

111TH CONGRESS
1ST SESSION

H. R. 1931

To improve the treatment of juveniles with mental health or substance abuse disorders by establishing new grant programs for increased training, technical assistance, and coordination of service providers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2009

Mr. KENNEDY (for himself, Mr. STARK, and Ms. DELAURO) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To improve the treatment of juveniles with mental health or substance abuse disorders by establishing new grant programs for increased training, technical assistance, and coordination of service providers, and for other purposes.

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 “Juvenile Crime Reduc-
5 tion Act”.

1 **SEC. 2. REDUCING CRIME AND PROMOTING REHABILITA-**
2 **TION BY PROVIDING GRANTS TO IMPROVE**
3 **IDENTIFICATION OF AND SERVICES FOR JU-**
4 **VENILES WITH MENTAL HEALTH OR SUB-**
5 **STANCE ABUSE DISORDERS.**

6 (a) IN GENERAL.—Title II of the Juvenile Justice
7 and Delinquency Prevention Act of 1974 (42 U.S.C. 5611
8 et seq.) is amended—

9 (1) by redesignating part F as part G; and

10 (2) by inserting after part E the following new
11 part:

12 **“PART F—REDUCING CRIME AND PROMOTING**
13 **REHABILITATION BY IMPROVING IDENTI-**
14 **FICATION OF AND SERVICES FOR JUVENILES**
15 **WITH MENTAL HEALTH OR SUBSTANCE**
16 **ABUSE DISORDERS.**

17 **“SEC. 270. TRAINING GRANTS TO INCREASE DIVERSION OF**
18 **JUVENILES WITH MENTAL HEALTH OR SUB-**
19 **STANCE ABUSE DISORDERS INTO HOME- OR**
20 **COMMUNITY-BASED CARE.**

21 “(a) ESTABLISHING GRANT PROGRAM.—The Admin-
22 istrator may award grants for the purposes described in
23 subsection (b) to a public agency who complies with the
24 eligibility requirements described in subsection (c).

25 “(b) PURPOSE.—

1 “(1) USE OF FUNDS.—The recipient of a grant
2 awarded under this section shall use the funds to
3 provide training, in conjunction with the public or
4 private agency that provides mental health services,
5 to individuals involved in making decisions regarding
6 the disposition of cases involving youth who enter
7 the juvenile justice system, including any of the fol-
8 lowing categories of individuals:

9 “(A) Juvenile justice intake personnel.

10 “(B) Law enforcement personnel.

11 “(C) Prosecutors.

12 “(D) Juvenile court judges.

13 “(E) Public defenders.

14 “(F) Mental health service providers and
15 administrators.

16 “(G) Substance abuse disorder service pro-
17 viders and administrators.

18 “(H) Probation officers.

19 “(I) Parents or parent advocates.

20 “(2) FOCUS OF TRAINING.—Training provided
21 through a grant awarded under this section shall
22 focus on the following:

23 “(A) The availability of standardized, vali-
24 dated, age-appropriate, and culturally com-
25 petent screening and assessment tools and the

1 effective use of such tools to divert juveniles
2 from secure confinement into home-based and
3 community-based care.

4 “(B) The purpose, benefits, and avail-
5 ability of home-based and community-based
6 mental health or substance abuse treatment
7 programs available to juveniles within the juris-
8 diction of the grantee.

9 “(C) Public and private programs available
10 to juveniles to pay for home-based and commu-
11 nity-based mental health or substance abuse
12 treatment programs.

13 “(D) The appropriate use of effective
14 home-based and community-based alternatives
15 to juvenile justice or mental health system insti-
16 tutional placements.

17 “(c) ELIGIBILITY REQUIREMENTS.—In order to be
18 eligible to receive a grant under this section, a public agen-
19 cy shall prepare and submit an application, at such time
20 and in such form as the Administrator may require, that
21 includes the following:

22 “(1) An assurance that the agency will work
23 with public or private entities in the area to admin-
24 ister the training funded under this section to en-
25 sure that such training is comprehensive, construc-

1 tive, linguistically and culturally competent, and of
2 a high quality.

3 “(2) An assurance that the agency—

4 “(A) is committed to a goal of increasing
5 the diversion of juveniles coming under its ju-
6 risdiction into appropriate home-based or com-
7 munity-based care when the interest of the ju-
8 venile and public safety allow;

9 “(B) intends to utilize the grant provided
10 under this section to further such goal; and

11 “(C) has a plan to demonstrate, using ap-
12 propriate benchmarks, the agency’s progress in
13 meeting such goal.

14 “(3) An assurance that not less than 25 percent
15 of the total cost of the training conducted with the
16 grant will be contributed by non-Federal sources.

17 **“SEC. 271. ENCOURAGING COMPREHENSIVE COLLABORA-**
18 **TIONS TO ADDRESS MENTAL HEALTH OR**
19 **SUBSTANCE ABUSE DISORDERS AMONG AT-**
20 **RISK JUVENILES.**

21 “(a) GRANT TO DEVELOP COMPREHENSIVE COL-
22 LABORATIVE PLAN.—

23 “(1) IN GENERAL.—The Administrator, in con-
24 sultation with the Administrator of the Substance
25 Abuse and Mental Health Services Administration,

1 may award a 1-year grant to an eligible public agen-
2 cy to develop a comprehensive collaborative plan (as
3 described in paragraph (2)) to address the service
4 needs of juveniles with mental health or substance
5 abuse disorders who come into contact with the jus-
6 tice system or who are at risk of coming into contact
7 with the justice system.

8 “(2) PLAN DESCRIBED.—The plan referred to
9 in paragraph (1) shall be a plan that—

10 “(A) revises and improves the current de-
11 livery of intensive home-based and community-
12 based services to juveniles who have been in
13 contact with or who are at risk of coming into
14 contact with the justice system;

15 “(B) determines how the service needs of
16 juveniles with mental health or substance abuse
17 disorders who come into contact with the juve-
18 nile justice system will be furnished from the
19 initial detention stage until after discharge in
20 order for these juveniles to avoid further con-
21 tact with the justice system;

22 “(C) demonstrates that the public agency
23 has entered into appropriate agreements with
24 all entities responsible for providing services
25 under the plan, such as the public agency

1 charged with administering juvenile justice pro-
2 grams, the public agency charged with pro-
3 viding mental health services, the public agency
4 charged with providing substance abuse treat-
5 ment services, the State or local educational
6 agency, the State or local child welfare system,
7 and private nonprofit community-based organi-
8 zations;

9 “(D) ensures that the State has in effect
10 any laws necessary for services to be delivered
11 in accordance with the plan;

12 “(E) establishes a network of individuals
13 (or incorporates an existing network) to provide
14 coordination between mental health service pro-
15 viders, substance abuse service providers, pro-
16 bation and parole officers, judges, corrections
17 personnel, law enforcement personnel, State
18 and local educational agency personnel, parents
19 and families, and other appropriate parties re-
20 garding effective treatment of juveniles with
21 mental health or substance abuse disorders;

22 “(F) provides for cross-system training
23 among law enforcement personnel, corrections
24 personnel, State and local educational agency
25 personnel, mental health service providers, and

1 substance abuse service providers to enhance
2 collaboration among systems;

3 “(G) provides for coordinated and effective
4 aftercare programs for juveniles who have been
5 diagnosed with a mental health or substance
6 abuse disorder and who are discharged from
7 home-based care, community-based care, any
8 other treatment program, secure detention fa-
9 cilities, secure correctional facilities, or jail;

10 “(H) provides for the purchase of technical
11 assistance to support the implementation of the
12 plan;

13 “(I) estimates the costs of implementing
14 the plan and proposes funding sources suffi-
15 cient to meet the non-federal funding require-
16 ments for implementation of the plan under
17 subsection (b);

18 “(J) describes the methodology to be used
19 to identify juveniles at risk of coming into con-
20 tact with the juvenile justice system;

21 “(K) provides assurances that all training
22 and services provided under the plan will be cul-
23 turally and linguistically competent; and

1 “(L) describes the outcome measures and
2 benchmarks that will be used to evaluate the
3 progress and effectiveness of the plan.

4 “(3) ELIGIBILITY REQUIREMENTS.—In order to
5 be eligible to receive a grant under this subsection,
6 a public agency shall prepare and submit an applica-
7 tion at such time, in such form, and with such infor-
8 mation as the Administrator may require to dem-
9 onstrate—

10 “(A) the ability of the agency to develop
11 and implement the comprehensive plan, includ-
12 ing the support of necessary collaborative part-
13 ners; and

14 “(B) that the agency has implemented a
15 procedure to ensure that, upon the release of a
16 juvenile from a secure facility, the juvenile will
17 be eligible to participate in those government
18 programs in which the juvenile would be eligible
19 to participate but for the juvenile’s detention in
20 a secure facility (except to the extent prohibited
21 under Federal law).

22 “(b) GRANT TO IMPLEMENT COMPREHENSIVE
23 PLAN.—

24 “(1) IN GENERAL.—The Administrator shall
25 award a grant payable over 4 years to an eligible

1 public agency to implement the plan developed under
2 subsection (a).

3 “(2) ELIGIBILITY REQUIREMENTS.—A public
4 agency receiving a grant under subsection (a) auto-
5 matically shall be eligible to receive a grant under
6 this subsection if it submits to the Administrator—

7 “(A) a copy of the plan developed under
8 subsection (a) that meets the requirements of
9 subsection (a)(2);

10 “(B) an assurance that the agency will re-
11 port annually to the Administrator on—

12 “(i) the progress of implementation of
13 the plan using the outcome measures and
14 benchmarks described in the plan (as re-
15 quired by subsection (a)(2)(L)), and

16 “(ii) any amendments that the agency
17 proposes to make to the plan; and

18 “(C) an assurance that the agency will
19 meet the requirements of paragraph (3) for
20 each fiscal year of funding.

21 “(3) NON-FEDERAL SHARE OF COSTS TO IM-
22 PLEMENT PLAN DEFINED.—For each fiscal year of
23 funding, the public agency shall be required to con-
24 tribute the following percentages of the plan’s esti-

1 mated implementation costs using non-Federal
2 sources:

3 “(A) During the first fiscal year of funding
4 to implement the plan, 25%.

5 “(B) During the second fiscal year of
6 funding to implement the plan, 40%.

7 “(C) During the third fiscal year of fund-
8 ing to implement the plan, 60%.

9 “(D) During the fourth fiscal year of fund-
10 ing to implement the plan, 75%.

11 **“SEC. 272. CREATING REGIONAL TECHNICAL ASSISTANCE**
12 **CENTERS.**

13 “(a) IN GENERAL.—The Administrator may award
14 grants for the establishment of 4 regional research, train-
15 ing, and technical assistance centers to carry out the fol-
16 lowing activities within geographic regions specified by the
17 Administrator:

18 “(1) Provide training on the provision of state-
19 of-the-art mental health and substance abuse dis-
20 order services in custodial and non-custodial juvenile
21 justice-related settings (including post-release serv-
22 ices) and on how to engage in successful collabora-
23 tions between mental health or substance abuse dis-
24 order service providers and juvenile justice systems
25 to—

1 “(A) public policymakers;

2 “(B) juvenile justice intake personnel;

3 “(C) law enforcement personnel;

4 “(D) prosecutors;

5 “(E) juvenile court judges;

6 “(F) public defenders;

7 “(G) mental health service providers and
8 administrators;

9 “(H) substance abuse disorder service pro-
10 viders and administrators; and

11 “(I) parents or parent advocates.

12 “(2) Provide direct technical assistance, includ-
13 ing assistance provided through toll-free telephone
14 numbers, on methods to improve the provision of
15 services for juveniles with mental health or sub-
16 stance abuse disorders, including information on—

17 “(A) what types of mental health or sub-
18 stance abuse service approaches are effective
19 within the juvenile justice system; and

20 “(B) how home- and community-based
21 mental health or substance abuse services are
22 often more effective in reducing recidivism and
23 promoting rehabilitation than secure confine-
24 ment (including information on relevant re-
25 gional, ethnic, and gender-related consider-

1 ations) and how such services can be improved
2 to be more effective.

3 “(3) Provide information, training, and tech-
4 nical assistance to public agency officials to enhance
5 the capacity of such officials to provide appropriate
6 services relating to mental health or substance abuse
7 disorders among juveniles.

8 “(b) ELIGIBILITY.—In order to receive grants under
9 this section, an entity shall—

10 “(1) be either a public agency or a not-for-prof-
11 it private entity; and

12 “(2) prepare and submit an application at such
13 time, in such form, and with such information and
14 assurances as the Administrator may require to
15 demonstrate the ability of the entity to deliver the
16 services described in subsection (a) within the par-
17 ticular geographic region in which the entity is lo-
18 cated.

19 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated \$4,000,000 for fiscal year
21 2010 and each succeeding fiscal year for grants under this
22 section.

1 **“SEC. 273. ENCOURAGING AND SUPPORTING REFORMS IN**
2 **MENTAL HEALTH AND SUBSTANCE ABUSE**
3 **POLICIES.**

4 “(a) ESTABLISHING GRANT PROGRAM.—The Admin-
5 istrator shall award a grant to an eligible public agency
6 to hire or contract with one or more mental health profes-
7 sionals or a public or private organization with particular
8 expertise in the area of mental health or substance abuse
9 disorders among juveniles who come into contact with the
10 juvenile justice system to assist the agency in reforming
11 its mental health and substance abuse policies with respect
12 to such juveniles.

13 “(b) LIMITATIONS.—

14 “(1) DURATION.—A public agency shall use a
15 grant awarded under this section to hire (or contract
16 with) on a temporary basis not to exceed 3 years an
17 individual or organization described in subsection
18 (a).

19 “(2) MAXIMUM GRANT AMOUNT.—A grant
20 awarded under this section shall not exceed
21 \$300,000.

22 “(3) NUMBER OF GRANTS PER APPLICANT.—A
23 public agency shall not receive more than 1 grant
24 under this section.

25 “(c) ELIGIBILITY REQUIREMENTS.—In order to be
26 eligible to receive a grant under this section, a public agen-

1 cy shall prepare and submit an application, at such time
2 and in such form as the Administrator may require, that
3 includes the following:

4 “(1) A description of the intended use of the
5 grant.

6 “(2) An assurance that the grant is necessary
7 for the agency to affect a lasting improvement in the
8 agency’s practices and procedures related to juve-
9 niles with mental health or substance abuse dis-
10 orders coming under its jurisdiction.

11 “(3) An assurance that the agency will expend
12 funds received under this section to supplement and
13 not supplant other funds available to the agency for
14 the purpose of reforming its mental health and sub-
15 stance abuse policies with respect to juveniles who
16 come into contact with the juvenile justice system.

17 “(4) An assurance that not less than 25 percent
18 of the total cost of hiring an individual or organiza-
19 tion described in subsection (a) will be contributed
20 by non-Federal sources.

21 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
22 is authorized to be appropriated \$5,000,000 for fiscal year
23 2010 and each succeeding fiscal year for grants under this
24 section.”.

1 (b) GENERAL AUTHORIZATION OF APPROPRIA-
 2 TIONS.—Section 299 of the Juvenile Justice and Delin-
 3 quency Prevention Act of 1974 (42 U.S.C. 5671) is
 4 amended—

5 (1) in subsection (a)—

6 (A) in the heading, by striking “C AND E”
 7 and inserting “C, E, AND F”, and

8 (B) by striking “C and E” and inserting
 9 “C, E, and F”;

10 (2) by redesignating subsection (d) as sub-
 11 section (e); and

12 (3) by inserting after subsection (c) the fol-
 13 lowing new subsection:

14 “(d) AUTHORIZATION OF APPROPRIATIONS FOR
 15 PART F.—There are authorized to be appropriated to
 16 carry out part F such sums as may be necessary for fiscal
 17 year 2010 and each succeeding fiscal year, subject to the
 18 applicable limitations of such part.”.

19 **SEC. 3. ENCOURAGING STATES TO IMPROVE SCREENING**
 20 **AND ASSESSMENT TECHNIQUES FOR JUVENILES WITH MENTAL HEALTH OR SUB-**
 21 **STANCE ABUSE DISORDERS.**
 22

23 (a) ADDITIONAL REQUIREMENT FOR STATE
 24 PLANS.—Section 223(a) of the Juvenile Justice and De-

1 linquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is
2 amended—

3 (1) in paragraph (27), by striking “; and” and
4 inserting a semicolon;

5 (2) in paragraph (28), by striking the period at
6 the end and inserting a semicolon; and

7 (3) by adding at the end the following new
8 paragraphs:

9 “(29) describe the State’s efforts to implement
10 an evidence-based mental health and substance
11 abuse disorder screening and assessment program
12 for all juveniles held in a secure facility for a period
13 of more than 24 hours that provides for one or more
14 initial screenings and, if a juvenile’s initial screening
15 demonstrates a need, further assessment; and

16 “(30) describe the State’s method for providing
17 or arranging for mental health and substance abuse
18 disorder treatment for juveniles determined to be in
19 need of such treatment.”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 subsection (a) shall apply to a plan or a plan’s annual
22 amendments (as described in section 223(a) of the Juve-
23 nile Justice and Delinquency Prevention Act of 1974 (42
24 U.S.C. 5633(a))) submitted at any time after the expira-

tion of the 45-day period which begins on the date of enactment of this Act.

SEC. 4. ESTABLISHING EVIDENCE-BASED PRACTICE BONUSES.

(a) IN GENERAL.—Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5781 et seq.) is amended—

(1) by redesignating section 505 as section 506; and

(2) by inserting after section 504 the following new section:

“SEC. 505. USE OF APPROPRIATIONS EXCEEDING \$110,000,000 FOR EVIDENCE-BASED PRACTICE BONUSES.

“(a) AVAILABILITY OF BONUSES.—If the total sums appropriated in a fiscal year under section 506 exceed \$110,000,000, the Administrator shall distribute those sums exceeding \$110,000,000 as evidence-based practice bonuses to recipients of grants under section 504 in that fiscal year who meet the requirements of subsection (b).

“(b) REQUIREMENTS.—In order to be eligible to receive an evidence-based practice bonus, the recipient of a grant under section 504 shall prepare and submit an application, at such time, in such form, and with such information as the Administrator may require, that includes—

1 “(1) a commitment to expend an amount, speci-
2 fied in the application, of the grant received under
3 section 504 on evidence-based practices for the
4 treatment of mental health or substance abuse dis-
5 orders of juveniles within the jurisdiction;

6 “(2) a request for an evidence-based practice
7 bonus in an amount not to exceed 33 percent of the
8 amount specified in paragraph (1) to support spe-
9 cific evidence-based practices for the treatment of
10 mental health or substance abuse disorders of juve-
11 niles within the jurisdiction; and

12 “(3) a detailed description of the specific evi-
13 dence-based practices that will be carried out with
14 the bonus.

15 “(c) COMPETITIVELY AWARDED BONUSES.—The Ad-
16 ministrator shall award evidence-based practice bonuses
17 under this section on a competitive basis.

18 “(d) AMOUNT OF BONUSES.—The Administrator
19 shall determine the amount of each evidence-based prac-
20 tice bonus on a competitive basis among the other recipi-
21 ents of bonuses, except that the bonus awarded to any
22 bonus recipient may not exceed the amount requested in
23 the recipient’s application under subsection (b)(2).

24 “(e) CARRY OVER.—Amounts appropriated pursuant
25 to the authorization in section 506 in a fiscal year that

1 are available for distribution as evidence-based practice
 2 bonuses under this section shall remain available for dis-
 3 tribution until the end of the succeeding fiscal year.”.

4 (b) EFFECTIVE DATE.—The amendments made by
 5 subsection (a) shall take effect beginning with fiscal year
 6 2010.

7 **SEC. 5. IMPROVING INFORMATION ABOUT PREVALENCE OF**
 8 **MENTAL HEALTH AND SUBSTANCE ABUSE**
 9 **DISORDERS IN JUVENILE JUSTICE SYSTEM.**

10 (a) INCLUDING MENTAL HEALTH AND SUBSTANCE
 11 ABUSE DISORDER INFORMATION IN REQUIRED ANNUAL
 12 REPORT.—

13 (1) IN GENERAL.—Section 207(1) of the Juve-
 14 nile Justice and Delinquency Prevention Act of 1974
 15 (42 U.S.C. 5617(1)) is amended—

16 (A) in subparagraph (E), by striking “;
 17 and” and inserting a semicolon;

18 (B) in subparagraph (F), by striking the
 19 period at the end and inserting “; and”; and

20 (C) by adding at the end the following new
 21 subparagraph:

22 “(G) the prevalence of mental health dis-
 23 orders among juveniles, including separate in-
 24 formation on the diagnoses of serious mental

1 health disorders, substance abuse disorders, and
2 both such disorders.”.

3 (2) EFFECTIVE DATE.—The amendments made
4 by subsection (a) shall take effect beginning with fis-
5 cal year 2010.

6 (b) EXAMINATION AND REPORT ON EVIDENCE-
7 BASED PRACTICES BY COORDINATING COUNCIL ON JUE-
8 NILE JUSTICE AND DELINQUENCY PREVENTION.—

9 (1) IN GENERAL.—Section 206(c)(1) of such
10 Act (42 U.S.C. 5616(c)(1)) is amended by adding at
11 the end the following sentence: “The Council shall
12 examine and report on evidence-based practices for
13 decreasing delinquency and recidivism among juve-
14 niles with mental health or substance abuse dis-
15 orders.”.

16 (2) EFFECTIVE DATE.—The amendments made
17 by paragraph (1) shall apply to the first annual re-
18 port under section 206(c)(1) of the Juvenile Justice
19 and Delinquency Prevention Act of 1974 (42 U.S.C.
20 5616(c)(1)) issued after the expiration of the 45-day
21 period which begins on the date of enactment of this
22 Act and to each succeeding annual report.

1 **SEC. 6. DEDICATING EXCESS APPROPRIATIONS FOR JAIL**
2 **DIVERSION PROGRAMS TO PROGRAMS SPE-**
3 **CIFICALLY TARGETING JUVENILES.**

4 (a) GRANTS FOR PROGRAMS TARGETING JUVENILES
5 FOR DIVERSION.—The Secretary of Health and Human
6 Services shall ensure that at least 25 percent of the grants
7 awarded in a fiscal year under section 520G of the Public
8 Health Service Act (42 U.S.C. 290bb–38) are awarded to
9 programs specifically targeting juveniles for diversion.

10 (b) MINIMUM APPROPRIATION REQUIRED.—Sub-
11 section (a) only shall apply to a fiscal year in which the
12 amount appropriated for grants under section 520G of the
13 Public Health Service Act (42 U.S.C. 290bb–38) for that
14 fiscal year exceeds the amount appropriated for such
15 grants in fiscal year 2009 by more than 50 percent.

○