David Mick, Chairperson
Christopher Francis, Vice Chairperson
Vanessa Crawford, Secretary
Montell Brown
Travis Burns
Laura F. O'Quinn
Celvin Richardson
Kayla Robinson
Neville Welch

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COMMONWEALTH *of* VIRGINIA

Board of Juvenile Justice

MEETING AGENDA

November 18, 2026
All-Virtual Public Meeting

9:30 a.m. Board Meeting

I. Call to Order and Introductions

II. All-Virtual Public Meeting Announcement
James Towey, Legislative and Regulatory Affairs Manager, Department of Juvenile Justice

III. Public Comment

IV. Consideration of March 27, 2026, Board Minutes (Pages 2-25)

V. New Business

- *Consideration of Request for Authorization to Advance Proposed Amendments to Parts I and II of the Regulation for Nonresidential Services (6VAC35-150) and Accompanying Amendments to 6VAC35-101-1180 to Proposed Stage of the Standard Regulatory Process -- Kristen Peterson, Regulatory Affairs Coordinator, Department of Juvenile Justice* **(Pages 26-60)**

- *Consideration of Request for Authorization to Submit Amendments to the Regulation Governing State Reimbursement of Local Juvenile Residential Facility Costs for Advancement to the Final Stage of the Regulatory Process -- Ken Davis, Regulatory Affairs Coordinator, Department of Juvenile Justice* **(Pages 61-103)**

- *Consideration of Request for Amendment of Policy 18-002 Use of Mechanical Restraints -- Ken Davis, Regulatory Affairs Coordinator, Department of Juvenile Justice* **(Pages 104-107)**

VI. Department of Juvenile Justice Active Grant Applications Update (Board Policy 02-006) (Pages 108-112)
Marquita D. Walker, Assistant Accounting Manager, Department of Juvenile Justice

VII. Director's Certification Actions (Pages 113-129)
Wanda Parris-Flanagan, Acting Certification Manager, Department of Juvenile Justice

VIII. Director Remarks and Board Comments

IX. Next Meeting: 2027 Schedule Pending

X. Adjournment

Regulatory Update (Pages 130-133) and the Human Research & De-identified Case Specific Data Requests Annual Report FY 2026 (Pages 134-143)

David Mick, Chairperson
Montell Brown
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COMMONWEALTH *of* VIRGINIA
Board of Juvenile Justice

DRAFT Board Minutes

March 27, 2026
Virginia Public Safety Training Center – Knox Hall

Board Members Present: Montell Brown, Travis Burns, David Mick, Celvin Richardson, Kayla Robinson, and Neville Welch.

Board Members Absent: Laura O'Quinn.

Department of Juvenile Justice (Department) Staff: Cristina Agee (Attorney General's Office), Ken Bailey, Robert (Bob) Bermingham, Jr., Marilyn Brown, Ken Davis, Michael Favale, Peter Gregory, Wendy Hoffman, Linda McWilliams, Julie Norris, Kristen Peterson, James Towey, Cassandra Sheehan (Attorney General's Office), and Lara Todd.

Several Bon Air Juvenile Correctional Center personnel attended the meeting, along with one resident and an agency K9.

Guest(s): Matthew Nwaneri (Virginia Commission on Youth).

CALL TO ORDER AND INTRODUCTIONS

Chairperson Mick called the meeting to order at 9:30 a.m. and asked for introductions.

Superintendent Angela Haule of Bon Air Juvenile Correctional Center, accompanied by a resident, introduced the Board to Ruby, the facility's therapy dog. The resident shared how meaningful Ruby's presence has been for the youth, noting that her interactions provide valuable support for the mental health of both residents and staff.

PUBLIC COMMENT

There was no public comment

CONSIDERATION OF DECEMBER 2, 2025, MEETING MINUTES

The minutes of the December 2, 2025, Board meeting were offered for approval. On motion duly made by Neville Welch and seconded by Celvin Richardson, the Board of Juvenile Justice approved the minutes as presented. All Board members present declared "aye," and the motion carried.

BOARD ORIENTATION UPDATE

James Towey, Legislative and Regulatory Affairs Manager, Department

Mr. Towey explained that the Department will organize an orientation for new members to provide an overview of the topics addressed by the Board. This session will cover regulations, policies, and certification actions, and may include presentations from the agency's subject matter experts. Members will receive education on all responsibilities overseen by the Board. The Department will work to schedule the orientation before the next meeting in June, and to save time and reduce travel costs, it will be conducted virtually. Wendy Hoffman, administrative support for the Board, will reach out to the new members to schedule the orientation.

Board Member Burns asked whether the orientation would occur during the work week or on a weekend. Mr. Towey responded that it would be held during the work week. He added that the orientation is concise, approximately an hour and a half, and conducted virtually. Board Member Welch then asked whether the orientation would be recorded for members who may be unable to participate during the week. Mr. Towey agreed that recording the session would be helpful and would also benefit new members who have not yet been appointed.

Mr. Towey also addressed Board elections. Under the Board Bylaws, officer positions consist of a chair, vice-chair, and secretary. Due to vacancies, only the chairperson position, held by David Mick, is currently filled. The Department suggested that the Board become more familiar with one another during upcoming meetings before holding elections. Elections traditionally occur at the first meeting after the start of the fiscal year, which would be the September meeting; however, Mr. Towey noted that if the Board preferred to hold elections at the current meeting or the June meeting, that would be acceptable.

Chairperson Mick then asked for input from the Board. Mr. Towey reiterated that the Board may fill officer vacancies before the first meeting of the fiscal year, but the Department recommends allowing time for members to work together and get to know each other prior to holding nominations at the September meeting. The Board agreed that waiting until the September meeting would be appropriate.

NEW BUSINESS

Request to advance amendments to Regulation Governing Juvenile Data Requests and Research Involving Human Subjects (6VAC35-170) to Final stage of the standard regulatory process

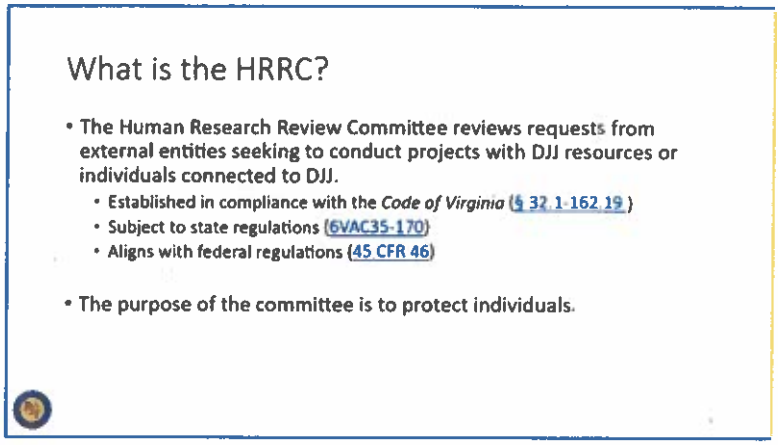
Kristen Peterson, Regulatory Coordinator, Department

Ms. Peterson introduced Peter Gregory, Senior Research Associate, to provide an overview of the human research process.

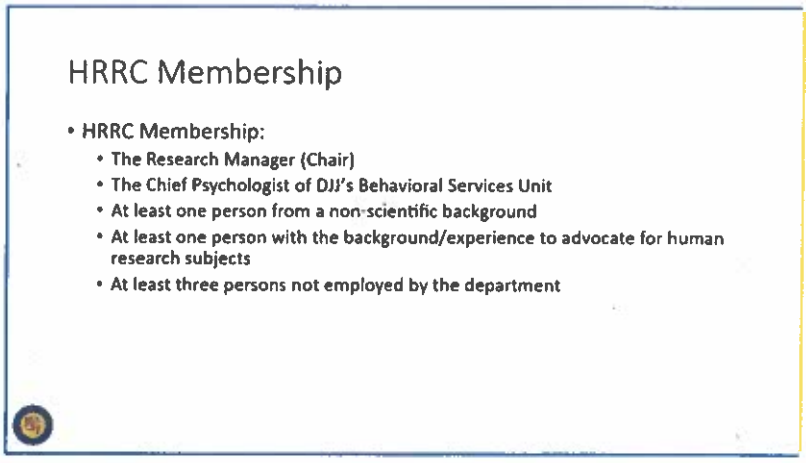
Mr. Gregory introduced himself as the coordinator of external research, who acts as the primary point of contact for individuals outside the agency who wish to conduct research involving DJJ youth, staff, or agency data. Approximately 80% of these requests come from universities, typically professors and students. Other requests may come from entities working on federally funded projects, as well as nonprofit or policy organizations.

Mr. Gregory explained that he guides applicants through the required steps and serves as the liaison between the agency and the Human Research Review Committee (HRRC).

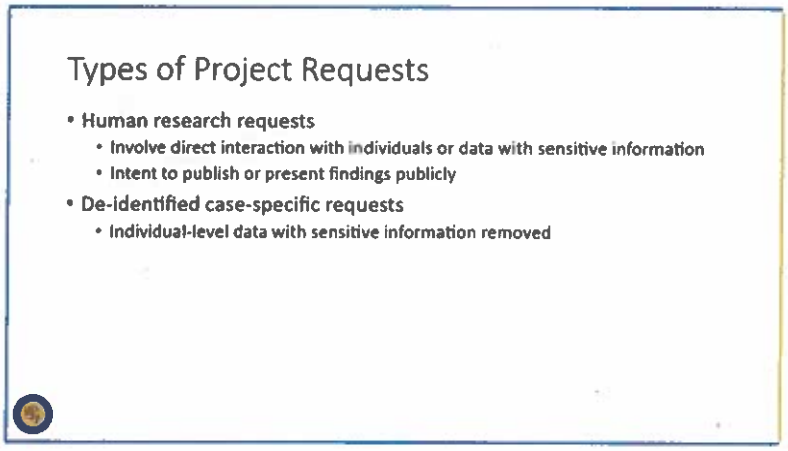
Mr. Gregory began his presentation.



The HRRC is a committee of individuals who review requests from people and organizations outside the agency who want to conduct some kind of project, either by using DJJ's data or by interacting with people connected to DJJ in some way. This could be youth, youth's families, guardians, staff, etc. The committee is established in the *Code of Virginia*, subject to state regulations, and aligns with federal regulations that govern human research. The HRRC protects the rights and welfare of individuals. For instance, federal regulations identify several vulnerable populations, including prisoners and youth, that require extra protection. The HRRC takes very seriously its responsibility to ensure that youth and youth information are protected.



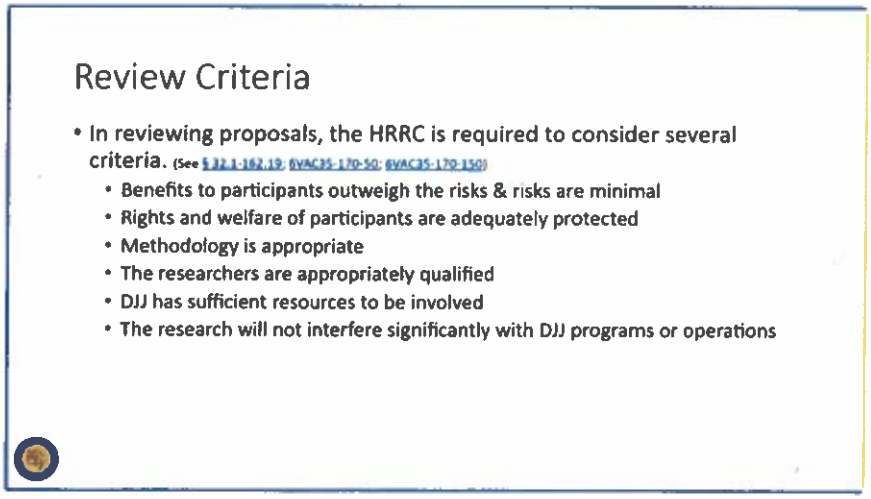
The membership list is set up to gain outside perspective and a well rounded view of proposals.

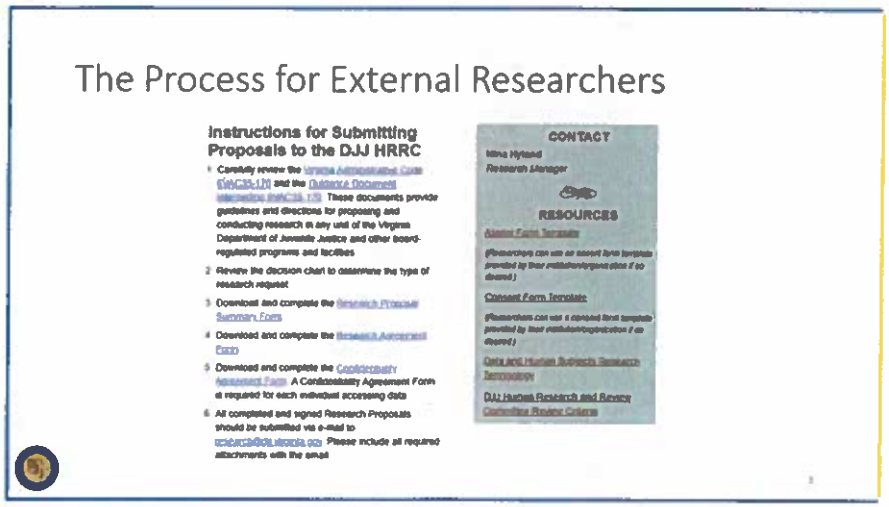


The most common type of request DJJ receives is for human research. These requests have two main components. First, researchers are seeking either to collect sensitive and identifying information (e.g., names, dates of birth, etc.) or to collect information directly from individuals through things like surveys, focus groups, or working directly with youth in agency facilities. Second, they intend to publish or make public their findings in some way such as in academic journals, conferences, etc.

The next most common type of request DJJ receives is de-identified case-specific data requests. These are requests for case-level DJJ data from which sensitive and identifying information have been removed. Case-level information is associated with a specific individual. For instance, imagine a youth, with a row of data specific to them, such as intake date and offense information. Sensitive information like name, date of birth, social security number, and contact information are removed from these kinds of requests. A typical example of a project would be a focus on recidivism rates. Often, researchers are interested in what kind of programs or projects lead to recidivism.

There are other types of requests, but human research and de-identified case-specific requests make up 95% of the requests received.

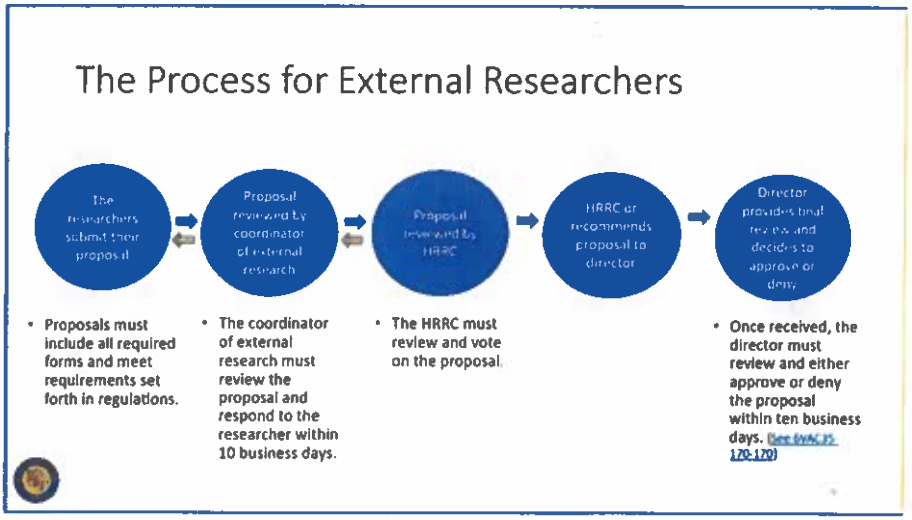




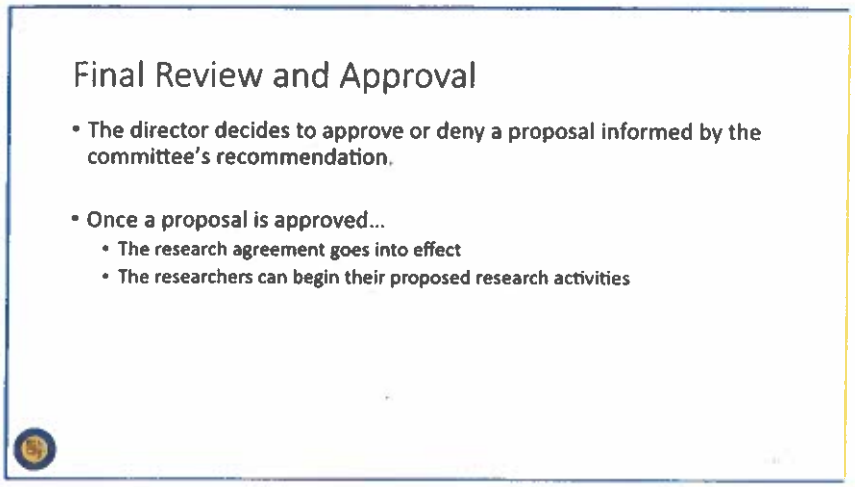
External researchers begin the proposal process by visiting DJJ's website, where the process is explained in detail.

As a first step, researchers are instructed to review the general requirements for research proposals. A link is provided to the Administrative Code and to a guidance document to help navigate the steps. The website provides access to all necessary forms for the proposal process. There is a detailed research proposal summary form on what the researcher wants to do with the information being requested, how they plan to keep the data and information safe, and how they plan to protect the rights of individuals involved.

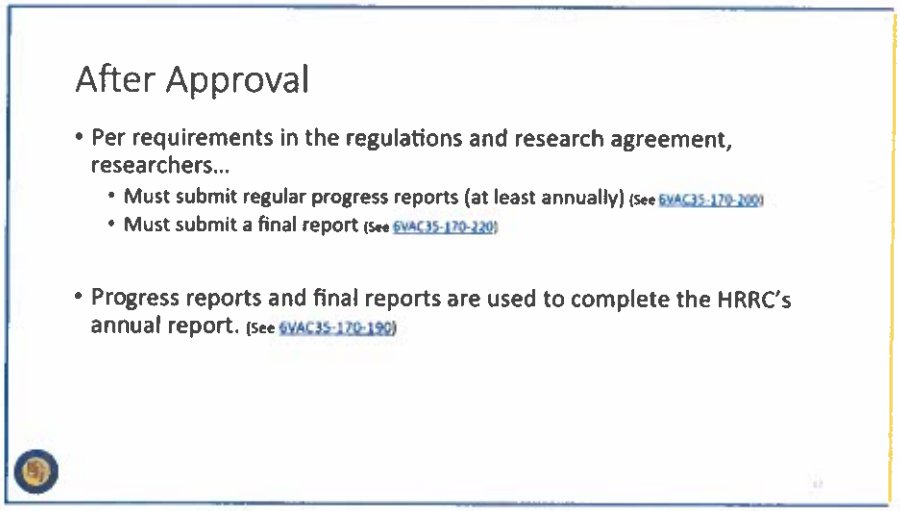
There is also the research agreement form, which serves as a contract between the researcher and DJJ, and the confidentiality agreement form, which is another element of the contract, where, the researcher promises to be careful with the data the Department will provide.



Once the forms are completed, the researchers send them to Mr. Gregory, who reviews them to make sure everything is complete, that the regulations have been followed, and that everything looks good. This information is then sent to the entire HRRC, which is the first time more than one person has reviewed the proposal. If the committee has questions, they are discussed and then the committee either passes the proposed request on to the Director for approval, or sends the proposal back to the researcher to let them know the committee has questions or concerns.



If the committee does not send the proposal back to the researcher, it goes to the Director for final review, who has 10 business days to approve or deny the proposal. The Director is provided with a summary of what the researcher wants to do and whether the HRRC thinks it is a good or bad idea.



Once the proposal is approved, the research agreement goes into effect, and the researcher can begin their proposed research activities. Throughout their activities, researchers must adhere to the regulations and the terms of the research agreement. This includes submission of regular progress reports to the coordinator of external research. Typically, those reports are required annually but they can be required on a more frequent basis at the Department's discretion.

Once the researcher concludes their research activities, they must submit a report that summarizes their research and findings. This report must also detail possible improvements to DJJ's programs or processes, plus provide actual action steps to realize those improvements. This is to help ensure these research projects lead to the anticipated benefits, and once these materials are received, the project is closed. Progress reports and final reports are used to update the HRRC's annual report detailing HRRC activities and projects approved or active during the previous fiscal year. This report is presented to the Governor, General Assembly, Director, and Board, then posted on DJJ's website.

Chairperson Mick asked what happens if the Director is not available to sign within those ten days. Director Bermingham noted that his Chief Deputy Director has the same level of signature authority in his absence. Ms. Peterson directed the group to the definition for Director on page 23 of the packet, which

includes the Director's designee and explained that if the Director anticipates not being available, the designee can serve in that capacity.

Chairperson Mick asked what the agency's enforcement mechanism is if the researcher violates confidentiality. Ms. Peterson answered that the language in the regulation indicates if the regulated entity does not comply with the regulatory requirements, the Director has several different ways to address the noncompliance, including canceling the agreement. Chairperson Mick wanted to make sure the confidentiality agreement was strong because once that information is out, it is difficult to get it back.

Ms. Peterson thanked Mr. Gregory for his presentation and began her presentation.

The regulation is authorized by § 66-10.1 of the Code of Virginia, which directs the Board of Juvenile Justice to promulgate regulations that govern human research. Section 66-10(5) of the Code gives the Board broad authority to promulgate regulations deemed necessary to carry out the provisions of Title 66 and other laws of the Commonwealth. These provisions collectively give the Board the authority to promulgate the regulations governing juvenile data requests and research projects.

Ms. Peterson noted how important it is for the Board to understand the regulatory process when reviewing and voting on these proposed amendments. She explained that when a state agency seeks to make amendments to a regulation, repeal a regulation, or develop a new regulation, it has a number of avenues to pursue in order to accomplish that objective. Generally, the default avenue is through the standard regulatory process, which consists of three stages. The first stage is the Notice of Intended Regulatory Action (NOIRA), when public notice is given that the Board is preparing to amend a regulation or develop a new regulation. Typically, at the NOIRA stage, the public is not made aware of the proposed text but may be given the conceptual changes the Board is preparing to make.

At the second stage of the process, the Proposed Stage, the Board receives the proposed text and decides whether to adopt it. The Office of the Attorney General reviews and determines whether the Department and the Board have the authority to amend the regulation, as proposed. The Department of Planning and Budget next conducts an economic impact analysis and a policy analysis. After that, the Secretary of Public Safety and Homeland Security and the Governor's Office review the regulation. A 60-day public comment period follows, where the public has an opportunity to address any concerns they may have with the proposed amendments. After the public comment period, the regulation returns to the agency, and the Board has an opportunity to craft any additional amendments based on recommendations and concerns provided by the public.

The action completed the Proposed Stage on January 2 and received no public comments. The department now has 180 days from that date to make any additional changes to the regulation and advance it to the Final Stage of the regulatory process.

The Department is asking the Board to approve the proposed amendments, including any amendments approved at the November 2024 Board meeting and the amendments before the Board today and to advance those changes to the Final Stage of the regulatory process.

In addition, there is a guidance document intended to supplement the regulation. Regulations are established by state agencies and boards and have the force and effect of law. They are much like General

Assembly-enacted legislation in terms of their enforceability. "Guidance document" is defined in § 2.2-4101 of the Code as "any document that is developed by a state agency or its staff that provides information or guidance of general applicability to the staff or public to interpret or implement statutes or the agency's rules or regulations, excluding agency minutes or documents that pertain only to the internal management of agencies." The idea behind guidance documents is to provide additional interpretive and operational guidance beyond that set out in the regulation.

After noting his intent to ask questions and offer comments for staff to address, Board Member Welch encouraged the Board to vote no on advancing both the regulatory proposal and the accompanying guidance document.

First, he noted that it was unclear where the proposed amendments actually were in the document, given that the track changes formatting in the document does not support effective decision-making. He stated that these edits seemed to reflect internal staff work rather than a clear presentation of the proposed changes. For the Board to complete its work, he emphasized the need for a side-by-side comparison showing the current language and the proposed revisions to enable Board members to adequately understand what they are being asked to consider and approve.

Second, regarding the guidance document, Board Member Welch acknowledged that guidance documents are typically interpretive but was concerned that the proposed document appeared to function more like rulemaking. He highlighted that the document uses the word "shall" several times, and expressed uncertainty about how such deterministic language could be construed as merely interpretive. He suggested that additional work is needed to address this issue.

In addition, Board Member Welch stated that the proposed changes appear to reframe a critical distinction found in both federal law and the Virginia Code. He noted that Mr. Gregory had made it very clear that the nomenclature and naming convention of "Human Subject Research" is not only recognized in the current policy but is also aligned with terminology used in both the Virginia Code and federal regulations.

Board Member Welch expressed concern that the proposed revisions remove this title, not from the heading of the statute, where it remains, but from the substantive narrative beneath it. He remarked that it was difficult to understand how a substantive change could be made to the body of the text while the heading continues to reference Human Subject Research. He emphasized that the terminology should be consistent: if the content is no longer to be construed as Human Subject Research, then the title should not retain that label.

He further stated that replacing the term "Human Subject Research" with something more arbitrary appears intended, at least in his view, to negate the constraints that apply when conducting such research. Citing his own experience as a PhD, he underscored the importance of those constraints. Any attempt to relabel or obscure Human Subject Research, he said, should be approached with great care and seriousness.

Ms. Peterson asked to pause the discussion so she could better address several of the comments raised. She thanked Board Member Welch for his questions and noted that his close attention to the material was appreciated.

She stated that the department is willing to present the information in whatever format the Board finds most effective. If the current presentation is not helpful, the department is happy to provide a side-by-side comparison or any other format that would support clearer review. She explained that historically, this is how the Department has presented regulatory proposals, but indicated that the department is not tied to that approach and is fully open to revisiting it and making adjustments as needed.

Ms. Peterson added that page seven of the Board packet includes a memo that explains each proposed amendment in detail. She clarified that the department is not relying solely on the track-changed text; the memo is intended to summarize and clearly outline the purpose and substance of each proposed change. She emphasized that the memo was provided specifically to help Board members understand the amendments being recommended.

Board Member Welch remarked that the summary provided is not sufficient. He explained that a summary is an inference drawn from something more substantive; therefore, he could easily write his own summary if he were shown the complete underlying material. What he wants, he emphasized, is access to the actual content so the Board can understand precisely what is being proposed.

He then raised concerns about the stakeholder engagement process. He expressed confusion about how no comments were received on what he views as a very significant piece of rulemaking, especially given the involvement of agencies such as the Office of the Attorney General and the Department of Planning and Budget. He stated that he does not understand the logical relationship between this regulatory action and the Department of Planning and Budget, and asked whether someone could help clarify that connection.

Board Member Welch further noted that the Secretary of Public Safety and Homeland Security, the Governor's Office, and the public were all provided an opportunity to comment, with the proposed changes posted in the public registry for 60 days. Despite all of these avenues for input, no public comments were received, which he found perplexing.

Board Member Welch continued, expressing concern that the Departments of Criminal Justice Services, Behavioral Health and Developmental Services (DBHDS), and Social Services were not consulted, among several other agencies. In his view, these agencies have a direct and logical relationship to the work at hand; they are key stakeholders, and their input should have been sought. He stated that comments from these agencies should have been part of the process. He added that this concern extends to additional entities such as the Virginia State Police, the Department of Corrections, the Department of Education, and programs related to juvenile justice data and services. He pointed out that program evaluation frequently overlaps with school placements, reentry processes, and outcomes. Given the significance of the proposed changes, he expressed uncertainty about how the process resulted in no comments from any of these stakeholders.

Board Member Welch added that another concern is the nature of the guidance memo itself. He stated that the memo does not read like guidance to him; rather, it appears to function as something beyond that. He encouraged the Board to closely review the language.

He noted the memo's assertion that one benefit of the proposed changes is a reduction in administrative burdens. However, when Mr. Gregory described the functions and operations of the HRRC, and even in

Ms. Peterson's earlier comments, Welch struggled to identify what burden was actually being reduced. The explanations referenced agreements, checks and balances, and administrative reporting—elements that Welch still sees present in the document. He expressed confusion about how these proposed changes would lessen administrative requirements.

Board Member Welch also pointed to language stating that the 20-business-day and 30-business-day requirements had been eliminated. He searched for what would replace those timelines but did not find an alternative. Ms. Peterson responded that no replacement timelines were added; the workgroup elected to leave both the regulation and guidance document silent on deadlines. She explained that meeting those timelines, gathering information, reviewing submissions, and convening the HRRC and internal committees had proven challenging, and the work group concluded that it was not necessary to specify deadlines for these reviews.

Welch replied that this type of reasoning should be included in the decision-support materials provided to the Board. He stated that he would like to better understand the justification, as it appears that a reasonable constraint has been removed without a clear explanation.

Board Member Welch added one final point, noting that he continues to struggle with the distinction between the process-improvement pathway and the definition, or absence of a definition, of what constitutes an "approved group." He stated that he could not locate any explanation of how an approved group is categorized or which agencies or individuals fall within that definition.

Ms. Peterson asked for clarification as to whether he was referring to quality or process improvement projects. Board Member Welch responded yes. Ms. Peterson then indicated that she would need Mr. Gregory to respond to that question.

Board Member Welch emphasized that he did not need a verbal explanation at that moment; rather, the document itself should clearly articulate these definitions. The lack of such clarity further supports, in his view, the need to return the proposal for additional staff work before it advances.

Mr. Gregory responded that, regarding specifics, he would be happy to follow up. He explained that an unapproved group is simply a group that the agency does not authorize. The Department does not allow just anyone to access its data or work with its youth. Any group would need to submit a proposal outlining what they intend to do, and the Department would then evaluate the request to determine whether approval is appropriate.

Board Member Welch then asked what would happen if the coordinator of external research were on vacation or otherwise unavailable for an extended period. He questioned where the policy resides that would clearly guide whoever steps into that role in the coordinator of external research's absence.

Mr. Welch reiterated his belief that the Board should return the proposal for additional decision-support work. He noted that while this is strong work and reflects solid staff effort, he believes there is another five to ten percent of refinement needed before the Board can responsibly move the proposal forward to the next stage.

Mr. Towey responded that the Department will be conducting orientation and can address why the Department of Planning and Budget and the Secretary's Office are involved in the process.

Ms. Peterson then began by addressing the concern about the guidance document. She acknowledged that it is a fair concern. She explained that during the previous administration, guidance was issued stating that guidance documents should not include requirements. Therefore, Board Member Welch's point about the use of the word "shall" is valid. However, she noted that the Department compared the guidance document to the regulation, and to her knowledge, every statement that imposes a requirement was directly drawn from the regulatory provisions. In other words, the Department did not create new requirements in the guidance document; rather, it incorporated the existing regulatory language and added some interpretive provisions.

She further explained that the Department conducted a side-by-side review of regulations and guidance because the previous administration emphasized reducing regulatory and administrative burden. Under the administration's executive order, the Department was required to reduce its regulations by 25 percent. Although the Department ultimately was not able to meet that target due to the time and complexity involved, that directive was the original impetus for the proposed amendments. The goal was to reduce existing requirements and, in turn, decrease the administrative burden on the regulated community.

Board Member Welch stated that he understands and supports the goals of demystifying processes and improving efficiency. He emphasized that he is fully in favor of doing the right thing. However, he cautioned that there is a wrong way to do the right thing, and that the Board must remain equally committed to doing the right thing *in the right way.*

Ms. Peterson continued by addressing the comment regarding the various agencies that were not consulted, as well as the involvement of the Governor's and Secretary's offices. She explained that their involvement is required because these offices must conduct reviews at specific stages of the standard regulatory process. These review steps are mandated by the regulatory guidance the Department is required to follow. Therefore, the Governor's Office, the Secretary's Office, and other designated reviewers participate because the current process requires their involvement.

She further noted that while other agencies are certainly welcome to provide input, there is no statutory requirement that the Department reach out to them directly for this particular regulatory action. There are instances in which a direct statutory connection would require consultation with certain agencies—for example, DBHDS—but in this case, she believes there was no legislative expectation or mandate for those entities to provide feedback.

Board Member Welch stated that he understands the process, noting that he previously spent time working in Congress. He explained that when legislation is drafted, agencies such as the Congressional Budget Office are consulted to determine fiscal impact, and that he fully appreciates why certain reviews are required. However, he emphasized that when undertaking work of this nature, stakeholders are not limited solely to those explicitly identified in statute.

He stressed that staff work should take into account a broader set of stakeholders, particularly agencies like the Department of Social Services and others that are directly involved in or affected by human subject research. These entities, he said, should not be overlooked in a process of this importance.

He concluded by thanking everyone and reiterating that inclusive stakeholder engagement is essential.

Ms. Peterson asked the Chair whether the Board would like to continue with the summary.

Chairperson Mick responded that there were a couple of options. The Board could approve the regulation and advance it with the understanding that additional materials would be provided. He then asked whether, if approved, the regulation would be implemented.

Ms. Peterson explained that Board approval at this stage would authorize the Department to advance the regulation to the Final Stage of the regulatory process. Once the Board votes to move the regulation forward, it does not return to the Board.

Chairperson Mick noted that the Board also had the option to table the vote until the June 8th meeting. He asked whether delaying the vote would affect the public comment period. He added that some regulations generate significant public input.

Ms. Peterson responded that the volume of comments typically relates to the nature and significance of the issues involved. She explained that this particular regulation—and the accompanying guidance document—primarily addresses the Department's internal process for reviewing and approving proposals. While the regulation itself concerns protections for juveniles committed to the Department, much of the material is procedural.

Ms. Peterson shared that she has been involved with this regulation and its amendments since 2016. Over the past decade, the Department has sent various iterations out for public comment, and to her knowledge, the Department has not received any public comments on this chapter. She suggested this may be because stakeholders perceive it as a process-focused regulation rather than one with broad external impact. Nonetheless, she emphasized that she fully appreciates the concerns raised during today's meeting.

Chairperson Mick noted that the Board also has the option to make a motion and vote no, which would end the process. However, if the Board chooses to continue the discussion at the next meeting, it would be in the same position as today but with the benefit of the additional information requested by Mr. Welch.

Chairperson Mick then asked whether continuing the process would cause disruptions.

Ms. Peterson responded that it would delay the process. She explained that the Department has 180 days—six months from January 2—to submit the regulation for Executive Branch review. Delaying the vote may jeopardize the Department's ability to meet that deadline.

Chairperson Mick asked whether any current projects would be negatively affected by such a delay. Ms. Peterson stated no, noting that the existing regulatory provisions remain in effect until any proposed amendments take effect.

Chairperson Mick then clarified that if the Board continues discussion, Mr. Welch may email staff with questions, and if he requests additional information be presented, that would be possible.

Deputy Director Favale said he wanted to ask the Attorney General's Office for guidance, given the depth and scope of the questions raised. He noted that while the Board must be mindful of meeting requirements and avoid situations where discussions constitute a meeting, an individual Board member could, for example, meet with the research team to obtain additional information. Because of the complexity of the issues, he wanted to ensure that Board members' questions were fully addressed.

He added that such an in-depth exchange might be difficult to conduct during a formal Board meeting. If specific or highly detailed questions can be resolved through a separate discussion with staff, that could be beneficial. Any additional information obtained could still be shared with the full Board, but individual meetings might provide the best opportunity for thorough clarification. He concluded by thanking the Board.

Board Member Welch responded by thanking Deputy Director Favale. He explained that he is more than willing to submit his questions in writing and does not need a one-on-one meeting. He emphasized that his concerns are not personal or unique to him; rather, he is focused on the substance of the policy and on encouraging staff to take a careful, thorough look at ensuring the right outcomes are achieved in the right way. His goal, he said, is to support the Board as a whole in its decision-making—not just himself.

He added that statements in the materials, such as DJJ indicating it would "file the guidance changes later" and then seek approval, are troubling. He expressed that filing guidance changes at a later time, without alignment, is not acceptable.

Ms. Peterson responded to clarify. She explained that the guidance document is tied directly to the regulation. Under § 2.2-4002.1 of the Code, guidance documents must be filed with the Virginia Regulatory Town Hall, undergo a 30-day public comment period, and then take effect. Separately, the Department must also comply with the regulatory process for the regulation itself, which drives the amendments being made to the guidance document.

Because of this, the Department must carefully time when it files the guidance document to ensure that it becomes effective at the same time the regulatory amendments take effect. Ms. Peterson emphasized that DJJ is not choosing to file the guidance at any time it wishes; rather, the timing is necessary to ensure that both the regulation and the guidance document take effect contemporaneously.

Board Member Welch responded that the explanation was immaterial to his concern. He explained that the issue is this: if the Board is being asked to approve something, but does not have the final document in front of it, then the Board is being asked to make a decision today based on work that staff will complete later. Whatever that final work product is, it would not come back to the Board before being published. He noted that this is what the current language appears to indicate, and that is the heart of his concern.

Ms. Peterson replied that she apologizes if the language conveyed that impression, as it was certainly not the intent. She clarified that the guidance document, specifically the language beginning on page 37 of the Board packet through page 49, is the document that would be filed, assuming no additional changes are made. The Department is only asking for the flexibility to file it at the appropriate time so that it aligns with the regulatory schedule.

She emphasized that the Department is not seeking to alter the language of the guidance document after the Board grants approval. The Board is the final arbiter on these matters and determines what content belongs in the regulation and guidance. If the Board were to return the guidance document to the Department for revisions and changes were made, the Department would bring the revised document back to the Board for approval before moving it forward.

Ms. Peterson added that if the Board decides to continue this discussion at the next meeting, the Department would present an updated version to the Board at that time and request authorization before filing.

Commenting on Mr. Favale's earlier point, Board Member Welch said that it would be helpful if staff could develop the next draft between now and the June meeting and share it with the Board. This would give members an opportunity to review it, offer comments, and go through one or two iterations if needed. He added that by the time the Board meets in June, he would be prepared to make a decision because he would have had sufficient time to fulfill his deliberative responsibilities.

Board Member Richardson then asked about the timing between the expiration of the 180-day deadline and the next Board meeting. Ms. Peterson replied that the next meeting is scheduled for June 8, and the 180-day period began on January 2, 2026. It was then clarified that the deadline would be July 2. Ms. Peterson explained that whether the Department can meet that deadline depends on the substance and volume of the recommended changes. After the Board authorizes advancement, additional paperwork must also be completed and filed. Given these factors, meeting a July 1 or July 2 deadline may be difficult, but not impossible.

Board Member Welch said that it would be helpful if staff could prepare the next draft in a format that supports effective decision-making. Specifically, he requested a version that clearly shows the current language, the proposed changes, and the rationale or justification for each change. This would allow Board members to understand staff's reasoning without needing to call or email for clarification. He added that if Board members do have questions about the rationale or specific revisions, they could email staff individually for clarification. Following that process, he believes the Board should be in a position by June to vote without outstanding questions.

The Attorney General's representative advised that any such communication should be sent as an individual email to one person, with no additional recipients copied.

Board Member Brown stated that he does not necessarily share the reservations expressed by his colleague. He asked whether the Board could still hear the summary of what is being requested so that members can fully understand what is being proposed.

Ms. Peterson continued with her presentation of the regulatory amendments. Ms. Peterson began by explaining that the initially proposed amendments to the regulation were adopted by the Board in November 2024. These proposed amendments are either reflected by strike-through or underlining with the additional proposed changes the Department is seeking in red text. Most of the changes the Department is recommending at the Final Stage are not substantive but intended to clear up concerns found after the regulation was reviewed at the Proposed Stage.

On page 24 of the Board packet, the Department is proposing a minor change to the definition of human subject. Under the proposed amendments the Department has already adopted, the definition was intended to also include family members or guardians of the person who has been recruited for research. The way the language is currently drafted, this was not clear, and a minor modification was made to that provision.

In addition, the department is seeking to change the definition of quality or process improvement projects. These are projects designed to monitor, analyze, or improve the indicators of quality in service of a specific program without intentions of sharing the information beyond the researcher, the provider, and certain other individuals or groups that are specified by the Department. This is the definition the Board adopted at the Proposed Stage. The Department sought to clarify that case-specific data requests and human research proposals are separate and do not fall under the quality or process improvement project description. Today, the department is seeking, an additional minor change to clarify, based on the Registrar of Regulations Office (Registrar's Office) recommendations, that the Department is not trying to impose a requirement, because definitions are not allowed to have requirements.

The department is also seeking a few changes to the definitions in the guidance document. The definition of quality or process improvement projects is being amended in the same way as in the regulatory provision. Also, the proposal removes the definition for nontherapeutic research. That term is currently defined and used elsewhere in the regulation, but because several provisions in the regulation were modified, the terminology is no longer needed. At the Proposed Stage that language was taken out and should be removed from the guidance document as well.

Other changes the department is requesting include modifying the definition of "written" to comply with the Registrar's Office recommendations and making a few style edits to two definitions in the guidance document for "human research" and "informed consent."

At the Proposed Stage, the department adopted an Applicability section seeking to identify and clarify the scope of the regulation and the types of projects to which the regulation will apply. The proposal corrects a minor typo in the provision and the guidance document.

Page 25 of the Board packet, Section 17, makes minor changes to utilize terminology recommended by the Registrar's Office.

Section 20 addresses the general requirements for external researchers. Under the existing regulation, if an individual does not have all the requisite academic experience and other required credentials, they may be directly managed by a person with those credentials and still serve as external project lead. At the Proposed Stage, the language giving them that authorization was removed.

In addition, at the Proposed Stage, the language imposed oversight responsibilities on the external project lead, and rather than enumerating those specific responsibilities, the language was changed to require them to ensure all mandates in the regulation are satisfied.

At this stage, the department is recommending that language on the external project lead's duties noted in the guidance document, move to its own separate section (Page 54 of Board packet). The new section

will address their general responsibilities. This language was already in the guidance document, but in a different place.

Section 60 was amended at the Proposed Stage to address the submission requirements for the confidentiality form, the data and research proposal, and the data and research agreement. At the Proposed Stage, the Department sought to make it clear which types of forms apply to which types of projects. One of the amendments (page 27 of the Board packet) sought to specify that in order to initiate the process for departmental review, external case specific data requests, external research or evaluation project proposals, and quality or process improvement project requests had to be submitted to the agency by completing and providing all required signatures on those three forms. At this stage, the Department is seeking to modify the reference to external research or evaluation projects, since that language was somewhat redundant and the definition contained in Section 10 captures all types of projects that could be submitted.

Under the existing regulation, a provision in Section 65 addresses external case specific data requests where an individual is seeking de-identified information. The requirements for the research agreement are contained in Section 65. The Department would like to move that language to Section 60 to make clear that the research agreement needs to be included and applied for every type of research project.

Language in section 65 currently provides that if a data request involves human research, a schedule of progress reports must be developed in consultation with the HRRC. Now that this language has been moved to Section 60, it addresses all types of projects, and not just external case specific data requests. The language regarding schedules for progress reports is no longer needed, and at this stage, the department is recommending removing it.

The department has also identified a minor inconsistency in Section 60 in the provision indicating that quality or process improvement projects cannot begin until the research agreement is signed by the director. Because of the nature of such projects, Section 125 provides that the director does not need to review quality or process improvement projects and they can be reviewed and agreed upon by the chair of the HRRC. The language in Section 125 and Section 60 is conflicting, and at this stage, the department is recommending a change to Section 60 to align with the language in Section 125.

Section 65 addresses identifiers and sensitive data. Under the existing regulation, there are nine identifiers deemed sensitive that the Department is required to remove from any data set before they send that information out to the data requesters. Language that was adopted at the Proposed Stage (also in the guidance document) indicates that, in addition to those identifiers, the Department has discretion to name some additional identifiers that can be deemed sensitive and, therefore, must be redacted from that data distribution before it is provided to the data requesters. One of the categories of additional identifiers are dates relevant to the juvenile's offense or placement, such as dates of admission or release. One concern about this language is that it could lead to an inference that this applies exclusively to direct care commitments and not to all types of juvenile encounters with court services. The Department collects data in all those instances and is seeking to modify the language to make that minor change.

In Sections 65 and 67, the department is recommending minor changes to the provisions addressing requests submitted through data trusts and the Virginia Longitudinal Data System. These are systems that allow for data sharing for certain individuals or entities who have access to such systems. The proposal corrects a drafting error and follows the recommendations of the Registrar's Style Manual.

Under the existing provision in Section 140, the HRRC has 30 business days to review a human research proposal and send it to the director. At the Proposed Stage, a change was recommended to remove that requirement, as well as the 20-day requirement for the internal committee when reviewing external case-specific data requests. The department recommended this change to ensure the committee could meet and have enough time to review the information. The deadlines presented a significant challenge, but in removing the language, the Department neglected to change the heading. Because the proposed provision now only addresses minor amendments to the process, the department is recommending a change in the catchline to reflect these amendments.

At this stage, the department is also seeking a minor change to the guidance document on page 67 of the Board packet. Under the existing provisions, if a substantive revision is made to a research proposal or human research proposal, the researcher must start the process over again. If nonsubstantive changes, the HRRC may conduct an expedited review if its chair provides written approval. The Department wanted to make it clear that, for changes to a project that the director has already approved, the only time the director does not have to approve the changes is for nonsubstantive changes subject to an expedited review.

Provisions in part three of the guidance document focus on departmental review of human research proposals. The current guidance document sets out a screening process that the coordinator of external research must conduct before sending the information to the HRRC. One of the required considerations is whether the proposal supports DJJ's mission and goals. This is an area the Department sought to remove from the regulation at the Proposed Stage but failed to remove from the guidance document.

In addition, on page 64 of the Board packet, the Department is also seeking a minor change to the language in the existing guidance document that suggests the coordinator of external research's review of the research proposal amounts to a final approval. The coordinator of external research is, in fact, screening the proposal before they determine whether it should move forward to the HRRC.

Section 180 covers the annual review of human research activities. The current regulation requires the HRRC to conduct an annual review of each human research proposal. At the Proposed Stage, the Department sought to expand the requirements for review to not only include human research proposals, but all other ongoing research activities. The department is now recommending a minor change to the section heading to reflect it.

At this stage, the Department is also seeking to clarify that the term "ongoing projects", means those projects within the purview of the HRRC. The HRRC would not be able to conduct annual reviews of items outside of its purview.

Ms. Peterson closed the presentation by explaining that most of the changes made at the Proposed Stage were substantive, while changes discussed at this meeting for advancement to the Final Stage will not have a significant impact on the regulation or guidance document. Ms. Peterson then invited the Board to ask questions. Board Member Burns asked whether a juvenile's citizenship status is considered an identifier. Ms. Peterson referred the question to Mr. Gregory, who explained that, based on his experience, such data is not shared. He noted this is primarily due to data quality concerns and because it is not typically requested.

Board Member Welch then asked why the HRRC serves as the approving authority for nonhuman research. Mr. Gregory clarified that for quality improvement projects specifically, the HRRC itself is not the approving body; rather, the HRRC Chair determines whether a project falls under that category. Board Member Welch referenced examples such as Green Belt projects and questioned why such activities would fall under HRRC's purview. Mr. Gregory responded that even these types of quality improvement projects may involve interaction with individuals in Department facilities, and therefore some level of review is needed to ensure the rights and welfare of those individuals are protected.

Chairperson Mick tried to remember Robert's Rules of Order and explained that there might be a substitute motion to continue 6VAC35-170 to the next Board meeting. Chairperson Mick noted that the original, proposed motion would be read, and if there was a substitute motion to continue, then the Board would vote on that substitute motion. If the Board voted yes on the substitute motion, the Board would continue discussion of 6VAC35-170 to the next Board meeting; if the Board voted no on the substitute motion, then the Board would revert to the original proposed motion. Chairperson Mick moved the Board of Juvenile Justice approve the proposed amendments to the Regulation Governing Juvenile Data Requests and Research Involving Human Subjects (6VAC35-170) presented at the March 27, 2026, meeting including any modifications agreed upon by the Board, and authorized the Department to advance the action to the Final Stage of the Standard Regulatory Process. Board Member Brown seconded the motion. Chairperson Mick asked if there was a substitute motion. Board Member Welch moved that the items on the agenda 5A and 5B be deferred or tabled to the next meeting. Chairperson Mick interrupted and said only one motion could be advanced at a time. First, the Board considered 5A and then 5B. Chairperson Mick said the substitute motion would be to continue item 5A to the June meeting. Board Member Welch said that is my substitute motion. Chairperson Mick asked for a second to the motion. There was none. Chairperson Mick said the Board would not move on that substitute motion and the original proposed motion, moved by Chairperson Mick and seconded by Mr. Brown, came up for vote.

On motion duly made by David Mick and seconded by Montell Brown the Board of Juvenile Justice approved the proposed amendments to the Regulation Governing Juvenile Data Requests and Research Involving Human Subjects (6VAC35-170) presented at the March 27, 2026, meeting including any modifications agreed upon by the Board, and authorized the Department to advance the action to the Final Stage of the Standard Regulatory Process. Board Member Welch opposed the motion; however, a majority of the Board members present declared "aye," and the motion carried.

On motion duly made by David Mick and seconded by Montell Brown, the Board of Juvenile Justice approved the proposed amendments to the Guidance Document Interpreting 6VAC35-170, Review and Approval of Data Requests and Research Proposals, presented at the March 27, 2026, meeting, including any modifications agreed upon by the Board, and authorized the Department to file the amendments at the appropriate time in accordance with the guidance document process in § 2.2-4002.1 of the Code of Virginia. Board Member Welch opposed the motion; however, a majority of the Board members present declared "aye," and the motion carried.

Director Certification Actions

Ken Bailey, Certification Manager, Department of Juvenile Justice

Mr. Bailey introduced himself as the Certification Manager for the past twenty-seven years, who has worked with juvenile justice for 56 years. He then provided the following information regarding certification actions:

The Certification Unit staff are knowledgeable in areas of probation and parole, intake services, functions of the court service units, residential programs, detention homes, group homes, and correctional centers. The audit team uses regulations to gather information needed by the Director to decide on the certification of these programs and whether they comply with their regulatory requirements. Some audits cover 300 different areas, especially the residential programs. There are four certification analysts, and Dr. Christopher Moon, the medical compliance administrator. Once the unit has reached a certain number of reports needing to be certified by the Director, a virtual meeting is arranged to which program administrators from these audited facilities are invited, and the audit review and recommendation are presented to the Director for approval.

Mr. Bailey noted that these reports are being presented to the Board for informational purposes and require no board action. Mr. Bailey directed the Board to the packet containing the individual audit reports and a summary of the Director's certification actions completed between December 16, 2025, and February 27, 2025.

The *former agency director* approved the following certification actions on December 16, 2025.

- The 7th District Court Service Unit (Newport News) had a second consecutive audit of 100% compliance and received a letter of congratulations. The Director certified it to January 30, 2029.
- The audit for the 26th District Court Service Unit (Winchester) found one deficiency related to contacts made during a juvenile's commitment. The Director certified it to July 19, 2028, with continued monitoring by the Regional Program Manager.
- The Director certified Merrimac Center and Post-Dispositional Program to February 11, 2029, with a 100% compliance. In addition, the facility modified the predisposition age range from 11 to 17. They previously had ages ranging from 8 to 17. The Department no longer detains 8-year-olds, consistent with the Code of Virginia.
- The Director certified Norfolk Juvenile Detention Center and Postdispositional Program to January 13, 2029, with a letter of congratulations for 100% compliance.
- Tidewater Youth Services Apartment Living Program requested an increase in capacity from 8 to 10 residents. The Apartment Living Program serves youth who are on parole and provides an opportunity for residents to learn independent living skills while living in an actual apartment.

Director Bermingham approved the following certification actions on February 27, 2026.

- The Director certified Newport News Juvenile Detention Center and Postdispositional Program to January 9, 2029, with a letter of congratulations for 100% compliance. In addition, the facility modified the predispositional age range from 8 to 17 to 11 to 17. Mr. Bailey asked the Board to pay particular attention to the wide range of services and programs they offered in that facility (Page 88 of the Board packet).
- The Director certified Rappahannock Juvenile Detention Center and Postdispositional Program to April 12, 2029, with a letter of congratulations for 100% compliance. In addition, the facility modified the pre-disposition age range from 8 to 17 to 11 to 17.

- The Director certified the 2nd (Virginia Beach) and 8th (Hampton) District Court Service Units to March 14, 2029, with a letter of congratulations for 100% compliance. Both audits were second consecutive 100% compliance audits.
- The Director certified the 10th District Court Service Unit (Halifax) to November 30, 2028, with a letter of congratulations for 100% compliance. This was a second consecutive 100% compliance audit. This court service unit has a large geographical area and does an excellent job.
- The Director certified the 14th District Court Service Unit (Henrico) to November 30, 2028. There were two areas of noncompliance, both repeat deficiencies from the previous audit. A corrective action plan was submitted, a follow-up assessment was done by the Certification team, and the CSU was found to be in compliance with both regulations.
- The Director certified the 28th District Court Service Unit (Abingdon) to March 14, 2029, with a letter of congratulations for 100% compliance. The 28th Court Service Unit has demonstrated 100% compliance on every audit since 2001.

Board Member Brown asked what happens when a facility is in non-compliance and whether there is a timeline they must follow to correct the issues. Mr. Bailey responded that the organization would have 30 days to submit a corrective action plan and, three months from submission, the Certification team would return to the facility and review all applicable cases from the time the corrective action plan was implemented. The Certification team would perform status checks to see if the plan had been implemented and if the institution is following that plan to maintain proper compliance. This is done for all programs found to be noncompliant.

Board Member Robinson asked if facilities communicate with each other on best practices. Mr. Bailey and Director Bermingham collectively agreed that this does happen, especially with the court service units. Mr. Bailey added that Deputy Director of Community Programs Linda McWilliams does a good job meeting with the regional program managers and court service unit directors on a regular basis to communicate what is working and what is not. It is a significant data collection process, and what may work in southwest Virginia may not work for the Eastern Shore. The Certification team is cognizant of that and there is constant sharing of ideas and thoughts.

Board Member Welch asked if there was a checklist used to conduct these evaluations and whether the checklist was uniform across the entire state considering the regional uniqueness. Director Bermingham replied that the Certification team ensures the facilities meet minimum standards, particularly detention homes. Some jurisdictions have greater access to wealth and support to bring in more services or assistance to elevate what they can do in their jurisdiction. The Department wants to make sure those minimum standards are met, and the team works above and beyond to see what is working, measure it, and if necessary, correct it.

Mr. Bailey emphasized that these are regulations and are applied across the board. The same process used in Abingdon is used in Fairfax.

Board Member Burns speculated that in education, the annual school quality accreditation report is an important review and likely, the certification process is the same "big deal" for the facility administrators and staff since it shows how they are doing, and where they need improvement. Mr. Bailey responded that the certification occurs every three years, not annually but agreed, it is a matter of pride as these programs want to meet and exceed the standards.

Board Member Richardson shared that he is in his 20th year of teaching, has worked with many of the court service units, and is familiar with the accreditation process. Regarding Winchester, he asked whether they have corrected their deficiencies. Deputy Director McWilliams responded they have developed a corrective action plan, and the regional program manager performs follow-up visits to ensure their plan is implemented.

Board Member Brown asked whether, at orientation, this process would be reviewed with more detail. Mr. Bailey answered that it would.

Board Member Welch asked what happens if the analyst sees a deficiency in the checklist. Mr. Bailey said his Certification team will go into the facility and spend time with them reviewing the requirements to ensure they understand. Mr. Bailey noted that he and his team are there to help, and these visits are effective. Board Member Welch explained that doing training preemptively, may avoid the prospect of an agency not meeting their requirements and not getting a 100%. Mr. Welch discussed his experiences, in which a schedule was developed focusing on certain specific issues and so that there is a target area with the appropriate training course, and the resulting increase in the number of agencies that were getting 100% on their evaluation because of this preemptive approach. Mr. Bailey replied that the Certification team has a different approach with monitoring visits. In years where a certification audit is not done, staff will go to the facility and look at various aspects, especially medical services, physical plant, and programming. This monitoring visit gives the regulated entity a heads up that a requirement has been identified that may cause a problem during the audit, and the facility is asked to take corrective action now.

Chairperson Mick thanked Mr. Bailey and said these reports are helpful to the Board.

DIRECTOR REMARKS AND BOARD COMMENTS

Director Bermingham introduced himself to the Board, noting that he was appointed on January 17 to serve as the Director of the Department of Juvenile Justice and is approaching 40 years of experience in the juvenile justice field. He began his career as a juvenile detention worker in Fairfax County and spent 35 years with the county. Over that time, he advanced through multiple roles, with his final 12 years spent as the Court Service Unit Director.

He explained that Fairfax County operates differently from much of the state, as it is a locally operated court service unit. While not the largest area in Virginia geographically, it is extremely diverse, highly engaged, and supported by a nationally recognized school system. The community holds high expectations, making his 35-year tenure both challenging and rewarding.

After retiring, Director Bermingham briefly worked in school safety and security then shifted to national consulting, conducting probation system reviews, reform work, and dual-status youth assessments for jurisdictions across the country. He also spent about eight months in Loudoun County as the interim Director of the Department of Youth Services.

Ultimately, he received the call to serve as Director of the Department of Juvenile Justice, and he is honored to be in the role today.

Director Bermingham thanked the Board for their presence and for their willingness to serve. He emphasized that the juvenile justice system cannot function in isolation and noted that the Board has already met many dedicated individuals who have devoted their careers to this work. He highlighted that the Department has an exceptional team, committed to doing the best they can in a challenging environment.

He also shared that the Department has had substantial interaction with the Secretary of Public Safety and Homeland Security, Stanley Meador, who has shown consistent engagement and interest in the Department's work. Secretary Meador is a former FBI agent, as were Director Bermingham's father and brother, and has expressed appreciation for the Director's efforts, remarking that the federal system does not want youth involvement in the justice system. Secretary Meador has relied on the Department to educate him on youth justice services and on current issues affecting young people in Virginia.

Director Bermingham discussed how Secretary Meador has emphasized the need to repair and strengthen the juvenile justice workforce across Virginia and is requesting that the Department remain vigilant, present, and visible. In response, Director Bermingham and Chief Deputy Director Brown launched a statewide "listen and learn" campaign to meet with stakeholders, staff, and others involved in juvenile justice. They have completed visits in the southwest region and will begin sessions in northern Virginia and Hampton Roads in the coming weeks. They have met with numerous stakeholders, including the Department's Judicial Liaison Committee, the Commonwealth's Attorneys' Committee, and child advocates. These discussions have fostered strong communication, recognizing that the Department does not have all the answers and benefits greatly from external input.

Director Bermingham went on to address the major concern with the operation of Bon Air Juvenile Correctional Center. Bon Air represents just 1% of the agency's work yet receives nearly all public attention. Staff at Bon Air are dedicated, but the facility is significantly understaffed, affecting the Department's ability to consistently and effectively deliver rehabilitative services. Legislative concerns have also been raised regarding youth spending too much time in their rooms—an issue Director Bermingham agreed needs attention. However, he predicted the Board would be impressed by the commitment of staff, the quality of the educational and vocational programs, and the academic achievements of the residents.

Director Bermingham shared his and Chief Deputy Director Brown's commitment to improving the situation at Bon Air. The facility currently houses a challenging population: approximately 60% of residents are over the age of 18, many with blended sentences who may spend years in the adult correctional system after Bon Air. This makes rehabilitation more difficult, and some residents have attempted unconventional methods of escaping the facility. Director Bermingham acknowledged that hiring alone will not resolve these issues, understanding that no juvenile or adult correctional facility in Virginia or across the country is fully staffed. Instead, he surmised that the Department needs to manage the population more effectively and better support dual-sentence youth as they transition to the adult system.

Director Bermingham also mentioned that he had identified around 30 youth who had remained in the system longer than their court-ordered sentences due to behavioral issues and safety concerns. For the first time, he set an April 1 deadline for review of these cases. He has since completed 19 reviews, with 15

remaining. Because he serves as a one-man parole board for special decision cases, he meets with each youth personally to discuss their progress and future plans.

The Director also discussed the department's progress in identifying strategies to manage its population. At one time, Virginia operated six correctional centers; now, all DJJ-incarcerated youth—regardless of their background or needs—are housed in a single aging facility. This presents significant challenges for therapeutic, educational, and security staff. He shared that he and Chief Deputy Brown are revisiting earlier efforts to incentivize localities to keep youth closer to home through smaller regional facilities. Although funding was previously set aside from closed correctional centers, localities were reluctant to host such facilities. As a result, some youth were redirected to local detention centers, and the Community Placement Program was developed. The Department continues exploring ways to support and incentivize jurisdictions to keep youth within their communities.

The Director noted, however, that detention centers cannot fully replace Bon Air. They are not built for long-term stays and do not provide equivalent services, meaning Bon Air will remain an essential part of the system. Director Bermingham encouraged members to tour Bon Air, meet staff, and speak with youth and remarked on Secretary Meador's recent lunch with members of the resident advisory committee and how affected the Secretary was by their insights. When asked about the most pressing issue at the facility, the youth unanimously identified the need for more staff.

The Director then transitioned to a discussion on community programs, explaining that Deputy Director of Community Programs, Linda McWilliams oversees 32 Court Service Units statewide. The Department is examining whether youth are being diverted at appropriate levels, whether families are receiving adequate support, and how well victim rights are being protected. Director Bermingham also stressed the importance of restorative justice, drawing on his experience in the Fairfax Court Service Unit.

He closed by saying that he and Chief Deputy Director Brown have an ambitious agenda for the next four years.

Chairperson Mick thanked Director Bermingham, acknowledging the difficulty of the work and expressing appreciation for his leadership.

Board Member Burns noted that he would prefer to visit sites for meeting locations, rather than meet at the Virginia Public Safety Training Center, in order to see some of the facilities the Board will deal with during their work.

Chairperson Mick stated that one of the most valuable experiences the Board has had in the past is visiting the facility. He noted that Board members would be amazed at the work staff are doing, including the forklift simulators and certification programs, and strongly encouraged future visits.

He referenced data presented at a Board meeting a few years ago that highlighted the complex challenges faced by youth in direct care. Using 2024 figures, six key factors were examined: • 57% experienced parental incarceration • 60% had exposure to parental criminal violence • 44% lived with parental substance abuse • 6.4% experienced parental abandonment • 9.6% experienced the death of a parent • 22.6% were exposed to domestic violence in the home.

Overall, 76.5% of youth committed to direct care reported at least one of these factors, and 42% reported three or more. Chairperson Mick emphasized that these numbers underscore the profound issues the Department is working to address and explained that when Director Bermingham says Bon Air is only 1% of the agency's operations but receives 100% of the attention, this data helps illustrate why.

Drawing on his experience as both a public defender and a prosecutor in the juvenile system, Chairperson Mick stressed that without meaningful intervention—especially for youth who do not have blended sentences—the Department risks setting them up for failure. For many of these young people, arriving at Bon Air may be the first time they have ever had access to mental health services, simply because those resources are not available in their home communities.

Board Member Welch noted that, while reviewing DJJ's website, he saw that the strategic plan was approaching its sunset and asked about the Department's intentions regarding evaluating its progress and identifying projections for the future.

Director Bermingham responded that he has reviewed the strategic plan, along with several other related documents. He explained that the Department will revisit the plan with the five deputy directors who participated in its development to assess what remains relevant, determine what needs adjustment, and identify the best path forward. While he has not yet conducted a detailed, line-by-line review, he emphasized that the strategic plan is important and plays a key role in guiding the Department's work.

NEXT MEETING
June 8, 2026 – All-Virtual Public Meeting

ADJOURNMENT
Chairperson Mick adjourned the meeting at 12:03 p.m.

Robert A. Bermingham, Jr.
Director

Marilyn G. Brown
Chief Deputy Director

COMMONWEALTH OF VIRGINIA

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TO: State Board of Juvenile Justice

FROM: Virginia Department of Juvenile Justice

SUBJECT: Request Authorization to Advance Proposed Amendments to Parts I and II of the Regulation for Nonresidential Services (6VAC35-150) and Accompanying Amendments to 6VAC35-101-1180 to Proposed Stage of the Standard Regulatory Process

DATE November 18, 2026

I. SUMMARY OF ACTION REQUESTED

The Department of Juvenile Justice (the department) respectfully asks the State Board of Juvenile Justice (board) to approve proposed amendments to the Regulation for Nonresidential Services (6VAC35-150) and accompanying amendments to 6VAC35-101-1180 for advancement to the Proposed Stage of the Standard Regulatory Process.

II. STATUTORY AND REGULATORY BACKGROUND

Section 16.1-233 directs the board to establish minimum standards for court service staff and related supportive personnel and promulgate regulations pertaining to their appointment and function "to the end that uniform services insofar as is practical, will be available to juvenile and domestic relations district courts throughout the Commonwealth." Section 16.1-235 requires DJJ to "develop and operate probation, parole, and related court services…and make such services available to juvenile and domestic relations district courts, as required by…regulations established by the board." Finally, § 16.1-309.9 directs the board to develop, promulgate, and approve standards for the development, implementation, operation, and evaluation of the range of community-based programs, services, and facilities authorized by the Virginia Juvenile Community Crime Control Act (VJCCCA). The Regulation for Nonresidential Services (6VAC35-150) carries out these statutory requirements by establishing minimum requirements for state-operated and locally operated court service units and setting out provisions for nonresidential programs utilized by the juvenile and domestic relations court, including those funded, in part, by the VJCCCA.

In accordance with the periodic review requirements in § 2.2-4007.1 of the Code, the Department conducted a periodic review of this regulatory chapter and concluded that the chapter should be amended to remove obsolete provisions, clarify language, and update requirements based on departmental changes. The department

subsequently convened a workgroup of affected stakeholders, including representatives from state-operated and locally operated court service units and internal department staff, to review the existing regulatory provisions and to propose amendments. On August 18, 2025, the Board of Juvenile Justice approved the department's request to initiate the Notice of Intended Regulatory Action (NOIRA) that would commence the standard regulatory process for amending this chapter. The NOIRA completed Executive Branch review, was published in the Virginia Register of Regulations, and underwent a 30-day public comment period, which ended on June 17, 2026, and yielded no public comments. The department now seeks to advance the amendments to the Proposed Stage of the standard regulatory process.

This chapter is divided into three parts. The first two parts contain provisions applicable to the 32 state-operated and locally operated CSUs across the Commonwealth. These units provide intake, investigations, probation, parole, case management and related services to the juvenile and domestic relations district courts and in the community. Part III applies to other nonresidential programs and services for which the CSU contracts or which are included in a local VJCCCA plan, as well as applicable programs and services operated by or contracted with a CSU. This regulatory action includes proposed amendments to Parts I and II of this chapter. Recommendations for amendments to Part III will be presented as a separate regulatory action at a later board meeting.

III. PROPOSED CHANGES

Changes to Terms, Definitions, and Scope of Chapter

The department is proposing several changes to definitions set out in Section 10 and utilized throughout this chapter for clarification and simplification, as described below:

- Eliminate the term and accompanying definition for *approved procedures*, which currently captures the several types of procedures issued by the department or individual court service units, and establish the new terms, *local CSU procedure*, and *statewide procedure* to reflect more accurately the types of procedures CSU staff are expected to follow. Add to relevant sections of the chapter, the term *local CSU procedure* (*Sections 66, 100, and 220),* or *statewide procedure* (*Sections 80, 100, and 200)* to clarify the type of procedure being referenced;
- Remove from the definitions for *behavior management* and *case records*, language that improperly incorporates approved procedures in violation of 1VAC7-10-140;
- Amend the following definitions to align with statutory or other regulatory definitions: *human research*, *variance*, and *written*;
- Replace the term *individual supervision plan* with *individual case plan* to reflect the department's current usage of the term and modify the definition to remove language that, in part, duplicates the definition for *individual service plan*;
- Remove the definition for *tamper*, as the proposed amendments eliminate that term's use in Section 355;
- Establish definitions for the following undefined terms used in existing provisions and for newly added terms: *audit team leader*, *designated CSU staff*, *physical force*, and *shelter care*;
- Separate the term *volunteer or intern* so that the definition for intern is contingent upon the individual's status as a student rather than whether the individual is being compensated. This proposed change also allows for distinct treatment among these two categories of workers;
- Remove references to *treatment*, and *rehabilitation*, in the definition of *supervision*, as these services are not necessarily part of a probation officer's supervision, and remove *intake officer* from the list of CSU staff providing supervision.

- Cite additional relevant statutes, provide more detail, and replace the reference to *informal supervision* with *monitoring* in the definition of *diversion*. The latter proposed change reflects the department's approach of monitoring juveniles on diversion plans, rather than employing all the requirements for supervision.
- Add details including, where needed, additional relevant statutory citations, to the following terms and definitions for clarification: *court service unit*, *electronic monitoring*, *individual service plan*, *mechanical restraint*; and *parole*;
- Remove unnecessary or inaccurate citations and other extraneous language in the following terms or definitions: *case record*, *court service unit*, *direct care*, *electronic monitoring*, *juvenile*, and *time-out*; and
- Amend the definitions to conform to requirements in the *Form, Style, and Procedure Manual for Publication of Virginia Regulations (Style Manual)* and make other changes for clarity or brevity.

Removal of Requirements from Documents Improperly Incorporated by Reference (DIBRs); Imposition of Requirements Outright

Several of this chapter's provisions require compliance with external, department-developed procedures or guidance. By mandating compliance with the department's procedural provisions, this language runs afoul of 1VAC7-10-140, which prohibits agencies and boards from incorporating into their regulations through a mere reference to the applicable document, their own internal documents, with some exceptions. This reliance on the department's procedural provisions also makes it more difficult for the regulated community to understand their regulatory obligations, as departmental procedures may be modified at any time by the department's director. Additionally, this incorporation allows agencies to circumvent the requirements of the Administrative Process Act by modifying whichever procedures are incorporated into the regulation without the required Executive Branch reviews and public participation. The proposal eliminates all provisions in the chapter that currently require compliance with the department's written procedures or otherwise incorporate internal department documents. The department is proposing to remove such references in sections 40, 110, 120, 140, 200, 210, 220, 260, 270, 290, 300, 336, 340, 350, 355, 390, 400, 410, 415, and 420.

Where incorporated documents contain provisions the department deems necessary to protect public health or safety, the department is recommending amendments to impose some or all such specific procedural requirements expressly. These proposed changes are summarized in the paragraph below or discussed in greater detail in other sections of this memorandum.

- ***Section 110 - Volunteers and interns***: The proposal adds the procedural language prohibiting CSUs from depending solely on volunteers to provide basic services for juveniles or provide for their safety, health, welfare, or treatment needs.

- ***Section 220 - Searches***: The proposal inserts language directing each CSU to develop a local procedure that either prohibits or allows for and specifies the circumstances for the search of individuals and personal effects.

- ***Section 355 - Electronic monitoring***: The proposal directs probation officers to ensure that juveniles placed in electronic monitoring programs and their parents or legal guardians are informed of how the monitoring technology operates and the rules associated with its use. The proposal strikes the regulatory provisions that require the development of procedures addressing the detailed criteria for placement in the

program, parental involvement, required contacts, consequences for tampering with or violating program requirements, and time limits.

- ***Section 420 - Contacts during juvenile's commitment***: The proposal specifies the frequency and manner of required contacts CSU staff must have with juveniles committed to DJJ, their parents or legal guardians, and staff at the direct care placement.

The proposal also removes from the formal list of documents incorporated by reference at the end of the chapter, the *Guidelines for Transporting Juveniles in Detention*. These Guidelines were established in 2004 pursuant to § 16.1-254 of the Code and set out rules and requirements to ensure the safe transportation of detained juveniles by local detention centers, as well as other agencies designated by the chief judge of the juvenile court. Rather than expressly incorporating the document and mandating in 6VAC35-150-260, that detained juveniles be transported in accordance with these guidelines, the proposal adds language to Section 260, pulled from the guidance document, prohibiting CSU staff from transporting juveniles in the staff's personal vehicles or leaving juveniles alone during transport. In addition, the proposal requires CSU staff responsible for driving juveniles to possess a valid driver's license or valid driver privilege card. Finally, the proposal renders CSU staff subject to the relevant requirements in § 16.1-254 of the Code regarding the transportation of detained juveniles.

Proposed Changes with Significant Impact and Special Provisions

As part of the review of this regulatory chapter, the department identified several areas that called for additional regulatory oversight and greater specificity with respect to the regulatory requirements to ensure the protection and safety of juveniles under CSU supervision and monitoring. The proposal adds or modifies the following provisions to address these gaps and provide more clarity:

- ***Section 80 - Background checks***: Subsection A of this section currently subjects persons who accept a position with, volunteer regularly or serve as interns for and will be alone with a juvenile in performing their duties, or provide contractual services directly and regularly to and will be alone with a juvenile in performing their duties for a CSU to certain specified background check requirements. These checks include a reference check, a criminal history record check, a fingerprint check with Virginia State Police and the FBI, a check of Child Protective Services' central registry, and a driving record check if driving is part of the individual's job duties. The proposal amends subsection A to remove the mandate that the individual must be alone with the juvenile to trigger the background check requirement. This change is intended to address the department's concern that inappropriate behavior and abuse can occur regardless of whether staff is alone with a juvenile, and the requirement for a background check should not be dependent on that factor. In addition, the proposal removes the reference to contractual service providers and makes conforming changes elsewhere in this section. Part III of the regulation addresses requirements specific to contractual service providers and VJCCCA programs, and the department believes requirements specific to these programs should be captured there, rather than in Part II, which, by its title, is intended to establish operating standards for CSUs. The department is currently engaged in additional discussions regarding the scope of Part III and the various provisions therein and will bring additional proposed amendments to the board as a separate regulatory action at a subsequent meeting.

  Subsection B currently allows CSUs to hire staff pending the fingerprint check results provided certain specified requirements are satisfied. The proposal expressly expands this exception to include volunteers and interns subject to the background check requirements. The department recommended this change to

align with its current interpretation of this provision. The proposal also makes a minor change to correct an erroneous statutory citation in this subsection.

Subsection C requires the unit, program, or service provider to have procedures for supervising persons not subject to subsection A's background check requirements. Subsection D indicates that the background requirements in subsection A apply to programs to which the CSU refers juveniles before the court or an intake officer, including VJCCCA programs. The proposal makes conforming changes to remove references to VJCCCA programs and service providers and to remove subsection D entirely, so that the requirements for background checks for these types of programs can be addressed solely in Part III, as discussed above. The proposal modifies the language in subsection C to require the CSU to ensure that staff, volunteers, and interns have access to statewide procedures regarding the supervision of these persons not subject to the background check requirements.

- ***Section 120 - Incident reporting***: This section currently directs staff in court service units to report those incidents "required by department procedures" and in "accordance with" those procedures. Thus, currently, to be deemed compliant with the regulation, state-operated and locally operated CSUs must follow the department's procedures as to which incidents are subject to reporting and how these incidents must be reported. This is yet another improperly incorporated document in violation of 1VAC7-10-140. The proposal resolves this issue by removing the language incorporating the department's procedure and adding express regulatory language pulled from the department's procedure that expressly identifies 11 incident categories subject to the reporting requirement, specifies which staff are subject to the reporting obligation, lists the information that must be included in the report, and clarifies to whom the report and related notifications must be made. While most of the categories of incidents subject to reporting are the same as under the existing procedural provisions, the regulatory proposal expands the incidents subject to reporting to include staff use of physical force in response to physical threats. Additionally, it modifies the requirement, as set out procedurally, to report "major arrests of juveniles involving serious charges or unusual circumstances that may attract media attention" so that the reporting obligation will now attach for juveniles currently on probation or parole when arrested for any of the offenses deemed "violent juvenile felonies" pursuant to § 16.1-269.1 B and C of the Code. These changes will eliminate any inconsistencies in applying this section and provide additional clarity. Finally, the regulatory proposal requires that the parents or legal guardians of juveniles involved in these incidents be notified, as appropriate. No similar requirements are established in the department's current procedure.

- ***Section 125 - Child abuse and neglect (*new)***: Code of Virginia § 63.2-1509 identifies certain individuals as mandatory reporters who must immediately notify the relevant local department of social services or the state's toll-free child abuse and neglect hotline when they have "reason to suspect a child is an abused or neglected child." While this current chapter contains a mechanism to ensure nonresidential service providers other than court service units are complying with this statutory mandate, there is no similar provision in place that applies to court service unit staff, even though many such positions are expressly identified as mandatory reporters in § 63.2-1509 of the Code. As such, the department is proposing to add a new Section 125 directing CSU staff, volunteers, and interns to report their suspicions of child abuse or neglect to the state department's toll-free hotline and to document that an incident occurred and the required notifications were made. Legislation enacted during the 2026 General Assembly Session will eliminate the need for information to be reported to the local DSS but will not take effect until July 1, 2027. In anticipation of this legislative change, the proposal removes the local DSS as an entity to whom

reports must be made, instead, requiring direct reporting to the state DSS's toll-free child abuse and neglect hotline.

- ***Section 200 - Safety and security***: The existing provision requires CSU staff to implement the following: (i-ii) safety and security practices for the office and for staff on field visits; and (iii) training on appropriate crisis prevention and intervention techniques for the office and field. The proposal changes the language to require the department to develop statewide procedures addressing these issues regarding safety and security practices in the office and field, as well as addressing activities to prepare for and respond to emergencies. The proposal adds a requirement that each CSU director ensure the procedures are accessible to and reviewed annually with staff. The proposal retains language requiring training on crisis prevention and intervention techniques to respond to behavior that jeopardizes staff and others' safety but specifies that such training shall occur annually.

- ***Section 210 - Physical force***: The current regulation places numerous restrictions on CSU staff employing physical force. Among the current limitations, Section 210 prohibits staff from using physical force as a punishment, permits such use only if employed as a last resort, and allows staff to use only the minimum amount of force "deemed reasonable and necessary to eliminate the imminent risk to the safety of staff or others." The proposal expands these restrictions by prohibiting such force when used with the intent to inflict injury. This change aligns with current language elsewhere in the chapter and in various other chapters of the board's regulations addressing the use of restraints in board-regulated residential facilities. Additionally, while providing meaningful guidance on the way physical force may be employed, the current provision does not address the circumstances that permit a physical force response. The proposal provides that staff may use physical force in response to physical threats, either to the CSU staff, themselves, or to others. In addition to concerns regarding the scope of a CSU staff member's authority to exercise physical force, the department also expressed concerns regarding the current reporting requirements when staff utilize physical force. Presently, these incidents require reporting to the CSU director, who must comply with the department's procedures for routing and reporting serious incidents. The proposal eliminates the requirement for procedural compliance, instead, mandating that the report be made to the appropriate level of management and listing the six categories of information that must be included in this report, in alignment with the reporting requirements for other reportable incidents. Finally, because the provision lacks any mention of training on physical force, the proposal adds a requirement that the CSU director ensure staff receive department-provided training in accordance with 6VAC35-150-200. Section 200 mandates annual staff training in appropriate crisis prevention and intervention techniques for the office and field to respond to behavior that poses a risk to the safety of staff or others.

- ***Section 295 - Availability of designated CSU staff)(*new)***: Current subsection 300 C addresses juveniles placed predispositionally (pre-D) in detention, jail, or shelter care. Among its requirements, the current provision provides that if the CSU employee was responsible for the placement and is supervising the juvenile, designated CSU staff must be available to the facility's staff 24 hours a day in case of emergencies. The department questioned why this provision applied only for predispositional placements and recommended expanding the requirement to all placements in which the CSU is providing supervision, whether the youth was placed predispositionally or postdispositionally (post-D). Thus, the proposal strikes this language from subsection 300 C and adds a new section 295 requiring the same level of availability when CSUs are supervising juveniles in pre-D and post-D residential placements, including DJJ commitments.

- ***Section 335 – Diversion:*** Because § 16.1-227 of the Code of Virginia declares as an important goal and purpose of the juvenile and domestic relations district court, the need to "divert from or within the juvenile justice system, to the extent possible, consistent with the protection of the public safety, those children who can be cared for or treated through alternative programs," the department continues to emphasize and prioritize diversion as a tool for addressing lower level juvenile offenses. Diversion is currently defined in 6VAC35-150-10 as "the provision of counseling, informal supervision, programs, or services, or a combination thereof, which is consistent with the protection of the public safety and the welfare of the juvenile as provided for in §§ 16.1-227 and 16.1-260 of the Code of Virginia. Section 335 of the regulation establishes requirements for diversion, limits the duration of the diversion period, and sets out limitations for juveniles who currently have a diversion plan in place and for whom a subsequent diversion-eligible complaint is filed. The proposal suggests several changes to clarify the provision and ensure CSUs are applying the regulatory requirements uniformly. Among the amendments, the proposal:
    - Specifies the starting point for diversion and the date on which the 120-day clock for diversion begins to run as the date the diversion agreement is executed by all required parties;
    - Provides that juveniles with an active diversion plan in place who receive a subsequent diversion-eligible complaint may have their original diversion plan extended an additional 30 days from the date the subsequent agreement is signed; and
    - Modifies the existing language that prohibits the filing of a petition regarding offenses in the original complaint after 120 days from the date of the initial referral on the original complaint to clarify that the intake officer may not file such petition for acts or offenses in the original complaint after expiration of the initial agreement.

- ***Section 336 - Social history reports***: Pursuant to § 16.1-273, juvenile and circuit courts may order an investigation predispositionally, which, in some cases may or must include a social history of the juvenile's "physical, mental, and social conditions, among other enumerated items. The board's current regulation directs that a social history report be prepared for juveniles placed on probation, committed to DJJ, placed in a post-D program for more than 30 days, or if another unit makes a written request for such report when accompanied by a court order. The regulation sets out what information must be included in the social history report. Additionally, it allows for the use of this report, along with an addendum if the existing report is less than 12 months old but requires development of a new social history if the existing report is more than 12 months old. The proposal amends this timeline to allow for the existing social history to be used if it is less than six months old and accompanied by an addendum that updates any changed information and requires a new social history report if the existing report is at least six months old or when ordered by the court. Finally, the proposal removes the existing regulatory language addressing social history reports on adults. These types of social history reports are typically referred to community corrections programs and are not completed by court service units, thus eliminating the need for regulation in this area.

Provisions Specific to the Intake Process

- ***Section 270 (Intake duties)***: In its present form, this section establishes the responsibilities imposed upon CSU intake officers when making intake determinations, either in person, by telephone, or by interactive video. The proposal strikes the reference to telephone intakes, as these are not expressly authorized by § 16.1-260 of the Code.

Among their responsibilities, intake officers must: (i) explain the steps of the process to all present parties; (ii) make the required submissions into the department's electronic data collection system in accordance with § 16.1-224 of the Code, and (iii - iv) communicate with parents or others standing in loco parentis to determine the most appropriate placement and notify them if the juvenile is detained. The proposal makes numerous changes to these provisions. First, it adds an additional intake responsibility to align the regulatory language with the statutory requirements and to reflect a key component of the intake determination, namely, an assessment of whether there is probable cause to proceed with the intake. Under § 16.1-260 B 2 a of the Code, "when the court service unit of any court receives a complaint alleging facts which may be sufficient to invoke the jurisdiction of the court, the unit, through an intake officer, may...authorize a petition to be filed by any complainant having sufficient knowledge of the matter to establish probable cause for the issuance of the petition."

Second, the proposal expands on the language requiring data submissions into the department's electronic data collection system in accordance with § 16.1-224. Currently, that statute directs intake officers to make data submissions into the Virginia Juvenile Justice Information System (VJJIS), the system used to collect, process, preserve, or disseminate juvenile record information. The statute provides that for juvenile delinquency allegation referrals to a CSU, the intake officer shall input the juvenile's name, date of birth, and any social security number, but for all others coming before the juvenile court, the data submissions may include the juvenile's identifying information according to standards adopted by the department. Because this chapter does not address whether identifying information may be submitted for non-delinquency cases, the proposal clarifies that entries into the VJJIS may include identifying information for these cases.

Third, the proposal changes the language regarding the juvenile's placement to require communication, rather than consultation, with the parent or legal guardian, such that CSUs will now be required to communicate with the parent or other person standing in loco parentis regarding the juvenile's placement options.

Fourth, the proposal clarifies that the communication to parents or legal guardians must occur both when the child is placed in a detention center and when placed in shelter care. The current provision does not impose a notification requirement for shelter care placement.

With regard to the foregoing responsibilities, the proposal also requires that the intake officer document compliance with each requirement.

Finally, the proposal clarifies the process for replacement intake officers, as authorized in § 16.1-235.1 of the Code. That section allows the chief judge of a juvenile court to arrange for a replacement intake officer to handle the intake and detention processes when court is closed and with powers tantamount to those of the intake officer in that jurisdiction when the chief judge and appointing authority authorize it in writing. To initiate this process, the current regulation requires the CSU to enter into a written agreement that addresses, at minimum, the scope of the intake duties, the location for processing intake cases, and the protocol for arranging any required face-to-face contact between the intake officer and juvenile. The proposal makes the information that must be included as part of the written agreement more generalized. Under the proposal, the agreement shall describe the roles, responsibilities, and authority of the replacement intake officer. This modification aligns more closely with the statutory language, which bases the intake officer's authority on what has been authorized in writing by the chief judge and the appointing

authority. Furthermore, the proposal clarifies the parties to the agreement and emphasizes that the request gets initiated through the relevant CSU director.

- ***Section 280 - Medical and psychiatric emergencies at intake***: This section addresses the requirements for CSU staff when conducting an intake interview of a juvenile whom they suspect needs emergency medical or psychiatric care. Under the current requirements, staff must immediately contact the juvenile's parent or legal guardian and make arrangements for whatever emergency care the juvenile needs before placing them in a more restrictive setting. The existing provision neither requires nor addresses notification of emergency service professionals and only directs staff to arrange for the juvenile's necessary emergency care if the juvenile will be placed in a more restrictive setting. During work group discussions, several CSU stakeholders also noted that the provision lacked any mention of the necessary communications CSU staff should have with law enforcement in cases where they will be transporting the youth to a more restrictive setting and the fact that residential facilities may not accept a juvenile who is experiencing a medical or psychiatric emergency. The proposal adds language directing CSU staff to assist with notifying whichever emergency service professionals may be needed to address the emergency, as well as directing such staff to inform law-enforcement officers taking custody of the youth of the need for the youth's medical clearance before being placed in a detention center, shelter care facility, or other restrictive setting. The proposal retains the requirement that staff notify the parent or legal guardian but removes the immediacy requirement, acknowledging that contacting emergency service professionals may take precedent and that a parent or legal guardian could be present during the interview. The proposal also removes the language requiring CSU staff to advise the parent or legal guardian of their responsibilities as part of the notification, as the department deemed this requirement outside the scope of CSU staff responsibilities.

  Section 290 - Intake communication with detention: The current provision establishes the information CSU staff must communicate to juvenile detention center staff when facilitating a juvenile's detainment. Among the required information, CSU staff must communicate the reasons for and offenses prompting the detention; and, if available and applicable, the juvenile's medical information; parents or guardians names, addresses, and phone numbers; prior record of sex offenses, violence against persons, and arson; suicide attempts and self-injurious behaviors; and gang membership and affiliation. Recognizing that state law also allows for the detainment of certain juveniles in shelter care facilities, the proposal expands the scope of this provision to require the same communications with shelter care staff for juveniles placed in shelter care. Additionally, the proposal changes the information that must be communicated from the juvenile's prior records of sexual offenses, violence against persons, and arson to their prior history regarding these acts. This subtle change is intended to ensure that the relevant facility staff will be notified if the juvenile has a history involving these acts, even if they have not become part of the individual's criminal record. The proposal also removes the provision requiring the communication of "any other information as required by approved procedures," as this provision violates 1VAC7-10-140. The proposal also strikes the language identifying the means in which such information must be communicated, leaving the provision silent as to the required mode for communicating this information. Finally, the proposal adds language mandating that a notation that the required communications occurred be documented in DJJ's electronic case management system.

Provisions Regarding DJJ Commitments

Article 6 of the current regulation establishes CSU responsibilities and requirements for juveniles in direct care. The term "direct care," is defined in section 10 of this chapter as, "the time during which a resident, who is committed to the department…is under the supervision of staff in a juvenile correctional center or other juvenile residential facility operated by or under contract with the department." The proposal seeks several changes to the individual sections addressing direct care youth, as follows:

- ***Section 410 - Commitment information***: This provision imposes certain requirements regarding the Reception and Diagnostic Center (RDC), the DJJ correctional center formerly tasked with housing newly committed juveniles and providing intake and evaluation services for committed youth before their assignment to a juvenile correctional center. Specifically, Section 410 precludes the transportation of committed youth to the RDC until they have accepted the case and received certain information required by state law and DJJ's procedures. The provision also mandates that CSU staff phone RDC immediately to inform them whenever a juvenile is transported to the department directly from the court. These provisions predate the current process where many of these functions are now being handled by the department's Central Admission and Placement unit, currently responsible for reviewing all commitment documentation and overseeing the admission and orientation process, and where some components of initial intake are handled in various detention centers. In keeping with these changes, the proposal seeks to eliminate the outdated references to the now shuttered RDC, directing that juveniles not be assigned to initial intake facilities for direct care staff until the required information has been received and eliminating the provision requiring a phone call to the RDC to communicate the juvenile's impending arrival. The proposal also indicates that the items and information that must be received and accepted by the initial intake facility before residents may be assigned to such facilities are those required by Section § 16.1-287 of the Code.

- ***Section 415 – Supervision of juvenile in direct care***: The current provision imposes three requirements on probation and parole officers pertaining to juveniles in direct care. First, the provision directs them to develop and implement a family involvement plan. Second, they must complete a parole supervision plan that accords with approved procedures, both for indeterminately committed juveniles (juveniles for whom the department has determined their length of stay based on the board-approved Length of Stay Guidelines) and determinately committed juveniles (juveniles termed *serious offenders*, whose length of stay is ordered by the court in accordance with § 16.1-285.1 of the Code). For determinately committed juveniles, the parole supervision plan must be prepared for all serious offender judicial review hearings as required by law and in accordance with approved procedures. Finally, the current provision directs probation and parole officers to send the juvenile's current direct care residence a report on the family's progress toward goals identified in the family involvement plan.

  The proposal significantly restructures this section by eliminating the requirement that CSU staff complete a parole supervision plan for indeterminately and determinately committed juveniles, instead requiring that in both instances, CSU staff collaborate with designated residential staff to develop an individual case plan. The individual case plan is defined in Section 10 of this chapter as the plan completed to address the juvenile's service needs while on probation or parole and is the name for the plan the department currently develops collaboratively with various residential staff for juveniles on probation and parole. Because the family involvement plan is a current component of the individual case plan, the proposal eliminates the

PO's obligation to develop and implement this plan and to send the facility a report on the family's progress with meeting the goals established in the plan.

When reviewing the language regarding determinately committed youth, the department concluded that its procedures have not recently required a different process for developing the individual case plan for determinately versus indeterminately committed youth, nor is the individual case plan only developed for the purpose of serious offender hearings, as the current regulatory language suggests. Instead, to align, in part, with the process currently in place pursuant to § 16.1-285.2 of the Code, the proposal directs the probation officer to work collaboratively with staff in the facility where the juvenile resides to develop the progress report required in § 16.1-285.2 of the Code.

In parity with the progress report provision for serious offenders, the proposal also adds language addressing the new process for indeterminately committed juveniles whom the department concludes should remain in direct care beyond their late release dates, as set out in the Length of Stay Guidelines. Pursuant to § 16.1-285.3 of the Code, if the department so concludes, it must petition the court for a review hearing on the anticipated extension and submit a progress report when the petition is filed. The proposal directs probation staff to work collaboratively with staff in the facility where the juvenile resides to complete the progress report and prepare the related petition in accordance with the timeframes set out in § 16.1-285.3.

- ***Section 420 – Contacts during juvenile's commitment***: The current regulation requires a designated CSU staff member to make contact with the committed juvenile, their parent, guardians, or other custodians, and the treatment staff at the direct care facility as required by DJJ procedures, which must specify the circumstances requiring face-to-face versus video or telephone contacts. The proposal eliminates the improper reference to DJJ's procedures, instead establishing a monthly requirement for each of these visits. Additionally, the proposal clarifies that the monthly contact with the juvenile must occur either by telephone or virtually, while the contacts with parents, guardians, custodians, and treatment staff may occur by telephone, virtually, or in person. The proposal adds a requirement that designated CSU staff make in-person visits with committed juveniles at least once every 90 days. The specified volume of required contacts is consistent with the current procedural requirements.

Removal of Unnecessary, Outdated, or Impractical Provisions

As with previous executive orders addressing regulations, Governor Spanberger's Executive Order 17 declares the Commonwealth's policy that "only regulations necessary to interpret the law or protect the public health, safety, or welfare shall be promulgated." As part of its comprehensive review of this chapter, the department flagged for elimination the following provisions it deemed operational in nature and unnecessary to interpret the law or protect the public health, safety, or welfare:

- ***Section 60 - Organizational structure (Repeal)***: This provision currently directs each court service unit to maintain a written description and organizational chart showing lines of authority, responsibility, and accountability, including the CSU director's reporting responsibility. The department recommends repeal of this entire section, asserting that the requirements provide some administrative benefit, but overall, do not meet the necessity standards enumerated in Executive Order 17.

- ***Section 90 – Certain training requirements***: This section imposes upon CSU employees, volunteers, and interns, a requirement to receive documented orientation, and upon employees, a requirement to receive ongoing training. In both cases, the orientation and training must be appropriate to the individual's duties and address whichever needs the individual and their supervisor identify. For both orientation and training, the department recommends removing the additional language mandating that the orientation and training address these specific needs. The department believes some training identified as necessary by a CSU staff or the employee may, in fact, be useful in skill development, but may not be needed to ensure the protection of public health, safety, or welfare. Additionally, the department recommends adding language to clarify that fulfillment of the ongoing training requirement must be documented to align the language with the comparable provision in subsection A.

- ***Section 130 – Certain research testing*** – Currently, juveniles may not be used as subjects of human research unless authorized in state statute in § 32.1-162.16 et seq. and in 6VAC35-170, the separate regulatory chapter that sets out the process for and places guardrails on human research conducted on youth in board-regulated facilities and programs. In addition to restricting human research within the parameters in those statutory and regulatory chapters, subsection B of 6VAC35-150-130 prohibits CSUs from the testing of medicines or drugs for experimentation or research. This prohibition is already captured in Section 70 of Chapter 170, which currently prohibits the withholding of any prescribed program of treatment, and all experimental medical, pharmaceutical, or cosmetic research. Because of Section 70's clear prohibition against experimental medical and pharmaceutical research and the limitations allowing the use of human subjects only as authorized in Chapter 170, the department believes this provision is unnecessary and duplicative. Accordingly, the department recommends removing this language.

- ***Section 230 – Weapons (Repeal)***: This section currently allows probation officers to seek permission to carry a weapon in accordance with § 16.1-237 of the Code, which statute empowers them to carry such weapons if specifically authorized by the relevant juvenile court judge. Under this regulatory section, the authority is limited as set out in approved procedures, which must require, at a minimum: (i) firearms safety training; (ii) a psychological or mental health assessment; (iii) CSU director approval; and (iv) approval by the unit director's supervisor, currently known as the Regional Program Manager. The current provision also requires that any CSU staff authorized to carry weapons be trained and retrained on the limited permissible circumstances for carrying and using weapons as required by law, and on liability insurance coverage. The training and retraining must accord with written procedures under this current section.

  The proposal repeals this provision entirely. The statute grants probation and parole officers the authority to carry a concealed weapon when authorized by the judge; however, Section 66-3 of the Code vests the Director of DJJ with the authority to "exercise such other powers and perform such other duties as may be conferred or imposed by law," such as the authority to "do all acts necessary or convenient to carry out the purposes of this title." It is the department's understanding, based on this language, that the DJJ director has broad discretion to adopt procedures establishing additional parameters for probation officers that wish to carry concealed weapons in the exercise of their duties, thus eliminating the need for this regulatory language.

- ***Section 240 - Arrest of juvenile by staff (Repeal)***: Among the other powers and duties granted to probation and parole officers under § 16.1-237 of the Code, probation officers have arrest powers tantamount to those of a police officer. Currently, Section 250 of the regulation requires probation officers to exercise

their arrest powers in accordance with approved procedures. The proposal recommends removing this impermissible incorporation of the department's procedures. Absent the provision's current reference to department procedures, the section lacks substantive value. Moreover, because the director of DJJ has the authority to adopt procedures limiting the exercise of its probation officers' arrest authority, the department recommends repealing this provision in its entirety, thus giving the director the flexibility to prohibit, limit, or impose other requirements regarding this arrest authority consistent with the department's mission.

- ***Section 320 – Notice of juvenile's transfer (Repeal)***: Currently, this section directs CSU staff to notify a juvenile's parent or legal guardian within 24 hours if they know the juvenile was transferred between residential facilities and are not aware that the juvenile's parent or guardian has been notified of the transfer. The department believes the onus of providing such notification is best left to the facility conducting the transfer, as their staff may be aware of the circumstances prompting the transfer and better equipped to provide information and respond to questions regarding the new facility. As such, the department is recommending repeal of this provision.

- ***Section 365 – Supervision of adult on probation (Repeal)***: This section is intended to address adult supervision plans for those rare instances when adults convicted in juvenile court end up under CSU supervision (e..g, misdemeanor family abuse, violation of protective orders). The provision currently requires that in such cases where the juvenile court retained jurisdiction and the court does not impose specific supervision conditions, the CSU must prepare a supervision plan for the adult probationer within 30 days of the disposition, consulting the adult and their family in the plan's development. Although some CSUs were supervising adults with these types of offenses when the regulation was last amended in 2011, these cases now tend to be handled by local community-based probation services. When the juvenile and domestic relations court disposes of such cases, typically, the individual is placed on local adult probation, thereby eliminating the need for regulation in this area. Accordingly, the department is recommending repealing this provision.

- ***Section 380 – Violation of probation (Repeal)***: This section currently directs unit personnel to act according to approved procedures in response to probation and parole violations. The current procedure details the required timing for filing a petition for a probation or parole violation. The department believes the directive to comply with procedures violates 1VAC7-10-140. Removing this impermissible provision leaves the section with no substantive value. Furthermore, it is the department's belief that the approach for filing petitions for such violations should be left in the hands of the department director, who has broad statutory discretion to "do all acts necessary or convenient to carry out the purposes of Title 66 of the Code of Virginia," dealing with juvenile justice. As such, the department recommends repealing this provision.

Provisions to clarify, set, or amend timelines for certain requirements

The department is proposing to amend several sections to clarify, establish, or change deadlines for satisfying certain regulatory requirements as described below:

- ***Section 110 - Volunteer and intern registration requirements:*** The proposed amendments expand the language currently requiring volunteers and interns to register with the department by specifying that this registration must occur before the individuals begin working in a unit. Court service units currently

maintain a volunteer and intern registry that enables those individuals to fulfill the registration requirement, primarily for purposes of liability insurance. The current regulatory provision fails to identify when this registration must occur.

- ***Section 340 - Beginning supervision***: This section currently establishes the PO's responsibilities when commencing supervision for juveniles under CSU supervision. The regulation requires that they have a face-to-face contact with the juvenile, give them the written rules of supervision, and document the completion of these tasks in the juvenile's case record, and that these tasks be accomplished within the timeframes established by approved procedures. The proposal requires POs to hold an in-person meeting with each juvenile placed on probation within five days of receiving the court order for probation and mandates that probation officers provide juveniles committed to the department with the written rules of parole supervision and an explanation of the rules, which the juvenile must sign to acknowledge receipt, before being released from the facility on parole supervision. The proposal also requires the PO to convene a parole supervision meeting with the juvenile, and the parent or legal guardian, if applicable by the first business day after release to parole supervision. Like the current regulatory provision, the proposal instructs the probation officer to document compliance with these requirements in the juvenile's case record.

- ***Section 350 - Supervision plans for juveniles***: The current regulatory language requires that juveniles be supervised according to a written individual supervision plan developed in accordance with approved procedures and timeframes. The proposal removes the reference to procedures in favor of language mandating that for juveniles placed on probation or parole, staff must review each individual case plan at least once every 90 days. The proposal also changes the name of these plans to individual case plans consistent with the department's current terminology; clarifies that these plans are employed when juveniles are placed on probation or parole; and specifies that the 90-day reviews must involve the juvenile, their parent or legal guardian rather than the vague current reference to the juvenile's family member, and a supervisory officer rather than the supervisor. The proposal eliminates the need to consider the appropriateness of the plan from a treatment perspective based on the concern that CSU staff are not clinical, and therefore, should not be expected to assess whether a plan is appropriate based on the juvenile's treatment needs. Additionally, the proposal removes the language identifying the purpose of this section in acknowledgement of the Registrar's authority to remove purpose statements in accordance with 1VAC7-10-40. The proposal removes other extraneous language and makes additional minor edits for clarity and style.

- ***Section 400 - Release notifications***: Currently, this section requires CSU staff to provide individuals under CSU supervision, as well as their parents or guardians with written notice of their release from supervision and to document the notification in the individual's case record in accordance with approved procedures. The proposal clarifies that the notification must be provided before a probation or parole supervision case is closed and removes the improperly incorporated procedural reference.

Alignment with or movement of provisions from other regulatory chapters

The proposal also seeks to align provisions in this chapter with relevant provisions in other chapters. Specifically, the existing regulation includes Section 310, which addresses the responsibilities CSU staff have to work with post-D detention program staff when monitoring or supervising residents in such programs. The current Section 310 is not fully aligned with the correlative provision applicable to facility staff in post-D detention programs in

6VAC35-101-1180. The proposal makes changes to both Sections 310 of this chapter and Section 1180 of the Regulation Governing Juvenile Secure Detention Centers to ensure the collaborative responsibilities established in § 16.1-284.1 of the Code of Virginia are properly reflected in the relevant regulatory provision and the roles of each entity are accurately depicted. Among the changes, the proposal adds to Section 310 a requirement for CSU staff to agree to a written process with the relevant facility for assessing post-D candidates' needs for services and suitability for placement in a post-D program exceeding 30 days and requires department approval of the process. The proposal also clarifies that CSU staff are required to participate in the written post-D plan's development, suggesting that the overall responsibility for plan development should be carried out by facility staff with CSU staff participation. The proposal requires CSU staff to provide certain information to the post-D program automatically rather than only if requested by post-D program staff, and, to conform with the language in the post-D regulation, expands the information that must be shared to include a copy of the court order and all written information considered by the court during the dispositional hearing. Consistent with language in the post-D detention provision in Section 1180, the proposal also adds to Section 310 a requirement that the CSU and post-D program agree in writing regarding the resident's suitability for temporary release before releasing the resident to participate in community programs or services. The proposal also removes from the list of items the CSU must maintain in the post-D resident's case record the resident's reason for placement, replacing it with a requirement for documentation demonstrating the results of the assessment.

As for the corresponding post-D provision, the proposal modifies the language in subdivision A 2 of 6VAC35-101-1180 to clarify the role of post-D program staff in developing the initial post-D plan with the CSU. The proposal directs that the plan provide for resident orientation, understanding of the behavior management program, and engagement in rehabilitation programming and specifies that the plan address how residents will be transported when temporarily released to participate in community programs not available in the detention center. This language is consistent with the statutory requirements and the process currently in place in post-D programs. The proposal allows the plan to permit JDC and CSU staff, as well as other responsible JDC-approved adults to conduct the transport provided the plan does not conflict with § 16.1-254 of the Code.

In addition to ensuring that the post-D provisions in chapters 101 and 150 are aligned, the proposal also creates a new section (6VAC35-150-37) that adds language currently contained in Section 36 of the Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities (6VAC35-20) (Certification Regulation). Currently, that section directs programs subject to board regulation to make information available to DJJ audit staff that demonstrates compliance with the relevant regulatory requirements. The provision also establishes timelines for notifying the director or designee of changes in administrative structure and certain lawsuits or settlements against the relevant program. Adopting these provisions in this and other regulatory chapters applicable to the regulated entity will enable the department to remove this language from the Certification Regulation. To avoid duplicating language, if any of the required provisions currently contained in Chapter 20, Section 36 are already addressed elsewhere in this regulatory chapter, that requirement is not otherwise addressed in the proposed Section 37.

Requirements Regarding Unit Administration and Operations

- ***Section 62 - Suitable quarters***: The existing provision requires the CSU director to conduct an annual review to determine the unit's needs for utilities, suitable quarters, and furnishings. This regulatory requirement is in furtherance of § 16.1-234 of the Code, which makes localities responsible for providing suitable quarters, utilities, and necessary furniture and furnishings for the efficient operation of state-operated court service units within that locality. In addition to the regulatory requirement for the annual

review, Section 62 currently provides that probation, parole, and intake officers shall have access to private office space. The proposal makes a minor amendment so that confirming the availability of private office space for these unit officers will become part of the CSU director's annual review responsibilities.

- ***Section 64 - Prohibited financial transactions***: Currently, CSU staff are not permitted to collect or disburse support payments, fines, restitution, court fees, and court costs. The proposal makes a minor change to expand this list of prohibited collections and disbursements to include other costs for services. In some cases, CSUs may require juveniles to engage in programming that has associated costs. As with costs for fees and other expenses associated with a juvenile's interaction with the J&DR court, the department believes CSU staff should be discouraged from handling these funds in order to limit liability and prevent any fraudulent activity,

- ***Section 66 – Procedure for handling funds***: The existing provision establishes requirements CSUs must follow when staff in the units develop employee funds containing proceeds from fundraising and similar employee activities. The proposal makes minor clarifying changes to the language, including specifying that any such employee contribution must be voluntary. Notably, the proposal also strikes the language that currently allows these funds to use DJJ's name, as these funds are intended to be separate and should not be commingled or associated with the agency.

- ***Section 100 – Personnel procedures:*** Currently, this section requires that all staff have access to approved procedures governing 11 specified personnel-related topics. The proposal replaces references to *approved procedures*, with individual references to *statewide procedures*, *local CSU procedures* and procedures issued by the Department of Human Resources Management and other applicable state agencies, for purposes of utilizing the new terms established in Section 10 of the chapter and in acknowledgement of the fact that other agency's procedures may govern the specific personnel topics addressed.

- ***Section 140 - Records management***: By regulation, CSUs are required to index case records and keep them up-to-date and uniform in content and arrangement. The proposal modifies this provision to remove the requirements for indexing and keeping such records up-to-date based on the work group's belief that these requirements are outdated and unnecessary for regulation. The proposal also relaxes the language so that case records must be maintained uniformly.

Changes to specify who must complete certain requirements

As set forth earlier in this memorandum, the proposal adds and defines a new term, *designated CSU staff*, to demonstrate that only certain staff in a CSU are responsible for or permitted to perform the referenced tasks. The proposal limits *designated CSU staff* to probation officers (which include probation officers, parole officers, and intake officers), supervisory officers, CSU directors, and trained interns. Based on this addition, the proposal modifies various sections in the chapter that require a certain task be completed but are silent as to which staff in the CSU must or may complete the specified tasks. Among the required or permissible tasks, *designated CSU staff* will be required to: ensure completion of a detailed incident report for the incidents outlined in Section 120; provide facility staff with certain specified information when facilitating the placement of a juvenile in a residential facility (*§ 290*); be available to the residential facility's staff 24 hours a day when supervising a juvenile in a residential facility (*§ 295);* make direct contact with each juvenile placed in predispositional detention, jail, or shelter care within five days of placement (*§ 300);* assess whether a transfer would be in a juvenile's best interest before transferring the juvenile's supervision to another CSU (*§ 390*); and make the required monthly

contacts with committed juveniles, their parents or guardians, and certain facility staff, and quarterly in-person visits with the juvenile during their DJJ commitment (*§ 420)*.

In addition, the proposal specifies the parties required to satisfy certain other requirements. Section 220 currently authorizes staff who have received department-approved training to conduct searches. The proposal specifies that this authority is limited to probation officers, supervisory officers, and CSU directors.

Updating provisions to reflect active variance

The proposal also amends 6VAC35-150-390 to reflect the single variance to this chapter adopted by the board in November 2024. The variance gives the department the discretion to transfer case supervision whenever the legal residence **or place of abode** of the juvenile changes. The CSUs sought this variance largely to enable the department to transfer supervision in cases where a resident is assigned to a group home or other residential facility temporarily to save the department in travel costs and other resources expended when those temporary residences were located far outside the original CSU's jurisdiction. The proposal adds language requiring designated CSU staff in the originating unit to consider whether the transfer would be in the juvenile's best interest before making the transfer.

Other Changes to Ensure Statutory Compliance

In addition to the changes already discussed, the proposal amends various sections of the chapter to ensure the regulated community is complying with its statutory obligations. To accomplish this goal, the department is recommending changes to the following sections, as summarized below:

- ***Section 110 - Volunteers and interns***: The State Volunteers Act, set forth in § 2.2-3603 of the Code directs each department using volunteers to take actions necessary to ensure that volunteers understand their respective duties and responsibilities, their relationship to each other, and their respective roles in fulfilling the obligations of their departments. In furtherance of this state statute, Section 110 of the existing regulation requires CSUs to maintain a current description of duties and responsibilities and a list of the minimum required qualifications for every volunteer and intern. The proposal seeks a minor amendment that will require each CSU to make these items available to every volunteer and intern. The proposal also adds language directing volunteers and interns to follow applicable laws and regulations, including provisions regarding confidentiality.

- ***Section 250 - Absconders***: The current regulation requires CSU staff cooperation with DJJ personnel and state and local law-enforcement to assist with finding probation or parole violators for whom a detention order has been issued or those who escape or run away from a juvenile placement. The department believes this current language lacks any provision allowing staff to forego cooperating if such cooperation violates state law. The amended language clarifies that staff are required to cooperate, but only within the parameters of state law. Instead of the requirement to cooperate applying narrowly only to those cases regarding escapees, runaways, or probation or parole violators on whom detention orders have been issued, the proposal requires CSU cooperation to help locate any court-involved juvenile whose whereabouts are unknown to the CSU. The proposal also adds language from a relevant procedure addressing the process for juveniles who have absconded from supervision or escaped from a residential facility across state lines. In such cases, the proposal provides that expenses incurred in returning the

juvenile to the locality in the Commonwealth where the detention order was issued must be addressed by the department in collaboration with the locality, based on availability of funding.

Style, formatting, and structural changes

In addition to the substantive changes addressed in this memo, the proposal seeks minor amendments throughout the chapter to conform to requirements in the Virginia Style Manual and to make other stylistic changes.

The department believes these changes will simplify the chapter, provide additional clarity, and ultimately enhance compliance with each regulatory section.

IV. PROCESS FOR SUBMISSION TO PROPOSED STAGE AND NEXT STEPS

The Proposed Stage serves as the second stage of the standard regulatory process. At this point, the board is expected to determine whether the amendments presented should proceed through the Proposed Stage of the process. If the board approves the department's request to advance the proposed amendments described in this memorandum to this second stage, the department will complete and submit the necessary filing to the Virginia Regulatory Town Hall. This will launch executive branch review of the action. Once the requisite executive branch level reviews are complete, the action will undergo a 60-day public comment period, after which time, the department will consider any additional comments and proposed text submitted by the public and advance any final changes to the board for approval at the Final Stage of the standard process. The anticipated timeframes for the Proposed Stage are set out in the table below.

Timeframes for Proposed Stage

Action/Review	Deadline for Completion
Submit action to Virginia Regulatory Town Hall	December 14, 2026
Office of the Attorney General	No deadline
Department of Planning and Budget (Economic Impact Analysis and Policy Analysis)	45-day deadline
Secretary of Public Safety and Homeland Security	14-day deadline
Governor	No deadline
Publication of Proposed Stage in Virginia Register	In accordance Register's Publication Schedule
Public Comment Period	60-day deadline

VI. CONCLUSION

The department believes the proposed amendments described in this memorandum will clarify the responsibilities of CSU staff; increase uniformity amongst CSUs in monitoring, supervising, and managing cases for court-involved youth; and enhance the services CSUs are providing to juvenile and domestic relations courts all in furtherance of their statutory function that "all children coming within the jurisdiction of the courts throughout the Commonwealth shall receive the fullest protection of the court." Accordingly, the department asks the board to approve the proposed amendments for advancement to the Proposed Stage of the Standard Regulatory Process.

Proposed Amendments to Regulation for Nonresidential Services (6VAC35-150) and Corresponding Amendments to Regulation Governing Juvenile Secure Detention Centers (6VAC35-101-1180) for Advancement to the Proposed Stage of the Standard Regulatory Process

Chapter 150

Regulation for Nonresidential Services

Part I

General Provisions

6VAC35-150-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Adult" means a person 18 years of age or older who is not a delinquent child as defined in § 16.1-228 of the Code of Virginia.

"Agency" means any governmental entity of the Commonwealth or any unit of local government including counties, cities, towns, and regional governments and the departments thereof, and including any entity, whether public or private, with which any of the foregoing has entered into a contractual relationship for the provision of services as described in this chapter.

"Alternative day treatment services" or "structured day treatment" means nonresidential programs that provide services, which may include counseling, supervision, recreation, prevocational services, and education, to juveniles at a central facility.

~~"Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.~~

"Audit team leader" means the same as that term is defined in 6VAC35-20-10.

"Behavior management" means those principles and methods employed to help a juvenile achieve positive behavior and to address and correct a juvenile's inappropriate behavior in a constructive and safe manner~~, in accordance with written procedures governing program expectations, treatment goals, juvenile and staff safety and security, and the juvenile's individual service plan~~.

"Board" means the Board of Juvenile Justice.

"Case record" ~~or "record"~~ means written ~~or electronic~~ information regarding an individual and the individual's family, if applicable~~, that is maintained in accordance with approved procedures~~.

"Court service unit," "CSU," or "unit" means a state or locally operated ~~court service unit~~ office or combination of offices established to provide intake, probation, parole, and other court services to juvenile and domestic relations district courts pursuant to §§ 16.1-233, ~~and~~ 16.1-235, and 16.1-260 of the Code of Virginia.

"Department" means the Department of Juvenile Justice.

"Designated CSU staff" means the staff in a CSU who are given supervision responsibilities. For purposes of this chapter, the term shall be limited to probation officers, supervisory officers, CSU directors, and trained interns.

"Direct care" means the time during which a resident, who is committed to the department pursuant to §§ 16.1-272, 16.1-285.1, or subdivision A 14 ~~or A 17~~ of § 16.1-278.8 of the Code of

Virginia, is under the supervision of staff in a juvenile correctional center or other juvenile residential facility operated by or under contract with the department.

"Diversion" means the ~~provision of counseling, informal supervision, programs, or services, or a combination thereof, which is consistent with the protection of the public safety and the welfare of the juvenile as provided for in §§ 16.1-227 and 16.1-260 of the Code of Virginia.~~ processing of a juvenile intake complaint in an informal manner rather than through the official court process in accordance with §§ 16.1-227, 16.1-260, and 16.1-277.3 of the Code of Virginia, which is accomplished through the provision of counseling; monitoring; or programs, services, or a combination thereof.

"Electronic monitoring" means the use of electronic devices, including~~, but not limited to,~~ voice recognition and global positioning systems, to verify a juvenile's or adult's compliance with certain judicial orders or conditions of release from incarceration, as an alternative to detention or shelter care, or as a short-term sanction for noncompliance with rules of probation or parole.

"Human research" means ~~any~~ a systematic investigation ~~using human subjects as defined by § 32.1-162.16 of the Code of Virginia and 6VAC35-170. Human research shall not include research prohibited by state and federal statutes or regulations or research exempt from federal regulations or mandated by any applicable statutes or regulations.~~ including research development, testing, and evaluation, utilizing human subjects that is designed to develop or contribute to generalized knowledge. Human research includes neither research exempt from federal research regulation pursuant to 45 CFR 46.104 d, nor quality or process improvement projects.

"Individual case plan" means a written plan developed jointly by a probation officer, the juvenile, and the juvenile's family, that specifies goals, objectives, and strategies to address the juvenile's service needs while on probation or parole.

"Individual service plan" means a written plan developed~~,~~ by a service provider, updated as needed, and modified at intervals to meet the needs of a juvenile or an adult. It specifies measurable short-term and long-term goals~~,~~; the objectives, strategies, and time frames for reaching the goals~~,~~; and the individuals responsible for carrying out the plan.

~~"Individual supervision plan" means a written plan developed, updated as needed, and modified at intervals to meet the needs of a juvenile or adult. It specifies measurable short-term and long-term goals, the objectives, strategies, and time frames for reaching the goals, and the individuals responsible for carrying out the plan. Individual supervision plans are applicable during probation and parole and for treatment of a juvenile or an adult and the services for the juvenile's family for the time during which a juvenile is committed to the department.~~

"Intake" means the process for screening complaints and requests alleged to be within the jurisdiction of the juvenile and domestic relations district court pursuant to § 16.1-260 of the Code of Virginia.

"Intake officer" means the probation officer who is authorized to perform the intake function as provided in § 16.1-260 of the Code of Virginia.

"Intern" means a student or graduate, usually in a professional field, gaining supervised practical experience under the supervision of a department head.

"Juvenile" means an individual less than 18 years of age~~,~~ or a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the Code of Virginia. For ~~the purpose~~ purposes of this ~~regulation,~~ chapter, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the department.

"Local CSU procedure" means a procedure developed by an individual CSU director for implementation exclusively within the director's CSU and approved by the CSU director's supervisor.

"Mechanical restraint" means the use of a mechanical device that involuntarily restricts the freedom of movement or voluntary functioning of a limb or portion of a person's body as a means to control physical activity when the individual being restricted does not have the ability to remove the device. "For purposes of this definition, the term "mechanical restraint" does not include an electronic monitoring device."

"Outreach detention" means intensive supervision, which includes frequent contacts, strict monitoring of behavior, and case management, if applicable, of a juvenile as an alternative to placement in secure detention or shelter care.

"Parole" means supervision of a juvenile released from commitment to the department as provided for by §§ 16.1-285, 16.1-285.1, ~~and~~ 16.1-285.2 and 16.1-285.3 of the Code of Virginia.

"Physical force" means power, pressure, or other physical action directed against an individual intended to interrupt or stop a behavior from occurring."

"Physical restraint" means the application of behavior intervention techniques by trained program staff that involves a physical intervention to prevent the individual from moving that individual's body.

"Probation" means a court-ordered disposition of a juvenile or an adult as provided by subdivision B 2 of §§ 16.1-278.5 ~~B 2~~, subdivision A 5 of § 16.1-278.8 ~~A 5~~, subdivision A 7 of §16.1-278.8 ~~A 7~~, and subdivision A 7a of §16.1-278.8 ~~A 7 a~~.

"Provider" means a person, corporation, partnership, association, organization, or public agency that is legally responsible for compliance with regulatory and statutory requirements relating to the provision of services or the functioning of a program.

"Shelter care" means a facility or an emergency shelter placement specifically approved to provide a range of services, as needed, on an individual basis not to exceed 90 days.

"Statewide procedures" means procedures issued and approved by the director of the department or the director's designee and applicable to all state-operated and locally operated CSUs.

"Supervision" or "supervising" means visiting or making other contact with ~~or~~ and providing ~~treatment, rehabilitation, or~~ services to a juvenile as required by the court~~, by an intake officer,~~ or for probation or parole ~~purposes.~~services.

~~"Tamper" means any purposeful alteration to electronic monitoring equipment that interferes with or weakens the monitoring system.~~

"Time-out" means a systematic behavior management technique ~~program component~~ designed to reduce or eliminate inappropriate or problematic behavior by having staff require a juvenile to move to a specific location that is away from the source of ~~reinforcement~~ the behavior for a specific period ~~of time~~ or until the problem behavior has subsided.

"Variance" means a board action that relieves a program from having to meet a specific regulatory requirement or develop a corrective action plan ~~of action~~ for ~~the requirements of a section or subsection of this chapter~~ that regulatory requirement for a determined period in accordance with 6VAC35-20-92.

"Volunteer" ~~or "intern"~~ means any individual or group who of their own free will and without any financial gain provides services ~~without competitive compensation~~.

~~"Written"~~ "Written, "writing," or "in writing," as defined in 1-257 of the Code of Virginia, means ~~the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.~~ any representation of words, letters, symbols, numbers, or figures,

whether (i) printed or inscribed on a tangible medium or (ii) stored in an electronic or other medium and retrievable in a perceivable form.

6VAC35-150-37. Unit or program relationship to board.

A. The unit or program shall submit or make available to the audit team leader or other relevant department staff, such reports and information required to establish compliance with applicable regulatory requirements. Documentation supporting compliance with regulatory requirements shall be retained by the unit or program from the date of the previous department audit.

B. The unit director or program administrator shall notify the director or designee of the following within the timelines specified:

1. A significant change in administrative structure or newly hired chief administrative officer, program administrator, or unit director, respectively, within five business days of the change; and

2. Any lawsuits against or settlements relating to the health, welfare, safety, or human rights of court-involved juveniles within 24 hours of notice.

6VAC35-150-40. Variances.

A ~~variance may be requested by a~~ CSU director, program administrator or service provider may submit a variance request to the board through the director of the department when conditions exist where the CSU, program, or service provider is not able to comply with a section or subsection of this chapter. ~~Any such~~ A variance request must meet the criteria and comply with the ~~procedural requirements provided~~ provisions in the Regulations Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs, 6VAC35-20~~, and in accordance with approved procedures~~.

6VAC35-150-50. Licensure by other agencies.

~~A~~ The department shall accept a current license or certificate issued by the Commonwealth ~~shall be accepted~~ or other governing authority as evidence of a program's compliance with one or more specific ~~standards~~ requirements of this chapter when the requirements for licensure or certification are substantially the same as, or exceed, the requirements set out in this chapter.

Part II

Operating ~~Standards~~ Requirements for Court Service Units

Article 1

Administration

6VAC35-150-60. ~~Organizational structure.~~ (Repealed.)

~~There shall be a written description and organizational chart of the unit showing current lines of authority, responsibility, and accountability, including the unit director's reporting responsibility.~~

6VAC35-150-62. Suitable quarters.

~~A.~~ The CSU director annually shall review the unit's needs for ~~suitable quarters,~~ utilities, ~~and~~ furnishings, and suitable quarters, including ensuring that probation officers have access to private office space, and shall request from the appropriate governing body the resources to meet these needs.

~~B. Intake, probation, and parole officers shall have access to private office space.~~

6VAC35-150-64. Prohibited financial transactions.

The unit ~~shall~~ may not collect or disburse support payments, fines, restitution, court fees, ~~or~~ court costs~~.~~, or other costs for services.

6VAC35-150-66. Procedures for handling funds.

A. The unit director shall establish written local CSU procedures for handling any ongoing unit employee fund established and maintained by the employees that is derived from voluntary employee contributions, the operation of vending machines, special fundraising projects, or other employee canteen services~~,~~; that utilizes the name of the unit ~~or the department,~~; ~~or~~ that the unit approves ~~the obtaining of~~ or for which the unit obtains a tax identification number ~~for such funds~~. ~~Any such~~ B. The funds described in subsection A are not state funds and ~~shall~~ may not be commingled ~~in any way~~ with state funds. The department's tax identification number ~~shall~~ may not be used for such funds.

6VAC35-150-80. Background checks.

A. ~~Except as provided in subsection C of this section, all~~ All persons who (i) accept a position of employment in a CSU, or (ii) volunteer on a regular basis or are interns ~~and will be alone with a juvenile in the performance of their duties~~ in a CSU~~, or (iii) provide contractual services directly to a juvenile on a regular basis and will be alone with a juvenile in the performance of their duties in a CSU, or as required by 6VAC35-150-430 C,~~ shall undergo the following background checks to ascertain whether there are criminal acts or other circumstances that would be detrimental to the safety of juveniles:

1. A reference check;

2. A criminal history record check;

3. A fingerprint check with (i) the Virginia State Police (VSP) and (ii) the Federal Bureau of Investigation (FBI);

4. A central registry check with Child Protective Services (CPS); and

5. A driving record check, if applicable to the individual's job duties.

B. To minimize vacancy time when the fingerprint checks required by subdivision A 3 of this ~~subsection~~ section have been requested, ~~unit staff~~ the individuals listed in subsection A, clauses (i) and (ii) may be hired or begin volunteering or interning, as applicable pending the results of the fingerprint checks, provided:

1. All of the other applicable components of subsection A of this section have been completed;

2. The ~~applicant~~ individual is given written notice that continued ~~employment~~ work with the unit is contingent on the fingerprint check results, as required by subdivision A 3 of this section; and

3. ~~Staff hired~~ Until their own background checks are completed, persons hired or brought on under this exception shall not be allowed to be alone with juveniles and may work with juveniles only when under the direct supervision of staff whose background checks have been completed ~~until such time as all background checks are completed~~.

C. The unit, program, or service provider shall ~~have~~ ensure that staff, volunteers, and interns have access to statewide procedures for supervising nonstaff persons, who are not subject to the provisions of subsection A of this section, who have contact with juveniles.

~~D. Subsection A of this section shall apply to programs to which the CSU refers juveniles who are before the court or before an intake officer, including, but not limited to, programs included in a local Virginia Juvenile Community Crime Control Act plan. When an agency or program refers juveniles to other service providers, excluding community service programs and licensed professionals or programs licensed or regulated by other state agencies, the referring agency shall require the service provider to document that all persons who provide services or supervision through substantial one-on-one contact with juveniles have undergone a background check as required in subsection A of this section.~~

6VAC35-150-90. Training.

A. All employees, volunteers , and interns shall receive documented orientation appropriate to their duties ~~and to address any needs identified by the individual and the supervisor~~.

B. All employees shall receive documented ongoing training and development appropriate to their duties ~~and to address any needs identified by the individual and the supervisor, if applicable~~.

6VAC35-150-100. Personnel ~~and operating~~ procedures.

All staff shall have access to ~~approved~~ relevant (i) statewide procedures, procedures issued by the Department of Human Resource Management or other applicable state agencies, or (ii) local CSU procedures, as applicable, governing the following:

1. Recruitment and selection;
2. Grievance and appeal;
3. Confidential individual employee personnel records;
4. Discipline;
5. Equal employment opportunity;
6. Leave and benefits;
7. Resignations and terminations;
8. Orientation;
9. Promotion;
10. Probationary period; and
11. Competitive salary.

6VAC35-150-110. Volunteers and interns.

A. For every volunteer and intern, the unit shall maintain and make available a current description of duties and responsibilities and a list of the minimum required qualifications~~;~~.

B. Volunteers and interns shall ~~comply with~~ follow all applicable laws and regulations~~, policies, and approved procedures~~ including provisions regarding confidentiality~~;~~.

C. Volunteers may supplement the work of staff in a unit; however, no unit shall depend solely on volunteers to provide for the safety, health, welfare, or treatment needs of juveniles and their families, or to provide basic services that are properly staff responsibilities.

~~C.~~ D. One or more designated persons shall coordinate volunteer services and internships~~; and~~.

~~D.~~ E. Volunteers and interns shall be registered with the department before they begin working in a unit.

6VAC35-150-120. Reportable incidents.

A. When ~~an event or incident occurs that is required by department procedures to be reported, staff shall report the event or incident as required by and in accordance with department procedures.~~ any of the following incidents occur, designated CSU staff shall ensure that a detailed incident report is completed, submitted to the appropriate level of management, and documented in the department's electronic case management system:

1. Allegation of child abuse or neglect against a court service unit staff member, volunteer, intern, or contracted direct service provider;

2. Arrest of staff or others providing direct services in the CSU and occurring in the performance of their duties or at the unit;

3. Staff use of physical force to respond to a physical threat in accordance with Section 210;

4. Serious staff injury or illness occurring in the workplace or related to employment and requiring an emergency response;

5. Death of a staff member at the unit or in connection with CSU duties;

6. Assaults occurring at the unit;

7. Arrest of a juvenile on probation or parole for any of the offenses listed in subsections B or C of § 16.1-269.1 of the Code of Virginia or involving unusual circumstances;

8. Serious injury to juveniles and clients occurring at the unit and requiring an emergency response;

9. Death of a juvenile on probation or parole;

10. Fire or other emergency at the unit; or

11. Any other incident that may garner media attention.

B. The incident report shall include: (i) the date and time the incident occurred, (ii) the staff involved, (iii) a brief description of the incident, (iv) the action taken as a result of the incident, (v) the name of the person who completed the report, and (vi) the date of the report.

C. Notifications shall be made to the parent or legal guardian of any juvenile involved in an incident listed in subsection A, as appropriate.

6VAC35-150-125. Child abuse and neglect..

When there is reason to suspect abuse or neglect of a child, all CSU staff, volunteers, and interns shall report the matter immediately to the Virginia Department of Social Services toll-free child abuse and neglect hotline as required by § 63.2-1509 of the Code of Virginia. The staff who made the report shall document in the juvenile's record that an incident occurred and that the required notifications were made.

6VAC35-150-130. Research.

~~A.~~ Juveniles ~~shall~~ may not be used as subjects of human research, except as provided in 6VAC35-170 and in ~~accord~~ accordance with Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1 of the Code of Virginia.

~~B. The testing of medicines or drugs for experimentation or research is prohibited.~~

6VAC35-150-140. Records management.

A. Case records shall be ~~indexed and kept up to date and~~ maintained uniformly ~~in content and arrangement in accordance with approved procedures~~ for all court-involved youth.

B. Case records shall be kept in a secure location accessible only to authorized staff.

C. All case records shall be maintained and disposed of in accordance with The Library of Virginia regulations and record retention schedules ~~and with approved procedures~~.

D. Any disclosure or release of information shall be in accordance with the Code of Virginia and applicable federal statutes and regulations ~~and approved procedures~~.

Article 2

Security and Safety

6VAC35-150-200. Safety and security ~~procedures~~.

~~In accordance with approved procedures, the unit shall implement:~~

~~1. Safety and security practices for the office environment to include at least fire, bomb threat, natural disasters, and hostage and medical emergency situations;~~

~~2. Safety and security practices for staff making field visits to juveniles and their families; and~~

~~3. Training on appropriate crisis prevention and intervention techniques for the office and the field that staff may use to respond to behavior that poses a risk to the safety of themselves or others.~~

A. The department shall develop statewide procedures that address the following topics:

1. Safety and security practices for the office environment including at least fire, bomb threat, natural disasters, and hostage and medical emergencies;

2. Activities to prepare for and respond to emergencies, including fire, bomb threat, natural disasters, hostage, and medical emergencies; and

3. Safety and security practices for staff making field visits to juveniles and their families;

B. Each CSU director shall ensure that the procedures required in subsection A are accessible to and reviewed annually with staff.

C. Staff shall be trained annually on appropriate crisis prevention and intervention techniques for the office and field to respond to behavior that poses a risk to the safety of staff or others.

6VAC35-150-210. Physical force.

A. Court service unit staff shall never use physical force as a sanction or with intent to inflict injury.

B. Staff may use physical force to respond to a physical threat to the staff member or others provided they use only the minimum physical force deemed reasonable and necessary to eliminate the imminent risk to the safety of themselves or others.

C. The CSU director shall ensure that staff receive department-provided training in accordance with 6VAC35-150-200.

D. Each use of physical force shall be reported to the appropriate level of management and shall include the following information: (i) the date and time of the incident, (ii) the staff involved, (iii) a detailed description of the incident, (iv) the action taken as a result of the incident, (v) the name of the person who completed the report, and (vi) the date of the report.

~~A. Physical force shall be used only as a last resort and shall never be used as punishment. Staff shall use only the minimum force deemed reasonable and necessary to eliminate the imminent risk to the safety of themselves or others.~~

~~B. Each use of physical force shall be reported in writing to the CSU director, who shall ensure that all reportable incidents are further reported in accordance with the department's procedures for reporting serious incidents.~~

6VAC35-150-220. Searches.

A. Searches of an individual's person and ~~immediate area~~ personal effects may be conducted only in accordance with ~~approved procedures, with all~~ applicable state and federal statutes and regulations, and ~~with~~ the Virginia and United States constitutions. ~~Only staff who have received training approved by the department shall conduct searches.~~

B. Each court service unit shall develop a local CSU procedure either prohibiting or authorizing CSU staff to conduct searches of individuals and personal effects. Any procedures authorizing searches shall state the circumstances under which searches may be conducted.

C. Only probation officers, supervisory officers, and CSU directors who have received training approved by the department may conduct searches.

6VAC35-150-230. ~~Weapons.~~ (Repealed.)

~~A. A probation officer may obtain authorization to carry a weapon as provided by § 16.1-237 of the Code of Virginia only in accordance with approved procedures that require at least: (i) firearms safety training, (ii) a psychological or mental health assessment, (iii) approval by the CSU director, and (iv) approval by the unit director's supervisor.~~

~~B. All CSU staff authorized to carry weapons shall have received training and retraining, in accordance with approved procedures, which shall include the limited circumstances when weapons may be carried and used as required by law and liability insurance coverage.~~

6VAC35-150-240. ~~Arrest of juvenile by staff.~~ (Repealed.)

~~Probation officers shall exercise their arrest powers in accordance with approved procedures.~~

6VAC35-150-250. ~~Absconders~~ Court-involved juveniles whose whereabouts are unkown.

A. Unit staff shall cooperate with department personnel and state and local law-enforcement authorities, as applicable and in accordance with the Code of Virginia to help locate and recover court involved juveniles ~~who violate the conditions of their probation or parole supervision and upon whom a detention order has been issued or who escape or run away from a juvenile correctional center, detention home, or other juvenile placement~~ whose whereabouts are unknown.

B. When a juvenile has absconded from supervision or escaped from a residential facility in Virginia to a location outside the Commonwealth, any costs associated with returning the juvenile to the jurisdiction in the Commonwealth where a detention order was issued shall be addressed by the department in collaboration with the locality, based on the availability of funding.

6VAC35-150-260. Transportation ~~of detained juveniles~~.

~~Detained juveniles shall be transported in accord with "Guidelines for Transporting Juveniles in Detention" (September 2004) issued by the board in accord with § 16.1-254 of the Code of Virginia.~~

A. Court service unit staff shall be subject to the following general requirements when transporting juveniles in the course of their official duties;

1. Drivers responsible for transporting juveniles must possess a valid driver's license or valid driver privilege card pursuant to § 46.2-328.3 of the Code of Virginia;

2. Unit staff may not transport a juvenile in the staff member's personal vehicle;

3. Unit staff may not leave a juvenile alone during transport for any period or purpose.

B. In addition to subsection A, unit staff shall be subject to § 16.1-254 of the Code of Virginia regarding the transportation of detained juveniles in the course of their official duties.

Article 3

Intake

6VAC35-150-270. Intake duties.

A. When making an intake determination ~~as provided for by~~ pursuant to § 16.1-260 of the Code of Virginia, whether in person ~~or by telephone~~ or by interactive video conferencing, the intake officer shall satisfy and document compliance with the following requirements ~~in accordance with approved procedures~~:

1. Consider, as a basis for the determination, whether probable cause exists to proceed with the intake.

~~1~~2. Explain the steps and options in the intake process to each person present ~~as provided for in approved procedures~~;

~~2.~~3. Make all required data entries into the department's electronic data collection system in accordance with § 16.1-224 of the Code of Virginia ~~and approved procedures~~; Entries into the system also may include identifying information for juveniles who are not alleged delinquent.

~~3.~~4. ~~Consult~~ Communicate with available parents, guardians, legal ~~custodian,~~ custodians or other ~~person~~ persons standing in loco parentis regarding ~~to determine the~~ appropriate placement options; and

~~4.~~5. Notify the juvenile's parents, guardians, legal custodian, or other person standing in loco parentis in cases when ~~involving~~ the ~~juvenile's~~ juvenile has been placed in detention or shelter care.

B. When making a detention decision pursuant to § 16.1-248.1 of the Code of Virginia and when making recommendations to the court at a detention hearing pursuant to § 16.1-250 of the Code of Virginia, CSU personnel shall make use of the uniform risk assessment instrument ~~and related procedure~~ mandated by Chapter 648 of the 2002 Acts of Assembly.

C. ~~When the~~ Upon the request of a court service unit director or the chief judge ~~in a jurisdiction~~ of a juvenile and domestic relations district court for ~~requests the provision of~~ a replacement intake officer pursuant to § 16.1-235.1 of the Code of Virginia, the ~~CSU~~ director of the requesting unit or unit affiliated with the chief judge shall ~~enter into~~ initiate a written agreement ~~with the requesting court that shall address, at a minimum, the scope of the intake duties, the location where intake cases will be processed, and the protocol for arranging any required face-to-face contact between the intake officer and juvenile.~~ between the court service unit requiring a replacement intake officer, the unit providing the replacement intake officer, and the chief judge describing the roles, responsibilities, and authority of the replacement intake officer.

6VAC35-150-280. Medical and psychiatric emergencies at intake.

If during the intake interview, the intake officer suspects that the juvenile requires emergency medical or psychiatric care, the intake officer shall:

~~1. Immediately contact the juvenile's parents or legal guardians to advise them of the emergency and any responsibilities they may have; and~~

~~2. Before placing a juvenile in a more restrictive setting, the intake officer shall arrange for the juvenile to receive the needed emergency care.~~

1. Assist with notifying emergency service professionals;

2. Notify the parent or legal guardian, if they are not present during the interview, of the need for emergency care; and

3. Inform any law enforcement officer taking custody of the youth that the juvenile must be medically cleared before being placed in a more restrictive setting.

6VAC35-150-290. Intake communication with detention and shelter care facilities.

When CSU staff facilitate the placement of a juvenile in a detention or shelter care facility, before the juvenile arrives at the facility, designated CSU staff shall give facility staff the reason for the detention or shelter care placement and the offenses resulting in the placement, including any ancillary offenses. Designated CSU staff shall give facility staff the following additional information when available and applicable: medical information; parents' or guardians' names, addresses and phone numbers; prior history regarding sexual offenses, violent acts and arson; suicide attempts and self-injurious behaviors; and gang membership and affiliation. The communication shall be documented in the electronic case management system.

~~When CSU staff facilitate the placement of a juvenile in detention, they shall give detention staff, by telephone, in writing, or by electronic means, no later than the time the juvenile arrives at the detention facility, the reason for detention and the offenses for which the juvenile is being detained including any ancillary offenses. CSU staff shall also give detention staff the following information when available and applicable: medical information; parents' or guardians' names, addresses and phone numbers; prior record as regards sexual offenses, violence against persons or arson; suicide attempts or self-injurious behaviors; gang membership and affiliation; and any other information as required by approved procedure.~~

6VAC35-150-295. Availability of designated CSU staff.

Whenever CSU staff are responsible for supervising a juvenile in a residential facility, including predispositional and postdispositional placements and commitments to the department, designated CSU staff shall be available to the facility's staff 24 hours a day in case of emergencies.

Article 4

Out-of-Home Placements

6VAC35-150-300. Predispositionally placed juvenile.

A. ~~In accordance with approved procedures, a representative of the~~ A designated CSU staff member shall make direct contact, either face-to-face or via videoconferencing, with each juvenile placed in predispositional detention, jail, or shelter care pursuant to § 16.1-248.1 of the Code of Virginia, within five days of the placement. ~~A representative of the CSU shall make contact with the juvenile~~ and at least once every 10 days thereafter. ~~either face-to-face or by telephone or videoconferencing. All such contacts shall include direct communication between the CSU staff and the juvenile.~~

B. ~~The~~ A probation officer shall review the case of each predispositionally placed juvenile ~~shall be reviewed~~ at least once every 10 days ~~in accordance with approved procedures~~ to determine whether there has been a material change sufficient to warrant a recommendation to the court for ~~recommending~~ a change in placement.

~~C. When the unit is the placing agency and is supervising a juvenile in a residential facility, designated staff of the CSU shall be available to the facility's staff 24 hours a day in case of emergency.~~

6VAC35-150-310. Postdispositional detention.

A. In accordance with 6VAC35-101-1180 D, before a candidate may be assessed for placement in a postdispositional detention program, a written process for assessing the candidate's needs for services to determine the appropriateness of the placement shall be established, approved by the department, and agreed upon by the applicable court service unit director and the juvenile detention center's facility administrator§ .

B. When a court orders a juvenile to be detained postdispositionally for more than 30 days pursuant to subsection B of § 16.1-284.1 of the Code of Virginia, the CSU staff shall participate in the development of the postdispositional written plan required in 6VAC35-101-1180 B.

C. The CSU shall provide the postdispositional detention program with a copy of the juvenile's most recent social history, a copy of the court order, and all written information considered by the court during the dispositional hearing.

D. Before a resident in a postdispositional detention program pursuant to § 16.1-284.1 B may be considered for temporary release from the detention center to participate in programs or services in the community, both the court service unit and the detention center shall agree in writing regarding the resident's suitability for temporary release for this purpose in accordance with 6VAC35-101-1180 E.

E. The case record of a juvenile placed in a postdispositional detention program pursuant to subsection B of § 16.1-284.1 of the Code of Virginia shall contain:

1. The juvenile's most recent social history;

2. A copy of the court order;

3. The juvenile's current supervision plan if applicable; and

4. Documentation demonstrating the results of the assessment required in § 16.1-284.1 A.

~~A. When a court orders a juvenile to be detained postdispositionally for more than 30 days pursuant to subsection B of § 16.1-284.1 of the Code of Virginia, the CSU staff shall develop a written plan with the facility to enable such juvenile to take part in one or more community treatment programs appropriate for that juvenile's rehabilitation, which may be provided at the facility or while the juvenile is on temporary release status, as determined by that juvenile's risk to public safety and other relevant factors. The CSU shall provide a copy of the juvenile's social history to the postdispositional detention program upon request.~~

~~B. The case record of a juvenile placed in a postdispositional detention program pursuant to subsection B of § 16.1-284.1 of the Code of Virginia shall contain:~~

~~1. Social history;~~

~~2. Court order;~~

~~3. Reason for placement; and~~

~~4. Current supervision plan, if applicable.~~

6VAC35-150-320. ~~Notice of juvenile's transfer.~~ (Repealed.)

~~When CSU staff have knowledge that a juvenile has been moved from one residential facility to another residential facility and do not have knowledge that the juvenile's parents or legal guardians have been advised of the transfer, CSU staff shall notify the juvenile's parents or legal guardians within 24 hours and shall document the notification in the juvenile's case record.~~

Article 5

Probation, Parole, and Other Supervision and Monitoring

6VAC35-150-335. Diversion.

A. When an intake officer ~~proceeds with diversion~~ diverts an offense in accordance with subsection B of § 16.1-260 of the Code of Virginia, ~~such supervision~~ the diversion period shall not exceed 120 days from the date the diversion agreement is signed by all required parties.

B. When a new complaint eligible for diversion in accordance with subsection B of § 16.1-260 of the Code of Virginia is filed against a juvenile who ~~is currently under supervision~~ already has an active diversion plan in place ~~in accordance with subsection A of this section, and the juvenile qualifies for diversion in accordance with subsection B of § 16.1-260 of the Code of Virginia~~, ~~then~~ the intake officer may ~~proceed~~ extend ~~with~~ the original diversion plan ~~for an~~ no more than ~~additional 120~~ 30 additional days from the date ~~of~~ the subsequent ~~complaint~~ agreement is signed.

C. An intake officer may not file a ~~In no case shall a~~ petition ~~be filed by the CSU~~ based on acts or offenses in the original complaint after the initial agreement expires. ~~120 days from the date of the initial referral on the original complaint~~.

6VAC35-150-336. Social histories.

A. The department shall have a process in place for completing standardized social history reports, and each CSU director shall ensure that the appropriate staff have access to the process.

B. Each social history report shall include the following information:

1. Identifying and demographic information on the juvenile;

2. Current offense and previous court involvement;

3. Social, medical, psychological, and educational information about the juvenile;

4. Information about the juvenile's family; and

5. Dispositional recommendations, if permitted by the court.

~~A.~~C. A social history report shall be prepared ~~in accordance with approved procedures~~ (i) when ordered by the court, (ii) for each juvenile placed on probation supervision with the unit, (iii) for each juvenile committed to the department, (iv) for each juvenile placed in a postdispositional

detention program for more than 30 days pursuant to § 16.1-284.1 of the Code of Virginia, or (v) upon written request from another unit when accompanied by a court order. ~~Social history reports shall include the following information:~~

~~1. Identifying and demographic information on the juvenile;~~

~~2. Current offense and prior court involvement;~~

~~3. Social, medical, psychological, and educational information about the juvenile;~~

~~4. Information about the family; and~~

~~5. Dispositional recommendations, if permitted by the court.~~

~~B.~~ D. An existing social history report that is less than ~~12~~ six months old ~~may be used~~ shall satisfy the requirements of subsection C provided an addendum is prepared updating all changed information. A new social history report shall be prepared ~~as required in subsection A of this section or when ordered by the court~~ if the existing social history is ~~more than 12~~ at least six months old or when ordered by the court.

~~C. Social history reports on adults may be modified as provided for in procedures approved by the CSU director after consultation with the judge or judges of the court.~~

6VAC35-150-340. Beginning supervision .

~~Within the time frames established by approved procedures for beginning supervision, a probation or parole officer shall:~~

~~1. See the juvenile face-to-face;~~

~~2. Give the juvenile the written rules of supervision, including any special conditions, and explain these to the juvenile and, when appropriate, to the juvenile's parents or guardians; and~~

~~3. Document these actions in the case record.~~

A. When a court places a juvenile on probation, within five days of receiving the court order, a probation officer shall meet with the juvenile in person, provide the juvenile with the written rules of supervision, including any special conditions, and explain the written documents to the juvenile and, when appropriate, the juvenile's parents or legal guardians.

B. Before a committed juvenile is released from a facility on parole supervision, a probation officer shall ensure the juvenile receives the written rules of supervision along with an explanation of the rules, and provides a signature noting receipt of the document. The probation officer shall convene a supervision meeting with the juvenile, and, if applicable, the parent or legal guardian no later than the first business day after release.

C. The probation officer shall document in the case record that the actions required in this section have been completed.

6VAC35-150-350. ~~Supervision~~ Individual case plans for juveniles.

A. ~~To provide for the public safety and address the needs of a juvenile and that juvenile's family, a~~ A juvenile shall be supervised according to an ~~written~~ individual ~~supervision~~ case plan~~, developed in accordance with approved procedures and time frames,~~ that describes the range and nature of field and office contact with the juvenile, ~~with~~ the parents or guardians of the juvenile, and ~~with~~ other ~~agencies or providers~~ entities providing treatment or services.

B. ~~In accordance with approved procedures,~~ When a juvenile is placed on probation or parole, each ~~written~~ individual ~~supervision~~ case plan shall be reviewed at least once every 90 days (i) with the juvenile and the juvenile's parent or legal guardian, as appropriate and applicable, ~~family,~~ and (ii) by a ~~supervisor~~ supervisory officer. Each review shall consider the appropriateness of the plan from both a ~~treatment~~ service and a case management perspective ~~to confirm the appropriateness of the plan~~.

6VAC35-150-355. Supervision of juvenile on electronic monitoring.

When ~~a unit~~ a probation officer places a juvenile in an electronic monitoring program, ~~use of the program shall be governed by approved procedures that shall provide for criteria for placement in the program, parental involvement, required contacts, consequences for tampering with and violating program requirements, and time limits.~~ regardless of whether the placement is court ordered, the officer shall ensure that the juvenile and the juvenile's parent or legal guardian, as appropriate and applicable, are informed of (i) how the monitoring technology operates, and (ii) the rules associated with its use.

6VAC35-150-365. ~~Supervision of adult on probation.~~ (Repealed.)

~~For an adult convicted of a criminal act for which the juvenile court retained jurisdiction pursuant to § 16.1-241 of the Code of Virginia and the juvenile court does not order specific conditions of supervision, a supervision plan for the adult probationer shall be prepared within 30 days of the disposition. The adult and that adult's family, if appropriate, must be consulted in development of the supervision plan.~~

6VAC35-150-380. ~~Violation of probation or parole.~~ (Repealed.)

~~When a probationer or parolee violates the conditions of the individual's probation or parole, unit personnel shall take action in accordance with approved procedures.~~

6VAC35-150-390. Transfer of case supervision.

A. When the legal residence or place of abode of an individual ~~under the supervision of a CSU~~ on probation or parole changes from or is not within the jurisdiction of the original supervising CSU, the supervision of the case may be transferred to another unit in Virginia in accordance with § 16.1-295 of the Code of Virginia ~~and approved procedures.~~ Before making a transfer in accordance with this subsection, the designated CSU staff in the originating unit shall consider whether the transfer would be in the juvenile's best interest.

B. When transferring or receiving supervision of a juvenile on probation or parole to or from another state, CSU staff shall do so in accordance with the Interstate Compact Relating to Juveniles, Article 14 (§ 16.1-323 et seq.) of Chapter 11 of Title 16.1 of the Code of Virginia.

6VAC35-150-400. Notice of release from supervision.

Before a probation or parole supervision case is closed, the probation officer shall give written notice ~~Notice~~ of release from supervision ~~shall be given in writing~~ to the individual under ~~the supervision of a~~ CSU supervision and to the individual's parents or guardians ~~of juveniles~~ as appropriate and applicable. The ~~Such~~ notification shall be ~~appropriately~~ documented in the case record ~~in accordance with approved procedures~~.

Article 6

Juvenile in Direct Care

6VAC35-150-410. Commitment information.

~~A.~~ When a juvenile is committed to the department, the juvenile may not be ~~transported to the Reception and Diagnostic Center (RDC)~~ assigned to an initial intake facility for direct care until (i) the items and information required by ~~the~~ § 16.1-287 of the Code of Virginia ~~and approved procedures~~ have been received and accepted by ~~RDC~~ designated department staff ~~and (ii) the case is accepted by RDC~~.

~~B. If a juvenile is transported to the department directly from the court, in addition to ensuring the immediate delivery of the items required in subsection A of this section, unit staff shall immediately notify RDC by telephone of the juvenile's impending arrival.~~

6VAC35-150-415. Supervision of juvenile in direct care.

For a juvenile placed in direct care, the probation ~~or parole~~ officer shall, ~~in accordance with approved procedures~~, do the following:

~~1. Develop and implement a family involvement plan.~~

1. Collaborate with designated residential staff on the development of an initial individual case plan;

2. For juveniles committed to the department as serious offenders pursuant to §§ 16.1-272 and 16.1-278.8 A 17 of the Code of Virginia, work collaboratively with staff in the facility where the juvenile resides to complete the progress report required by § 16.1-285.2 of the Code of Virginia; and

3. For indeterminately committed juveniles whom the department concludes should remain under direct care beyond the high end of the length of stay range, as determined by the board, work collaboratively with staff in the facility where the juvenile resides to complete the progress report and prepare any petition required by § 16.1-285.3 of the Code of Virginia within the statutorily prescribed timeframes.

~~2. Develop a parole supervision plan.~~

~~a. For a juvenile indeterminately committed to the department pursuant to §§ 16.1-272 and 16.1-278.8 A 14 of the Code of Virginia, CSU staff shall complete a parole supervision plan in accordance with approved procedure.~~

~~b. For a juvenile determinately committed to the department pursuant to §§ 16.1-272, 16.1-278.8 A 17, or 16.1-285.1 of the Code of Virginia, a parole supervision plan shall be prepared for all serious offender judicial review hearings as required by law and in accordance with approved procedures.~~

~~3. Send a report on the family's progress toward planned goals of the family involvement plan to the facility at which the juvenile is housed.~~

6VAC35-150-420. Contacts during juvenile's commitment.

~~During the period of a juvenile's commitment, a designated staff person shall make contact with the committed juvenile, the juvenile's parents, guardians, or other custodians, and the treatment staff at the juvenile's direct care placement as required by approved procedures. The procedures shall specify when contact must be face-to-face contact and when contacts may be made by videoconferencing or by telephone.~~

A. During the period of a juvenile's commitment, designated CSU staff shall make the following contacts at least once monthly:

1. Contact with the committed juvenile by telephone or virtually;

2. Contact with the juvenile's parents, guardians, or other custodian, as appropriate and applicable, by telephone, virtually, or in-person; and

3. Contact with the treatment staff at the juvenile's direct care placement by telephone, virtually, or in-person.

B. During a juvenile's commitment, designated CSU staff shall make in-person contacts with the committed juvenile at least once every 90 days.

Chapter 101

Regulation Governing Juvenile Secure Detention Centers

6VAC35-101-1180. Placements in postdispositional detention programs.

A. A detention center that accepts placements in a postdispositional detention program shall have written procedure ensuring reasonable utilization of the detention center for both predispositional detention and the postdispositional detention program. This procedure shall provide for a process to ensure that the postdispositional detention program does not cause the detention center to exceed its rated capacity.

B. When a court orders a resident detained in a postdispositional detention program, the detention center shall:

1. Obtain from the court service unit a copy of the court order, the resident's most recent social history, and any other written information considered by the court during the sentencing hearing; and

2. Develop a an initial written postdispositional plan with the court service unit that requires resident orientation, explanation of the behavior management program, and engagement in rehabilitation programming within five business days ~~to enable such residents to take part in one or more locally available treatment programs appropriate for their rehabilitation that may be provided in the community or at the detention center.~~ of the court issuing the order. The plan shall address how the resident will be transported when temporarily released in accordance with subsection E of this section. The plan may authorize detention center staff, court service unit staff, or any other responsible adult approved by the detention center to carry out the transport, provided the plan does not conflict with § 16.1-254 of the Code of Virginia.

C. When a detention center accepts placements in a postdispositional detention program, the detention center shall:

1. Provide programs or services for the residents in the postdispositional detention program that are not routinely available to predispositionally detained residents. This requirement shall not prohibit residents in the postdispositional detention program from participating in predispositional services or any other available programs; and

2. Establish a schedule clearly identifying the times and locations of programs and services available to residents in the postdispositional detention program.

D. Upon the receipt of (i) a referral of the probation officer of a potential resident who meets the prerequisite criteria for placement provided in § 16.1-284.1 of the Code of Virginia or (ii) an order of the court, the detention center shall conduct the statutorily required assessment as to whether a resident is an appropriate candidate for placement in a postdispositional detention program. The assessment shall assess the resident's need for services using a process that is outlined in writing, approved by the department, and agreed to by both the facility administrator and the director of the court service unit. Based on these identified needs, the assessment shall indicate the appropriateness of the postdispositional detention program for the resident's rehabilitation.

E. When programs or services are not available in the detention center, a resident in a postdispositional detention program may be considered for temporary release from the detention center to access such programs or services in the community.

1. Prior to any such temporary release, both the detention center and the court service unit shall agree in writing as to the suitability of the resident to be temporarily released for this purpose.

2. Residents who present a significant risk to themselves or others shall not be considered suitable candidates for participation in programs or services outside the detention center or for paid employment outside the detention center. Such residents may participate in programs or services within the detention center, as applicable, appropriate, and available.

DOCUMENTS INCORPORATED BY REFERENCE (6VAC35-150)

~~Guidelines for Transporting Juveniles in Detention, September 2004, State Board of Juvenile Justice.~~

Robert A. Bermingham, Jr.
Director

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COMMONWEALTH OF VIRGINIA

Department of Juvenile Justice

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TO: State Board of Juvenile Justice

FROM: Virginia Department of Juvenile Justice

SUBJECT: Request Authorization to Submit Amendments to the Regulation Governing State Reimbursement of Local Juvenile Residential Facility Costs for Advancement to the Final Stage of the Regulatory Process

DATE November 18, 2026

I. SUMMARY OF ACTION REQUESTED

The Department of Juvenile Justice (the department) respectfully requests that the State Board of Juvenile Justice (board) authorize amendments to the Regulation Governing State Reimbursement of Local Juvenile Residential Facility Costs (State Reimbursement Regulations) set out in 6VAC35-30 for advancement to the Final Stage of the regulatory process pursuant to the Administrative Process Act set forth in § 2.2-4000 et seq. of the Code of Virginia. As part of the same action, the department also requests that the board approve the addition of a new regulatory chapter (Regulation Governing the Process for Planning, Designing, and Constructing Locally Funded Juvenile Residential Facilities [6VAC35-35]) for advancement to the Final Stage. The proposed amendments and the new chapter are intended to impact local juvenile detention centers and locally or regionally operated juvenile group homes and similar residential facilities regulated by the department pursuant to § 16.1-309.9 of the Code of Virginia.

II. BACKGROUND OF THE REVIEWS

Section 16.1-309.5 of the Code of Virginia directs the Commonwealth of Virginia to reimburse localities for "one-half the cost of construction, enlargement, renovation, purchase or rental of a detention home or other facilities the plans and specifications of which were approved by the board and the Governor" in accordance with the statute. Additionally, the statute directs the board to promulgate regulations, including criteria for evaluating requests for such reimbursement and "to ensure the geographically equitable distribution of state funds provided for such purpose." Pursuant to this statutory directive, the board has had regulations in place since 1992 that establish the process localities must follow when engaged in construction, renovation or similar projects for the development or modification of local juvenile detention centers, group homes, and similar facilities.

At its April 7, 2021, meeting, the board authorized the submission of the Proposed Stage for both the amendments to 6VAC35-30 and the creation of the new 6VAC35-35. The Office of the Attorney General completed its review on March 20, 2025. The Department of Planning and Budget and the Secretary of Public Safety and Homeland Security completed their reviews on May 20, 2025, and January 6, 2026, respectively, and the Governor's office completed its review on January 13, 2026. The Proposed Stage was published in the Virginia Register of Regulations on April 6, 2026, with a 60-day public comment period ending on June 5, 2026. The department received and responded to one comment, detailed below:

Commenter	Comment	Agency response
Andy Harrold	Streamlining the process of state reimbursement to distinguish between localities' funding preferences could help reduce paperwork and clarify reimbursement eligibility. However, there could be concerns with equity in regulation; if funding can be opted out of by certain localities, will these localities see a reduction in government oversight—i.e. could it reduce the quality of their facilities—due to less direct financial involvement?	Thank you for your interest in these regulations. Comments and questions from members of the public are an important part of the regulatory process. The main difference between 6VAC35-30 (Regulation Governing Reimbursement of Local Juvenile Residential Facility Costs) and the proposed 6VAC35-35, pertaining to localities not seeking reimbursement for construction projects, is that the requirements aimed at successfully applying for state reimbursement have been removed in 6VAC35-35. The pre-screening, construction documents, design change, and final inspection requirements are very closely aligned in both regulatory chapters, and both chapters will require similar review by the department. Further, all juvenile detention centers, whether reimbursed by the state or not, must submit to a review of the completed facility and obtain conditional certification before admitting residents, in accordance with the provisions of 6VAC35-20 (Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities). No juvenile detention center will be permitted to admit residents if the building is unsuitable for occupation. Additionally, all juvenile detention centers must adhere to the regulatory provisions in 6VAC35-101 (Regulation Governing Juvenile Secure Detention Centers), which include provisions pertaining to detention center buildings. The department is

		satisfied that, taken as a whole, this regulatory structure will ensure that no residents are placed in less than satisfactory facilities.

III. CHANGES SINCE PROPOSED STAGE

Definitional Changes: The definition for *area allowance per bed* was left inadvertently left in the text of the Proposed stage and has been removed for the Final stage. A few minor changes were made for clarity and style.

Document Incorporated by Reference: The only remaining document incorporated by reference into 6VAC35-30 is the Construction and Professional Services Manual (CPSM) issued by the Division of Engineering and Buildings in the Department of General Services. During the course of this regulatory action, the CPSM has been updated numerous times. The Final stage updates the CPSM to its most recent edition: Commonwealth of Virginia Construction and Professional Services Manual, 2026 Edition, Revision 0, July 31, 2026.

6VAC35-35-40 C: In the new Chapter 35, subsection C of Section 40 contains a requirement that the department review the project overview upon receipt and provide comments "regarding the project's proposed compliance with statutes, regulations, and guidance documents applicable to this chapter." The inclusion of guidance documents in this requirement was in error as 1VAC7-10-140 prohibits the incorporation by reference of an agency's own documents unless the agency can establish that the document or circumstances are unique and highly unusual. The department does not believe the guidance documents referenced in this subsection qualify for the exception, so the language has been updated to remove the reference to them.

IV. BACKGROUND OF PROPOSED CHANGES

Improper Incorporation by Reference: Pursuant to 1VAC7-10-140, state agencies may not incorporate their own documents into a regulation by reference unless the agency establishes that the documents or circumstances are highly unusual. The current State Reimbursement Regulations contain several provisions requiring locally and regionally operated juvenile facilities regulated by the department to comply with approved department procedures. In this regulatory chapter, these references are to the department's "Step-by-Step Procedures for Approval and Reimbursement for Local Facility Construction, Enlargement, and Renovation," which includes the Guidelines for Minimum Standards in Design and Construction of Juvenile Facilities. The department has not demonstrated that this Step-by-Step document is unique and highly unusual; therefore, the department believes that incorporating this document into the regulation violates 1VAC7-10-140. The committee is recommending striking these references in the following sections: 10 (*definition of substantive change);* 35 (*prescreening*), 90 (*preliminary design*); 100 (*construction documents*); 130 (*construction)*, 150 (*record documents)*, and 180 (*request for final reimbursement for all projects)*. The proposal also removes the Step-by-Step document from the list of "Documents Incorporated by Reference" that follows this regulatory chapter. Finally, the proposal adds a new Section 185 that directs the department to establish guidelines governing the form and process for submitting documents required in this chapter. The regulations do not mandate compliance with these guidelines.

Moratorium on Reimbursements: Although the governing statute requires the Commonwealth to provide reimbursement to eligible localities, for a number of years the Appropriation Act has prohibited the board from approving funds for state reimbursement of applicable construction, enlargement, or renovation costs for these

facilities. The Act allows an exception only for emergency maintenance projects needed to resolve immediate life safety issues and approved by the board and the Secretary of Public Safety and Homeland Security. While the current regulation references the moratorium, the provisions do not address the availability of reimbursement funds for emergency maintenance projects.

Repeal of Outdated or Inconsequential Sections and Language:
In response to the Registrar's directive that state agencies remove introductory statements from their regulatory chapters, the committee recommends repealing Section 10 (*introduction*), which explains the purpose of this chapter. The proposal also removes introductory language in Section 160 (*private construction of juvenile facilities)* that merely duplicates a statutory provision. Purpose statements and explanatory statutory recitations are unnecessary in the context of a regulation and better suited for departmental or local procedures.

V. DEFINITIONAL CHANGES

Some terms removed: The committee recommends eliminating certain terms that no longer require definition due to related changes in the regulation. The proposal strikes the following terms: *area allowance per bed* and *board-approved funding formula*.

Substantive content in definitions moved: Per the Style Manual, definitions should not contain substantive provisions. The proposal moves certain substantive provisions contained in the following definitions to the applicable content sections of the regulation:

- *Needs assessment* – substantive provisions moved to Section 42.
- *Planning study* – substantive provisions moved to Section 42.

New terms added: The proposal adds definitions for the following terms used frequently in the regulation but not currently defined: *construction*, *Construction and Professional Services Manual or CPSM*, *day*, *emergency*, *enlargement or expansion*, *renovation*, and *written*.

The proposal makes additional, minor changes to simplify definitions and concepts.

VI. SUMMARY OF SUBSTANTIVE RECOMMENDATIONS – SIGNIFICANT IMPACT

The department proposes the following substantive changes. While the ability to obtain reimbursement funding is extremely limited due to the moratorium on board-approved funding pronounced in the Appropriation Act, these changes are expected to significantly impact the process for obtaining department and board approval for local facility construction and similar projects.

Change process for localities not seeking funding – Section 15; 6VAC35-20-69; 6VAC35-101-350:

The State Reimbursement Regulations currently apply to localities engaging in the construction, renovation, or similar modification of local juvenile residential facilities regulated by the department, regardless of whether the localities are seeking reimbursement. Similar provisions in the regulations that govern the department's certification process (6VAC35-20) and juvenile secure detention centers (6VAC35-101) direct local facilities pursuing these projects to comply with the State Reimbursement Regulations, irrespective of their intent to seek reimbursement. While these provisions have long been a part of the board's regulations, the department believes they may exceed the board's statutory authorization in § 16.1-309.5, which is limited to establishing a process for

"evaluating requests for state reimbursements." In order to preserve the department's role in vetting such local projects to ensure compliance with applicable construction and security standards for cases where no reimbursement is sought, the committee recommends replacing these provisions with a new chapter that establishes a simplified, expedited process.

> ***Proposal:*** The proposal adds an applicability section (Section 15) narrowing the application of the State Reimbursement Regulations to localities requesting reimbursement for eligible projects, either currently or in the future, and makes conforming changes to Sections 30, 6VAC35-20-69 and 6VAC35-101-350. Localities that have no intention of seeking reimbursement at any point will be subject to the expedited process in the new regulatory chapter, 6VAC35-35 (*see page 4 for additional information).*

Clarify process for emergency maintenance project reimbursements during moratorium – Section 45

The current regulation provides that while the moratoria on **construction** and reimbursement are in place, the sponsor must comply with the State Reimbursement Regulations and may pursue reimbursement thereafter either by legislative exception or by requesting reimbursement in the future should the legislature ever authorize project funding. The committee believes the moratorium does not extend to construction and recommends striking the construction reference. The committee also recommends additional language to address the process for seeking reimbursement for emergency maintenance projects, as authorized in the current Appropriations Act.

> ***Proposal:*** Consistent with language in the Appropriation Act, the proposal allows reimbursement solely for emergency maintenance projects needed to address immediate life safety issues in a juvenile facility. In order to obtain reimbursement for such projects, the proposal directs localities to follow the prescreening provisions and all other provisions applicable to the specific category of projects under which the emergency maintenance project falls pursuant to Section 35. Additionally, localities must obtain board and Secretary of Public Safety approval. Finally, if the board approves the reimbursement, it must adopt an emergency resolution providing that reimbursement is contingent on funds being approved by the General Assembly.

Repeal complex funding formula –Section 65

The existing regulation requires localities seeking reimbursement to use a complex funding formula to determine the costs the locality incurred in constructing new facilities or modifying existing local juvenile facilities. The funding formula is a comparative formula that considers construction in other localities to establish a baseline cost. The formula includes the methodology used for calculating the adjusted median construction costs of a local facility. Initially, this formula helped to control construction and renovation costs for participating localities. Because so few facilities have completed renovation or construction projects in recent years, the department no longer has a reliable basis for these comparisons. Furthermore, portions of the funding formula relied on figures derived from jails, which is inconsistent with the shift in philosophy that many detention centers have taken.

> ***Proposal:*** The committee recommends repealing the funding formula in its entirety and allowing the architect/engineer to determine construction costs based on its expertise. Conforming changes are made to Section 60. Additionally, the proposal strikes the R.S. Means Facilities Construction Document as a document incorporated by reference, since removing the funding formula eliminates the need to reference this document.

VII. SUMMARY OF SUBSTANTIVE RECOMMENDATIONS – MODERATE IMPACT

Prescreening – Section 35

As part of the prescreening process, the existing regulation requires sponsors (localities planning or engaged in applicable projects) to provide the department with a brief project description and a graphic showing the proposed structural changes. The committee explained that such graphics are not always available as early as the prescreening stage.

Per the existing regulation, once the sponsor submits this information, the department separates the request into one of three categories depending upon whether the proposed project: (1) will impact the facility's regulatory compliance; increase square footage, bed space or capacity, or change the facility's certification or licensure status; (2) is a facility enhancement not covered under the previous category; or (3) is a minor change, such as one made for routine maintenance. Category 1 projects must comply with all of the regulatory requirements in this chapter. Category 2 projects need only submit a project overview, cost estimates, and all other documentation required in written procedures and may proceed with their reimbursement requests pursuant to Section 180 without following any additional provisions in this chapter. The regulation does not address the information that should be included in the project overview. Category 3 projects are subject to department procedures rather than this chapter.

> ***Proposal:*** The proposal requires an initial graphic only if such graphic is available. Additionally, the proposal clarifies that Category 1 projects include construction, enlargement, or other modification projects. Construction projects do not fall under Category 2. Additionally, the project overview submitted for Category 2 projects must provide a brief description of the project, justify its necessity, and include other pertinent information, as needed. Finally, the proposal eliminates Category 3 and moves to the applicability section (§ 15) the provision excluding minor projects from this chapter's jurisdiction. In so doing, the proposal clarifies that routine maintenance and other minor projects are not subject to the prescreening process mandated in this section.

Reimbursement requests – Section 40: Currently, the department must advise localities engaging in applicable projects of deadlines for submitting materials for approval and inclusion in DJJ's budget request to the Governor and for consideration during the next legislative session. The proposal clarifies that the advisement is only necessary where applicable (e.g., where state funding has been reinstated, necessitating a budget request to the Governor and consideration by the General Assembly). The proposal also requires notification regarding the deadline for submissions necessary to obtain approval from the board.

As currently drafted, this section establishes the process for submitting a needs assessment and planning study. The proposal moves these provisions to a newly created separate section (Section 42) and amends the catchline to reflect this change.

Needs assessment and planning study requirements (New Section 42): This new section contains all of the requirements related to the process for submitting a needs assessment and planning study, previously contained in Section 40. The needs assessment evaluates local or regional trends and factors affecting local facility needs and assesses the locality's existing facilities and nonresidential programs. The planning study describes a proposed project. The Section 10 definitions establish the individual components comprising a needs assessment and planning study. The proposal moves these components to Section 42.

The proposal makes a number of changes to the needs assessment process. First, it sets a 45-day deadline for DJJ to review the assessment and advise the sponsor once a locality submits its needs assessments. Second, it directs the board to consider the needs assessment "as soon as reasonably practicable" following DJJ"s review, rather than at its next regularly scheduled meeting to ensure the department has sufficient time to prepare materials. If the board approves the needs assessment, the proposal instructs the department to advise the sponsor of the project's approved advancement to the Planning Study phase pending the Governor's approval, rather than requiring the department to advise the locality of the deadline for submitting the planning study. Finally, the proposal changes the deadline for the department's advisement regarding the board's decision from seven business days to 10 calendar days and requires the department to provide a record once the board adopts its minutes.

Similarly, the proposal amends the Planning Study process to require the board to consider the planning study "as soon as reasonably practicable following the department's review, rather than at its next regularly scheduled meeting. The proposal makes additional changes for clarification.

Criteria for board funding recommendation – 60: Under the existing regulation, once the board approves the Planning Study, it must recommend the state reimbursement amount using certain specified criteria. As an example, the board must review the economy of construction costs. The proposal allows the board to use comparable projects completed within the last five years as a basis for this review. Additionally, for renovation projects, the proposal directs the board to consider, among other information, whether the proposed changes are consistent with federal and state statutes and regulations as a basis for construction economy. Finally, the proposal clarifies the board's authority to make adjustments regarding the reimbursement request by providing that the board may adjust the estimated project cost eligible for reimbursement. This amendment more accurately reflects the process given that the amount the locality requests does not change based on the economy of construction costs; instead, after consideration, the board may adjust the amount eligible for reimbursement based on whether it deems such construction costs economical. Conforming changes are made in the four subdivisions that describe examples where increases and decreases in the estimated project cost are permitted.

In addition, the current regulation provides that any such board adjustment to funding must be based on the lesser of the gross square footage of the various conditions multiplied by a cost equal to the adjusted median cost of the proposed gross square foot cost of the facility. This provision is unnecessary given the removal of the funding formula and has been removed.

The proposal also moves the language authorizing the sponsor to request reimbursement amounts in phases to Section 42 because the sponsor must make this request as part of the Planning Study. The proposal makes additional nonsubstantive changes to this section for clarification.

Preliminary design process – Section 90: The existing regulation fails to specify a deadline by which the department must review preliminary design documents submitted by the sponsor. The proposal requires that the department complete this task within 45 days of receipt of the documents.

Change order process – Section 110: The existing regulation requires the board to suspend the review process if the scope of the project changes substantively, the estimated construction costs increase, or operational staff requirements change during the project development phase. This suspension continues until the locality resubmits the project to the board for further review. The proposal amends this provision by making the project's suspension

discretionary rather than mandatory and by striking the provision that allows changes in operational staff to trigger the suspension. The proposal also provides that only those additional costs of construction for which the locality is seeking reimbursement can potentially trigger the suspension, and not any increase in the cost of construction. Finally, because the extent of changes in the project's scope can vary depending upon the project and to avoid having the sponsor seek board approval for the change, the proposal gives the department the discretion to determine next steps upon suspending the review process, including determining whether any regulatory requirements must be repeated.

Failure to initiate construction within three years – New Section 115: The proposal adds a new provision that invalidates the board's approval of a planning study if a locality fails to execute a construction contract for the approved project within three years of the board's approval, unless the sponsor seeks an extension from the board in writing. The board may grant the extension or require the sponsor to amend and resubmit its needs assessment and planning study pursuant to Section 42. This amendment recognizes the significant changes that may occur within a three-year time period.

Bidding: The existing regulation establishes a process for obtaining the department's feedback regarding bids for construction. The locality submits materials to the department, DJJ responds within five business days, and the sponsor provides a subsequent written response within 10 business days of receiving DJJ's comments. The proposal strikes this unnecessary 10 business-day deadline and changes the deadline for DJJ to respond to the sponsor from five business days to seven calendar days.

Construction – Section 130: The current regulation directs the sponsor to submit monthly inspection **or** progress reports to the department by the 15th day of the month following the inspection or following the progress report due date. Generally, contractors complete and submit progress reports to the owner to detail progress on the job. The architect/engineer generally performs the inspection to ensure buildings are being constructed in accordance with the construction drawings and specifications. Because having access to both of these reports monthly would give the department early notice of any issues that the sponsor is encountering, the proposal requires that **both** reports be submitted on a monthly basis. Additionally, if the monthly submission uncovers any issues, the proposal instructs the sponsor to explain the issues and the plans for addressing them. Rather than specifying the date on which the reports must be submitted, the proposal requires the sponsor to develop a schedule that sets out the due dates for such reports. Finally, the proposal removes language indicating that failure to submit the monthly inspection and progress reports may be grounds for denying the reimbursement, as this possibility is contemplated under Section 190 (compliance).

Under the current regulation, localities must submit any substantive change that occurs during the construction phase to the department for review and approval before executing the change. The proposal provides that a change will be deemed substantive if it either (i) increases the project cost by $50,000 or more or (ii) has accumulated change orders that exceed 25% of the original contract amount. In such cases, the proposal directs the locality to submit the change orders to the department for review.

Currently, only the changes approved through the department's approved procedure will be eligible for reimbursement, and a locality that fails to obtain approval of a substantive change may have their requested reimbursement denied. The proposal removes this language in its entirety because it violates the incorporation by reference rule, and because the provision establishing potential consequences for failure to seek approval is redundant, since that language is set out in Section 190. Finally, the proposal adds a new subsection C providing

that additional reimbursement requests resulting from substantive changes are subject to the requirements in Section 180, which establishes the process for making final reimbursement requests.

Private construction of juvenile facilities – Sections 160 and 170: Under § 16.1-322.5 of the *Code of Virginia*, the board may allow localities to contract with private entities for the financing, site selection, acquisition, or design and construction of a local or regional detention home or other secure facility. The current regulation mandates that such localities receive state reimbursement in the same manner as that available for all other eligible local projects. Because, as a practical matter, reimbursement has never been available for these types of contractual arrangements and because § 16.1-309.5 does not expressly provide for reimbursement under these scenarios, the proposal removes the reimbursement mandate for these private contracts in favor of language directing such localities to seek authorization from the board and to submit documentation demonstrating compliance with § 16.1-322.5 (moved from Section 170) before entering into any such contracts. The proposed amendment is more reflective of § 16.1-322.5's requirements. The proposal repeals Section 170, since its provisions were moved to Section 160.

Request for Final Reimbursement for All Projects – Section 180: Once the locality completes the project, the sponsor must submit to the department all documentation mandated in the department's written procedures. The proposal removes the reference to written procedures because it violates the incorporation by reference rule and instead specifies that the information submitted to the department must include the written request for final reimbursement for the applicable project and any documentation supporting the request.

The current regulation provides that if the final requested reimbursement amount does not exceed the amount initially recommended, including the contingency, the department must authorize reimbursement within 90 days of receiving a complete reimbursement request. The form of the request must comply with department procedures. The proposal strikes the language referencing the contingency as unnecessary and removes the language referencing approved procedures. The proposal adds language clarifying that the reimbursement amount may not exceed 50% of the actual project costs.

Currently, if the locality's final reimbursement request exceeds the amount initially recommended, the sponsor must justify the cost increase and submit the adjusted reimbursement request to the board and Governor or his designee for approval. To avoid having the entire reimbursement amount withheld while the Governor and board consider the amended request, the committee recommends modifying this provision to require the department to process the initial reimbursement amount, and to submit a written adjusted reimbursement request and justification for any increase over the amount of the initial board-approved reimbursement.

Finally, the proposal adds a new subsection D stipulating that funds for reimbursement are contingent on a legislative appropriation.

VIII. SUMMARY OF RECOMMENDATIONS – MINOR IMPACT

Remove references to business days: Throughout the existing regulation, DJJ and affected localities are required to provide information within a certain specified number of business days. For simplification purposes, the workgroup recommends converting business days to calendar days in the following sections: Sections 35, 42, 80, 90, 120, 130 and 180.

Remove unnecessary terminology referenced in the CPSM: The proposal removes the parenthetical reference to the "bid documents phase" in the CPSM, set out in Section 100. This reference is intended to explain the term "bidding phase." Because the CPSM no longer references a "bid document phase" and because "bidding phase" is a commonly understood term in the construction industry, reference to the "bid documents phase is unnecessary.

Funding priorities – Section 70: The proposal strikes language in this section suggesting that the board's duty to give preference to requests for facilities serving fewer than three localities is not absolute in those situations where there is no health, safety, or welfare risk requiring priority. The proposal makes additional changes for clarity.

Final inspection – Section 140: Currently, the sponsor must establish a schedule for final inspection of the project once construction is complete, and certain information must be included on the schedule. Rather than focusing on a schedule, the group agreed that this provision should ensure that a final inspection of the completed project occurs and that the tasks currently required for inclusion on the schedule should be part of the inspection process. The proposal strikes the language requiring the adoption of a schedule and replaces it with a requirement to ensure final inspection of the project.

IX. NEW REGULATORY CHAPTER

While the governing statute's mandate regarding regulations does not appear to extend to projects for which localities are not seeking reimbursement, the committee understands the potential harm to localities and to youth if residential facilities are not vetted by the department. The committee believes an alternative agency review process should be established to ensure local juvenile facility construction and renovation projects are subject to the same level of review, whether or not the locality seeks state reimbursement. Therefore, the committee is recommending an alternative, expedited process localities must follow to obtain DJJ certification when constructing, renovating, or enlarging local juvenile facilities. Because the process does not involve reimbursement, the committee recommends setting these provisions out in a new, separate regulatory chapter.

Definitions (Section 10): The new section defines the following terms that are substantively identical to the definitions in the state reimbursement regulation: *board*, *board regulation*, *construction*, *day*, *department*, *enlargement or expansion*, *local facility or facility*, *project*, *routine maintenance*, *sponsor*, *substantive change*, and *written*. The new section's definition for *renovation* differs from the state reimbursement regulations in that it does not include changes to equipment. Equipment is included in the definition for renovation in the state reimbursement provisions so that localities can include costs for renovating equipment into their reimbursement request calculations. In addition, unlike the definition in the state reimbursement regulations, *renovation* under this new section does not require alterations for the purpose of **modernizing**, as this may not be the intent for all renovations. The following terms used and defined in the state reimbursement regulations relate to reimbursement requests and are not used or defined in this chapter: *area allowance per bed*, *board-approved funding formula*, *CPSM*, *efficiency ratio*, *emergency*, *needs assessment*, and *planning study*.

Prescreening and Project Overview (Sections 30 and 40): Localities will need to undergo a prescreening process similar to that required for localities seeking state reimbursement. The locality will need to submit the same materials required under the reimbursement process and undergo the same department classification determination. The department will classify the projects as falling under this chapter or the state reimbursement regulatory chapter, and if DJJ does not meet its 30-day deadline for making this determination, the locality may self-classify and proceed under the applicable regulatory chapter. Routine maintenance projects, projects not

affecting the facility's compliance with other regulations, and projects making minor changes to the facility are not required to undergo this review.

For projects falling under this chapter, rather than completing a needs assessment and planning study, the sponsor must submit a project overview explaining the project's purpose and objective. The overview shall include descriptions of the existing or proposed program and proposed project, architectural and engineering drawings at the Schematic Design Document level, and the anticipated schedule for completing the project. The department shall review the project overview and provide written comments as to the project's compliance with applicable laws, regulations, and guidance documents. Departmental recommendations for changes to the construction documents shall be in writing, and the sponsor shall provide a written response to all such comments.

Construction documents (Section 50): Under this expedited process, sponsors also shall provide the department with working drawings, specifications, and required review approvals from local officials. The department shall review these documents to determine whether they comply with applicable statutes, regulations, and guidance documents, and may recommend changes, provided they are communicated in writing. The sponsor must respond to these comments in writing and address any identified issues before proceeding to the project's bidding phase. Because the locality is not seeking reimbursement, the department will have no role in the bidding phase. Once the sponsor has addressed all review comments, the department shall provide the sponsor with written notice that the project may progress to the construction phase.

Design Changes and Changes during Construction (Sections 60, 70): Like the reimbursement regulations, if a substantive change in the project's scope occurs during the project development stage, the department has the authority to suspend the review process and determine whether the locality must repeat any or all preceding requirements. Unlike reimbursement projects, substantive changes are not tied to project costs or the contract amount. If a substantive change occurs during the construction phase, the sponsor must submit a written explanation before executing the change. The department must review and comment but has no authorization to approve or reject such changes during the construction phase. Unlike the state reimbursement regulations, monthly inspection or progress reports are not required during the construction phase.

Final Inspection (Section 80): The final inspection process for non-reimbursement projects is the same as required in the regulations governing projects seeking reimbursement. This process is important to ensure that the department's Certification and Capital Outlay units have a record of the facility's project process and completion.

Record documents: Like the reimbursement regulations, the sponsor must ensure that its architect modifies and marks as "Record" the original drawings and specifications so that they reflect the actual project construction. The proposal differs from the state reimbursement regulations in that these documents need not comply with the CPSM, given that state reimbursement funding is not a component of these requirements.

Compliance: The proposal includes language indicating that a locality that fails to comply with this chapter might forfeit its board certification or department approval to house residents in the facility.

Project 5821 - Proposed

Department (Board) of Juvenile Justice

Amend Regulation Governing State Reimbursement of Local Juvenile Residential Facility Costs

6VAC35-20-69. Newly opened facilities and new construction, expansion, or renovation of residential facilities.

A. When a newly opened facility seeks certification to allow the admission of residents, the facility administrator shall contact the director or designee to request a review of the facility for conditional certification.

B. The facility administrator and the department shall follow the requirements of this chapter ~~and department procedures~~ in reviewing a facility prior to admission of residents. New construction, expansions, and renovations in all juvenile residential facilities~~, whether or not the facility or its sponsor is seeking reimbursement for construction or operations,~~ shall conform to the governing provisions of the following regulations:

1. Regulation Governing Juvenile Correctional Centers (6VAC35-71);

2. Regulation Governing Juvenile Secure Detention Centers (6VAC35-101); and

3. Regulation Governing Juvenile Group Homes and Halfway Houses (6VAC35-41)~~; and~~

~~4. Regulation Governing State Reimbursement of Local Juvenile Residential Facility Costs (6VAC35-30)~~.

C. In addition to the requirements in subsection B of this section, a juvenile residential facility seeking reimbursement for construction or operations pursuant to § 16.1-309.5 of the Code of Virginia or seeking to preserve the option to obtain reimbursement in the future shall conform to the governing provisions of the Regulation Governing State Reimbursement of Local Juvenile

Residential Facility Costs (6VAC35-30). A juvenile residential facility that is not seeking such reimbursement shall be subject to the governing provisions of the Regulations Governing the Process for Planning, Designing, and Constructing Locally Funded Juvenile Residential Facilities (6VAC35-35).

~~C.~~ D. A newly constructed, expanded, or renovated facility shall, except as provided in subsection ~~D~~ E of this section, obtain conditional certification as provided in 6VAC35-20-100 prior to the placement of residents in the new facility or portion of an existing facility subject to the expansion or renovation.

~~D.~~ E. The director or designee shall consider the request for certification within 60 days of receiving the request and report of the basic audit findings. Actions taken by the director or designee shall be governed by the provisions of 6VAC35-20-100.

6VAC35-30-10. ~~Introduction.~~ (Repealed.)

~~Section 16.1-309.5 of the Code of Virginia requires the Board of Juvenile Justice and the Governor to evaluate all plans for, specifications of, and requests for reimbursement from a locality or localities for the construction, enlargement, purchase, or renovation of projects governed by this chapter. No reimbursements for costs and construction for such projects shall be made unless the plans, specifications, and construction are approved by the board and the Governor in accordance with the provisions contained herein.~~

~~Section 16.1-309.9 of the Code of Virginia further mandates the board to approve minimum standards for the construction and equipment of detention homes and other facilities governed by this chapter. Any such project shall be subject to this regulation and all applicable statutes, regulations, and guidance documents, including, but not limited to, the following:~~

~~1. The Virginia Public Procurement Act, Chapter 43 (§ 2.2-4300 et seq.) of Title 2.2 of the Code of Virginia;~~

~~2. The Construction and Professional Services Manual (CPSM), October 2004, issued by the Department of General Services, Division of Engineering and Building;~~

~~3. The Step-by-Step Procedures for Approval and Reimbursement for Local Facility Construction, Enlargement, and Renovation, March 2001, issued by the Department of Juvenile Justice; and~~

~~4. The Agency Procurement and Surplus Property Manual (1VAC30-130), issued by the Department of General Services, Division of Purchases and Supply.~~

~~Such projects are best accomplished as a cooperative venture between a locality or localities and the Department of Juvenile Justice. Using regulations promulgated by the board and by working together as partners from project planning through project construction and program implementation, the locality or localities and the department ensure that the optimum number of children are provided high quality services at a minimum cost to the locality or localities and to the Commonwealth.~~

6VAC35-30-15. Applicability of this chapter.

This chapter applies to projects for which a locality is seeking reimbursement from the Commonwealth currently or for which the locality is seeking to preserve the option to obtain reimbursement in the future either (i) through legislative enactment or (ii) should funding become available. Projects for which the locality is not seeking reimbursement, either now or in the future, shall be subject to the requirements of [the] Regulation Governing the Process for Planning, Designing, and Constructing Locally Funded Juvenile Residential Facilities (6VAC35-35), unless otherwise specified.

~~Part II~~

~~Definitions~~

6VAC35-30-20. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

[~~"Area allowance per bed" means the gross square footage of the facility divided by the facility's design capacity as provided herein in this chapter.~~]

"Board" means the ~~Virginia~~ Board of Juvenile Justice.

~~"Board-approved funding formula" means the method by which construction costs are calculated as provided for in 6VAC35-30-65.~~

"Board regulation" means a regulation or section or subsections ~~thereof~~ of the regulation promulgated and approved by the board.

"Construction" means the act or process of erecting a new facility or replacing an outdated existing facility. For purposes of this definition, construction does not include enlargement, expansion, or renovation of an existing facility.

"Construction and Professional Services Manual" or "CPSM" means the manual issued by the Commonwealth of Virginia's Department of General Services Division of Engineering and Building that sets forth the standards, policies, terms, conditions, and procedures that state agencies and institutions must follow in procuring professional design and construction services.

"Day" means calendar day unless otherwise specified.

"Department" ~~or "DJJ"~~ means the Department of Juvenile Justice.

"Efficiency ratio" means the proportion of a building's net usable area to its gross floor area.

"Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

"Enlargement" or "expansion" means the [~~expansion~~ extension] of an existing facility through the erection of additional areas as may be determined by need or as required by law or regulation.

"Local facility" or "facility" means a juvenile residential facility that is or ~~may~~ will be regulated by the board and is owned, maintained, or operated by [~~any~~ a] political subdivision or combination of political subdivisions of the Commonwealth, or a privately owned or operated juvenile residential facility that has contracted with any political subdivision or combination of political subdivisions of the Commonwealth and is or ~~may~~ will be regulated by the board.

"Needs assessment" means an evaluation of trends and factors at the local or regional level that may affect current and future local facility needs and the assessment of local facilities and nonresidential programs available to meet such needs. ~~The needs assessment for each proposed project shall identify the target population, the specific need of the target population the project is seeking to address, why the specific need cannot be met with existing resources, all alternatives considered to meet identified need, and the reason for rejecting the alternatives.~~

"Planning study" means an overall description of a proposed project consisting of ~~new~~ construction, renovation of existing facilities, or both. ~~The planning study shall include a program description and a program design as detailed in approved department procedures, architectural and engineering drawings at the Schematic Design (15%) Document level, the relationship of the project to existing facilities or structures, the project's schedule, a detail of the project's total projected design, construction, operation, maintenance costs, and a cost/benefit analysis.~~

"Project" means [~~any~~ a] proposed or actual ~~new~~ construction, renovation, enlargement, or expansion of a juvenile residential facility that is or will be subject to approval by the department or ~~regulation~~ by ~~the~~ board regulation.

"Renovation" means the alteration or other modification of an existing facility or piece of equipment for the purpose of changing the use or capability of such facility or equipment as may be determined by need or required by law or regulation. For purposes of this definition, renovation does not include work on or replacement of a facility or equipment that generally may be associated with normal wear and tear and included in routine maintenance.

"Routine maintenance" means the normal and usual type of repair or replacement necessary as the result of periodic maintenance inspections or normal wear and tear of a local facility or equipment.

"Sponsor" means a city, county, commission, or any combination ~~thereof~~ of these entities, or [~~any~~ a] private entity under contract or arrangement with ~~any~~ a city, county, commission, or any combination ~~thereof~~ of these entities, that is actually building, renovating, expanding, or operating or proposing to build, renovate, expand, or operate a local facility.

"Substantive change" means any deviation from an approved plan or design that will affect the operational and functional performance of the facility, that potentially impacts the facility's compliance with any board regulation, that would result in a change in capacity, or that would result in the sponsor seeking additional reimbursement~~, as detailed in approved department procedures~~.

"Written" means the required information is communicated in writing either in hard copy or electronic form.

Part III

~~Procedures~~ Reimbursement Request Process

6VAC35-30-35. Prescreening.

A. ~~Any~~ A sponsor planning ~~any~~ a construction, renovation, enlargement, or expansion of a local facility and seeking state reimbursement in accordance with § 16.1-309.5 of the Code of

Virginia shall submit an initial ~~writing~~ written request to the department that shall include ~~a graphic showing any proposed structural changes and~~ a brief description of the project, including all operating capacity or programmatic changes to be accommodated by the structure, and a graphic showing the proposed structural changes if available. The department shall review the initial ~~writing~~ written request, determine the appropriate classification in accordance with subsection B of this section, and ~~inform~~ provide a written notification to the sponsor ~~in writing~~ as to whether the project is subject to this ~~regulation~~ chapter as soon as practicable but no later than 30 days ~~from the receipt of~~ after receiving the initial ~~writing~~ request from the sponsor. If the department fails to respond in the required ~~time frame~~ timeframe, the sponsor may proceed with the reimbursement request in accordance with this chapter.

B. ~~Any request~~ The department shall ~~be determined to be in one~~ determine under which of the following categories the request falls:

1. ~~For any new construction, change~~ Projects subject to this entire chapter. Construction, enlargement, or ~~modification~~ other modifications of an existing local facility or piece of stationary equipment, including ~~security-related~~ security-related upgrades, for which the sponsor seeks reimbursement and that will affect the facility's compliance with a board regulation~~,~~; result in a change in certification or licensure status~~,~~; or result in increased square footage, bed space, or capacity shall be subject to this ~~regulation~~ chapter.

2. Projects subject to 6VAC35-30-180. For ~~any~~ each facility ~~enhancements~~ enhancement not provided for in subdivision 1 of this subsection for which the sponsor seeks reimbursement, the sponsor shall submit to the board for approval a project overview ~~and cost estimates to the board for approval and~~ that includes a brief description of the project, a justification for why the project is necessary, and any other pertinent information, as well as an estimate of the total projected cost of the project. The project shall be subject to the

requirements of 6VAC35-30-180. The department and board may require additional documentation.

~~3. Minor changes, such as routine maintenance,~~ This category shall not ~~be subject to this regulation and shall be managed informally in accordance with department procedures~~ apply to construction projects.

C. A sponsor shall not be required to comply with the requirements of this section for the following projects:

1. Routine maintenance projects and other projects that involve minor changes to the facility; and

2. Projects for which the locality is not seeking reimbursement now or in the future. These projects shall be subject to the requirements of Regulation Governing the Process for Planning, Designing, and Constructing Locally Funded Juvenile Residential Facilities (6VAC35-35).

6VAC35-30-40. Reimbursement request deadlines.

~~A. Requests.~~ For ~~all~~ projects subject to all or a portion of this ~~regulation~~ chapter, classified in accordance with 6VAC35-30-35 B 1 and B 2, the department shall advise the sponsor or the sponsor's designated representative of the deadline for submissions necessary to obtain approval~~,~~ (i) from the board; (ii) for inclusion in the department's budget request to the Governor, if applicable; and (iii) for consideration during the next General Assembly session, if applicable.

~~B. Needs assessment. The sponsor shall, prior to the applicable deadline, submit a needs assessment that shall demonstrate the need for the particular service, program, or facility. The board shall consider the needs assessment at its next regularly scheduled meeting and shall approve, reject, or return the needs assessment.~~

1. If the needs assessment is approved by the board, the department shall advise the sponsor of the board's decision and of the deadline for submitting the planning study for the project.

2. If the needs assessment is returned to the sponsor, the board shall provide the sponsor with additional factors to be considered prior to resubmission.

3. The department shall advise the sponsor of the board's decision, in writing, within seven business days of the board's decision.

C. Planning study. The sponsor shall, upon approval of the needs assessment by the board and prior to the applicable deadline, submit a complete planning study that shall explain how the proposed project is the most appropriate and cost-effective response to the specific need identified in the needs assessment.

1. The planning study shall be accompanied by an estimate of the total amount of reimbursement to be requested and a resolution from the governing body of the sponsor or sponsors requesting reimbursement.

2. The board shall consider the planning study at its next regularly scheduled meeting and shall utilize the criteria outlined in 6VAC35-30-60 when reviewing a sponsor's planning study and accompanying materials. Upon approval of a planning study, the board shall recommend the amount of state reimbursement for the project and shall forward the sponsor's submissions and the board's recommendation to the Governor or the Governor's designee for approval.

3. Requests for regional facilities shall also include a copy of the agreement between the participating localities including the allocation of financial and operational responsibilities.

6VAC35-30-42. Needs assessment and planning study requirements.

A. Prior to the applicable deadline, for all projects classified under 6VAC35-30-35 B 1, the sponsor shall submit a needs assessment that shall demonstrate the need for the particular service, program, or facility and that shall include the following information:

1. The target population the project is seeking to impact;

2. The specific need of the target population the project is seeking to address;

3. An explanation as to why the specific need cannot be met with existing resources;

4. All alternatives considered to meet the identified need; and

5. The reason for rejecting the alternatives.

B. The department shall have a maximum of 45 days from receipt of the needs assessment to conduct a review of the assessment and to notify the sponsor regarding next steps.

C. The board shall consider the needs assessment submitted in accordance with subsection A of this section as soon as practicable following the department's review and shall approve, reject, or return the needs assessment.

1. If the board approves the needs assessment, the department shall advise the sponsor of the board's decision and of the project's approved advancement to the planning study phase pending the Governor's approval.

2. If the board elects to return the needs assessment to the sponsor, the board shall provide the sponsor with additional factors to be considered prior to resubmission.

3. The department shall advise the sponsor of the board's decision within 10 days and provide a written record upon adoption of the applicable board minutes.

D. Upon the board's approval of the needs assessment and before the applicable deadline, the sponsor shall submit to the department a complete planning study that shall explain why the

proposed project is the most appropriate and cost-effective response to the specific need identified in the needs assessment.

1. The planning study shall include a program description; project description; architectural and engineering drawings at the Schematic Design Document level; an explanation of the relationship of the project to existing facilities or structures; the project's schedule; a detail of the project's total projected design, construction, and operation cost, including personnel and maintenance costs; and a cost-benefit analysis.

2. The planning study shall be accompanied by an estimate of the total amount of reimbursement to be requested in accordance with § 16.1-309.5 of the Code of Virginia and a resolution from the governing body of the sponsor requesting reimbursement.

3. Requests for regional facilities also shall include a copy of the agreement between the participating localities that addresses how financial and operational responsibilities are allocated.

4. When submitting the planning study for review, a sponsor may request to receive portions of the total project reimbursement based upon the completion of the project in phases.

5. The board shall consider the planning study as soon as reasonably practicable following the department's review and shall utilize the criteria outlined in 6VAC35-30-60 when reviewing the planning study and accompanying materials. Upon approval of a planning study, the board shall recommend the amount of state reimbursement for the project in accordance with § 16.1-309.5 of the Code of Virginia and shall forward the sponsor's submissions and the board's recommendation to the Governor or the Governor's designee for approval.

6VAC35-30-45. Effect of legislative moratorium.

A. ~~In such times when~~ If the Virginia General Assembly has imposed a moratorium on ~~construction and~~ reimbursement of construction costs, the sponsor shall follow the requirements of this chapter in order to preserve the option to seek reimbursement in the future.

B. To obtain ~~any~~ reimbursement ~~thereafter~~, the sponsor ~~shall~~ may:

1. Pursue a legislative exception to the moratorium on ~~construction and~~ reimbursement of construction costs; or

2. Request reimbursement ~~at such time as~~ when the Virginia General Assembly authorizes funding for such projects.

C. If, through an [~~Appropriations~~ Appropriation] Act, the Virginia General Assembly permits an exception to the legislative moratorium established in subsection A of this section for the reimbursement of funds used for emergency maintenance projects necessary to resolve immediate life safety issues in a juvenile residential facility, and a sponsor seeks reimbursement in accordance with the [~~Appropriations~~ Appropriation] Act, the following requirements shall apply:

1. The sponsor shall initiate the reimbursement process by complying with the prescreening requirements in 6VAC35-30-35 and shall be subject to any additional regulatory requirements contained in this chapter, based upon the category under which the project falls;

2. Eligibility for reimbursement shall be contingent upon approval by the board and the Secretary of Public Safety and Homeland Security; and

3. If the board votes to approve the exception, it shall adopt an emergency resolution authorizing the exception. The resolution shall provide that reimbursement is subject to the availability of funds and approval by the General Assembly at its next regular session.

6VAC35-30-60. Criteria for board funding recommendation.

A. Demonstrated need. The board shall evaluate the need for the project as demonstrated by the information provided in the ~~Needs Assessment~~ needs assessment and ~~Planning Study~~ planning study.

B. Operational cost efficiency. The board shall take into consideration the operational cost efficiency of the facility's interior design ~~of the facility~~ with special ~~concern for~~ attention to the number of staff required, functional layout, material selection, and energy efficiency~~, with~~ and special emphasis on meeting the needs of youth and the mission of the facility.

C. Construction cost. All sponsors shall calculate construction costs ~~in accordance with the funding formula provided in 6VAC35-30-65. Construction economy shall be reviewed in relation to the adjusted median cost of local facilities~~ and provide documentation of the methodology.

D. ~~Board review~~ Economy of construction costs. The ~~economy of construction cost is necessary and~~ board shall ~~be reviewed as follows~~ consider the economy of construction costs in accordance with the following:

1. ~~Review~~ Construction economy may be questioned and reviewed in relation to comparable projects within the last five years.

2. Economy of construction cost shall be reviewed for efficiency.

a. Projects or portions of projects involving renovation of existing facilities shall be reviewed ~~in relation to the~~ for maximum efficiency. The board shall review the efficiency of the renovated spaces, the appropriateness of the proposed changes for the population served, ~~and~~ the relationship of the changes to the ~~project of~~ facility as a whole, and whether the proposed changes are consistent with federal and state statutes and regulations.

b. ~~Projects of new construction~~ Construction projects shall be reviewed for the building's appropriate efficiency ratio. The board may request further information from the sponsor on projects with a building's efficiency ratio of less than 65%.

~~2.~~ 3. The board may adjust the ~~amount being requested~~ approved project cost eligible for reimbursement ~~funding~~ as follows:

a. A ~~reduction~~ decrease in ~~funding~~ the estimated project cost when functional areas of the facility, such as the kitchen, recreation area, educational facilities, visiting area, ~~and~~ or laundry facilities are not included in the project or are included at a size not in conformance with applicable regulations or normal practice;

b. An increase in ~~funding~~ the estimated project cost when support services areas are proposed at sizes larger than necessary in anticipation of future enlargements or expansions of the facility;

c. A decrease in ~~funding~~ the estimated project cost when the building's efficiency ratio is less than 65%; and

d. An increase in ~~funding~~ the estimated project cost when the facility includes areas for extraordinary program activities.

~~3. Any adjustments made by the board in funding shall be based upon the gross square footage of the various conditions multiplied by a cost equal to the adjusted median cost or the proposed gross square foot cost of the facility, whichever is less.~~

E. ~~Phased reimbursement of projects. A sponsor~~ The board may approve a sponsor's request~~, when submitting the planning study for review,~~ to receive portions of the total project reimbursement ~~based upon the completion of the project in phases. In response to such requests, the board may approve reimbursement based on the total estimated cost of the project as if it were to be completed as a single endeavor~~ instead of a single payment; however, reimbursement

payments will be ~~in amounts~~ proportional to the phases of construction and ~~payment~~ will be made only as each approved phase is completed and that portion of the building is ready to be placed in service.

6VAC35-30-65. ~~Funding formula.~~ (Repealed.)

~~A. The following funding formula shall be used to calculate estimated construction costs at the Schematic Design (15%) Documents level in the planning study phase:~~

~~1. A cost per square foot base figure shall be the national median square foot cost for jails published in the 24th annual edition of R. S. Means Facilities Construction Cost Data 2009 (Means) with consideration taken of the "location factor," which is the materials and labor cost differential specific to the project's geographical location.~~

~~2. The cost per square foot, adjusted using the location factor, must be in accordance with all applicable codes and standards and in accordance with the following formula:~~

~~National cost per square foot (from Means)~~

~~X Location Factor (from Means)~~

~~X Area allowance per bed (as provided for in subsection B of this section)~~

~~= Adjusted median construction cost of local facility.~~

~~3. The total project cost shall include:~~

~~a. Construction cost;~~

~~b. Site and utilities (from Means);~~

~~c. Architectural and Engineering services (services as defined in the Construction and Professional Services Manual (CPSM));~~

~~d. Furnishing and equipment (as itemized by the sponsor);~~

~~e. Project inspection (services as defined in the CPSM);~~

~~f. Contingency (10.0%);~~

~~g. Inflation factor (yearly market inflation rate applied from January 1 of the year of the submitted design through the midpoint of construction, compounded);~~

~~h. Property purchased specifically for this facility; and~~

~~i. Other.~~

~~B. The following area allowances per bed shall be used to calculate the adjusted median construction cost of a local facility:~~

~~1. A maximum of 700 square feet per bed for facilities up to 35 residents;~~

~~2. A maximum of 650 square feet per bed for facilities of 36 to 79 residents; and~~

~~3. A maximum of 550 square feet per bed for facilities with 80 or more residents.~~

6VAC35-30-70. Funding priorities.

The board shall prioritize reimbursement requests in a manner ~~to ensure~~ that ensures an equitable distribution of state funds across the Commonwealth~~; and, absent~~. Absent a health, safety, or welfare risk requiring priority, the board shall ordinarily give preference to requests for reimbursement for regionalized local facilities. Regionalized local facilities shall normally serve three or more localities as ~~determined by~~ demonstrated in the needs assessment.

6VAC35-30-80. Board recommendations to the Governor.

A. The department shall ~~notify~~ provide a written notification to the sponsor ~~in writing~~ within ~~seven business~~ 10 days of the board's decision to recommend or ~~not~~ decline to recommend a project for reimbursement. If the ~~recommendation is not~~ board declines to recommend reimbursement, the department shall ~~briefly~~ explain the rationale for the decision.

B. The board shall submit to the Governor~~,~~ or ~~his~~ the Governor's designee (i) its recommendations with respect to reimbursement requests and the rationale ~~therefor;~~ for those recommendations and (ii) such information as the Governor may require with respect to a request for approval of reimbursements.

C. Final appropriations are subject to the Governor's approval and legislative enactment.

Part IV

Project Development

6VAC35-30-90. Preliminary design.

A. The sponsor shall submit preliminary design ~~(35%)~~ documents to the department as ~~defined~~ outlined in the CPSM ~~and required by approved department procedures~~.

B. ~~Preliminary~~ The department shall review the preliminary design ~~(35%)~~ documents ~~shall be reviewed by the department~~ within 45 days of receipt of the document for compliance with applicable statutes, regulations, and any guidance documents that are incorporated ~~herein~~ into this chapter.

1. If the department requires changes to the preliminary design ~~(35%)~~ documents, the department shall provide the sponsor with a written notification of all such required changes ~~shall be communicated in writing to the sponsor~~.

2. The sponsor shall ~~respond in writing to the department~~ provide a written response to all comments received from the department in the preliminary design review. ~~Necessary~~ The sponsor may incorporate necessary revisions to the project documents ~~may be incorporated~~ in the submission of the construction documents (referred to as the "working drawings" in the CPSM); however, all issues ~~detailed~~ raised in ~~these writings~~ the department's comments shall be resolved before the project is ~~advanced~~ approved for

advancement to the construction document phase ~~(referred to as the "working drawings phase" in the CPSM)~~.

C. When all review comments have been addressed and resolved, the department shall notify the sponsor that the project has ~~progressed~~ been approved to proceed to the construction documents phase.

6VAC35-30-100. Construction documents.

A. The sponsor shall submit to the department construction documents ~~to the department~~ as ~~defined~~ outlined in the CPSM ~~and required by approved department procedures~~. The construction documents shall include 100% complete working drawings, 100% complete specifications, and all required review approvals from local building, health, and fire officials.

B. The department shall review the construction documents ~~shall be reviewed by the department~~ for compliance with applicable statutes, regulations, and any guidance documents incorporated ~~herein~~ into this chapter, and for incorporation of all changes required by the department at the preliminary document review stage. This review ~~in no way releases~~ shall not release the sponsor from other applicable responsibilities and requirements.

1. If the department, upon conducting the review mandated in this subsection, requires changes to the construction documents, the department shall provide the sponsor with a written communication of all ~~such~~ required changes ~~shall be communicated in writing to the sponsor~~.

2. The sponsor shall ~~respond in writing to~~ provide the department with a written response to all comments received from the department in the construction document review. All issues ~~detailed~~ raised in ~~these writings~~ the department's comments shall be resolved before the project is ~~advanced~~ approved for advancement to the bidding phase.

C. When ~~all review comments have been~~ the sponsor has addressed and resolved all review comments, the department shall approve the construction documents and advise the sponsor in writing~~, as required in approved department procedures,~~ that the project may progress to the bidding phase (~~referred to as the "bid documents phase" in the CPSM~~).

6VAC35-30-110. ~~Change order~~ Design change process.

If, during the project development stage, ~~any~~ a substantive change in the scope of the project~~,~~ ~~any~~ or an increase in the estimated cost of construction~~, or any change in the operational staff requirements~~ occurs for which the sponsor will seek reimbursement, the department may suspend the review process ~~shall be suspended until the project is resubmitted to the board for further review and possible change in the status of reimbursement recommendation~~ and determine next steps. The department may require the sponsor to comply with any or all steps outlined in 6VAC35-30-15 through 6VAC35-30-100.

6VAC35-30-115. Failure to initiate construction within three years.

If a locality fails to execute a construction contract for the approved project within three years of the department's notice of approval of the planning study, the board approval shall expire unless the sponsor submits a written request to the board for an extension. The board may grant an extension or require the sponsor to amend the locality's needs assessment for resubmission in accordance with the process established in 6VAC35-30-42.

Part V

Project Construction

6VAC35-30-120. Bidding.

After bids for construction have been received and opened and the sponsor has determined to proceed with the project, the sponsor shall submit to the department a bid tabulation, analysis, and recommendation ~~as to~~ regarding the award of the contract. ~~Any~~ The department shall forward

written comments ~~by the department shall be forwarded~~ in response to the sponsor within ~~five business~~ seven days of receipt; and the sponsor shall respond to the comments in writing ~~within 10 business days of receipt of the department's comments~~. The department's failure to respond in the required ~~time frame~~ timeframe shall ~~serve as~~ be deemed acceptance of the sponsor's recommendation ~~as to~~ regarding the award of the contract.

6VAC35-30-130. Construction.

A. During ~~the~~ project construction ~~of all projects~~, the sponsor shall submit monthly inspection ~~or~~ and construction progress reports to the department in accordance with a schedule provided by the sponsor. ~~The~~ If the sponsor identifies any issues as part of the monthly submission, the sponsor shall ~~submit the reports to the department no later than the 15th day of the month following the inspection or when the progress report became due~~ explain the issue and the plan of action for addressing the issue or problem. The department shall notify the sponsor in writing within ~~10 business~~ 14 days after receipt of the inspection or progress report regarding any issues or problems with the project or ~~the~~ reports. The department's failure to respond in the required ~~time frame~~ timeframe shall ~~serve as~~ be deemed acceptance of the inspection and progress report. ~~Any failure to timely submit the monthly inspection or progress reports may constitute grounds to deny the requested reimbursement, in whole or in part.~~

B. ~~Any substantive change~~ If, during the construction phase of the project, a locality makes a change deemed substantive due to either (i) an increase in the project cost of $50,000 or more or (ii) accumulated change orders that exceed 25% of the original contract amount, the sponsor shall ~~be submitted~~ submit the change orders in writing to the department for review and approval before ~~any such~~ implementing the change ~~is executed. Only those changes that are approved through the approved department procedure shall be eligible for reimbursement. Any failure to seek and obtain approval of a substantive change may constitute grounds to deny the requested reimbursement, in whole or in part~~.

C. Any substantive change for which the sponsor seeks additional reimbursement shall be subject to the requirements in 6VAC35-30-180 C.

6VAC35-30-140. Final inspection.

A. Upon construction completion, the sponsor shall ~~establish a schedule for~~ ensure final inspection of the project~~. This schedule~~, which shall include: (i) notification to the department and all regulatory agencies that reviewed preliminary design or construction documents of the ~~schedule~~ project; (ii) a request to the personnel or agencies involved in the final inspection to submit comments or recommendations in writing to the sponsor and to the department; (iii) documentation of the correction of all deficiencies noted in the comments; and (iv) ~~the~~ submission of a report of completed actions to the appropriate reviewing agencies and to the department.

B. Upon completion of the final inspection and corrective actions as required, the sponsor shall (i) provide ~~to~~ the department with copies of all required regulatory agency letters verifying approval of the completed project and ~~shall~~ (ii) certify to the department the completion of the project.

6VAC35-30-150. Record documents.

The sponsor shall require its architect to modify original drawings and specifications to reflect the condition of the project as actually constructed, and such documents shall be marked "Record." The record documents shall be prepared as defined in the CPSM ~~and in accordance with approved department procedures~~.

Part VI

Private Construction of Juvenile Facilities

6VAC35-30-160. Private construction of juvenile facilities.

~~Section 16.1-322.5 of the Code of Virginia allows the board to authorize a county or city or any combination of counties, cities, or towns established pursuant to § 16.1-315 of the Code of Virginia to contract with a private entity for the financing, site selection, acquisition, or design and construction of a local or regional detention home or other secure facility.~~ Localities authorized to contract for private construction of a juvenile detention facility shall ~~receive state reimbursement authorized by § 16.1-309.5 of the Code of Virginia, in accordance with Parts I through VI of this chapter~~ seek authorization from the board before entering into such contracts by certifying and submitting documentation to the board demonstrating that both the sponsor and the contractor have satisfied all applicable requirements mandated by § 16.1-322.5 of the Code of Virginia. The board shall review the documentation and may not approve private contracts that do not satisfy the applicable requirements in § 16.1-322.5 of the Code of Virginia.

6VAC35-30-170. ~~Requirements for contract authorization.~~ (Repealed.)

~~Prior to receiving the board's authorization to enter into a contract for private construction, sponsors shall certify and submit documentation demonstrating that all requirements mandated by § 16.1-322.5 of the Code of Virginia have been met by both the sponsor and the contractor.~~

Part VII

Final Reimbursement

6VAC35-30-180. Request for final reimbursement for all projects.

A. Upon completion of the project, the sponsor shall submit to the department a written request for final reimbursement for the applicable project, along with documentation ~~specified by approved department procedures to the department~~ supporting the request.

B. If the final amount of reimbursement requested is not greater than the reimbursement amount initially recommended~~, including the contingency~~, the department shall authorize reimbursement within 90 days of receiving a complete reimbursement request. ~~The~~ In no case shall the reimbursement ~~request shall be in the form specified by the department~~ amount exceed 50% of the actual project costs.

C. If the final amount of reimbursement requested is greater than the reimbursement amount initially recommended, the department shall process the initial reimbursement amount in accordance with subsection B of this section. For any increase in costs over the amount of the initial board-approved reimbursement, the sponsor shall ~~justify the cost increase and~~ submit ~~the~~ a written adjusted reimbursement request, including justification for the cost increase, to the board and the Governor~~,~~ or ~~his~~ the Governor's designee~~,~~ for approval.

D. The availability of funds for reimbursement, as approved, is contingent on the appropriation of funds by the General Assembly.

6VAC35-30-185. Guidelines for document submission.

In order to assist localities in complying with the requirements of this chapter, the department shall establish guidelines governing the form and process for submission of all documents required in this chapter.

6VAC35-30-190. Compliance.

Failure to comply with ~~these regulations~~ this chapter will delay the review process and recommendation for disbursement of funds, may result in the denial of reimbursement, and may result in the failure to obtain board certification or department approval to house residents in the facility as provided for in the Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities (6VAC35-20).

Documents Incorporated by Reference (6VAC35-30)

~~The Step-by-Step Procedures for Approval and Reimbursement for Local Facility Construction, Enlargement, and Renovation, revised March 2001, Department of Juvenile Justice.~~

~~Construction and Professional Services Manual, Revision 1, October 2004, Department of General Services, Division of Engineering and Buildings.~~

~~R.S. Means Facilities Construction Cost Data 2009, 24th Annual Edition, R.S. Means Reed Construction Data (http://rsmeans.reedconstructiondata.com).~~

[~~Construction and Professional Services Manual, Revision 0, March 17, 2025, Department of General Services, Division of Engineering and Buildings~~

Commonwealth of Virginia Construction and Professional Services Manual, 2026 Edition, Revision 0, July 31, 2026, Department of General Services, Division of Engineering and Buildings

]

Chapter 35

Regulation Governing the Process for Planning, Designing, and Constructing Locally Funded Juvenile Residential Facilities

Part I

General Information

6VAC35-35-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Board" means the Board of Juvenile Justice.

"Board regulation" means a regulation or section or subsections of the regulation promulgated and approved by the board.

"Construction" means the act or process of erecting a new facility or replacing an outdated existing facility. For purposes of this definition, construction does not include enlargement, expansion, or renovation of an existing facility.

"Day" means calendar day unless otherwise specified.

"Department" means the Department of Juvenile Justice.

"Enlargement" or "expansion" means the extension of an existing facility through the erection of additional areas as may be determined by need or as required by law or regulation.

"Local facility" or "facility" means a juvenile residential facility that is or will be regulated by the board and is owned, maintained, or operated by a political subdivision or combination of political subdivisions of the Commonwealth, or a privately owned or operated juvenile residential facility that has contracted with a political subdivision or combination of political subdivisions of the Commonwealth and is or will be regulated by the board.

"Project" means a proposed or actual new construction, renovation, enlargement, or expansion of a juvenile residential facility that is or will be subject to approval by the department or by board regulation.

"Renovation" means the alteration or other modification of an existing facility for the purpose of changing the use or capability of such facility as may be determine by need or required by law or regulation. For purposes of this definition, renovation does not include work on or replacement of a facility that generally may be associated with normal wear and tear and included in routine maintenance.

"Sponsor" means a city, county, commission, or a combination of these entities, or a private entity under contract or arrangement with a city, county, commission, or a combination of these entities that is actually building, renovating, expanding, or operating or proposing to build, renovate, expand, or operate a local facility.

"Substantive change" means a deviation from an approved plan or design that will affect the operational and functional performance of the facility, that potentially impacts the facility's compliance with a board regulation, that would result in a change in capacity, or that would result in the sponsor seeking additional reimbursement.

"Written" means the required information is communicated in writing either in hard copy or in electronic form.

6VAC35-35-20. Applicability of this chapter.

This chapter applies to projects for which a locality is not seeking reimbursement from the Commonwealth, either now or in the future. Projects for which a locality is seeking reimbursement from the Commonwealth currently or for which the locality is seeking to preserve the option to obtain reimbursement in the future should funding become available or through legislative

enactment shall be subject to the requirements of the Regulation Governing State Reimbursement of Local Juvenile Residential Facility Costs (6VAC35-30).

Part II

Process for Projects

6VAC35-35-30. Prescreening.

A. A sponsor planning construction, renovation, enlargement, or expansion of a local facility, regardless of whether the sponsor is seeking reimbursement from the Commonwealth pursuant to § 16.1-309.5 of the Code of Virginia, shall submit an initial written request to the department that shall include a graphic, if available, showing the proposed structural changes and a brief description of all operating capacity or programmatic changes to be accommodated by the structure.

B. The department shall review the initial request, classify the request in accordance with the classifications established in subsection C of this section, and inform the sponsor in writing whether, based on these classifications, the project is subject to this chapter. The department shall notify the sponsor of the classification as soon as practicable but no later than 30 days after receiving the initial request from the sponsor.

C. The department shall determine under which of the following categories the request falls.

1. Projects subject to this chapter. Projects for which the locality is not seeking reimbursement now or in the future shall be subject to the requirements of this chapter.

2. Projects subject to Regulations Governing State Reimbursement of Local Juvenile Residential Facility Costs (6VAC35-30). Any construction, enlargement, renovation, or other modification of an existing local facility or piece of stationary equipment, including security related upgrades, for which the sponsor seeks reimbursement shall be subject to

the requirements of Regulations Governing State Reimbursement of Local Juvenile Residential Facility Costs.

D. If the department fails to respond within the 30-day timeframe, the sponsor may proceed with the reimbursement process established in 6VAC35-30 or the process established under this chapter, as applicable.

E. A sponsor shall not be required to follow the requirements of this section for routine maintenance projects, projects that will not affect the facility's compliance with other board regulations, and other projects that involve minor changes to the facility. These projects shall not be subject to this chapter and shall be excluded from department review.

6VAC35-35-40. Project overview requirements.

A. If the department determines that the project is subject to this chapter pursuant to 6VAC35-35-30 C, the sponsor shall prepare and submit to the department for review a project overview that shall explain the purpose of the proposed project and the need the project is intended to address.

B. The project overview shall include a description of the facility's existing or proposed program, a description of the proposed project, architectural and engineering drawings at the Schematic Design Document level, and the project's anticipated schedule for completion.

C. The department shall review the project overview upon receipt of the document and provide comments regarding the project's proposed compliance with [all applicable] statutes [~~, regulations, and guidance documents applicable to this chapter.~~ and regulations.]

1. If, after conducting the review mandated in this subsection, the department recommends changes to the construction documents, all such recommended changes shall be communicated in writing to the sponsor.

2. The sponsor shall provide the department with a written response to all comments received from the department in the construction document review.

6VAC35-35-50. Construction documents.

A. The sponsor shall submit to the department construction documents, which shall include 100% complete working drawings, 100% complete specifications, and all required review approvals from local building, health, and fire officials.

B. The department shall review the construction documents for compliance with applicable statutes, regulations, and guidance documents. This review shall not release the sponsor from other applicable responsibilities and requirements.

1. If the department, upon conducting the review mandated in this subsection, recommends changes to the construction documents, all such changes shall be communicated in writing to the sponsor.

2. The sponsor shall provide the department with a written response to all comments received from the department in the construction document review. All issues raised in the department's comments shall be addressed before the project proceeds to the bidding phase.

C. When the sponsor has addressed all review comments, the department shall advise the sponsor in writing that the project may progress to the construction phase.

6VAC35-35-60. Design change process.

If, during the project development stage, a substantive change in the scope of the project occurs, the department may suspend the review process and determine next steps, which may include any or all steps outlined in 6VAC35-35-10 through 6VAC35-35-50.

6VAC35-35-70. Construction.

If a substantive change occurs during the construction phase, the sponsor shall submit a written explanation of the change to the department for review and comment before the change is executed.

6VAC35-35-80. Final inspection.

A. Upon construction completion, the sponsor shall ensure final inspection of the project, which shall include: (i) notification to the department and all regulatory agencies that reviewed construction documents of the project; (ii) a request to the staff or agencies involved in the final inspection to submit comments or recommendations in writing to the sponsor and to the department; (iii) documentation of the correction of all deficiencies noted in the comments; and (iv) submission of a report of completed action to the appropriate reviewing agencies and to the department.

B. Upon completion of the final inspection and corrective actions as required, the sponsor shall (i) provide the department with copies of all required regulatory agency letters verifying approval of the completed project and (ii) certify to the department completion of the project.

6VAC35-35-90. Record documents.

The sponsor shall require its architect to modify original drawings and specifications to reflect the condition of the project as actually constructed, and such documents shall be marked "Record."

6VAC35-35-100. Compliance.

Failure to comply with this chapter may prevent the facility from obtaining board certification or department approval to house residents in the facility as provided in § 16.1-309.9 of the Code of Virginia and the Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities (6VAC35-20).

6VAC35-101-350. Buildings and inspections.

A. All newly constructed buildings, major renovations to buildings, and temporary structures shall be inspected and approved by the local building official. Approval shall be documented by a certificate of occupancy.

B. A current copy of the facility's annual inspection by fire prevention authorities indicating that all buildings and equipment are maintained in accordance with the Virginia Statewide Fire Prevention Code (~~13VAC5-51~~ 13VAC5-52) shall be maintained. If the fire prevention authorities have failed to timely inspect the detention center's buildings and equipment, documentation of the facility's request to schedule the annual inspection as well as documentation of any necessary follow-up with fire prevention authorities shall be maintained.

C. A current copy of the detention center's annual inspection and approval, in accordance with state and local inspection laws, regulations, and ordinances, of the systems listed ~~below~~ in this subsection shall be maintained. These inspections shall be of the:

1. General sanitation;

2. Sewage disposal system;

3. Water supply; and

4. Food service operations.

D. Building plans and specifications for new construction, change in use of existing buildings, and any structural modifications or additions to existing buildings shall be submitted to and approved by the regulatory authority and by other appropriate regulatory agencies. Any planned construction, renovation, enlargement, or expansion of a detention center for which the locality seeks or plans to seek reimbursement pursuant to § 16.1-309.5 of the Code of Virginia shall follow the submission and approval requirements of the Regulation Governing State Reimbursement of Local Juvenile Residential Facility Costs (6VAC35-30) and of any other applicable regulatory

authorities. All other plans for construction, renovation, enlargement, or expansion of a detention center shall follow the submission and approval requirements of the Regulation Governing the Planning, Design, and Construction of Local Juvenile Residential Facilities (6VAC35-35).

Robert A. Bermingham, Jr.
Director

Marilyn G. Brown
Chief Deputy Director

COMMONWEALTH OF VIRGINIA

Department of Juvenile Justice

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Richmond, VA 23218
(804) 371.0700
Fax: (804) 371.6497
www.djj.virginia.gov

TO: State Board of Juvenile Justice

FROM: Virginia Department of Juvenile Justice

SUBJECT: Request Amendment of Policy 18-002 Use of Mechanical Restraints

DATE: November 18, 2026

I. SUMMARY OF ACTION REQUESTED

The Department of Juvenile Justice (the Department) respectfully requests the State Board of Juvenile Justice (the Board) to approve the amendment of one existing Board policy pursuant to the authority established in *Code of Virginia* § 66-10.

II. BACKGROUND OF THE REQUEST

Code of Virginia § 66-10 contains three provisions that empower the Board to establish certain policies and give rise to duties related to policies. The statute provides in pertinent part:

> The Board shall have the following powers and duties:
>
> 1. To establish and monitor policies for the programs and facilities for which the Department is responsible under this law;
> 2. To ensure the development of a long-range youth services policy;
> 3. To monitor the activities of the Department and its effectiveness in implementing the policies developed by the Board…

Pursuant to this statutory authority, the Board currently has 33 active policies in place ranging in subject matter from overall administration of the Department to operations within facilities and programs regulated by the board. Many of these policies were initially established in the early 1990s and were last reviewed or updated more than ten years ago.

At the April 2022 Board meeting, the Department informed the Board of its intent to conduct a comprehensive review of each existing Board policy and to make a formal recommendation to the Board to retain, amend, or rescind each one based upon the review. The Department noted its plan to recommend retaining or amending the policies that are mandated by statute or that provide additional guidance above and beyond what is

mandated by regulation and to recommend rescinding the policies that have been subsumed into regulation, that duplicate existing law, or that are obsolete.

Since the April 2022 Board meeting, the Department has continued its comprehensive review of the Board policies and is recommending action today on one policy. The policy and recommendation are contained in Part IV of this memorandum.

III. DIFFERENCES BETWEEN BOARD POLICIES AND BOARD REGULATIONS

Code of Virginia § 2.2-4001, which provides definitions for terms used in the Administrative Process Act (§ 2.2-4000 et. seq.) (the Act), defines the term "regulation" as "any statement of general application, having the force of law, affecting the rights or conduct of any person, adopted by an agency in accordance with the authority conferred on it by applicable basic laws." The Act makes it clear that all regulations are subject to the requirements contained in the Act unless an exception or exemption applies.

In contrast, policies are neither defined nor expressly addressed in the Act. Furthermore, while policies may be enforced by the authorized body to the extent that they do not collide with a law or regulation, they do not have the same force and effect of law afforded to regulations.[1] It is the Department's understanding, therefore, that policies are not regulations subject to the requirements of the Act. This means that the authority to establish, amend, and rescind Board policies rests solely with the Board, and additional involvement or approval by other executive branch agencies is not required, nor must the Board consider any public comments before taking action to amend or rescind such policies.

IV. SUMMARY OF POLICIES IDENTIFIED FOR AMENDMENT

Current Policy

18-002 **Use of Mechanical Restraints**

Mechanical restraints may only be used in facilities that have received prior approval from the Board. When used mechanical restraints shall be employed only as a temporary means of controlling residents whose behavior poses a demonstrable threat to the safety of the resident or others, to the security or order of the facility, or for preventing escapes while residents are in non-secure areas. Mechanical restraints shall not be applied as punishment and shall be applied only for the absolute minimum time necessary to ensure safety and security.

Effective Date:June 11, 1992 *Amended*: November 12, 2008

Recommendation: Amend

[1] 2011 Op. Va. Att'y Gen. 99, 102.

Proposed Amended Policy

18-002	**Use of Mechanical Restraints**

Mechanical restraints may only be used in accordance with regulations promulgated by the board. When used, mechanical restraints shall be employed only as a temporary means of controlling residents whose behavior poses a demonstrable threat to the safety of the resident or others, to the security or order of the facility, or for preventing escapes while residents are in non-secure areas. Mechanical restraints shall not be applied as punishment and shall be applied only for the absolute minimum time necessary to ensure safety and security.

Effective Date: November 18, 2026 *Amended*: November 18, 2026

Rationale for Recommendation: The first sentence of the policy is problematic in that it suggests the department must contact the board for permission any time it contemplates using mechanical restraints. This is impractical and inconsistent with the language in the JCC regulation (6VAC35-71). The department recommends changing that sentence to center the regulation as the primary authority on the issue of mechanical restraints and to allow the department discretion in using mechanical restraints in accordance with the regulation. Amendments to the JCC regulation that are making their way through the process will be more restrictive than either the policy or the current regulation, and the department may recommend rescinding this policy once the new regulation becomes effective. For now, however, the department believes it is prudent to amend and retain the policy. For reference, the existing regulatory language relating to mechanical restraints is below.

6VAC35-71-1180. Mechanical restraints.

A. Written procedure shall govern the use of mechanical restraints and shall specify:

1. The conditions under which handcuffs, waist chains, leg irons, disposable plastic cuffs, leather restraints, and mobile restraint chair may be used;
2. That the superintendent or designee shall be notified immediately upon using restraints in an emergency situation;
3. That restraints shall never be applied as punishment;
4. That residents shall not be restrained to a fixed object or restrained in an unnatural position;
5. That each use of mechanical restraints, except when used to transport a resident, shall be recorded in the resident's case file or in a central log book; and
6. That the facility maintains a written record of routine and emergency distribution of restraint equipment.

B. If a JCC uses mechanical restraints, written procedure shall provide that (i) all staff who are authorized to use restraints shall receive department-approved training in their use, including procedures for checking the resident's circulation and checking for injuries; and (ii) only properly trained staff shall use restraints.

C. For the purpose of this section, mechanical restraint shall mean the use of an approved mechanical device that involuntarily restricts the freedom of movement or voluntary functioning of a limb or portion of an individual's body as a means to control his physical activities when the individual being restricted does not have the ability to remove the device.

6VAC35-71-1190. Monitoring residents placed in mechanical restraints.

A. Written procedure shall provide that when a resident is placed in mechanical restraints staff shall:

1. Provide for the resident's reasonable comfort and ensure the resident's access to water, meals, and toilet; and

2. Make a direct personal check on the resident at least every 15 minutes and more often if the resident's behavior warrants.

B. When a resident is placed in mechanical restraints for more than two hours cumulatively in a 24-hour period, with the exception of use in routine transportation of residents, staff shall immediately consult with a mental health professional. This consultation shall be documented.

C. If the resident, after being placed in mechanical restraints, exhibits self-injurious behavior, (i) staff shall immediately consult with, and document that they have consulted with, a mental health professional and (ii) the resident shall be monitored in accordance with established protocols, including constant supervision, if appropriate. Any such protocols shall be in compliance with the procedures required by 6VAC35-71-1200 (restraints for medical and mental health purposes).

6VAC35-71-1200. Restraints for medical and mental health purposes.
Written procedure shall govern the use of restraints for medical and mental health purposes. Written procedure should identify the authorization needed; when, where, and how restraints may be used; for how long; and what type of restraint may be used.

V. IMPACT AND EFFECTIVE DATE OF BOARD ACTION

If the Board votes in support of the Department's recommendation in Part IV of this memorandum, the proposed amendment will take effect immediately. Amending this policy as recommended in Part IV will more accurately reflect the board's role in promulgating regulations and will reaffirm the Board's commitment to protecting the rights of the youth in the care of DJJ facilities.

FY2027 Pending Grant Applications

Description	Purpose of Seeking Funds	Grant Funds Subgrantee Cash Match	Program Manager	Grant Type	Term of Grant	Status of Application
Bull Eye Fire Extinguisher Trainer October 2026 Virginia Public Safety Training Center	Equipping participants with the knowledge and confidence to handle fire emergencies effectively.	$20,667.58	**W. Riddell** Facility Safety Compliance Officer	Local	One-Time (Special Funds)	Submitted
Juvenile Justice and Delinquency Prevention (JJDP) Act Title II- VJJA	Travel and Subsistence	$15,000 to $45,500	**B. Stinnett** Court Services Unit Supervisor	DCJS	11/1/2026-12/31/2026	Under Agency Review
OJJDP FY 2026 Second Chance Act Youth Reentry Program	Program to support transitional servces to assist youth	$199,545.09	**M. Brown** Chief Deputy Director **D. Johnson** Director of Service Programs and Violence Intervention	DCJS	1/1/2027-9/30/2027	Under Agency Review

FY2027 Active Grants

2026 Education Grants (July 1, 2026-September 30, 2028)

Description	Extended Description	Grant Funds Subgrantee Cash Match	Program Manager	Grant Type	Term of Grant
Title IA	Supplemental funding to support students from low-income families. Supplemental funding to support high-quality teachers. Supplemental funding to support student achievement.	$274,248.72	**D. Williams** School Superintendent	VDOE/Omega	7/1/2026-9/30/2028
Title ID-Neglected and Delinquent Children	Supplemental funding to support neglected and delinquent students in state-operated or state-supported programs.	$198,232.06	**D. Williams** School Superintendent	VDOE/Omega	7/1/2026-9/30/2028
Title IIA	Supplemental funding to support English Learners.	$6,939.36	**D. Williams** School Superintendent	VDOE/Omega	7/1/2026-9/30/2028
Title IIIA	Supplemental funding to support Career and Technical Education programs.	$1,326.57	**D. Williams** School Superintendent	Reimb requests sent to VPI	7/1/2026-9/30/2028
Title IVA Funds will be transferred to Title IIA	Supplemental funding to support students with disabilities.	$18,864.05	**D. Williams** School Superintendent	VDOE/Omega	7/1/2026-9/30/2028
Perkins	Supplemental funding to support Career and Technical Education programs.	$62,304.00	**D. Williams** School Superintendent	VDOE/Omega	7/1/2026-6/30/2028
IDEA (SPED)	Supplemental funding to support students with disabilities.	$179,445.00	**D. Williams** School Superintendent	VDOE/Omega	7/1/2026-9/30/2028
	Total Funds 2026	**$741,359.76**			

FY2027 Active Grants

2025 Education Grants (July 1, 2025-September 30, 2027)

Description	Extended Description	Grant Funds Subgrantee Cash Match	Program Manager	Grant Type	Term of Grant
Consolidate Grant, Title IA, IIA, IVA ($250,908.48; $6,939.36; $11,301.18)	Supplemental funding to support students from low-income families. Supplemental funding to support high-quality teachers. Supplemental funding to support student achievement.	$269,149.02	**D. Williams** School Superintendent	VDOE/Omega	7/1/2025-9/30/2027
Title I, Part D - Neglected and Delinquent Children	Supplemental funding to support neglected and delinquent students in state-operated or state-supported programs.	$203,599.25	**D. Williams** School Superintendent	VDOE/Omega	7/1/2025-9/30/2027
Title IIIA	Supplemental funding to support English Learners.	$1,338.82	**D. Williams** School Superintendent	Reimb requests sent to VPI	7/1/2025-9/30/2027
Perkins	Supplemental funding to support Career and Technical Education programs.	$62,304.00	**D. Williams** School Superintendent	VDOE/Omega	7/1/2025-6/30/2027
IDEA (SPED)	Supplemental funding to support students with disabilities.	$179,445.00	**D. Williams** School Superintendent	VDOE/Omega	7/1/2025-9/30/2027
	Total Funds 2025	**$715,836.09**			

FY2027 Active Grants

2024 Education Grants (July 1, 2024-September 30, 2026)

Description	Extended Description	Grant Funds Subgrantee Cash Match	Program Manager	Grant Type	Term of Grant
Consolidate Grant, Title IA, IIA, IVA ($158,846.54; $5,510.25; $11,301.18)	Supplemental funding to support students from low-income families. Supplemental funding to support high-quality teachers. Supplemental funding to support student achievement.	$175,657.97	**D. Williams** School Superintendent	DOE/Omega	07/01/24-09/30/26
Title IIIA	Supplemental funding to support English Learners.	$1,338.82	**D. Williams** School Superintendent	Reimb requests sent to VPI	07/01/24-09/30/26
Perkins	Supplemental funding to support Career and Technical Education programs.	$62,304.00	**D. Williams** School Superintendent	DOE/Omega	07/01/24-06/30/26
IDEA (SPED)	Supplemental funding to support students with disabilities.	$177,619.00	**D. Williams** School Superintendent	DOE/Omega	07/01/24-09/30/26
Title ID	Supplemental funding to support neglected and delinquent students in state-operated or state-supported programs.	$192,208.44	**D. Williams** School Superintendent	DOE/Omega	07/01/24-09/30/26
	Total Funds 2024	**$609,128.23**			

FY2027 Active Grants

USDA Grants (July 1, 2026-June 30, 2027)

Description	Extended Description	Grant Funds Subgrantee Cash Match	Program Manager	Grant Type	Term of Grant
USDA - SNP Breakfast (Bon Air)	Supplemental funding to support school nutrition programs.	Dependent on meal count Breakfast $3.05/meal	**T. Wortham** Food Operations Director	VDOE	07/01/2026-6/30/2027
USDA - SNP Lunch/Snack (Bon Air)	Supplemental funding to support school nutrition programs.	Dependent on meal count Lunch $4.87/meal Snack $1.30/meal	**T. Wortham** Food Operations Director	VDOE	07/01/2026-6/30/2027

SUMMARY
RECOMMENDED DIRECTOR'S CERTIFICATION ACTIONS
November 9, 2026

RECOMMENDED CERTIFICATION ACTION: Certify Andrew B. Ferrari Argus House Group Home to September 30, 2029, with a letter of congratulations for 100% compliance.

RECOMMENDED CERTIFICATION ACTION: Certify the 11th District Court Service Unit (Petersburg) to September 12, 2029.

RECOMMENDED CERTIFICATION ACTION: Certify the 12th District Court Service Unit (Chesterfield) to May 18, 2029.

CERTIFICATION AUDIT REPORT
TO THE
DEPARTMENT OF JUVENILE JUSTICE

PROGRAM AUDITED:
Andrew B. Ferrari Argus House
1527 Clarendon Boulevard
Arlington, Virginia 22209
(703) 228-3944
Jessica C. Cabrera Holmes, Group Home Manager
jholmes@arlingtonva.us

AUDIT DATES:
August 18, 2026

CERTIFICATION ANALYST:
Wanda Parris-Flanagan

CURRENT TERM OF CERTIFICATION:
October 1, 2020 - September 30, 2026

REGULATIONS AUDITED:
6VAC35-41 Regulation Governing Juvenile Group Homes

PREVIOUS AUDIT FINDINGS: July 18, 2023:
100% Compliance Rating

CURRENT AUDIT FINDINGS: August 18, 2026:
100% Compliance Rating

DIRECTOR'S CERTIFICATION ACTION: Certify the Argus House Group Home to September 30, 2029, with a letter of congratulations for 100% compliance.
Pursuant to 6VAC35-20-100C.1, if the certification audit finds the program or facility in 100% compliance with all regulatory requirements, the director or designee shall certify the facility for three years.

TEAM MEMBERS:
Wanda Parris-Flanagan, Team Leader
Ronnie Moore, Central Office
Christopher Moon, Central Office
Misty Zdanski, Stepping Stones Group Home
Shanika Lewin, Chaplin Youth Center

POPULATION SERVED:
Andrew B. Ferrari Argus House is a community-based group home for at-risk adolescent males between the ages of 13 to 20. It has a capacity of 12 residents. The facility is operated by Arlington County and serves residents and families from the following jurisdictions: Arlington County, City of Alexandria and City of Falls Church.

PROGRAMS AND SERVICES PROVIDED:
The program emphasizes leadership, personal accountability, competency development, and positive functioning in the community. To achieve the objectives stated above, the program includes daily peer group sessions based on the Positive Peer Culture model and a study hall. Throughout the week residents also participate in psycho-educational groups to develop skills in anger management, decision making, moral reasoning, and handling common social situations.

Each week, residents participate in therapeutic recreation where they learn about positive ways to spend their leisure time.

In addition to all mandated services, Andrew B. Ferrari Argus House provides the following at the facility:

- Individual, group, and family counseling
- Community service work
- Anger management
- Social skills
- Decision making
- Study hall and tutoring
- Parent groups
- Aftercare services
- Recreation

Andrew B. Ferrari Argus House interacts with the community in obtaining education through Arlington County Public Schools with additional clinical services through the Department of Human Services.

CERTIFICATION AUDIT REPORT
TO THE
DEPARTMENT OF JUVENILE JUSTICE

PROGRAM AUDITED:
11th District Court Service Unit (Petersburg)
200 North Sycamore Street, Suite 100
Petersburg, Virginia 23803
(804) 431-3250
Tracy King, Director
tracy.king@dji.virginia.gov

AUDIT DATES:
June 2, 2026

CERTIFICATION ANALYST:
Sherron Key

CURRENT TERM OF CERTIFICATION:
September 13, 2023 – September 12, 2026

REGULATIONS AUDITED:
6VAC35-150 Regulations for Nonresidential Services Available to Juvenile and Domestic Relations District Courts

PREVIOUS AUDIT FINDINGS – July 12, 2023
97.82% Compliance Rating
***6VAC35-150-420 Contacts during juvenile's commitment**

CURRENT AUDIT FINDINGS – June 2, 2026
97.82% Compliance Rating
* One repeated deficiency from previous audit.
***6VAC35-150-420 Contacts during juvenile's commitment**

DIRECTOR'S CERTIFICATION ACTION: Certify the 11th District Court Service Unit (Petersburg) to September 12, 2029.
Pursuant to 6VAC35-20-100C.2, if the certification audit finds the program or facility in less than 100% compliance with all regulatory requirements and a subsequent status report, completed prior to the certification action, finds 100% compliance on all regulatory requirements, the director or designee shall certify the facility for a specific period of time, up to three years.

TEAM MEMBERS:
Sherron Key, Team Leader, Central Office
Wanda Parris-Flanagan, Central Office
Kevin Heller, Central Office
Ronnie Moore, Central Office

POPULATION SERVED:
The 11th District Court Service Unit serves the City of Petersburg and the Counties of Amelia, Dinwiddie, Nottoway, and Powhatan.

PROGRAMS AND SERVICES PROVIDED:
The 11th District CSU provides continuous intake services during normal operating hours to address juvenile delinquency issues, including status offenses. Emphasis is placed on the utilization of alternatives which promote the welfare of the child and family, protect the safety of the community and uphold the rights of the victims. Also, during normal operating hours the 11th

District CSU prepares documentation for domestic relations issues such as, but not limited to custody, visitation, child/spousal support, child abuse, neglect and abandonment, and domestic complaints.

To the extent possible and consistent with public safety parameters, the Intake Probation Officers will seek approval to divert the most appropriate cases, which may be handled or treated through alternative programs, such as the 11th CSU Diversion Program, that addresses truancy (CHINS Supervision), CHINS services program, and detention alternative programs. These cases, if appropriate are referred to other community agencies, private providers and the Family Assessment and Planning Team.

Regarding delinquent matters, the Intake Probation Officers conduct a preliminary investigation to determine probable cause and issues petitions and detention orders, as appropriate, when court intervention is required. The Intake Probation Officers, along with the Expeditor, may recommend that the Court employ alternative supervision or GPS monitoring as a pre-trial detention alternative.

The 11th District CSU conducts daily after-hours emergency intake on an on-call rotating weekly schedule for Probation Officer. The Probation Supervisors are the administrators on call, which is also on a rotating schedule, but monthly. The 11th CSU utilized the DJJ After Hours Procedure through the 9th CSU – Video Intake Unit (Williamsburg). Although JDAI is no longer active in the 11th District Court Service Unit, in conjunction with after-hours emergency intake, the Expeditor makes every effort to find alternative placements or services for juveniles in secured detention. These services are often utilized in lieu of detention.

The 11th CSU utilizes the Pre-Court Services Procedures to aid juveniles and families with identifying service needs that lends to the possibility of the family obtaining needed, yet appropriate services in an effort to foster improved behaviors. Pre-Court Services is offered at the onset of the criminal petition.

Probation and Parole services are provided by trained DJJ staff, which supervise and counsel juveniles and families prior to, during, following, and in lieu of commitment to the Department of Juvenile Justice. Services include the completion of the Social History Investigation, transfer reports, supervision/case planning based on the Youth Assessment and Screening Instrument (YASI) results that identifies the juveniles' criminogenic needs and risk level, individual counseling, coordination of treatment with agencies though the Regional Service Coordination (RSC) Continuum of Services, and at times residential programs to include Transitional Living Programs, Independent Living Programs

The 11th District CSU's primary referral source is Virginia Juvenile Community Crime Control Act (VJCCCA). The programs provided through this source are funded by VJCCCA funds. All services are either court ordered, criminogenic needs driven, and/or utilized in lieu of court intervention.

The Unit interacts with the community in obtaining such services as:

- Community Service
- Outreach Detention
- Global Positioning System (GPS) Electronic Monitoring
- Surveillance Officers
- Anger Management
- First Time Offender

- Arise
- Law Related Education
- Mentoring
- Truancy Prevention

Other services: The community has numerous services and programs available to youth and families who are before the Juvenile Domestic and Relations Court. The services available to which the 11th CSU refers to are approved service providers funded by the Children's Services Act which is supported by the Office of Children's Services and the Mental Health Initiatives which is supported by the Greater Reach Community Services Board (CSB).

CORRECTIVE ACTION PLAN
TO THE
DEPARTMENT OF JUVENILE JUSTICE

FACILITY/PROGRAM:	**11th District CSU (Petersburg)**
SUBMITTED BY:	**Tracy King, CSU Director**
CERTIFICATION AUDIT DATES:	**June 2, 2026**
CERTIFICATION ANALYST:	**Sherron Key**

Under Planned Corrective Action indicate; 1) The cause of the identified area of non-compliance. 2) The effect on the program. 3) Action that has been taken/will be taken to correct the standard cited. 4) Action that will be taken to ensure that the problem does not recur.

6VAC35-150-420. Contacts during juvenile's commitment.
During the period of a juvenile's commitment, a designated staff person shall make contact with the committed juvenile, the juvenile's parents, guardians, or other custodians, and the treatment staff at the juvenile's direct care placement as required by approved procedures. The procedures shall specify when contact must be face-to-face contact and when contacts may be made by video conferencing or by telephone.

Supervisor Responsibilities

Audit Finding:
Three of five applicable case files reviewed did not have documentation that the supervisor had a case staffing with the assigned probation officer at least every 30 days for all level three and level four cases.

Program Response

Cause:
In review of the files that were reviewed by the Certification Analyst, it was discovered that there was an oversight by the Probation/Parole Supervisor regarding the completion of this responsibility. This could possibly be a result of staff turnover as well.

Effect on Program:
This resulted in providing limited guidance to the Probation/Parole Officer. Providing that there could potentially be a lack of information that would hinder an understanding of the case/case needs, juvenile needs, and in the decision-making process.

Planned Corrective Action:
Training Probation/Parole Supervisors on the regulation that governs the requirement to conduct monthly case staffing with the Probation/Parole Officers. This will focus on how important this element is to ensure the Probation/Probation Officers are case managing the case(s) with the best interest of the juvenile/family and community in mind.

Completion Date:
The initial training for this regulation is scheduled for June 26, 2026. However, there will be ongoing review of this regulation during Leadership Team Meetings.

Person Responsible:
Court Service Unit Director and Probation/Parole Supervisor

Current Status on September 14, 2026: Compliant
Supervisor Responsibilities
During the specified status review period of June 23, 2026, to September 14, 2026, the CSU had three applicable cases and they were compliant. The cases showed documentation that the supervisor had a case staffing with the assigned probation officer at least every 30 days for all level three and level four cases during that timeframe.

6VAC35-150-420. Contacts during juvenile's commitment.

With Family

Audit Finding:
Two of three applicable cases reviewed, for multiple months, did not have documentation that the PO reviewed the family's progress toward planned goals of the Family Domain, shared juvenile's progress, prepare for re-entry, such as identifying housing options and other supports, coordinated intervention and services, reviewed and updated family visitation plan, and provided community resource linkages and crisis intervention, as needed; nor did the PO have monthly face to face contact with the parent or legal guardian for several months.

Program Response

Cause:
In review of the files that were reviewed by the Certification Analyst, it was discovered that the assigned Probation/Parole Officers for the case(s) failed to document at least one element of the required elements relevant to contact with the juvenile's parent/guardian. The Probation/Parole Officers indicated that it has been difficult contacting the parent/guardian and/or difficult get the parent/guardian to schedule an appointment.

Effect on Program:
This resulted in limited information being provided to the parent/guardian as well limited information noted/captured in the Badge Case Narrative, providing that this could potentially hinder an understanding of the case/case needs, juvenile needs, and possible delay decision-making regarding re-entry needs, crisis intervention and community-based service linkages.

Planned Corrective Action:
Training staff on the breakdown of and how to differentiate the required monthly meeting elements. A template for each required monthly meeting was developed and provided to assist the Probation/Parole Officer and Probation/Parole Supervisor in ensuring the completion of the elements for this monthly regulation. The Probation/Parole Officer and Probation/Parole Supervisor will conduct a monthly file review to ensure that all elements of this required monthly

meeting are noted in the Badge Case Narrative.
The Probation/Parole Officer will request, during the disposition hearing when the juvenile is committed to DJJ, that the court orders the parent/guardian to comply with the Court Service Unit and to comply with the DJJ approved facility during the juvenile's commitment. This will provide a mechanism for accountability should the parent/guardian fail to comply with the court order.

Completion Date:
The initial training for this regulation is scheduled for June 26, 2026. However, there will be ongoing review of this regulation during Probation and Parole Staff Meetings. The template(s) will be provided to all staff on July 1, 2026.

Person Responsible:
Probation/Parole Officer, Probation/Parole Supervisor and CSU Director.

Current Status on September 14, 2026: Compliant
During the specified status review period of June 23, 2026, to September 14, 2026, the CSU had three applicable cases and they were compliant. The cases showed that the PO reviewed the family's progress toward planned goals of the Family Domain, shared juvenile's progress, prepare for re-entry, such as identifying housing options and other supports, coordinated intervention and services, reviewed and updated family visitation plan, and provided community resource linkages and crisis intervention; the cases also showed that the PO had the required monthly face to face contacts with the parent or legal guardian.

CERTIFICATION AUDIT REPORT
TO THE
DEPARTMENT OF JUVENILE JUSTICE

PROGRAM AUDITED:
12th District Court Service Unit (Chesterfield)
7000 Lucy Corr Boulevard
Chesterfield, Virginia 23832
(804) 748-1372
William Stanley, Director
william.stanley@djj.virginia.gov

AUDIT DATE:
April 30, 2026

CERTIFICATION ANALYST:
Wanda Parris-Flanagan

CURRENT TERM OF CERTIFICATION:
May 19, 2023 - May 18, 2026

REGULATIONS AUDITED:
6VAC35-150 Regulations for Nonresidential Services Available to Juvenile and Domestic Relations District Courts

PREVIOUS AUDIT FINDINGS – January 23, 2023:
100% Compliance Rating

CURRENT AUDIT FINDINGS – May 18, 2026:
94.2% Compliance Rating
6VAC35-150-350 (A) Supervision plans for juveniles
6VAC35-150-350 (B) Supervisor Reviews
6VAC35-150-420 Supervisory Responsibilities (case staffing)

DEPARTMENT CERTIFICATION ACTION: Certify the 12th District Court Service Unit (Chesterfield) to May 18, 2029.
Pursuant to 6VAC35-20-100C.2, if the certification audit finds the program or facility in less than 100% compliance with all regulatory requirements and a subsequent status report, completed prior to the certification action, finds 100% compliance on all regulatory requirements, the director or designee shall certify the facility for a specific period of time, up to three years.

TEAM MEMBERS:
Wanda Parris-Flanagan, Team Leader
Kevin Heller, Central Office
Sherron Key, Central Office
Ronnie Moore, Central Office

POPULATION SERVED:
The 12th District Court Service Unit serves Chesterfield County and the city of Colonial Heights.

PROGRAMS AND SERVICES PROVIDED:
The 12th District Court Service Unit provides mandated services including:

- Intake
- Probation supervision

- Direct care and parole supervision
- Investigative reports

The Unit interacts with the community in obtaining such services as:

- Mental health support, including substance abuse services, evaluations and general counseling.
- Access to CSA funds for services and possible placement of youth.
- Chesterfield Adolescent Reporting Center: youth on supervision are referred there as a sanction for probation or parole violations.

CORRECTIVE ACTION PLAN
TO THE
DEPARTMENT OF JUVENILE JUSTICE

FACILITY/PROGRAM:	**12th District Court Service Unit**
SUBMITTED BY:	**William Stanley, CSU Director**
CERTIFICATION AUDIT DATE:	**April 30, 2026**
CERTIFICATION ANALYST:	**Wanda Parris-Flanagan**

Under Planned Corrective Action indicate; 1) The cause of the identified area of non-compliance. 2) The effect on the program. 3) Action that has been taken/will be taken to correct the standard cited. 4) Action that will be taken to ensure that the problem does not recur.

350 (A) Supervision plans for juveniles.
To provide for the public safety and address the needs of a juvenile and that juvenile's family, a juvenile shall be supervised according to a written individual supervision plan, developed in accordance with approved procedures and timeframes, that describes the range and nature of field and office contact with the juvenile, with the parents or guardians of the juvenile, and with other agencies or providers providing treatment or services.

Audit Finding:
Four of nine applicable cases reviewed failed to include narratives indicating that the goals were a joint effort involving the PO as facilitator and the juvenile and parent as contributors.

Seven of ten applicable cases reviewed failed to include narratives indicating that the case plan was jointly developed by the probation, juvenile, and family and has been discussed and signed by all parties.

Program Response

Cause:
The CSU narratives included that the case plans were reviewed, but not that it was developed with PO, youth, and parent/guardian.

Effect on Program:
There was no effect on our daily business of protecting the community and providing appropriate interventions and services to families in need.

Planned Corrective Action:
The CSU will explicitly state in the initial meeting BADGE note that the plan was "jointly" developed by the PO, youth, and parent/guardian.

Person Responsible:
Any court service unit staff who conduct initial probation supervision meetings.

Completion Date:
June 1, 2026

Current Status as of October 1, 2026: Compliant
Four of six applicable cases reviewed included narratives indicating that the goals were a joint effort involving the PO as facilitator and the juvenile and parent as contributors.

Five of six applicable cases reviewed included narratives indicating that the case plan was jointly developed by the probation, juvenile, and family and has been discussed and signed by all parties.

350(B) Supervision Plan for Juveniles

Audit Finding:
Four of the nine applicable cases reviewed failed to include narratives that the supervision case plan was reviewed with the juvenile and, if necessary, revised/updated according to progress toward established goals or the need for additional goals and action steps.

Program Response

Cause:
The narratives did not explicitly state that the plan was reviewed with the juvenile and revised/updated according to progress, or the need for additional goals or actions steps.

Effect on Program:
There was no effect on our daily business of protecting the community and providing appropriate interventions and services to families in need.

Planned Corrective Action:
For each face-to-face meeting, the PO will explicitly state "the supervision case plan was reviewed with the juvenile and, if necessary, revised/updated according to progress toward established goals or the need for additional goals and action steps."

Person Responsible:
Any court service unit staff who conduct initial probation supervision meetings.

Completion Date:
June 1, 2026

Current Status as of October 1, 2026: Compliant
Four of the six applicable cases reviewed included narratives that the supervision case plan was reviewed with the juvenile and, if necessary, revised/updated according to progress toward established goals or the need for additional goals and action steps.

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420. Community Supervision Phase
Supervisor Responsibilities

Conduct a case staffing with the assigned PO for all level 3 and 4 parole cases at least every 30 calendar days. The case staffing requires the supervisor and the assigned PO to discuss the status and progress of the juvenile as it relates to parole supervision and intervention, identified criminogenic needs, assessment-driven case planning, and identified treatment requirements and service needs.

Audit Finding:
Ten of the ten applicable cases reviewed were missing case staffing for all level three and four cases.

Program Response

Cause:
Supervisors are doing monthly case staffing for high-risk juveniles (probation) each month as required by standards. These staffing's were done with the assigned probation/parole officer monthly. All high-risk cases were reviewed at this time. This did not satisfy the parole requirement as it required case staffing for level 4 and 3 youth every 30 days. The reviews, although done monthly, were not done every 30 days.

Effect on Program:
The case staffing's were completed monthly for all high-risk cases in the community monthly. There did not appear to be an issue with appropriate case management and delivering appropriate services if that meeting did not occur every 30 days for parole cases.

Planned Corrective Action:
All high-risk case staffing will be completed every 30 days or better to ensure all probation and parole cases meet DJJ standards.

Completion Date:
June 1, 2026

Person Responsible:
All court service unit staff who manage parole cases or supervise those who manage parole cases in the facility and community.

Current Status as of October 1, 2026: Compliant
Four of the six applicable cases reviewed included case staffing for all levels three and four cases.

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tidewater youth services commission

2404 Airline Boulevard
Portsmouth, VA 23701
t: 757-488-9610
f: 757-488-9747
www.TYSCommission.org

November 9, 2026

Mr. Sherron Key, Certification Analyst
Ms. Wanda Parris-Flanagan, Acting Certification Manager
Virginia Department of Juvenile Justice

RE: Westhaven Boys Home, Facility Update for the Board of Juvenile Justice: TYSC Moving Forward with Purchase of 1801, 1805, and 1809 Airline Boulevard

Dear Mr. Key and Ms. Parris-Flanagan,

Thank you for the opportunity to update the Board on the Tidewater Youth Services Commission's (TYSC) efforts to secure a permanent home for the Westhaven Boys Home. I am pleased to report that TYSC is moving forward with the purchase of a residential facility at 1801, 1805, and 1809 Airline Boulevard in Portsmouth. On November 9, 2026, TYSC Executive Director Jenny Hodge executed the Purchase and Sale Agreement on behalf of the Commission.

This letter explains how the Commission reached this decision, where the purchase stands today, and our next steps.

Why Ownership Matters

The Commission's top priority has been to purchase, rather than lease or occupy, the facility that houses Westhaven. As the Department is aware, TYSC lost the Lynnhaven Boys Home after more than 20 years of operation because we did not own the building. TYSC also does not own the building at 3515 Race Street where Westhaven currently operates. Ownership will give the Commission long-term stability, control over facility decisions, and protection against losing another program to circumstances outside our control.

How We Reached This Decision

TYSC evaluated three options over the past year:

1. **Former corporate property on Airline Boulevard (not pursued).** This was a different building from the one now under agreement. TYSC first pursued it because it met our specifications. During due diligence recommended by our lenders, we found an undisclosed lien of about $2,000,000 that could have attached to the property after purchase. The Board of Commissioners decided not to proceed.
2. **Renovation and addition at 3515 Race Street (contingency option).** Pro Home Builder gave us a preliminary proposal in May 2026 for a two-story addition of about 1,250 square feet with five to six bedrooms. The preliminary cost was $210,000. The TYSC Foundation Board supported this option. However, it would have meant investing

tidewater youth services commission

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significant funds in a building the Commission does not own, and it would have required further approvals from the City of Portsmouth.

3. **Residential facility at 1801, 1805, and 1809 Airline Boulevard (moving forward).** This property is less than half a mile from the current Westhaven site and was previously operated as a residential program. After touring it, we found that it meets all of our needs and is already designed to serve a residential population. Purchasing it allows the Commission to own the facility and avoid the long construction timeline of the renovation option.

Status of the Purchase

As we reported in our earlier summary, the property was under contract with another buyer. That buyer did not move forward with the purchase, and the property became available to TYSC. The steps since then:

- **Early November 2026:** The seller's attorney prepared the Purchase and Sale Agreement. TYSC gave the seller its buyer and authorized signatory information. TYSC also confirmed its legal status as a regional governmental entity under Virginia law, so the agreement is in the name of the Tidewater Youth Services Commission.
- **November 9, 2026:** Executive Director Jenny Hodge signed the Purchase and Sale Agreement on behalf of TYSC. The agreement is now awaiting the seller's signature.
- **Escrow deposit:** The escrow deposit is due within two business days after all parties sign. TYSC's finance team is prepared to issue it promptly.
- **Zoning:** TYSC's real estate agent has contacted the City of Portsmouth Zoning Department to confirm that the property's zoning allows our intended use. We are waiting for their response.

Next Steps

Once the seller signs the agreement, TYSC will:

1. Submit the escrow deposit.
2. Complete due diligence and inspections, including confirming zoning with the City of Portsmouth.
3. Proceed to closing. [Anticipated closing date, if known.]
4. Develop a transition plan and timeline for relocating Westhaven, and share it with the Department.
5. Coordinate with the Certification Unit on any certification changes needed before youth move to the new facility.

The Race Street renovation stays available as a contingency if the purchase cannot be completed.

tidewater youth services commission

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Funding

The Executive Director of the Commission and the Executive Director of the TYSC Foundation are coordinating the funding needed to complete the purchase [and to make any modifications needed to prepare the building for Westhaven].

Continuity of Services

Throughout this process, Westhaven Boys Home continues to operate at 3515 Race Street without interruption to services for youth or referring localities.

TYSC appreciates the Board's interest and the Department's continued partnership. I am glad to provide additional information or answer any questions before or during the November meeting.

Respectfully,

William R. Wimbish
Deputy Director
Tidewater Youth Services Commission
757-343-1546 | wwimbish@tyscommission.org

cc: Jenny Hodge, Executive Director

6VAC35-20 Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities

Stage: Proposed (Standard Regulatory Process)

Status: The department completed a periodic review in May of 2019 and recommended that the regulation be amended. This action makes the recommended amendments as well as other changes recommended by the work group assembled to work on this chapter. The NOIRA was submitted on December 20, 2024, and completed Executive Branch Review on April 1, 2025. It was published in the *Virginia Register* on April 21, 2025, at which time the 30-day public comment period began. The public comment period ended on May 21, 2025, with no comments submitted. The board approved the proposed amendments and authorized the department to proceed to the Proposed Stage at its October 27, 2025, meeting. The department initiated the Proposed Stage and submitted it to the Office of the Attorney General on November 20, 2025. This action is currently being reviewed by the SPSHS.

6VAC35-30 Regulation Governing State Reimbursement of Local Juvenile Residential Facility Costs

6VAC35-35 Regulation Governing the Process for Planning, Designing, and Constructing Locally Funded Juvenile Residential Facilities (*New)

Stage: Proposed (Standard Regulatory Process)

Status: This action involves a comprehensive overhaul of the process localities follow to obtain state reimbursement for local facility construction and renovation projects and proposes a new process for localities that have no plans to seek reimbursement for such projects. The NOIRA completed Executive Branch review on January 7, 2021, and was published in the *Virginia Register* on February 1, 2021. The 30-day public comment period generated no comments. The department initiated the Proposed stage on September 29, 2023. OAG completed their review on March 20, 2025. DPB completed their review on May 20, 2025. SPSHS completed their review on January 6, 2026. ORM and the Governor's Office completed their review on January 13, 2026. The Proposed stage was published in the *Virginia Register* on April 6, 2026, and a 60-day public comment period began, ending on June 5, 2026; the department received one comment. At the November 18, 2026, board meeting, the department will request the board's approval to advance the action to Final Stage.

6VAC35-41 Regulation Governing Juvenile Group Homes and Halfway Houses

Stage: Final (Standard Regulatory Process)

Status: The action involves a comprehensive review of the regulatory requirements governing juvenile group homes and other nonsecure juvenile residential facilities. The

NOIRA completed Executive Branch review on October 7, 2016, and was published in the *Virginia Register* on October 31, 2016, yielding no public comments. The action was submitted through the Proposed stage on April 17, 2020, completed Executive Branch review on April 21, 2021, and was published in the *Virginia Register* on May 24, 2021. The 60-day public comment period ended on July 23, 2021,yielding no public comments. On March 22, 2023, the board approved additional proposed amendments, and on April 28, 2023, the department submitted the amendments for Executive Branch review at the Final stage. The action has completed review by the OAG, DPB, and the SPSHS, and was in the Governor's office at the end of the previous administration. The SPSHS is currently conducting another review at the Final stage.

6VAC35-71 Regulation Governing Juvenile Correctional Centers

Stage: Final (Standard Regulatory Process).

Status: This action involves a comprehensive review of the regulatory requirements governing juvenile correctional centers. The NOIRA was published in the *Virginia Register* on October 3, 2016. At the NOIRA stage, no public comments were submitted. The Proposed action completed Executive Branch review on September 5, 2019, and was published in the *Virginia Register* on September 30, 2019. The 60-day public comment period ended on November 29, 2019, yielding no public comment. Because numerous significant changes were made after the Proposed stage, the action was advanced through a Revised Proposed stage submitted on August 31, 2021, which completed Executive Branch review on January 4, 2022, was published in the *Virginia Register* on February 14, 2022, and subjected to a 30-day public comment period ending on March 16, 2022. The board approved additional amendments on September 21, 2022, for advancement to the Final stage of the standard regulatory process, and the department submitted the amendments for Executive Branch review on December 20, 2022. On November 1, 2024, the department asked the OAG to return the action to the department to address concerns regarding regulatory overreach. On August 18, 2025, the board approved additional amendments to address these concerns. The updated action was resubmitted for review at the Final stage on April 24, 2026, and is currently with the SPSHS.

6VAC35-101 Regulation Governing Juvenile Secure Detention Centers

Stage: Final (Standard Regulatory Process)

Status: This action involves a comprehensive review of the regulatory requirements governing secure juvenile detention centers. The NOIRA completed Executive Branch review on September 23, 2016, and was published in the *Virginia Register* on October 17, 2016, yielding no public comments. The action was submitted through the Proposed stage on September 3, 2019, completed Executive Branch review on April 21, 2021, and was published in the *Virginia Register of Regulations* on May 24, 2021. The 60-day public comment period ended on July 23, 2021, and resulted in two public comments. The Final stage was submitted on June 16, 2022. The action has completed review by the OAG, DPB, and the SPSHS, and was at ORM at the end of the previous administration. In May 2026, the SPSHS requested that the department withdraw the Final stage and submit a Revised Proposed stage in order to receive additional public comment. The department is working to complete the necessary documents to file the Revised Proposed stage.

6VAC35-101 Regulation Governing Juvenile Secure Detention Centers

Stage: Proposed (Standard Regulatory Process)

Status: This action creates a new Part X in 6VAC35-101 pertaining to Community Placement Programs (CPPs). The NOIRA was published in the *Virginia Register* on June 17, 2024, and the department received no public comment. The Proposed stage was submitted on December 4, 2024. The OAG completed their review on March 20, 2025. DPB completed their review on May 12, 2025. The SPSHS completed their review on January 6, 2026. The Governor's office completed their review on May 12, 2026, and the action was published in the *Virginia Register* on August 10, 2026. The action completed the 60-day public comment period on October 9, 2026, and yielded no comments.

6VAC35-150 Regulation for Nonresidential Services

Stage: NOIRA (Standard Regulatory Process)

Status: This action seeks to make comprehensive amendments to the Regulations for Nonresidential Services, the chapter that governs court service units and other nonresidential programs. The board authorized the department to initiate the NOIRA stage on August 18, 2025. DPB completed their review of the NOIRA on September 16, 2025. The SPSHS completed their review on January 6, 2026, and the Governor's office completed their review on April 22, 2026. The action was published in the *Virginia Register* on May 18, 2026, triggering a 30-day public comment period that ended on June 17, 2026, and yielded no comments. The department will request the board's approval to advance the action to the Proposed Stage at the November 18, 2026, board meeting.

6VAC35-160 Regulation Governing Juvenile Record Information and the Virginia Juvenile Justice Information System

Stage: NOIRA (Standard Regulatory Process)

Status: This action involves a comprehensive overhaul of the chapter addressing the requirements for participating agencies authorized to use the Virginia Juvenile Justice Information System (VJJIS), a system tasked with receiving, classifying, and filing certain data maintained by the department and related entities. The chapter also addresses requirements for maintaining, storing, preserving, and expunging juvenile record information. The board authorized the initiation of the NOIRA on October 27, 2025, and DPB completed their review on May 21, 2026. The action is currently under review with the SPSHS.

6VAC35-170 Regulation Governing Juvenile Data Requests and Research Involving Human Subjects

Stage: Final (Standard Regulatory Process)

Status: This action involves a comprehensive overhaul of the chapter addressing the process individuals must follow when they submit a request for data or seek to perform research involving individuals under the care or supervision of the department or board-

regulated facilities. The NOIRA completed Executive Branch review on March 15, 2024, and was published in the *Virginia Register* on April 8, 2024. The 30-day public comment period yielded no comments. The department initiated the Proposed stage on March 10, 2025. The Proposed action completed Executive Branch review on September 30, 2025, and was published in the *Virginia Register* on November 3, 2025, initiating a 60-day public comment period. The public comment period concluded on January 2, 2026, and yielded no comments. The department made additional minor amendments, which the board approved on March 27, 2026. The department submitted the action for Executive Branch review at the Final Stage on April 17, 2026, and the action has completed OAG and DPB review. The action is currently being reviewed by the SPSHS.

6VAC35-180 Regulations Governing Mental Health Services Transition Plans for Incarcerated Juveniles

Stage: Proposed (Standard Regulatory Process)

Status: This action involves a comprehensive overhaul of the regulatory requirements to ensure the continued provision of post-release services for incarcerated juveniles with a substance abuse, mental health, or other therapeutic need. The NOIRA completed Executive Branch review on January 4, 2022, and was published in the *Virginia Register* on February 14, 2022. The required 30-day public comment period ended on March 16, 2022, and yielded no comments. The department initiated the Proposed stage of the standard regulatory process on July 21, 2023. This action has competed review by the OAG and DPB. It is currently under review by the SPSHS.

6VAC35-200 Regulations Governing Youth Detained Pursuant to Federal Contracts (*New)

Stage: Proposed (Standard Regulatory Process)

Status: This action seeks to establish new regulations applicable to programs for youth detained in juvenile correctional facilities pursuant to contracts with the federal government. The action is intended to carry out the legislative directive in Chapter 599 of the 2020 Acts of Assembly. The NOIRA completed Executive Branch review on January 30, 2021, and was published in the *Virginia Register* on March 1, 2021, yielding no public comment. The Proposed stage was submitted on December 20, 2022. The OAG and DPB completed their reviews, and the action is now under review at the SPSHS.

Department of Juvenile Justice
Human Research & De-Identified Case Specific Data Requests
Annual Report FY 2026

Administrative Code

On February 9, 2005, 6 VAC 35-170, *Minimum Standards for Research Involving Human Subjects or Records of the Department of Juvenile Justice*, adopted by the Board of Juvenile Justice, became effective. This Administrative Code requires the establishment of a Human Research Review Committee (HRRC) and sets out the conditions required for approval of external research proposals. The Administrative Code was most recently revised on April 15, 2021. Select sections of the regulations are included below to provide an overview of the review process:

6VAC35-170-130. Human Research Review Committee
A. In accordance with § 32.1-162.19 of the *Code of Virginia*, the department shall establish an HRRC composed of persons of various backgrounds to ensure the competent, complete, and professional review of human research activities conducted or proposed to be conducted or authorized by the department. No member of the HRRC shall be directly involved in the proposed human research or have administrative approval authority over the proposed research except in connection with his role on the HRRC.

6VAC35-170-150. Committee review of human research proposals.
In reviewing the human research proposal, the HRRC shall consider the potential benefits and risks to the human subjects and shall recommend approval only when:

1. The benefits to the human subjects outweigh the risks;
2. The methodology is adequate for the proposed research;
3. The research, if nontherapeutic, presents no more than a minimal risk to the human subjects;
4. The rights and welfare of the human subjects are adequately protected;
5. Appropriate provisions have been made to get informed consent from the human subjects, as detailed in 6VAC35-170-160;
6. The researchers are appropriately qualified;
7. The criteria and means for selecting human subjects are valid and equitable; and
8. The research complies with the requirements set out in this chapter.

6VAC35-170-50. Conditions for department approval of external research and data requests.
A. The department may approve research projects and data requests only when it determines, in its sole discretion, that the following conditions have been met:

1. The department has sufficient financial and staff resources to support the request, and, on balance, the benefits of the request justify the department's involvement;
2. The request will not interfere significantly with department programs or operations, particularly those of the operating units that would participate in the proposed research; and
3. The request is compatible with the purposes and goals of the juvenile justice system and with the department's organization, operations, and resources.

> ***6 VAC 35-170-190. Committee reports required.***
> A. In accordance with § 66-10.1 of the *Code of Virginia*, the HRRC shall submit to the Governor, the General Assembly, and the director at least annually a report on human research projects approved by the HRRC and the status of such research, including any significant deviations from the proposals as approved.
> B. The HRRC also shall submit annually to the Board of Juvenile Justice the same report as required by subsection A of this section.

Human Research Review Committee

During fiscal year (FY) 2026, the Department of Juvenile Justice's (DJJ) HRRC was comprised of members from various backgrounds. The following members were active as of June 30, 2026:

- Nina Hyland (Chair) – Research Manager, DJJ*
- Robin Binford-Weaver, Ph.D. – Clinical Treatment Program Director, DJJ*
- Lara Todd – Deputy Director of Education and Rehabilitative Care, DJJ*
- Rebecca Westfall – Resident Rights and Legal Support Manager, DJJ*
- William Stanley – Director, 12th Court Service Unit, DJJ*
- Will Egen – Policy Analyst, Virginia Commission on Youth
- Rebecca Smith, Ph.D. – Program Manager for Undergraduate Research, Institute for Research on Behavioral and Emotional Health at Virginia Commonwealth University
- Erin K. Maloney – Superintendent, Northwestern Regional Juvenile Detention Home

*Members also served on the internal sub-committee that reviewed de-identified case-specific data requests.

DJJ Senior Research Associate, Peter Gregory, Ph.D., served as the Coordinator of External Research.

In addition to reviewing the human subjects research studies as defined in the Administrative Code, an internal sub-committee reviews requests for de-identified case-specific data, including those made through the Virginia Longitudinal Data System (VLDS) where DJJ is the sponsoring agency. The following report includes projects involving either human subjects research or de-identified case-specific data.

During FY 2026, the Deputy Director of Education and Rehabilitative Care maintained a hold on the review of new human research proposals due to the need to focus on other agency priorities. During the year, DJJ approved two human research proposals and one de-identified case-specific data proposal. The following sections summarize the nine studies that were active during FY 2026, including those approved in prior years, as well as three proposed/pending studies, two denied proposals, and one administratively closed proposal. (Amendment dates indicate the most recently approved amendment; several projects involve multiple amendments over the course of the project.) The Research Unit also reviewed two VLDS studies in which DJJ was not the sponsoring agency; these studies are not included in the report.

In accordance with § 32.1-162.19, *Human research review committees*, this report includes executive summaries of projects completed during the previous year. No projects were completed in FY 2026, and two projects were closed by the researchers prior to completion.

I. Active Studies

Evaluation of a Comprehensive Community-Level Approach to Youth Violence Prevention
Researchers: Derek Chapman and Diane Bishop
Institution: Virginia Commonwealth University
Study Type: De-Identified Case-Specific Data Request
Approval Date: November 28, 2017; amended December 30, 2024
Most Recent Progress Report Received: December 19, 2025

The study is part of a larger project aimed at learning more about youth violence in low-income neighborhoods of Richmond, Virginia. The researchers are examining de-identified data for youth between the ages of 10 and 24 associated with intake cases at Richmond City Court Service Unit (CSU) between January 2012 and December 2026. The researchers requested data on intake decisions, youth demographics, offense information, Detention Assessment Instrument (DAI) ranking, select Youth Assessment & Screening Instrument (YASI) items, length of stay (if applicable), and recidivism rates. The researchers are interested in studying low-income neighborhoods in Richmond (e.g., Mosby Court, Gilpin Court, Creighton Court) and requested individual block-level geographical data to do so. In 2024, the researchers submitted a study amendment to extend the length of the study period through 2026. This amendment was approved, and the researchers plan to complete the study in 2027 after collecting complete data for 2026.

Improving Reentry Outcomes for Justice-involved Adults with Behavioral Health Disorders
Researcher: Gary Cuddeback
Institution: Virginia Commonwealth University
Study Type: Human Research
Approval Date: August 28, 2025

The purpose of this study is to track outcomes associated with the provision of services to high-risk young adults with behavioral health disorders who are transitioning from Bon Air Juvenile Correctional Center. Services include supported employment, access to peer recovery specialists, comprehensive case management, and trauma-informed care. All services are provided by appropriately credentialed professionals at Virginia Commonwealth University. Additional data for the study is being collected through interviews at recruitment and at 6- and 12-month follow-up periods. The researchers plan to observe the following outcomes over the course of the study period: employment, behavioral health, housing and social support, and recidivism.

Multi-State Assessment of Juvenile Reoffending
Researcher: Zachary Hamilton
Institution: Nebraska Center for Justice Research, University of Nebraska – Omaha
Study Type: De-Identified Case-Specific Data Request
Approval Date: August 31, 2022; amended March 7, 2025
Most Recent Progress Report Received: July 29, 2026

The purpose of this study is to examine YASI risk and needs profiles in relation to gender, race, ethnicity, family structure/type, rural and urban settings, and poverty. The study aims to advance the researcher's original work in a previously approved project by analyzing additional variables. The original study examined data from 10 states' risk assessments and identified advancements for state, agency, or youth-specific gender responsivity and outcomes. In addition to the main goals, the researcher will provide DJJ with a state recidivism comparison, a task which DJJ's Research Unit is unable to complete due to various barriers that the researcher can overcome with direct access to other states' data. The researcher requested data from FY 2015-2021, to include risk assessment, demographic, offense history, treatment need, supervision location, case management, and recidivism data. Data cleaning was initiated in 2023, prior to merging with data from other states included in the study. Additional data were requested via a study amendment in FY 2025. This amendment was approved, and updated data from DJJ have since been merged with data from other states. The project is scheduled to be completed in December of 2026; however, a no cost extension has been submitted to the grant provider, the National Institute of Justice, to request time to complete additional work products in 2027. These products include an integrative database and dashboard, reports, online training materials, and presentations to the states whose data were used in the study.

An Exploration of Dual System Youth Capacity and Service Delivery across Juvenile Justice and Child Welfare Systems
Researcher: Denise Herz and Carly Dierkhising
Institution: California State University, Los Angeles
Study Type: Human Research
Approval Date: June 22, 2026

The purpose of this study is to better understand the extent to which jurisdictions across the country engage in practices aimed to assist youth involved with both child welfare and juvenile justice systems, as well as to assess the data infrastructure of systems across the nation. The study is funded through a National Institute of Justice grant. DJJ involvement in the study consists of seven randomly sampled CSU directors completing a survey provided by the researchers.

Identifying Variation in Juvenile Judicial Sentencing
Researcher: Karen Kitchens
Institution: Virginia Tech
Study Type: De-Identified Case-Specific Data Request through VLDS
Approval Date: October 19, 2022
Most Recent Progress Report Received: October 31, 2024
Closed Date: October 20, 2025

The purpose of this study was to use VLDS data and data from DJJ's data management system to identify if variation in sentencing exists, and if so, which sentencing/programs lead to the best outcomes. The study population was juveniles in the state of Virginia who interacted with the court system as identified through DJJ's data management system during the years 2010 to 2020. To account for changes in the court system as a result of COVID-19, the study did not include juveniles whose first encounter with DJJ occurred after the start of the pandemic. In 2023, the researchers received data, created basic models, and met with the members of the Research Unit to determine the plausibility of adding judge-level information to the VLDS system. In 2024, the researchers met again with several key stakeholders to find a way to access and collect judge-level data; however, those discussions did not yield any solutions despite stakeholders' general support for the project. On October 20, 2025, the researchers requested to close the project due to a lack of progress.

Analysis of DAI in Fairfax County
Researcher: Courtney Porter
Institution: Marymount University
Study Type: De-Identified Case-Specific Data Request
Approval Date: October 25, 2023; amended March 15, 2024
Most Recent Progress Report Received: October 24, 2025

The purpose of this study is to evaluate the public safety impact of the Detention Assessment Instrument (DAI) in Fairfax County. The public safety impact will be examined by looking at the rates of new offenses and failures to appear in court for the youth released or under various forms of community supervision as detention alternatives. The researcher notes that it is important to reassess whether the instrument continues to be used correctly with minimal bias. The researcher requested data from FY 2013-2022, to include intake, demographic, DAI, and offense data. Since receiving the data, the researcher has focused on cleaning and recoding the data in preparation for analysis. Work on the project was temporarily paused in 2025, but the researcher plans to complete their analysis in October of 2026 and provide a final report to DJJ by May of 2027.

National Juvenile Court Data Archive Project
Researchers: Charles Puzzanchera and Sarah Hockenberry
Institution: National Center for Juvenile Justice
Study Type: De-Identified Case-Specific Data Request
Approval Date: August 15, 2022; amended April 2, 2025
Most Recent Progress Report Received: July 23, 2026

This study is not a traditional research study. Rather, its purpose is to contribute data to an archive that creates national estimates of juvenile court delinquency, status offenses, and case processing. Historically, DJJ has participated in the data archive project; however, due to revised internal processes, the HRRC requested an updated amendment packet for consideration, which it subsequently received and approved. Data for calendar year 2023 were approved for aggregate release in May 2025 and included in the fall 2025 release of *Juvenile Court Statistics 2023*. Data for calendar year 2024 were approved for aggregate release in January 2026. In October 2024, archive staff were awarded a grant to continue data collection through September 2027.

The Trauma to Prison Pipeline: Exploring the Nexus of Childhood Adversity, the K-12 Education System, and the Risk of Incarceration
Researcher: Charol Shakeshaft and Dana Ainsworth
Institution: Virginia Commonwealth University
Study Type: De-Identified Case-Specific Data Request
Approval Date: September 24, 2024; amended March 7, 2025
Closed Date: March 30, 2026

This study proposed an expansion of the school-to-prison-pipeline metaphor to include discussion of the intersection of childhood adversity, student behavior in schools, exclusionary discipline, and the heightened risk of incarceration. The research aimed to highlight the role of schools in mitigating or mediating the impact of adversity and the socioeconomic variables that increase the risk of trauma exposure. Data shared with the researchers primarily included items from the Adverse Childhood Experience (ACE) questionnaire and items from the YASI risk assessment pertaining to youths' family, peers, and experiences in school. On March 30, 2026, the researchers requested to close the project after determining they would not be continuing any of the proposed research activities.

Secondary Analyses of Youth Protective Factor Study (YPFS) Data
Researchers: Gina Vincent
Institution: University of Massachusetts, Chan Medical School
Study Type: De-Identified Case-Specific Data Request
Approval Date: April 20, 2026; amended June 12, 2026

The purpose of this study is to conduct additional analysis on data previously provided to the researchers as part of a previously approved and concluded project—a study titled, "Optimizing Supervision and Services Strategies to Reduce Reoffending: Accounting for Risks, Strengths, and Developmental Differences." An executive summary of the previously concluded project can be found in the FY 2025 version of DJJ's annual report on Human Research & De-Identified Case Specific Data Requests. Findings from the original report indicated that providing strengths-based services to youth predicted an increase in violent recidivism after involvement with Virginia DJJ. This secondary analysis seeks to use new statistical methods to (1) confirm the findings from the original report and (2) determine if some strengths-based services are more effective than others in predicting recidivism. The proposal for the secondary analysis was approved in April of 2026. Shortly thereafter, the researcher submitted a request to amend the proposal. While the original proposal had requested no new data from DJJ, the amended proposal requested a single new data field intended to account for variability in probation and parole officer assignments among youth in the original study. In June of 2026, the amendment was approved through the expedited review process for minor amendments described in 6VAC35-170-69.

II. Proposed / Pending Studies as of June 30, 2026

The Role and Effectiveness of Correctional Education Programs in Recidivism Rates and Reentry into Society Among Incarcerated Youth
Researcher: Carol Cash and Deana Williams
Institution: Virginia Tech
Study Type: De-Identified Case-Specific Data Request
Approval Date: Pending

The purpose of this study is to identify a possible relationship between participation in correctional education programs and reentry outcomes, specifically recidivism and credential attainment, among justice-involved youth released from Virginia's juvenile correctional system between calendar years 2018 and 2023. The proposal requests that relevant education and recidivism data be collected from DJJ's data management system as well as various separate data sources accessible only by DJJ education staff. Data from these sources will then be merged and deidentified prior to being shared with the researcher. As of June 30, 2026, this study was under review by the HRRC's internal committee.

The Role of Career and Technical Education in Combatting the School-to-Prison Pipeline
Researcher: Michael Kosloski and Adriane Graham
Institution: Old Dominion University
Study Type: De-Identified Case-Specific Data Request through VLDS
Approval Date: Pending

The purpose of this study is to determine how career and technical education (CTE) coursetaking relates to a youth's potential for coming into contact with Virginia's juvenile justice system, as well as their risk of future and/or extended involvement in the criminal justice system. The study will leverage DJJ and Virginia Department of Education data from VLDS to answer these questions using regression analysis. As of June 30, 2026, this study was under review by the HRRC's internal committee.

Interagency Collaboration in Community Policy and Management Teams: Insights from Virginia and Implications for Policy and Practice
Researcher: Michael Southam-Gerow and Juliet Wu
Institution: Virginia Commonwealth University
Study Type: Human Research
Approval Date: Pending

The purpose of this study is to survey members of local Community Policy and Management Teams (CPMTs). These teams are composed of representatives from multiple child-serving agencies. The proposed survey seeks to measure members' perceived levels of interagency collaboration and examine associations between collaboration measures and system-level factors such as locality characteristics. As of June 30, 2026, this study was being reviewed by DJJ's Coordinator of External Research.

III. Denied Proposals

Two research proposals were denied during the fiscal year.

Leadership in Juvenile Justice
Researcher: Vincent Giordano and Nathalie Grey
Institution: Liberty University
Study Type: Human Research
Denied Date: March 12, 2026

The purpose of this study was to use semi-structured interviews and a focus group to ask 18-22 juvenile justice leaders at DJJ about (1) their experiences aligning policies and practices with behavioral science findings; (2) their perceptions regarding the strategies they use to address systemic racial and socio-economic disparities in the juvenile justice system; and (3) their perceptions regarding their own efforts to implement and sustain evidence-based prevention, intervention, and rehabilitation programs. DJJ determined the project did not align with the conditions set out in 6VAC35-170-50.

Self-Efficacy in Preventing Juvenile Recidivism
Researcher: Alexandra Patzak and Destanie Skinner
Institution: George Mason University
Study Type: Human Research
Denied Date: May 7, 2026

The purpose of this study was to use a survey created by the researchers to develop and validate a self-efficacy measure for professionals who work directly with justice-involved youth. The researchers proposed sending a voluntary survey to DJJ staff throughout the agency via email, collecting responses, and analyzing the results to (1) construct a scale for measuring self-efficacy, (2) evaluate the reliability and validity of said scale, (3) identify differences in reported self-efficacy levels across roles, and (4) identify additional factors associated with reported self-efficacy levels. DJJ determined the project did not align with the conditions set out in 6VAC35-170-50.

IV. Administratively Closed Proposals and Studies

Administratively closed proposals and studies include proposal packets the Coordinator of External Research or the HRRC reviewed, but the agency did not hear back from the researcher(s) after providing feedback and/or requesting revisions. They also include studies for which no significant progress has been reported and for which DJJ determined it could not continue to provide resources. One research proposal was administratively closed during this fiscal year.

Failing the Youth: Addressing the Matter of Racial Disparities in the Juvenile Justice System
Researcher: Allura Casanova and Jae'Lyn Davis
Institution: Hampton University
Study Type: Human Research
Closed Date: June 1, 2026

The purpose of this proposed study was to identify and analyze factors that contribute to the overrepresentation of minority youth in the juvenile justice system. Specifically, the researchers proposed interviewing and surveying youth in juvenile detention centers to ask how well current rehabilitation programs and practices address the needs of minority youth. Proposal documents were submitted to the Coordinator of External Research on March 25, 2026, and the Coordinator of External Research provided feedback to the researchers on April 1, 2026. The proposal was closed on June 1, 2026, after receiving no further response from the researchers.