

Council for Equitable Youth Justice
By-Laws

Racial Equity

Juvenile Justice

Delinquency
Prevention*Adopted:* December 17, 1987*Amended:* September 1, 2000*Amended:* May 18, 2017*Amended:* February 16, 2023*Amended:* June 15, 2023*Amended:* April 18, 2024

Article I – Authorization

The Council for Equitable Youth Justice (also known as Council and hereinafter referred to as the Council) is authorized by statute pursuant to 33 V.S.A. Sec. 3302. It is further authorized by the Governor of Vermont to be Vermont's State Advisory Group (SAG) pursuant to 34 U.S.C. § 11133. [Sec. 223] working in concert with the Department of Children and Families as the designated state agency, to administer the Juvenile Justice Delinquency Prevention Act (JJDPa).

Pursuant to 33 V.S.A. § 5,, the Council may apply for and receive federal funds for activities consistent with the legislative findings pursuant to 33 V.S.A. § 5101a and the requirements of the JJRA. The Council may obtain grants for activities pursuant to 34 U.S.C. § 11133(a)(9).

Article II – Purpose

The purpose of the Council is to serve as the State advisory group for Vermont pursuant to 34 U.S.C. § 11133. The Council supports compliance with the core requirements of the JJRA and promotes an effective Vermont juvenile justice system consistent with the legislative findings under 33 V.S.A. § 5101a. The goals of the JJRA are to prevent juvenile involvement in delinquent behavior; promote public safety by encouraging accountability for acts of juvenile delinquency; and support a continuum of evidence-based or promising programs (including delinquency prevention, intervention, mental health, behavioral health and substance abuse treatment, family services, and services for children exposed to violence) that are trauma informed, reflect the science of adolescent development, and are designed to meet the needs of at-risk youth and youth who come into contact with the justice system.

Article III – Council Statutory Responsibilities

Subject to the provisions of 32 V.S.A. § 3309, the Council shall support monitoring and reporting compliance with the core requirements of the JJRA, including:

- (1) the deinstitutionalization of status offenders;
- (2) the separation of juveniles from incarcerated adults;
- (3) the removal of juveniles from adult jails and lockups; and
- (4) the reduction of racial and ethnic disparities in Vermont’s juvenile justice system.

On December 1, 2024, and every three years thereafter, the Council shall, in coordination with DCF, develop a State juvenile justice plan designed to promote an effective juvenile justice system. The plan shall be consistent with the requirements of the JJRA and the legislative findings pursuant to 33 V.S.A. § 5101a.

On January 15, 2025, and every two years thereafter, the Council shall submit a written report to the Governor, the Joint Legislative Justice Oversight Committee, and DCF describing the efforts it has made to comply with the requirements of the JJRA, including the reduction of racial disparities and improving Vermont’s juvenile justice system. The report shall include an overview of federal funds received and expended to address these purposes and recommendations to improve the juvenile justice system.

In carrying out its duties and responsibilities, the Council shall rely on all available data related to the State’s juvenile justice system and shall make efforts to include youth and family voices, particularly the voices of youth and members of their families who have been impacted by the system.

Article IV – Membership

Appointment: The Council shall consist of up to 25 members appointed by the governor with the advice and consent of the Senate for a term of three years. In the appointment of a member, consideration shall be given to the selection of persons who will adequately represent the membership requirements set forth in 34 U.S.C. § 11133 [Sec. 223].

Vacancy: In the event a vacancy occurs on the Council, the vacancy shall be filled in the same manner as the original appointment. The term of a person appointed to fill a vacancy shall terminate on the date on which the original appointment would have terminated if the vacancy had not occurred, or until such time as a new appointment has been made to fill that position. [See 33 V.S.A. § 3302(d)]

Attendance: Members are expected to attend meetings of the full Council and shall actively participate on at least one Council committee. Active Committee Participation means that members are fully engaged during committee meetings and from time-to-time volunteer to do some of the work in between meetings, e.g., research, drafting, outreach, etc. A committee chair may assign work to members as appropriate.

If a member is unable to attend a Council meeting, the member shall notify the Juvenile Justice Specialist in advance of the meeting. If the member has not participated in full Council meetings for more than four times in a 12-month period, the Executive Committee shall notify the Governor's Office about the member's lack of participation and request that the Governor consider the member's position to be vacant due to the member's lack of attendance.

Resignation: If a member notifies the Chairperson or the Juvenile Justice Specialist in writing of the member's decision to resign from the Council, the Chair or the Juvenile Justice Specialist shall forward the notification to the Governor's Office on the member's behalf.

Article V – Officers

The Council shall elect a chair, vice chair, and secretary or treasurer, or both, from its members who shall serve for one year, or until their successors are elected. [33 V.S.A. Section 3302(c)]

Annual elections shall be held at the Council's Annual Retreat.

The term of office for all officers shall be from October 1 through September 30.

The duties of the Chair include:

- a. Preside at Council meetings
- b. Ensure that Council business is transacted in accordance with these By-Laws and in a timely manner.
- c. Coordinate the communication of official Council decisions/recommendations.

The duties of the Vice-Chair shall include to fulfill the duties of the Chair as needed.

The duties of the Secretary/Treasurer shall include review the public and financial records of the Council and to assure the minutes of all meetings are properly recorded and filed.

Current position descriptions shall be maintained for all officers.

Article VI – Council Meetings

A majority of the members of the Council shall constitute a quorum. The Council shall act only by vote of a majority of its members present and voting at a meeting at which a quorum is in attendance. [33 V.S.A. Section 3302(f)]. Participation may occur via teleconference or video conference.

The Council shall meet monthly unless the membership or the Executive Committee elects to cancel a meeting. Monthly meeting may be conducted by teleconference or videoconference. In addition to regularly scheduled meetings, the chair may schedule additional meetings by teleconference or videoconference to address actions that require immediate attention.

Meetings shall be held in accordance with Vermont's Open Meeting Law. (1 V.S.A. Section 311-314). The Council shall make minutes of its meetings available to the public.

Article VII – Committees

Committees will serve the function of collecting information and will advise and recommend actions to the full Council.

There will be such standing committees as the Council determines are needed and such special committees as the Council Chair determines are needed.

The Chair, Vice-Chair, and Treasurer shall be ex-officio members of all standing committees.

The Chairs of the Council committees shall: preside at committee meetings, ensure that recommendations are prepared for the full Council, and speak for their committees at Council meetings.

Committee Participation: Council members are expected to actively participate on at least one Council committee. Committees can include community members whose knowledge and interest relate to the committee's subject matter. Participation expectations shall apply to both Council members and non-Council members. Active committee participation means that members are fully engaged during committee meetings and periodically volunteer to do some of the work in between meetings, e.g., research, drafting, outreach, etc.

If a committee member is unable to attend a committee meeting, the member shall notify the committee chairperson in advance of the meeting. When a committee member's participation in a committee has become inconsistent, the committee chair shall reach out to the committee member to discuss a plan and to resolve any issues preventing their participation. If a non-Council member's lack of participation continues after this discussion, and they have not attended committee meetings for more than four times in a 12-month period, the committee chair shall notify the Executive Committee about the member's lack of participation and assume that the member's position is vacant due to the member's lack of attendance. If a Council member's lack of participation continues and they have not attended committee meetings for more than four times in a 12-month period, the committee chair and the Executive Committee shall ask the member to select a new committee.

Committee Chair Election: Committee chairs shall be selected annually by the members of the committee at the next committee meeting after Annual Officer Elections. The Council Chair may attend and participate in the selection of the Committee Chair. The Council Chair shall notify the Council of the selection at the following monthly meeting.

The committee chairs shall participate as members of the executive committee.

Executive Committee: The executive committee shall consist of the Council officers and the committee chairs. The Council Chair shall chair the executive committee. The executive

committee shall develop the agenda for the Council meetings, determine the meeting schedule and make such other time-sensitive decisions as may be necessary for the efficient and smooth running of the Council. The Executive Committee shall notify the full council when such time-sensitive actions are taken as soon as possible.

Committee Chair Removal: If a committee chair is unable to perform their duties, the committee chair should approach the Council Chair to either formulate a plan to either resolve any issues preventing the chair from fulfilling their duties or step down as the committee chair role. Alternatively, the Council Chair may initiate this conversation. If the committee chair steps down, the Council Chair shall temporarily serve as the committee chair until the committee selects a replacement.

A committee chair may be removed from that position for cause by the Council Chair with the approval of the Executive Committee. The Council Chair or the committee chair shall discuss this with the committee as appropriate and notify the full Council of the change in leadership.

Committee Quorum and Voting Process: Each committee shall maintain a membership roster. A majority of the members of the committee shall constitute a quorum. The committee shall act only by vote of a majority of its members present and voting at a meeting at which a quorum is in attendance. Committee votes must be taken at a minimum for

1. The election of committee chair;
2. Funding proposals referred to the full Council; and
3. Official written statements from the committee referred to the full Council.

Article VIII – Conflict of Interest

The Council shall adopt a written Conflict of Interest Policy which shall be reviewed annually. The purpose of this policy is to ensure that the business of the CFCPP will be conducted in such a way that no appointee will gain a personal or pecuniary advantage from his or her decisions.

Definition. For the purposes of this policy, the following definition applies: "Conflict of interest" means a direct personal or pecuniary interest of a member, his or her spouse, household member, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending before the Council.

Grant review guidelines:

Any Council member from an agency that has submitted a grant shall not make a presentation to or serve on the reviewing committee while that grant is under consideration. That member shall not vote on any grant from that solicitation.

Prior to a grant review, each participant shall be asked to review the Conflict of Interest Policy and grant review guidelines. Where any conflict or appearance of conflict is present, the member shall recuse himself/herself from decision-making.

RFP restrictions: When the Council has an open RFP, no member shall discuss the request for bids details outside of Council meetings. If potential bidders have questions, they should be directed to the RFP website so that they can submit questions. Answers by designated contact persons will be posted for all bidders.

When the Council develops an RFP, members employed by or associated with a program that may be a potential applicant for the RFP, shall not participate in discussions related to the content of the RFP. This restriction applies only to the development of a request for proposal and does not impact the member's ability or obligation to participate in discussions related to development of other Council plans as required.

Article IX – Amendments

These By-Laws shall be amended in the same manner as other Council decisions are made.

Appendix B: Federal Statutory Responsibilities

Pursuant to 34 U.S.C. § 11133 [Sec. 223], the Council, as Vermont's State Advisory Group, shall ensure that Vermont complies with the Juvenile Justice Delinquency Prevention Act (JJDP Act) which provides as follows:

(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 described in section 5671(c)(1) of this title as the sole agency for supervising the preparation and administration of the 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;

(3) provide for an advisory group, that--

(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 1 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 3 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;

(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);

(D) shall, consistent with this subchapter--

(i) advise the State agency designated under paragraph (1) and its supervisory board; and

(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

(iii) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and

(E) may, consistent with this subchapter--

(i) advise on State supervisory board and local criminal justice advisory board composition;⁽²⁾

(ii) review progress and accomplishments of projects funded under the State plan.

(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;

(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 $66 \frac{2}{3}$ per centum of funds received by the State under section 5632 of this title, 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 5632(d) of this title, 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,⁽³⁾

(6) provide for an equitable distribution of the assistance received under section 5632 of this title within the State, including in rural areas;

(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;

(B) contain--

(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

(iii) 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;

(8) provide for 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;

(9) provide that not less than 75 percent of the funds available to the State under section 5632 of this title, other than funds made available to the State advisory group under section 5632(d) of this title, 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--

(A) community-based alternatives (including home-based alternatives) to incarceration and institutionalization including-

(i) for youth who need temporary placement: crisis intervention, shelter, and after-care; 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 the 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 or 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 are communicated to the schools;
- (F) to expand 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 of 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 or 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 youths' 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) a sense of safety and structure;
- (ii) a sense of belonging and membership;
- (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 provision⁽⁴⁾

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 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 follow-up 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;

(11) shall, in accordance with rules issued by the Administrator, provide that –

(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 -

(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 colocated facilities, have been trained and certified to work with juveniles;

(13) provide that no juvenile shall be detained or confined in any jail or lockup for adults except -

(A) juveniles who are accused of nonstatus offenses who are detained in such jail or lock-up 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 such adult inmates in colocated facilities have been trained and certified to work with juveniles;

(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 such adult inmates in colocated 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 48 hours) delay is excusable; or

(III) is located where conditions of safety exist (such as severely 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 reasonably safe travel;

(14) provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to insure that the requirements of paragraph (11), paragraph (12), and paragraph (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 paragraph (11) and paragraph (13), 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;

(15) provide assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, family income, and 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);

(17) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

(18) provide assurances that-

(A) any assistance provided under this Act will not cause the displacement (including 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;

(19) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this subchapter;

(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 non-Federal 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 non-Federal 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;

(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

(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;

(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;

(23) provide that if a juvenile is taken into custody for violating a valid court order 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 juveniles 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;

(24) provide an assurance that if the State receives under section 5632 of this title 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;

(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the State advisory group under section 222(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;

(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;

(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; and

(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).

(b) Approval by State agency

The State agency designated under subsection (a)(1) of this section, after receiving and considering the advice and recommendations of the advisory group referred to in subsection (a) of this section, shall approve the State plan and any modification thereof prior to submission to the Administrator.

(c) If a State fails to comply with any of the applicable requirements of paragraphs (11), (12), (13), and (22) of subsection (a) in any fiscal year beginning after September 30, 2001, then--

(1) subject to paragraph (2), the amount allocated to such State under section 222 for the subsequent fiscal year shall be reduced by not less than 20 percent for each such paragraph with respect to which the failure occurs, and

(2) the State shall be ineligible to receive any allocation under such section for such fiscal year unless--

(A) the State agrees to expend 50 percent of the amount allocated to the State for such fiscal year to achieve compliance with any such paragraph with respect to which the State is in noncompliance; or

(B) the Administrator determines that the State--

(i) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

(ii) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.

d) Nonsubmission or nonqualification of plan; expenditure of allotted funds; availability of reallocated funds

In the event that any State chooses not to submit a plan, fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections 3783, 3784, and 3785 of this title, determines does not meet the requirements of this section, the Administrator shall endeavor to make that State's allocation under the provisions of section 5632(a) of this title, excluding funds the Administrator shall make available to satisfy the requirement specified in section 5632(d) of this title, available to

local public and private nonprofit agencies within such State for use in carrying out activities of the kinds described in paragraphs (11), (12), (13) and (22) of subsection (a). The Administrator shall make funds which remain available after disbursements are made by the Administrator under the preceding sentence, and any other unobligated funds, available on an equitable basis and to those States that have achieved full compliance with the requirements under paragraphs (11), (12), (13) and (22) of subsection (a).

(e) Notwithstanding any other provision of law, the Administrator shall establish appropriate administrative and supervisory board membership requirements for a State agency designated under subsection (a)(1) and permit the State advisory group appointed under subsection (a)(3) to operate as the supervisory board for such agency, at the discretion of the chief executive officer of the State.

(f) Technical Assistance-

(1) In General- The Administrator shall provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under subsection (a)(3) to assist such organization to carry out the functions specified in paragraph (2).

(2) Assistance- To be eligible to receive such assistance, such organization shall agree to carry out activities that include--

(A) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups;

(B) disseminating information, data, standards, advanced techniques, and program models;

(C) reviewing Federal policies regarding juvenile justice and delinquency prevention;

(D) advising the Administrator with respect to particular functions or aspects of the work of the Office; and

(E) advising the President and Congress with regard to State perspectives on the operation of the Office and Federal legislation pertaining to juvenile justice and delinquency prevention.