

correctional institution in which he has regular contact with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

Every juvenile who has been committed shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment.

Whenever possible, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community.

(Added Pub. L. 93-415, title V, §509, Sept. 7, 1974, 88 Stat. 1138; amended Pub. L. 103-322, title XIV, §140003, Sept. 13, 1994, 108 Stat. 2032.)

AMENDMENTS

1994—Pub. L. 103-322 inserted “, whether pursuant to an adjudication of delinquency or conviction for an offense,” after “committed” in first par.

REPEALS

Section 509 of Pub. L. 93-415, title V, Sept. 7, 1974, 88 Stat. 1138, cited as a credit to this section, was repealed by Pub. L. 115-385, title III, §307, Dec. 21, 2018, 132 Stat. 5152.

§ 5040. Support

The Attorney General may contract with any public or private agency or individual and such community-based facilities as halfway houses and foster homes for the observation and study and the custody and care of juveniles in his custody. For these purposes, the Attorney General may promulgate such regulations as are necessary and may use the appropriation for “support of United States prisoners” or such other appropriations as he may designate.

(Added Pub. L. 93-415, title V, §510, Sept. 7, 1974, 88 Stat. 1138.)

REPEALS

Section 510 of Pub. L. 93-415, title V, Sept. 7, 1974, 88 Stat. 1138, cited as a credit to this section, was repealed by Pub. L. 115-385, title III, §307, Dec. 21, 2018, 132 Stat. 5152.

[§ 5041. Repealed. Pub. L. 98-473, title II, § 214(b), Oct. 12, 1984, 98 Stat. 2014]

Section, added Pub. L. 93-415, title V, §511, Sept. 7, 1974, 88 Stat. 1138; amended Pub. L. 94-233, §11, Mar. 15, 1976, 90 Stat. 233, related to parole for juvenile delinquents.

EFFECTIVE DATE OF REPEAL

Repeal effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such repeal, with section to remain in effect for five years as to an individual who committed an offense or an act of juvenile delinquency before Nov. 1, 1987, and as to a term of imprisonment during the period described in section 235(a)(1)(B) of Pub. L. 98-473, see section 235(a)(1), (b)(1)(D) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of this title.

§ 5042. Revocation of probation

Any juvenile probationer shall be accorded notice and a hearing with counsel before his probation can be revoked.

(Added Pub. L. 93-415, title V, §512, Sept. 7, 1974, 88 Stat. 1138; amended Pub. L. 98-473, title II, §214(c), Oct. 12, 1984, 98 Stat. 2014.)

AMENDMENTS

1984—Pub. L. 98-473 struck out “parole or” before “probation” in section catchline and text, and struck out “parolee or” before “probationer” in text.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such amendment, with section as in effect prior to such amendment to remain in effect for five years as and individual who committed an offense or an act of juvenile delinquency before Nov. 1, 1987, and as to a term of imprisonment during the period described in section 235(a)(1)(B) of Pub. L. 98-473, see section 235(a)(1), (b)(1)(D) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of this title.

REPEALS

Section 512 of Pub. L. 93-415, title V, Sept. 7, 1974, 88 Stat. 1138, cited as a credit to this section, was repealed by Pub. L. 115-385, title III, §307, Dec. 21, 2018, 132 Stat. 5152.

§ 5043. Juvenile solitary confinement

(a) DEFINITIONS.—In this section—

(1) the term “covered juvenile” means—

(A) a juvenile who—

(i) is being proceeded against under this chapter for an alleged act of juvenile delinquency; or

(ii) has been adjudicated delinquent under this chapter; or

(B) a juvenile who is being proceeded against as an adult in a district court of the United States for an alleged criminal offense;

(2) the term “juvenile facility” means any facility where covered juveniles are—

(A) committed pursuant to an adjudication of delinquency under this chapter; or

(B) detained prior to disposition or conviction; and

(3) the term “room confinement” means the involuntary placement of a covered juvenile alone in a cell, room, or other area for any reason.

(b) PROHIBITION ON ROOM CONFINEMENT IN JUVENILE FACILITIES.—

(1) IN GENERAL.—The use of room confinement at a juvenile facility for discipline, punishment, retaliation, or any reason other than as a temporary response to a covered juvenile’s behavior that poses a serious and immediate risk of physical harm to any individual, including the covered juvenile, is prohibited.

(2) JUVENILES POSING RISK OF HARM.—

(A) REQUIREMENT TO USE LEAST RESTRICTIVE TECHNIQUES.—

(i) IN GENERAL.—Before a staff member of a juvenile facility places a covered juvenile in room confinement, the staff member shall attempt to use less restrictive techniques, including—

(I) talking with the covered juvenile in an attempt to de-escalate the situation; and

(II) permitting a qualified mental health professional to talk to the covered juvenile.

(ii) EXPLANATION.—If, after attempting to use less restrictive techniques as re-