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**Before the House Appropriations Subcommittee on**  
**Commerce, Justice, Science and Related Agencies**  
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Chairman Mollohan, Ranking Member Wolf, and Members of the Subcommittee, on behalf of over five million members of the National Parent Teacher Association (PTA), I welcome the opportunity to appear before you to discuss the Fiscal Year 2010 appropriations for federal juvenile justice programs. The National PTA urges the Subcommittee to consider the following recommendations to improve our country's juvenile justice and delinquency prevention programs, which are administered by the Office of Juvenile Justice and Delinquency (OJJDP) within the Department of Justice:

- 1) Restore the **Title V Incentive Grants for Local Delinquency Prevention** program to its FY 02 level of **\$95 million**, with few or no earmarks in FY 2010.
- 2) Restore funding for the **Title II State Formula grants** to the FY 02 level of **\$89 million**.
- 3) Fund the **Juvenile Accountability Block Grant (JABG)** at the FY 02 level of **\$250 million** in FY 2010.

Both the PTA and I have a real connection to juvenile justice issues. As the oldest and largest volunteer child advocacy association in the United States, PTA's legacy of influencing federal policy to protect the education, health, and overall well-being of children has made an indelible impact on the lives of millions of children and families. This legacy includes the creation of a juvenile justice system, as well as the institution of kindergarten classes, child labor laws, and mandatory immunizations for school children.

I have had the opportunity to work with youth and families involved in the juvenile justice system for over a decade, serving in a variety of roles, including as a teacher in juvenile correctional facilities, case manager, governor-appointed juvenile justice commissioner, and eventually, as a member of the executive management team for the D.C. Department of Youth Rehabilitation Services, a cabinet-level agency charged with implementing a major reform plan drawing from national best practices. In each of these roles, I witnessed firsthand how federal delinquency prevention and juvenile justice funds, including Title V, Title II, and JABG support programs, could meet the immediate needs of youth and families in crisis. These critical programs divert children from entering the juvenile justice system and provide evidence-based, family-focused interventions that produce positive outcomes for youth and families, while at the same time protecting public safety.

**History of PTA on Delinquency Prevention and Juvenile Justice**

Protecting the rights of children and youth in trouble has long been at the core of PTA's advocacy work. In 1899, PTA convention delegates passed their first resolution addressing the way youth were handled in the judicial system by calling for an extension of the relatively new concept of juvenile courts and probation systems. Until that time, juveniles committing even minor offenses would find themselves locked up with adult offenders.

In 1957, the PTA published *What PTA Members Should Know About Juvenile Delinquency: Guide for Action*. This booklet offered concrete courses of action for PTAs and communities to curtail the causes of juvenile delinquency. On the federal front, the PTA successfully supported legislation, signed by President Kennedy in 1961, for a program of grants for delinquency prevention projects. This Juvenile Delinquency and Youth Offenses Control Act authorized \$10 million a year for three fiscal years to support grants for pilot projects, training programs, and studies on juvenile delinquency.

Yet in the mid-1960's, despite all the effort that the PTA had put into changing the juvenile court system from one that punished youth into one that protected and rehabilitated them, there was a growing concern among advocates about the way that youth charged with offenses such as truancy or curfew violation that are based solely on their status as minors—so-called “status offenses”—were being processed. In 1967, the President's Commission on Law Enforcement and the Administration of Justice released the *Task Force Report on Juvenile Delinquency*, which found that many status offenders were housed in jails and similar secure detention facilities. The Commission recommended that status offenders be removed from secure custody, reasoning that families and community-based organizations, not penal institutions, should be responsible for these youth.

To address some of the issues highlighted by the task force, PTA partnered with the National Council of Juvenile Court Judges (NCJ CJ) after being informed that many juvenile court judges lacked the training and expertise to respond to families and children in need of services. To address this need, PTA co-sponsored four regional conferences with NCJ CJ and launched 25 statewide volunteers-in-court programs through state PTA units.

### **Incarcerating Truants Endangers Children and Threatens Public Safety**

Over the decades, our understanding of the problem of delinquency prevention and intervention has increased significantly, with new research on adolescent brain development and evaluations of evidence-based programs. Unfortunately, federal, state and local governments have ignored over 30 years of research on best practices and sound public policy, reverting back to the inappropriate use of confinement of youth who would not otherwise be involved in the justice system but for their status as a minor. Between 1985 and 2004, the total number of court petitioned juvenile status offense cases doubled. Also in that period of time, there was a 39% increase in status offense court cases and a 69% increase in truancy court cases. According to the FBI, more than 400,000 children were arrested or held in limited custody by authorities for status offenses in 2004, representing roughly 18 percent of all juvenile arrests for the year.

Research demonstrates that secure detention has a profoundly negative impact on young people's physical and mental well-being – locking up youth for non-criminal acts greatly increases their risk of victimization, abuse, and suicide. Youth are often warehoused in overcrowded, understaffed facilities that breed violence and neglect. This is not an appropriate option for any youth; but especially not for youth accused only of status offenses.

Secure detention does not resolve the factors that led to the status offense behaviors. In fact, incarcerating youth for non-criminal behaviors further impedes school engagement and family functioning. Secure confinement severely limits youth's contact with their families, creating

significant barriers to resolving family conflict and to preventing youth from skipping school. Incarcerating youth who are truant results in future school disengagement and truancy. A Department of Education study showed that 43 percent of incarcerated youth receiving remedial education services in confinement did not return to school after release, and another 16 percent enrolled in schools dropped out after only 5 months.

In addition, commingling youth who are truant with delinquent youth results in increased delinquent behaviors among non-criminal youth, increasing the odds of recidivism and further compromising public safety. Studies have shown that prior incarceration is a greater predictor of recidivism than gang membership, carrying a weapon, or poor parental relationships. Researchers at the Oregon Social Learning Center found that congregating youth together resulted in “peer deviancy training” – essentially, youth learn delinquency behaviors from youth with more serious offenses resulting in higher rates of future delinquency, violence, school difficulties, substance use, and other poor outcomes.

To address the harmful policy of incarcerating youth who are truant, the National PTA has worked to advocate for investment and improvement of programs authorized by the Juvenile Justice and Delinquency Prevention Act, which is currently up for reauthorization. PTA’s top priority for this reauthorization is to prohibit states from incarcerating youth who are truant and to support delinquency prevention programs that are funded by this subcommittee. This week, the Senate Judiciary Committee introduced S. 678, a bill that would reauthorize the Juvenile Justice and Delinquency Prevention Act and phase out the harmful practice of incarcerating children in need of services. PTA will continue to advocate for a companion bill to be introduced in the House of Representatives.

### **Investing in Children and Families: PTA’s Public Policy Recommendations**

Secure detention for youth who have not committed criminal acts is extremely costly. According to the National Juvenile Detention Association, the annual average cost per year of a detention bed – depending on geography and cost of living – ranges between \$32,000 and \$65,000 per year. Over a twenty-year period of time, operating a single detention bed costs the public between \$1.25 and \$1.5 million. With 591 juvenile detention facilities located across the country, the cost to the public is staggering. Community-based and school-based interventions have proven to be more cost-effective for status offenders. A study by Florida Tax Watch reported that the Florida Network of Youth and Family Services, which provides community-based alternatives to youth who are truant, had a 93-94% success rate, greatly reducing recidivism, preventing future system involvement, and strengthening families. The Florida Tax Watch Study indicates that preventing 10% of youth from entering the system through community-based alternatives would yield over \$10 million of cost-savings.

The federal delinquency prevention and juvenile justice programs, administered by the Office of Juvenile Justice and Delinquency Prevention at the Department of Justice, support family-focused, strength-based programs that are less costly and more effective. In fact, family-focused interventions for youth who are truant can dramatically reduce absences, substantially improve academic achievement, and increase school districts’ average daily attendance revenue. In order to prevent delinquency, reduce truancy, and strengthen families, PTA recommends the following:

- Restore the **Title V Incentive Grants for Local Delinquency Prevention** program to its FY02 level of **\$95 million**, with few or no earmarks in FY 2010. Title V funds support truancy diversion programs, afterschool programs, family strengthening initiatives, youth development programs and other critical supports for families in need of services.

- Restore funding for the **Title II State Formula grants** to the FY02 level of **\$89 million**. Title II State Formula grants provide essential support for public agencies to develop and strengthen juvenile justice systems to prevent delinquency, reduce youth crime, and meet vital protection requirements, such as keeping youth who are truant out of the corrections system.

- Fund the **Juvenile Accountability Block Grant (JABG)** at the FY02 level of **\$250 million** in FY 2010. JABG provides states and units of local government with funds to develop programs to promote greater accountability in the juvenile justice system. JABG received \$49.5 million in Fiscal Year 2007 - a significant reduction from the \$190 million that Congress appropriated in FY03 and the \$250 million appropriated in FY02 and FY01. JABG supports many family-focused, evidence-based programs such as Functional Family Therapy (FFT), Multisystemic Therapy (MST), and Multidimensional Treatment Foster Care (MTFC). These community-based programs models have been proven effective through rigorous research using high standards, including strong research design, sustained effects, and multiple site replication. FFT, MST, and MTFC have been recognized as model programs by the U.S. Surgeon General, the Office of Juvenile Justice and Delinquency Prevention at the U.S. Department of Justice, the Center for Disease Control and Prevention, and the Center for Substance Abuse Prevention.

Children arrested for non-criminal behaviors, such as truancy, are in need of family-focused, school and home-based interventions, rather than being placed in dangerous, overcrowded juvenile detention centers that expose them to youth who have been found delinquent. Title V, Title II, and JABG are essential to supporting family-based alternatives to secure care.

### **Best Practices for Truancy Reduction through Family-Based Programs**

Children who are chronically absent or truant generally are not missing school to engage in delinquent behavior. On the contrary, the majority of children miss school because their families are in crisis and lack resources to meet their most basic needs, whether that be safe, stable and affordable housing, transportation, child care, health and behavioral health care, or supports to resolve a child's learning disability. In an economy plagued by high unemployment rates and record-breaking home foreclosures, families are struggling to make ends meet. Rather than take a punitive approach to these families and children, schools and communities must provide families with the supports needed to re-engage their children in education. The following are a few examples of model programs that reduce truancy and respond to families' needs:

#### Wood County School District, West Virginia

Truancy Diversion Social Work Program (TDSW), delivered by the Children's Home Society of West Virginia through collaboration with the Alliance for Children, Inc, places a social service worker into a school to assist with truancy problems and other social and family issues disrupting student success. Launched in Mineral County, West Virginia in 1999, this successful program has proven its effectiveness with outcomes including attendance improvement, grade promotion,

and increase of positive behaviors at school and home. TDSW has produced a significant reduction of petitions filed for truancy in the county and has diverted hundreds of children from the child welfare and delinquency systems. The program received strong support from parents and school personnel as it provided assistance for students to stay in school. In fact, TDSW was so successful that the State of West Virginia and local districts scaled it up, operating in 49 of West Virginia's 55 counties. With the loss of federal juvenile justice and delinquency prevention funds and other funding streams, however, this major statewide initiative that provided services to thousands of students and families was substantially reduced to operate in only one county. Despite the lack of resources, Truancy Diversion continues to prove its effectiveness, as evidenced by the current program at VanDevender Junior High School in Parkersburg. Out of 48 students who received intensive services, 97.9% increased or maintained their daily attendance with the intervention, and 95.8% increased or maintained their GPA.

#### Shenandoah County, Virginia

The Shenandoah County Truancy Prevention Programs' goal is to reduce truancy, improve academic achievement, and strengthen truant's families' attachment to schools and communities. By utilizing case management, agency referrals, and incentive based rewards, the program reconnects youth and their families to school and reduces the number of families appearing before the court. With collaboration with businesses, police departments, schools, and community-based agencies such as CLEAN, Inc., and Northwestern Community Services. CLEAN Inc. provides a family-focused program called Connecting Teens to Parents, a six session program that focuses on strengthening families through improving communication, parenting skills, behavior management, and drug and alcohol prevention education.

#### Multi-State Initiative -Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI)

The JDAI began in five counties, with four objectives: to eliminate unnecessary secure detention, to minimize delinquent behaviors, to focus public money on alternatives to building additional detention capacity, and to improve conditions in detention facilities. JDAI worked by using objective data to determine the costs and benefits of detention, and objectively assessing the risk presented by each juvenile. JDAI also required each location to form a central group to coordinate all efforts. Three of the five counties (Cook County, IL; Multnomah County, OR, and Sacramento County, CA) completed the JDAI program, each making fundamental changes to its procedures for detaining young people, resulting in the general reduction of admissions to detention facilities and much quicker processing of cases. The JDAI model is now being implemented in more than 100 jurisdictions in 22 states. The Casey Foundation's 2008 Kids Count Essay, "A Road Map for Juvenile Justice Reform," highlighted the Juvenile Reception Center operated by Janus Youth Services in Multnomah County, Oregon, as a best practice. Youth picked up by police for truancy and other status offenses are brought to the Center for immediate crisis intervention services, 24 hours a day.

Mr. Chairman and members of the subcommittee, the PTA is deeply grateful for your leadership and support on safeguarding funding for federal juvenile justice and delinquency prevention funding. I look forward to working with the Subcommittee to protect and invest in these vital programs that support our nation's struggling families.