



Governor's Advisory Council for Exceptional Citizens (GACEC)
516 West Lookerman St., Dover, DE 19904
302-739-4553 (voice) 302-739-6126 (fax) <http://www.gacec.delaware.gov>

MEMORANDUM

DATE: June 1, 2021

TO: The Honorable Members of the Delaware General Assembly

FROM: Ann C. Fisher, Chairperson
GACEC

RE: House Bill No. 162 DSCYF Services for Youth

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed House Bill No. 162, which will create the Juvenile Re-Entry Services Fund. This fund will allow the Department of Services for Children, Youth, and their Families (DSCYF) to award competitive grants for the targeted provision of services that have been proven effective in helping juveniles avoid contact with the criminal justice system. This legislation also allocates \$500,000 for Fiscal Year (FY) 2022 to the Fund for provision of cognitive behavioral therapy services and vocational training services. Council supports the proposed legislation; however, we would like to share the following recommendations and concerns.

First, it is unclear whether funds will be allocated past FY 2022 and any remaining monies at the end of the FY will return to the General Fund. The Fiscal Note submitted with the bill only indicates funding for FY 2022, with an "N/A" for FYs 2023 and 2024.

Over the course of the late 20th century, there has been a push to rethink how we, as a country, have considered and dealt with juvenile delinquency. In a line of U.S. Supreme Court cases, the highest court recognized that young people are inherently different from adults. Considering the social and neuroscience literature available in 2005, the Court held that sentencing a young person to death for a crime committed when they were under the age of eighteen (18) was unconstitutional. In its ruling, the Court recognized three general characteristics that separated young people from adults: (1) lack of maturity and possession of an underdeveloped sense of responsibility, which result in impetuous and ill-considered actions and decisions; (2) more vulnerable and susceptible to negative influences and outside pressures; and (3) early stages of

character development. Because of these, and other characteristics, youth are considered much more able to be rehabilitated than adults are; a developing brain is different from a developed brain.

Although it would be preferable for our communities if we could establish programs that would prevent, or at least reduce, the opportunities for young people to come in contact with the juvenile justice system, the next best option is a focus on preventing, or reducing, subsequent contacts with the juvenile justice system. That is to say, it would be preferable to review why young people come into contact with the juvenile justice system in the first place and tackle those problems – such as expulsion or suspension from school. But that does not diminish the importance of establishing reentry programs that are evidence-based with proven efficacy.

HB 162 aligns with the recommendations of Delaware Juvenile Justice Advisory Group (JJAG), a specialized committee with knowledge and expertise in juvenile justice. In its report released in March of 2019, the JJAG puts forth nine policy recommendations including, but not limited to, investing in prevention-based services for young people, potentially establishing a mentoring program, and allocating state and local resources to fund programs aimed at strengthening family units. Furthermore, JJAG notes the importance of reentry services for young people:

Consistent with the adult justice system, re-entry services and coordination are essential to aiding the successful return to the community for juveniles exiting secure detention in our state. The JJAG will continue to seek ways to improve community-based support services for youth prior to exiting Delaware facilities, and once they are in the home setting to maximize the youth's potential for success after secure detention. The JJAG recommends the further analysis of existing re-entry services for youth within the [DSCYF], and the Department of Corrections (DOC) and committing state and federal resources where applicable and available to meet the needs of the DSCYF.

Although children with disabilities are not specifically mentioned in the bill, data shows that such children will likely be impacted by its passage (or failure). According to a 2015 white paper, 65-70 percent of justice-involved youth have a disability. Furthermore, in its Juvenile Justice Guide Book for Legislators focused on reentry and aftercare, the National Conference of State Legislatures reports that “[a]bout 70 percent of juveniles in the system are affected with at least one mental illness.” The number is likely similar in Delaware.

As written, HB 162 will continue the trend in Delaware toward recognizing that young people, including those with disabilities, are separate and distinct from adults. Council supports the bill, but would like to share the following recommendations, based on comments made during a committee hearing on May 12:

1. HB 162 should be written to ensure/require that the grantees use evidence-based vocational and Cognitive/Behavioral Therapy (CBT) programs.
2. HB 162 should be written to ensure/require that the grantees are adequately monitored in their provision of services to this population.
3. HB 162 should be amended to require specific reporting related to results of the programs awarded funds under this grant. Specifically, the reporting should include the number of young people served, the program implemented and the recidivism rate. As it is currently

written, it may be difficult to discern which programs/grantees are actually making a positive impact and reducing recidivism rates.

In addition to the recommendations based on comments made during the committee hearing on May 12, Council would also recommend the following:

1. Expanding the program from one year to three years to enable it to have adequate time to impact a reasonable number of youth and demonstrate positive outcomes; and
2. Include a requirement for the program to interface effectively with services and supports already in place, such as existing transition teachers and CBT services currently provided in juvenile facilities.

Lastly, Council would like to ask how the drafters of the bill arrived at the \$500,000 amount for the fund. It is likely that \$500,000 is not enough to make the type of difference we would all like to see – which could lead to a reduction in funding for subsequent years if there is a lack of positive movement.

Thank you in advance for your time and consideration of our endorsement and observations. Please feel free to contact me or Pam Weir at the GACEC office should you have any questions.