, and vocational services. By bolstering employment opportunities, improving family functioning, increasing positive development, and facilitating relationship building with positive influences, diversion programs offer youth a better chance at obtaining stable housing. Diversion programs result in decreased incidence of homelessness among former youth offenders.

We applaud the Senate's leadership in crafting S. 678 and promoting the following key elements:

- **Strengthening the deinstitutionalization of status offenders (DSO) core protection.** Under current law, non-delinquent status offenders, such as children who are truant, runaways, or youth who violate curfew, alcohol and tobacco laws, may be held in juvenile lock-ups under the Valid Court Order (VCO) exception. The VCO exception allows judges to issue detention orders for simple status offenses if the youth has previously violated a court order. The practice persists despite evidence that detaining status offenders in overcrowded juvenile detention centers with delinquent youth is costly. More effective responses include family-focused, school, and home-based interventions.

Reducing and eventually eliminating the confinement of status offenders is prudent. The increasing use of arrests and limited custody by police to deal with status offenders is contrary to the original intentions of the Act, is counterproductive, and is unnecessarily costly. In 2004 approximately 400,000 status offenders were arrested or held in limited custody by police, accounting for approximately twenty percent of juvenile arrests.

S. 678 requires that States eliminate the use of the Valid Court Order exception (VCO) within three years, but allows States to apply for one-year hardship extensions through the Office of Juvenile Justice and Delinquency Prevention (OJJDP). In the three year window before elimination, S. 678 provides extra safeguards for status offenders in locked facilities, including a 7-day limit on how long youth can be held in a facility under a VCO and requiring judges to make certain procedural findings before a youth is held under the VCO.

S. 678 would also require the collection of data on the number of status offenders held in detention, the length of their confinement, a breakdown by type of offense and disposition to be included in a report to Congress. Further, other provisions in the Reauthorization, such as new

language on subjects for the use of juvenile justice block grant funding, are valuable because they specifically recognize the need to work with the status offender population.

- **Ensuring safe housing options are available for juveniles after discharge.** Proposed amendments to JJDPA seek the creation of a written case plan for each juvenile in placement based on an assessment of the juvenile's needs, including a description of the juvenile's living arrangement upon discharge. Additionally, amendments to the federal Act call for a review hearing at least 30 days before the juvenile's release, when appropriate, to secure health care, school enrollment, vocational services, and determine a safe, appropriate, and permanent living arrangement.
- **Offering better oversight and data collection on the reentry of youth to the community.** S. 678 will now require OJJDP to collect data on the number of juveniles released from custody and the type of living arrangement to which juveniles are released. This will give us greater insight into the residential stability of youth exiting a juvenile justice out-of-home placement.
- **Promoting diversion to community-based resources to decrease reliance on costly detention.** S. 678 promotes alternatives to detention by requiring states to plan for the diversion of youth to home-based or community-based services that are culturally competent or treatment when necessary. The Senate bill also calls upon States to reduce the reliance on detention for youth who await placement in residential treatment centers. The Alliance believes that early intervention in mental health and addiction treatment programs is a cost effective and successful approach to preventing youth homelessness when youth transition from juvenile justice placements.
- **Enabling treatment for youth with mental health and substance abuse disabilities.** S. 678 compels States to implement evidence-based screening and assessment programs for all juveniles held in a secure facility for more than 24 hours. The bill further requires States to identify a method for providing on-going treatment for mental health or substance abuse disorders.
- **Enhancing child welfare and juvenile justice integration.** The proposed amendments to JJDPA will help juvenile justice and child welfare systems develop coordinated plans for early intervention and treatment of youth who have a history of abuse and juveniles who have prior involvement with the juvenile justice system. Additionally, S. 678 seeks greater data compilation on the incidence of abused or neglected juveniles entering the juvenile justice system. This data would be used to craft a plan for better service and treatment delivery for victims of abuse and neglect.
- **Creating incentive grants focused on prevention.** S. 678 provides States with additional funds to (a) increase the use of evidence based or promising prevention and intervention programs, and (b) improve the recruitment and retention of professional personnel who have expertise in the field of prevention, intervention and treatment of youth. The emphasis on diversion for youth with mental health and substance abuse needs is especially important to the Alliance. We would like to see clarity regarding the definition of evidence-based and promising approaches, and a greater emphasis on the use of these methods.
- **Setting appropriate authorization levels for both Title II and Title V.** S. 678 establishes authorizing levels that would provide States with the resources needed to achieve and sustain

compliance with the core requirements of the JJDPa and take meaningful steps to improve juvenile justice systems and prevent delinquency and violence.

Finally, S. 678 supports effective assistance of legal counsel and improves case management services and practices. The Alliance would like to see further emphasis placed on provisions which ensure safety and the utilization of culturally competent practices in responding to marginalized juvenile populations including girls and lesbian, gay, bisexual, and transgender youth in detention and incarceration.

The Alliance supports this bill as a significant step towards improving the JJDPa. We offer ourselves as a resource as the bill moves through the legislative process. Thank you for your leadership in offering meaningful progress to our nation's juvenile justice system. Please, feel free to contact Richard A. Hooks Wayman, Senior Youth Policy Analyst, [rhookswayman@naeh.org](mailto:rhookswayman@naeh.org), (202) 942-8257, if you have questions regarding our endorsement. Thank you, again, for your leadership on this important bill.

Sincerely,

Steven Berg  
Vice President of Programs and Policy

cc: Senate Judiciary Committee Members

Senator Dianne Feinstein  
Senator Russell D. Feingold  
Senator Charles E. Schumer  
Senator Benjamin L. Cardin  
Senator Sheldon Whitehouse  
Senator Ron Wyden  
Senator Amy Klobuchar  
Senator Ted Kaufman  
Senator Orrin G. Hatch  
Senator Charles Grassley  
Senator Jon Kyl  
Senator Jeff Sessions  
Senator Lindsey Graham  
Senator John Cornyn  
Senator Tom Coburn