

Compliance With the JJDP Act Formula Grants Program State Plan Requirements
[34 U.S.C. § 11133(a), Section 223(a)]

These are the requirements of the JJDP Act that States and State Advisory Groups agree to fulfill.

- (a) **Requirements.** In order to receive formula grants under this part, a state shall submit a plan for carrying out its purposes applicable to a 3-year period. Such plan shall be amended annually to include new programs, projects, and activities. The state shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with state plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall—
- (1) Designate the state agency as the sole agency for supervising the preparation and administration of the plan; *[Include here a statement indicating the designated state agency. For example, “The Division of Juvenile Services is the designated state agency responsible for preparation and administration of the 3-year plan.”]*
 - (2) Contain satisfactory evidence that the state agency designated in accordance with paragraph (1) has or will have authority, by legislation if necessary, to implement such plan in conformity with this part; *[Include here a citation for the executive order, legislation, or policy pointing to the authority of the agency or attach a copy of the full order, legislation or policy. For example, “The designation of the Division of Juvenile Services as the agency responsible for the 3- year plan was established per Executive Order <number> signed by Governor <Name> on <date>.”]*
 - (3) Provide for an advisory group that—*[Attach the SAG list using the format of the sample roster. Ensure that the individual(s) satisfying each requirement are clearly identified by the category letter specified in the roster instructions. Submit the roster as a separate attachment, labeled “Appendix D: SAG roster”.]*
 - (A) Shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the state—
 - (i) Which members have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency, the administration of juvenile justice, or the reduction of juvenile delinquency;
 - (ii) Which members include—
 - (I) At least one locally elected official representing general purpose local government;
 - (II) Representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers;
 - (III) Representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, recreation, and youth services;
 - (IV) Representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;
 - (V) Volunteers who work with delinquents or potential delinquents;

- (VI) Youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;
 - (VII) Persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; and
 - (VIII) Persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence;
- (iii) A majority of which members (including the chairperson) shall not be full-time employees of the federal, state, or local government;
 - (iv) At least one-fifth of which members shall be under the age of 24 at the time of appointment; and
 - (v) At least three members who have been or are currently under the jurisdiction of the juvenile justice system;
- (B) Shall participate in the development and review of the state's juvenile justice plan prior to submission to the supervisory board for final action; *[Include here a statement affirming that this requirement will be met, and describe the process used. For example, "The State Advisory Group (SAG) participates in the development and review of the state's juvenile justice plan prior to submission to the supervisory board for final action. This is done through a SAG retreat in which members discuss and vote on priorities for the plan, and then by subsequent review and approval of the draft plan prior to submission to OJJDP."]*
- (C) Shall be afforded the opportunity to review and comment, not later than 30 days after their submission to the advisory group, on all juvenile justice and delinquency prevention grant applications submitted to the state agency designated under paragraph (1); *[Include here a statement affirming this requirement is met and describe the process used. For example, "The SAG is afforded the opportunity to review and comment, within 30 days after their submission to the advisory group, on all juvenile justice and delinquency prevention grant applications submitted to the designated state agency. The grants subcommittee of the SAG reviews and scores the grant applications and provides funding recommendations that are made to the full SAG within 30 days of receiving the applications. The full SAG provides the final vote on the awards to be made by the designated state agency."]*
- (D) Shall, consistent with this title—
- (i) Advise the state agency designated under paragraph (1) and its supervisory board; and *[Include here a statement affirming this requirement is met and describe the process used. For example, "The SAG advises the state agency and its supervisory board. The SAG holds an annual strategy session at the designated state agency to address the need for effective statewide planning and coordination of activities that are written into the 3-year plan. The state agency, under the guidance of the SAG, is responsible for implementing that plan. Throughout the year, the state agency updates the SAG on the priorities and activities. The SAG makes recommendations for the annual updates required by OJJDP."]*
 - (ii) Submit to the chief executive officer and the legislature of the state at least annually recommendations regarding state compliance with the requirements of paragraphs (11), (12), and (13); and *[Include here a statement affirming that this has been done or will be done. For example, "<State> affirms that recommendations regarding compliance with the requirements of paragraphs (11), (12), and (13) are submitted to the chief executive officer and the legislature of the state annually." Include a copy of the most recent set of recommendations as a separate attachment labelled "<State> SAG recommendations."]*
 - (iii) Contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and *[Include here a statement affirming this has been done, and a description of*

the process. For example, “<State> affirms that contact and regular input is sought from juveniles currently under the jurisdiction of the JJ system. The <State> Juvenile Justice Department maintains statutory authority over all juvenile detention and juvenile correctional facilities. The Executive Director of the JJ Department serves on the SAG and provides regular opportunities for SAG members to meet with juveniles who are currently under their jurisdiction to gather input. The SAG met with these youth on the following dates:_____.”]

(E) May, consistent with this title—

- (i) Advise on state supervisory board and local criminal justice advisory board composition; *[This is optional. If applicable, include relevant information here:]*
- (ii) Review progress and accomplishments of projects funded under the state plan. *[This is optional. If applicable, include relevant information here:]*

(4) Provide for the active consultation with and participation of units of local government or combinations thereof in the development of a state plan which adequately takes into account the needs and requests of units of local government, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the state from making grants to, or entering into contracts with, local private agencies or the advisory group; *[Include here a statement affirming this requirement is met and a description of the process. For example, “<State> provides for the active consultation with and participation of units of local government or combinations thereof in the development of the state plan which takes into account the needs and requests of units of local government. <State> has regional youth justice teams that met quarterly throughout the past year, providing opportunities for communication between the state agency, units of local government, and other local justice stakeholders. This structure gives localities an opportunity to give input into the state plan and juvenile justice priorities.”]*

(5) Unless the provisions of this paragraph are waived at the discretion of the Administrator for any state in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 66 and 2/3 percent of funds received by the state under section 222 [34 U.S.C. § 11132] reduced by the percentage (if any) specified by the state under the authority of paragraph (25) and excluding funds made available to the state advisory group under section 222(d) [34 U.S.C. § 11132(d)], shall be expended—

(A) Through programs of units of local government or combinations thereof, to the extent such programs are consistent with the state plan;

(B) Through programs of local private agencies, to the extent such programs are consistent with the state plan, except that direct funding of any local private agency by a state shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of local government or combination thereof; and

(C) To provide funds for programs of Indian tribes that perform law enforcement functions (as determined by the Secretary of the Interior) and that agree to attempt to comply with the requirements specified in paragraphs (11), (12), and (13), applicable to the detention and confinement of juveniles, an amount that bears the same ratio to the aggregate amount to be expended through programs referred to in subparagraphs (A) and (B) as the population under 18 years of age in the geographical areas in which such tribes perform such functions bears to the state population under 18 years of age; *[Attach budget and provide a statement of assurance for all 3 parts (A, B, and C below), or cite approved waiver of the subaward requirement. For example, “<State> assures that at least 66 and 2/3 percent of funds, excluding funds made available to the SAG, shall be expended through programs of units of local government or combinations thereof, to the extent that such programs are consistent with the state plan; through programs of local private agencies, to the extent the programs are consistent with the state plan, only if such agency requests such funding after it has applied for and been denied funding by any unit of local government or combination thereof; and for programs of Indian tribes that perform law enforcement*

functions and that agree to attempt to comply with the requirements specified in paragraphs (11), (12), and (13), applicable to the detention and confinement of juveniles, an amount that bears the same ratio to the aggregate amount to be expended through programs referred to in subparagraphs (A) and (B) as the population under 18 years of age in the geographical areas in which such tribes perform such functions bears to the state population under 18 years of age.”]

(6) Provide for an equitable distribution of the assistance received under section 222 [34 U.S.C. § 11132] within the state, including in rural areas; *[Include here a statement affirming that this requirement is met, as well as an explanation of the process and logic the state uses as to how it is equitable. For example, “<State> provides for an equitable distribution of the assistance received within the state, including in rural areas. This occurs through the creation of the state regional youth justice teams that help inform local entities as well as the state about challenges and needs throughout the state. This information, in conjunction with youth crime analysis data, helps inform the funding decisions made.”]*

(7) (A) Provide for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the state (including any geographical area in which an Indian tribe performs law enforcement functions), a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the state;

and that

(B) Contains—

(i) An analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services; *[Provide description in application and list the pertinent page number(s): _____]*

(ii) A plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency; *[Provide description in application and list the pertinent page number(s): _____]*

(iii) A plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and *[Provide description in application and list the pertinent page number(s): _____]*

(iv) A plan for providing needed mental health services to juveniles in the juvenile justice system, including information on how such plan is being implemented and how such services will be targeted to those juveniles in such system who are in greatest need of such services. *[Provide description in application and list the pertinent page number(s): _____]*

[Include here a statement affirming that the information for (7) (A) and (7) (B) (i), (ii), (iii) and (iv) has been included in the narrative, and indicate the page number(s). For example, “<State> has provided an analysis on pages 5 through 10 of juvenile delinquency problems and needs in the state, including a description of services, goals and priorities, and how the state will meet these needs.”]

(8) Provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the state; *[Include here a statement affirming this requirement is met and a description of the process. For example, “<State> provides for the coordination and maximum utilization of juvenile delinquency programs, programs operated by public and provide agencies and organizations, and other related programs in the state. This occurs through quarterly meetings with stakeholders, as well as the involvement of SAG members who have connections to various programs throughout the state. SAG subcommittees involve*

representation spanning multiple departments and sectors across the state. There are cross-system collaborations in place that allow for planning and coordination through committee meetings and regional collaboration groups. Information gathered from regional and subcommittee groups is shared at the SAG meeting to consider how to incorporate into the state plan.]

- (9) Provide that not less than 75 percent of the funds available to the state under section 222 [34 U.S.C. § 11132], other than funds made available to the state advisory group under section 222(d) [34 U.S.C. § 11132(d)], whether expended directly by the state, by the unit of local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for—
[Attach budget in which relevant program categories as described in Appendix B are designated. Note: It is not a requirement that every category (A through S below) be funded.]
- (A) Community-based alternatives (including home-based alternatives) to incarceration and institutionalization, including—
- (i) For youth who need temporary placement: crisis intervention, shelter, and aftercare; and
 - (ii) For youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services;
- (B) Community-based programs and services to work with—
- (i) Parents and other family members to strengthen families, including parent self- help groups, so that juveniles may be retained in their homes;
 - (ii) Juveniles during their incarceration, and with their families, to ensure the safe return of such juveniles to their homes and to strengthen the families; and
 - (iii) Parents with limited English-speaking ability, particularly in areas where there is a large population of families with limited English-speaking ability;
- (C) Comprehensive juvenile justice and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering youth services;
- (D) Programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;
- (E) Educational programs or supportive services for delinquent or other juveniles—
- (i) To encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;
 - (ii) To provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and
 - (iii) Enhance coordination with the local schools that such juveniles would otherwise attend, to ensure that—
 - (I) The instruction that juveniles receive outside school is closely aligned with the instruction provided in school; and
 - (II) Information regarding any learning problems identified in such alternative learning situations is communicated to the schools;
- (F) Expanding the use of probation officers—

- (i) Particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and
 - (ii) To ensure that juveniles follow the terms of their probation;
- (G) Counseling, training, and mentoring programs, which may be in support of academic tutoring, vocational and technical training, and drug and violence prevention counseling, that are designed to link at-risk juveniles, juvenile offenders, or juveniles who have a parent or legal guardian who is or was incarcerated in a federal, state, or local correctional facility or who is otherwise under the jurisdiction of a federal, state, or local criminal justice system, particularly juveniles residing in low-income and high-crime areas and juveniles experiencing educational failure, with responsible individuals (such as law enforcement officials, Department of Defense personnel, individuals working with local businesses, and individuals working with community-based and faith-based organizations and agencies) who are properly screened and trained;
- (H) Programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other juveniles with disabilities;
- (I) Projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of youth;
- (J) Programs and projects designed to provide for the treatment of youth's dependence on or abuse of alcohol or other addictive or nonaddictive drugs;
- (K) Programs for positive youth development that assist delinquent and other at-risk youth in obtaining—
- (i) and structure; A sense of safety
 - (ii) belonging and membership; A sense of
 - (iii) A sense of self-worth and social contribution;
 - (iv) A sense of independence and control over one's life; and
 - (v) A sense of closeness in interpersonal relationships;
- (L) Programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—
- (i) Encourage courts to develop and implement a continuum of post adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and
 - (ii) Assist in the provision by the Administrator of information and technical assistance, including technology transfer, to states in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

- (M) Community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;
 - (N) Programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and other barriers that may prevent the complete treatment of such juveniles and the preservation of their families;
 - (O) Programs designed to prevent and to reduce hate crimes committed by juveniles;
 - (P) After-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;
 - (Q) Community-based programs that provide followup post-placement services to adjudicated juveniles, to promote successful reintegration into the community;
 - (R) Projects designed to develop and implement programs to protect the rights of juveniles affected by the juvenile justice system; and
 - (S) Programs designed to provide mental health services for incarcerated juveniles suspected to be in need of such services, including assessment, development of individualized treatment plans, and discharge plans.
- (10) Provide for the development of an adequate research, training, and evaluation capacity within the state; *[Include here a statement and description of the capacity the state has, or plans to develop to meet this requirement. For example, “<State> has developed an adequate research, training, and evaluation capacity within the state through the <Name Research Center> which is dedicated to providing high quality data, research and evaluation services to an array of entities including federal, state and local governments. In addition, the SAG has supported an evaluation of a state-funded juvenile diversion program; this evaluation has yielded useful information leading to improvements in the operations of diversion programs, including training for staff involved in those programs.”]*
- (11) Shall, in accordance with rules issued by the Administrator, provide that—*[Include here a statement affirming that the state/territory complies with this requirement, and confirmation that documentation is found in the information submitted in the compliance tool. For example, “<State> complies with this core requirement, and the documentation can be found on pages 5-7 of the information submitted in the compliance tool.”]*
- (A) Juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—
 - (i) Juveniles who are charged with or who have committed a violation of section 922(x)(2) of Title 18, United States Code, or of a similar state law;
 - (ii) Juveniles who are charged with or who have committed a violation of a valid court order; and
 - (iii) Juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the state; shall not be placed in secure detention facilities or secure correctional facilities; and
 - (B) Juveniles—
 - (i) Who are not charged with any offense; and
 - (ii) Who are—

(I) Aliens; or

(II) Alleged to be dependent, neglected, or abused, shall not be placed in secure detention facilities or secure correctional facilities;

(12) Provide that—*[Include here a statement affirming that the state/territory complies with this requirement, and confirmation that documentation was submitted in the compliance tool. For example, “<State> complies with this core requirement, and the documentation can be found on pages 7-9 of the information submitted in the compliance tool.” Also, fully complete and sign Certification form, Appendix K.]*

(A) Juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) will not be detained or confined in any institution in which they have contact with adult inmates; and

(B) There is in effect in the state a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, have been trained and certified to work with juveniles; *[Refer to Certification form, Appendix K.]*

(13) Provide that no juvenile will be detained or confined in any jail or lockup for adults except—

(A) Juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

(i) For processing or release;

(ii) While awaiting transfer to a juvenile facility; or

(iii) In which period such juveniles make a court appearance; and only if such juveniles do not have contact with adult inmates, and only if there is in effect in the state a policy that requires individuals who work with both such juveniles and adult inmates in collocated facilities have been trained and certified to work with juveniles; *[Refer to Certification form, Appendix K]*

(B) Juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays) and who are detained in a jail or lockup—

(i) In which—

(I) Such juveniles do not have contact with adult inmates; and

(II) There is in effect in the state a policy that requires individuals who work with both such juveniles and adult inmates in collocated facilities have been trained and certified to work with juveniles; and

(ii) That—

(I) Is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

(II) Is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

(III) Is located where conditions of safety exist (such as severe, adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an

appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

[Include here a statement affirming that the state/territory complies with this requirement (#13) in full, and confirmation that documentation was submitted in the compliance tool. For example, "<State> complies with this core requirement, and the documentation can be found on pages 9-11 of the information submitted in the compliance tool." Also, fully complete and sign Certification form, Appendix K.]

- (14) Provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and nonsecure facilities to ensure that the requirements of paragraphs (11), (12), and (13) are met, and for annual reporting of the results of such monitoring to the Administrator, except that such reporting requirements shall not apply in the case of a state which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraphs (11) and (12), and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively; *[Include here a statement affirming that the state/territory complies with this requirement, and confirmation that evidence was submitted in the compliance tool. For example, "<State> complies with this requirement, and the documentation can be found on pages 11-15 of the information submitted in the compliance tool."]*
- (15) Provide assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, family income, and disability; *[Include here a statement affirming that this requirement is met. For example, "<State> provides assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, family income, disability."]*
- (16) Provide assurance that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency (which approaches should include the involvement of grandparents or other extended family members when possible and appropriate, and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible); *[Include here a statement affirming that this requirement is met. For example, "<State> provides assurance that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency."]*
- (17) Provide for procedures to be established for protecting the rights of recipients of services and for ensuring appropriate privacy with regard to records relating to such services provided to any individual under the state plan; *[Include here a statement affirming that this requirement is met and a description of the process. For example, "<State> has established procedures to protect the rights of recipients of services and for ensuring appropriate privacy with regard to records relating to such services provided to any individual under the state plan. All agencies that contract with <designated state agency> are compliant with HIPAA and other relevant laws related to information sharing and privacy concerns."]*
- (18) Provide assurances that—
- (A) Any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;
- (B) Activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and
- (C) No such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved; *[Include here a statement of affirmation for all three parts: 18(A), 18(B), and 18(C). For example, "<State> affirms that*

any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee; activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved.”]

- (19) Provide for such fiscal control and fund accounting procedures necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this title; *[Include here a statement of concurrence, and submit the financial management and internal controls questionnaire. (All applicants—other than an individual—are to download, complete, sign and submit this [form](#).) For example, “<State> has strong internal fiscal controls and fund accounting procedures necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this title. The Financial Management and Internal Controls questionnaire has been completed and signed by the Financial Point of Contact and is attached.”]*
- (20) Provide reasonable assurance that federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant) the level of the state, local, and other nonfederal funds that would in the absence of such federal funds be made available for the programs described in this part, and will in no event replace such state, local, and other nonfederal funds; *[Include here a statement affirming that this requirement is met. For example, “<State> assures that federal funds made available under this part will be used to supplement and increase (but not supplant) the level of the state, local, and other nonfederal funds that would be used in the absence of such federal funds made available for these programs, and will in no event replace such state, local, and other nonfederal funds.”]*
- (21) Provide that the state agency designated under paragraph (1) will—
- (A) To the extent practicable give priority in funding to programs and activities that are based on rigorous, systematic, and objective research that is scientifically based; *[Include here a statement affirming that this requirement is met and a description. For example, “<State> will give priority to the extent practicable in funding programs and activities that are based on rigorous, systematic, and objective research that is scientifically based. <State agency> is prioritizing dissemination of evidence-based practices by supporting training and technical assistance for agency staff and service providers. Some projects include evaluation components; others include programmatic fidelity requirements.”]*
- (B) From time to time, but not less than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of state and local needs, that it considers necessary; and *[Include here a statement that this has been addressed in the application as described on the referenced pages, and will be addressed in the plan updates, annual progress reports and DCTAT. For example, “<State’s> crime data section provides an analysis of juvenile crime for the years 2014-2016, showing declines in indicators of delinquent activity among juveniles at state and local levels. Effectiveness of funded programs is reviewed annually by the SAG and used to inform continuation funding decisions. This will also be addressed in the annual progress report and Performance Measurement Tool (PMT). Refer to page(s): 5-8 and 13.”]*
- (C) Not expend funds to carry out a program if the recipient of funds who carried out such program during the preceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted by such recipient to the state agency; *[Include here a statement affirming that this requirement is met, with an explanation of the process for subgranting and assessing performance. For example, “<State> affirms that funds will not be provided to carry out a program if the recipient of funds has failed during the preceding 2-year period to demonstrate, before the expiration of the 2-year period, that the program achieved substantial success in achieving the specified goals.”]*

Programs submit quarterly progress reports. When subaward applications are reviewed, prior program performance is considered as one of the factors for funding.”]

(22) Address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system; *[Include here a statement affirming that the state/territory complies with this requirement, and confirmation that documentation is found in the information submitted in the compliance tool. For example, “<State> complies with this core requirement, and the documentation can be found on pages 2-4 of the information submitted in the compliance tool.”]*

(23) Provide that if a juvenile is taken into custody for violating a valid court order related to his/her status as a juvenile issued for committing a status offense

(A) An appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

(B) Not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

(C) Not later than 48 hours during which such juvenile is so held—

(i) Such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

(ii) Such court shall conduct a hearing to determine—

(I) Whether there is reasonable cause to believe that such juvenile violated such order; and

(II) The appropriate placement of such juvenile pending disposition of the violation alleged; —

[Include here a statement indicating whether the state uses the VCO exception and if so, affirming that the applicant complies with this requirement, and confirmation that documentation is found in the information submitted in the compliance tool. For example, “<State> complies with this requirement, and the documentation can be found on pages 11-12 of the information submitted in the compliance tool.”]

(24) Provide an assurance that if the state receives under section 222 [34 U.S.C. § 11132] for any fiscal year an amount that exceeds 105 percent of the amount the state received under such section for fiscal year 2000, all of such excess shall be expended through or for programs that are part of a comprehensive and coordinated community system of services; *[Refer here for a chart of FY 2000 Formula Grant distribution amounts. Include here a statement affirming that this requirement is met. For example, “<State> affirms that if the state receives an amount that exceeds 105 percent of the amount received under this section in FY 2000, all such excess would be expended through or for programs as part of a comprehensive and coordinated community system of services. <State> has compared the amount received in FY 2000 (list amount - \$XXXX) with the amount to be received in FY 2018 (list amount - \$XXXX), and the FY 2018 amount does not exceed 105 percent of the FY 2000 amount.”]*

(25) Specify a percentage (if any), not to exceed 5 percent, of funds received by the state under section 222 [34 U.S.C. § 11132] (other than funds made available to the state advisory group under section 222(d) [34 U.S.C. § 11132(d)]) that the state will reserve for expenditure by the state to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units; *[Specify a percentage, from 0 to 5%. Fill in percentage here: ____ %. (Note: States are not required to spend funds for this purpose.)]*

(26) Provide that the state, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the

jurisdiction of such court will be made known to such court; *[Include here a statement affirming that this requirement is met,, with a description of the process. For example, “<State> affirms that, to the maximum extent practicable, a system has been implemented to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to that juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court. <Name of system> is a statewide system automating services in Child Welfare and the Division of Youth Corrections; this project streamlined record keeping and service delivery through new hardware and software in all of <State’s> counties, regions, and facilities. Local detention screeners are able to query the database and determine whether the juvenile or the family is involved in a child welfare case and provide relevant information to the court for establishing a pre-trial release and treatment plan. A second database which contains all court records is housed in the Judicial Department and is accessible to all judges, magistrates and probation offices.]*

(27) Establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing and implementing treatment plans for juvenile offenders; *[Include here a statement affirming that this requirement is met, with a description of the process of how the state/territory has or will work to establish these policies and systems. For example, “<State> affirms that policies and systems have been established to incorporate relevant child protective services records into juvenile justice records for purposes of establishing and implementing treatment plans for juvenile offenders. <State> law requires that the child protective services team is to report all “services required” findings to the <State> Juvenile Court. <State> law makes abuse and neglect records available to the court. Child welfare data is entered into the juvenile court’s database and is included as part of the child’s record. Thus, juvenile court records, whether related to juvenile justice or child welfare systems, are in a combined file, and child welfare record information is made known to the court. <State> law requires that all evidence be presented at disposition, allowing child protection services records to be part of a delinquency proceeding. This information is also included as part of the court history information that is provided to custodial agencies for a youth’s treatment plan.”]*

(28) Provide assurances that juvenile offenders whose placement is funded through section 472 of the Social Security Act (42 U.S.C. 672) receive the protections specified in section 471 of such Act (42 U.S.C. 671), including a case plan and case plan review as defined in section 475 of such Act (42 U.S.C. 675). *[Include here a statement affirming that this requirement is met. For example, “<State> assures that juvenile offenders whose placement is funded through section 472 of the Social Security Act (42 U.S.C. 672) receive the protections specified in section 471 of such Act (42 U.S.C. 671), including a case plan and case plan review as defined in section 475 of such Act (42 U.S.C. 675).”]*