

Dana G. Schrad, Chair
Robert Vilchez, Vice Chair
Vacant, Secretary
Eric English
Tyren Frazier
William Johnson
Scott Kizner
David Mick
Synethia White



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COMMONWEALTH of VIRGINIA
Board of Juvenile Justice

BOARD MEETING

June 21, 2023

Virginia Public Safety Training Center, Smyth Hall Room 401

9:30 a.m. Board Meeting

1. CALL TO ORDER and INTRODUCTIONS
2. CONSIDERATION OF THE MARCH 22, 2023, MINUTES (PAGES 1-9)
3. PUBLIC COMMENT
4. NEW BUSINESS

Consideration of Amendments to the Board Bylaws Regarding Vacancies in Chair, Vice-Chair, and Secretary Positions (PAGES 10-17)

James Towey, Legislative & Regulatory Affairs Manager, Department of Juvenile Justice

Request Approval to Begin the Guidance Document Process on the Virginia Juvenile Community Crime Control Act (VJCCCA) Manual (PAGES 18-59)

Ken Davis, Regulatory Affairs Coordinator, Department of Juvenile Justice

Consideration of the FY 2024 Virginia Juvenile Community Crime Control Act (VJCCCA) Plans (PAGES 60-83)

Katherine Farmer, VJCCCA Supervisor, Department of Juvenile Justice

Request Approval to Advance the Regulation Governing Mental Health Services Transition Plans for Incarcerated Juveniles to the Proposed Stage of the Regulatory Process (PAGES 84-120)

Ken Davis, Regulatory Affairs Coordinator, Department of Juvenile Justice

Consideration of Board Policies (PAGES 121-126)

Kristen Peterson, Regulatory Affairs Coordinator, Department of Juvenile Justice

- 20-001 Treatment Programs and Services
- 04-111 Fees for Psychological Services
- 20-105 Graduated Community Reentry

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5. PRESENTATIONS

Director's Certification Actions (PAGES 127-148)

Ken Bailey, Certifications Manager, Department of Juvenile Justice

Legislative Update (PAGES 149-153)

James Towey, Legislative & Regulatory Affairs Manager, Department of Juvenile Justice

Office of Regulatory Management and Regulatory Reduction

Ken Davis, Regulatory Affairs Coordinator, Department of Juvenile Justice

Kristen Peterson, Regulatory Affairs Coordinator, Department of Juvenile Justice

6. DIRECTOR REMARKS and BOARD COMMENTS

7. NEXT MEETING: September 21, 9:30 a.m., Virginia Public Safety Training Center

8. ADJOURNMENT

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COMMONWEALTH *of* VIRGINIA
Board of Juvenile Justice

DRAFT Meeting Minutes

March 22, 2023

Virginia Public Safety Training Center, Smyth Hall, 7093 Broad Neck Road, Hanover, VA 23069

Board Members Present: Tyren Frazier, William (Will) Johnson, Scott Kizner, David Mick, Dana Schrad, Robert (Tito) Vilchez, and Synethia White

Board Members Absent: Eric English

Department of Juvenile Justice (Department) Staff: Ken Bailey, Ken Davis, Mike Favale, Amy Floriano, Wendy Hoffman, Dale Holden, Joyce Holmon, Nikia Jones, G Leffler, Melodie Martin, Ashaki McNeil, Linda McWilliams, Guillermo Novo, Megan O'Brien (Office of the Attorney General), Kristen Peterson, Jesse Schneider, Lara Todd, James Towey, Rachel Wentworth, and Carmen Williams

Guests: James Butts (Crisis Intervention Home/Tidewater Youth Services Commission), Carlos Hooker (Westhaven Boys Home/Tidewater Youth Services Commission), and William Wimbish (Tidewater Youth Services Commission)

CALL TO ORDER AND INTRODUCTIONS

Chairperson Dana Schrad called the meeting to order at 9:33 a.m. Chairperson Schrad welcomed those present and asked for introductions.

CONSIDERATION OF BOARD MINUTES

The minutes of the September 21, 2022, and November 9, 2022, Board meetings were provided for approval. On a motion duly made by David Mick and seconded by Will Johnson, the Board approved the minutes as presented. All Board members present declared "aye," and the motion carried.

PUBLIC COMMENT

There was no public comment.

DIRECTOR'S CERTIFICATION ACTIONS

Ken Bailey, Certification Manager, Department

Mr. Bailey directed the Board to the packet, which contained the individual audit reports and a summary of the Director's certification actions completed up to December 19, 2022.

The 4th, 10th, and 21st District Court Service Units and the Chesterfield Juvenile Detention Home and Post-disposition Program received 100% compliance on their audit. Mr. Bailey noted that these audits occurred during the COVID-19 era, and it was amazing the facilities were able to maintain that level of compliance with the challenging circumstances.

The audit for the 14th District Court Service Unit found two documentation issues, which were misinterpretations on the part of supervisory personnel. The follow-up review showed both issues were brought into compliance, and there were no outstanding compliance issues.

The audit for the 16th District Court Service Unit found four areas of noncompliance. The 16th unit had a high turnover rate of supervisory staff and probation and parole officers, which contributed to the number of deficiencies. The main issues were review of supervision plans, keeping adequate records on the electronic monitoring program, and contacts were missed with the juvenile. The follow-up review showed all areas have been brought into compliance. The facility has a good plan of action that should resolve the issues.

The audit for the 22nd District Court Service Unit found two areas of noncompliance. One issue involved release from supervision, where there was a misunderstanding as to what should be done when the child is released by the judge and when the youth is released when reaching 19 years of age. The other issue of noncompliance was a contact that was not documented as required with the parent or guardian. The follow-up review showed these two issues corrected.

The audit for the 26th District Court Service Unit found two deficiencies. This was a great improvement from seven deficiencies found in an audit several years ago. The unit had training issues related to supervisory personnel. The follow up review showed the unit is now compliant regarding both issues.

The Northern Virginia Juvenile Detention and Post-dispositional Detention Program presented security issues, and Director Floriano gave them a deadline to have security fencing in place. The facility has completed the work and is now secure.

The audit for the Chesapeake Juvenile Services and Post-dispositional Program began in November 2021, with the initial audit finding four deficiencies. Issues included concerns with building inspections and evacuation drills, complaints about not washing sheets on a regular basis, and torn blankets. The Certification Team walked through the facility, saw the issues, and heard complaints from residents. All deficiencies were corrected. The audit report was ready to present to the Director when in January/February 2022, the Certification Team received notice that several youth had suffered concussions resulting from a physical restraint. This prompted a detailed review of the facility looking at the overall well-being of the residents in the Chesapeake facility. The Certification Team, along with a member from the Department's Quality Assurance Unit, visited the facility and found several areas that caused concern. The Certification Team interviewed 19 residents and 25 staff and assessed the behavior management system, due process for restraint confinements, staff training, use of force, and medical provisions. Several regulatory violations were discovered. The Certification Team met with the Deputy City Manager and the Director of Building Services for the City of Chesapeake, who have oversight over the juvenile detention center. The City Administration became vested in improving conditions.

The facility had been using an outdated behavior management program that was punitive, with no positive reinforcements. The Certification Team helped the facility with implementing a new program that was more therapeutic. The follow-up review showed the program met the requirements for a good behavior management program, but the review team asked the facility to continue refining the training.

It appeared the youth were given sanctions without due process protections, such as opportunities to present witnesses or have a hearing. The Certification Team subsequently reviewed the disciplinary process and found that residents no longer receive an immediate 48 hours/72 hours sanction. Hearings are conducted,

and the assistant superintendent reviews each sanction for justification, fairness, and equity. The Certification Team feels this program is now working and will continue to monitor all areas.

Some staff will need to be retrained in Handle With Care. Two facility staff were terminated because of the injuries the residents received during the physical restraint. Also, facility staff were not receiving 40 hours of retraining each year. As of the last review of the facility in October, staff were receiving the required hours of training. There were issues, however, regarding the maintenance of the building that have since been corrected, such as doors not being locked properly and musty odors resulting from leaving mop buckets stored in closets. As a result, on December 19, 2022, the Director reviewed the progress made by Chesapeake and granted certification until November 9, 2024.

The Certification Team reviewed every incident of physical restraint, watched video, interviewed staff, and reviewed documentation. Facility staff have become more astute to the de-escalation methods before resorting to a physical intervention. The facility is implementing the training, existing and new staff are completing their training, and a much more therapeutic program is being implemented.

Chairperson Schrad asked if there was a lot of staff turnover in the court service units. Deputy Director of Community Programs Linda McWilliams responded that there is turnover but operations were not significantly impacted by these vacancies.

Mr. Bailey directed the Board to the packet, which contained the individual audit reports and a summary of the Director's certification actions completed up to February 13, 2023.

The audits for the 2nd, 7th, 8th, and 28th District Court Service Units and the Merrimac Center and Post-dispositional Program, Newport News Juvenile Detention Center and Post-dispositional Program, Rappahannock Juvenile Detention Center and Post-dispositional Program, and Shelter Care of Northern Virginia received 100% compliance.

REGULATORY UPDATE

Ken Davis, Regulatory Affairs Coordinator, Department

Mr. Davis provided an update of the status of active guidance documents and regulations.

The Guidelines for Determining the Length of Stay for Indeterminately Committed Juveniles was subject to a 30-day public comment period, and the Department received 11 public comments. Mr. Davis noted that none of these comments triggered any mandatory response or change to the guidance document based on the statutory requirement. The final guidelines, which contained two clerical corrections, were posted on the Regulatory Town Hall in February, and the guidelines took effect on March 1. The Board requested to see the 11 comments made during the public comment period, and the Department agreed.

Director Floriano addressed the Senate Budget Bill, which included language stating that the Department could not adjust the guidelines and had to keep following the 2015 guidelines. Because the Budget Bill has not yet passed, the Governor's Office has advised the Department to move ahead with implementation of the updated guidelines. Director Floriano noted that she had several conversations with Senator Dave Marsden, provided him a tour of the Bon Air Juvenile Correctional Center, and has secured his support for the Department's updated guidelines. Senator Marsden was able to see the vocational program at the facility and met with the youth who now have an opportunity to learn electrical, HVAC, plumbing, and Certified Technician skills.

Chairperson Schrad said that Senator Marsden is well respected, and she was pleased to have his support.

Mr. Davis addressed the Regulation Governing Juvenile Correctional Centers, which was approved by the Board in September for advancement to the Final Stage of the Regulatory Process. The action is undergoing Executive Branch Review at the Final Stage and is currently with the Office of the Attorney General (OAG). Once the Department receives the OAG review, the next step is to prepare materials for the Department of Planning and Budget (DPB).

Mr. Davis reminded the board that it approved the Regulation Governing Juvenile Secure Detention Centers in April for advancement to the Final Stage of the Regulatory Process. The OAG has completed its review and the Department is preparing materials for DPB, which should be done within the next few weeks.

REQUEST AUTHORIZATION TO SUBMIT AMENDMENTS TO THE REGULATION GOVERNING JUVENILE GROUP HOMES AND HALFWAY HOUSES (6VAC35-41) TO THE FINAL STAGE OF THE STANDARD REGULATORY PROCESS

Kristen Peterson, Regulatory Affairs Coordinator, Department

Ms. Peterson introduced Carlos Hooker from the Westhaven Boys Home and William Wimbish from the Tidewater Youth Services Commission to provide a short summary about group homes. Mr. Hooker began the presentation.

The mission of group homes is to provide a temporary residential alternative to secure detention facilities dedicated to at-risk youth. Group home programs provide a safe, structured, nurturing, and supportive living environment, and encourage positive development. Youth learn the evidence-based tools needed for successful integration back into the community and their families.

There are four different ways youth are admitted into the group home program.

1. Emergency placement, such as from the Department of Social Services.
2. Placement of youth who are disruptive and moved from their own homes into a group home.
3. Shelter care orders that come through the court system for youth who are status offenders. For example, youth that run away from home or who do not attend school. Such orders are issued by a judge, ordering a youth into the group home program.
4. Formal placement from a residential facility. Youth are interviewed and, if determined appropriate for the program, accepted.

There are male and female group homes and independent living programs. Some group homes are attached to a juvenile detention center to better use services such as medical. There are also stand-alone programs responsible for obtaining their own level of services, which use the group home program. Virginia does not currently have family-oriented group homes, wilderness programs, or experimental outdoor living programs. Group homes do not place youth in locked rooms as a form of punishment. Group home youth spend a decent amount of time in the community for community service. Mr. Hooker explained that he recently had a young man who performed 100 hours of community service at a soup kitchen. Group home youth attend school, bowl, or engage in other recreational activities in the community such as rock climbing and zip lining.

Group home youth earn home passes in the post-dispositional program. The group home setting is made up of males and females from 8 to 18 years of age. Youth are at-risk meaning they have had family disruption, health issues, substance abuse issues, or are struggling and acting out at home. The Apartment Living youth are 17 to 21 years old. Group home resident programs are designed to serve at-risk youth and young adults; however, each program has a vetting process, and the criteria must be met to ensure the safety and well-being of everyone. If an individual has committed any of the exclusionary offenses, such as sexual offenses

or violent crimes, he or she may not be allowed into the program. To ensure the safety of the youth, group homes comply with the Prison Rape Elimination Act (PREA).

Group homes are different than juvenile detention centers and juvenile correctional centers in that group homes have a smaller staff. The staff might include an assistant director, director, administrative assistant, food service manager, two to four evening counselors, and one or two overnight counselors. Group homes offer individual group and family counseling, crisis management, educational services on site, opportunity for youth to attend school offsite, recreational, and nutritional services. Group homes must also meet requirements for medical needs, and often the family or other involved parties are called upon to meet those needs. Group homes work on social skills, mental health counseling, independent living counseling, and decision making and problem-solving skills. Group homes try to keep the youth at their own school if possible.

Chairperson Schrad asked about the availability of mental health services. Mr. Hooker responded that group homes are in communication with the local Community Services Board and the youth's primary doctor, if applicable to try to meet their needs.

Ms. Peterson thanked the group home stakeholders, who had significant input into the final proposed product. Ms. Peterson's presentation closely followed the memorandum provided in the Board packet on page 118. The below information was discussed during her presentation.

{Section 90} Serious incident reports

Ms. Peterson discussed the provision directing group home providers to notify the director or their designee within 24 hours of certain specified serious incidents, as well as "all other situations required by the board of which the facility has been notified." The Governor's Office would like state agencies to ensure their regulations are clear and easy to understand. The Department does not want its regulations to run afoul of the rule regarding incorporation by reference, which says that state agencies cannot incorporate a document into the regulation by referencing a specific document that the agency or board has developed. The idea behind this rule is if you have a separate document that is incorporated into the regulation that can be modified at any time, this would circumvent the entire process and is counterproductive to the purpose of the Administrative Process Act. Ms. Peterson could not recall the Board ever identifying additional specific categories that constitute serious incidents, so the recommendation of the workgroup was to remove that language.

Board Member Scott Kizner asked what is the substantial change to Section 90? Ms. Peterson responded that all the categories of serious incidents listed in subsection A (page 131) are still required to be reported. The nebulous language in subsection B is being deleted because the Board has never identified any additional categories of serious incidents. This is a minor change that will not have an impact. Serious incidents identified in subsection A are still required to be presented to the director or designee, the placing agency, and the parent or legal guardian. Thus, serious injuries, illnesses, incidents, accidents, overnight absences, and runaways are still required to be reported. The subsection B language is being deleted since the category of incidents in subsection A is comprehensive and covers most of the serious incidents that occur within the facility.

{Section 105}, Reporting Criminal Activity, page 132

Ms. Peterson discussed the provision that will require staff to report certain criminal activity known or suspected to have occurred at the facility or facility-sponsored activities. Board Member Kizner asked how "suspected" is defined. Ms. Peterson responded that the term has not been defined, and it would be up to the compliance team and the facility to establish procedures that would interpret this language. An example would be if someone made an allegation about sexual misconduct. That would be a suspected criminal act, but not substantiated.

Board Member Kizner noted his concern and discomfort with the word, "suspected," and asked what would be the appropriate action when criminal activity is suspected compared to known. Chairperson Schrad said when she hears the word suspected, she assumes alleged. Director Floriano gave an example about marijuana in the facility and indicated that in that scenario, staff would need to tell somebody with the ability to address the situation whether it be through investigation or counseling with the youth. Chairperson Schrad said it would trigger the need for an investigation.

Board Member Kizner provided an example about a student alleging another student was drinking, making them ineligible to play in a volleyball game. The investigation resolved the issue, but it was time consuming. Board Member Kizner felt reports to the facility administrator may be misused and there should be some criteria. Director Floriano said that anything written can be misused. She explained that some allegations must be investigated, such as sexual allegations, but that this provision does not dictate any action be taken against the youth based on the allegation. Any criminal case is alleged or suspected until an investigation is completed, followed by the trial. Deputy Director of Legislation and Policy Michael Favale said that an allegation is a mere accusation, while suspicion is on a higher level.

Board Member Kizner asked if the facility administrators understand when to investigate and when to conclude the situation does not warrant an investigation. Deputy Director of Residential Services Joyce Holman answered that trust is put in the facility administrator. They are aware that this is the environment when dealing with young people. When allegations against staff happen, we must err on the side of caution and initiate an investigation. Director Floriano said that this is a different mindset from school. There is an allegation, and the facility needs to make sure they are reacting to it and protecting the children in their care. It is a balance the administrator is charged with, and they have earned their way to that position.

{Section 115} Communication Access, page 120

Ms. Peterson explained the new language requiring group home providers, when required to give written or verbal information to certain parties, to take steps to ensure that those with certain conditions affecting communication understand such information. Chairperson Schrad asked if there was a requirement that these efforts be documented to ensure the information was communicated. Ms. Peterson replied that when assessing compliance, there should be some documentation. There is language in the group home regulation that any documentation necessary to demonstrate compliance with these provisions has to be maintained for three years. The Department has broad authority to mandate that documentation be required. Ms. Peterson speculated that the Department would put something in the compliance manual to address documentation.

{Section 140} Participation of Residents in Human Research, page 120

Ms. Peterson explained the minor amendment to remove the requirement that information regarding participants in human research projects be maintained in accordance with the regulatory provision addressing maintenance of records. Board Member Synethia White asked if the Department's process already considers a type of Institutional Review Board (IRB) process. The Department's Data and Research Director Jesse Schneider responded that the general process does require an IRB approval from that entity. An internal review is performed that parallels the IRB review but considers the Department's special circumstances and ensures its vulnerable populations are protected, especially because the variability in the strictness of the IRB adds an extra layer of protection.

{Section 400} Toilet Facilities, page 136

Ms. Peterson noted a minor error in line 437, and proposed an additional amendment not reflected in the packet to read, "each juvenile residential facility constructed or structurally modified on or after July 1, 1981."

The additional amendment will address any cases in which facilities were constructed or modified on July 1, 1981.

Chairperson Schrad asked if the motion will be modified to reflect this change. Ms. Peterson responded that the motion anticipates the possibility of modified language.

Direct Regulatory Requirements versus Procedural Requirements, pg. 124

Ms. Peterson discussed several provisions in the regulation that, rather than imposing a requirement outright, provide that a specific requirement needs to be placed in the written procedure. As an example, Section 1240 (suicide prevention) on page 155 says that the facility has to have a written procedure that requires a suicide prevention program, but there is no actual regulatory requirement that the facility have such a program. When the Department assesses compliance, they are looking at the procedure and not looking to see if there is a suicide prevention program, which raises the question of why the regulations do not impose the requirement outright instead of requiring the facility to place it in a written procedure. The Board had no further discussion on this issue.

Ms. Peterson explained several other proposed amendments to various definitions and to sections 20, 200, 210, 250, 410, 440, 510, 550, 670, 680, 820, 840, 1010-1070, 1100, and 1270, as detailed in the Board memo. The Board had no questions or further discussion regarding these changes.

{Section 565} Vulnerable Population, pg. 142

Board Member Kizner was concerned that residents with disabilities are not included in the vulnerable population definition and recalled a time at a group home when a young man had a significant language impairment and went through a difficult time with the other residents. Ms. Peterson confirmed that residents with disabilities are not listed in Section 565, but those factors that are listed are examples and not an all-inclusive list. For purposes of regulatory and statutory interpretation, the terminology "including", means "including but not limited to." Ms. Peterson cautioned the board that providing examples can sometimes risk omitting something important. The Board proceeded with a lengthy discussion about whether the language should incorporate residents with disabilities in the list of vulnerable population factors. It was noted that the Board should be cautious when characterizing someone as vulnerable.

Mr. Hooker was asked about his facility's practice with residents with disabilities. He noted that at the intake phase, the child is asked if they see themselves as vulnerable and the facility uses this as a placement tool and to help the youth ensure they feel safe.

Board Member Kizner concluded that he did not want to rank the vulnerable groups, but if the board thinks children with disabilities are not a vulnerable population, then it should not have this vulnerable population subtitle since they are vulnerable in the school setting and community setting and are the largest population listed in that group.

The Board decided to retain the language as is.

On motion duly made by Synethia White and seconded by Tyren Frazier, the Board of Juvenile Justice approved the proposed amendments to the Regulation Governing Juvenile Group Homes and Halfway Houses (6VAC35-41) for advancement to the Final Stage of the Standard Regulatory process, as follows: all amendments previously adopted by the board during the Proposed Stage of the standard regulatory process, as modified and agreed upon at the March 22, 2023 meeting. All Board members present declared "aye," and the motion carried.

REQUEST EXTENSION OF VARIANCE APPLICABLE TO JUVENILE CORRECTIONAL CENTERS; STAFFING CENTRAL INFIRMARY AND NURSING STATIONS

Kristen Peterson, Regulatory Affairs Coordinator, Department

Ms. Peterson detailed the variance request following the Board memo in the packet on page 158. The Board had no questions.

On motion duly made by Scott Kizner and seconded by Will Johnson, the Board of Juvenile Justice approved an extension of the variance to the regulatory requirement provided in subsection D of 6VAC35-71-830. The variance shall authorize security staff to supervise residents housed or receiving services in the correctional center's central infirmary or nursing station outside the presence of direct care staff. This variance is to remain in effect until conforming changes are made to 6VAC35-71 or for five years, whichever occurs first. All Board members present declared "aye," and the motion carried.

REQUEST AMENDMENT OF TWO POLICIES: 05-009 (CODE OF ETHICS AND CODE OF CONDUCT) AND 17-001.1 (LANGUAGE ASSISTANCE SERVICES), AND REQUEST RETENTION OF ONE POLICY: 03-007 (INTERNAL AUDIT FUNCTION)

Ken Davis, Regulatory Affairs Coordinator, Department

Mr. Davis explained the three policies following the Board memo on page 161 of the Board packet. He noted that the Board had reviewed one-third of the board policies.

Regarding the Department's recommendation to make nonsubstantive amendments to Code of Ethics and Code of Conduct 05-009, Board Member Johnson asked how this policy compares with the Commonwealth of Virginia Department of Human Resource Management (DHRM) code of conduct policy for state employees. Mr. Davis answered that the Department's policies may not conflict with the state's guidance. This policy drills down a little more to the specific work done at the Department and caring for its youth.

On motion duly made by Will Johnson and seconded by Tito Vilchez, the Board of Juvenile Justice approved the amendment of Board Policy 05-009 (Code of ethics and Code of Conduct) as proposed at the March 22, 2023, meeting, to take effect immediately. All Board members present declared "aye," and the motion carried.

Mr. Davis explained the proposed amendments to the Language Assistance Services Policy (17-001.1) to conform the policy to recommendations made by the National Association of the Deaf and proposed retaining the Internal Audit Function Policy (03-007). There were no questions by the Board.

On motion duly made by David Mick and seconded by Tito Vilchez, the Board of Juvenile Justice approved the amendment of Board Policy 17-001.1 (Language Assistance Services) as proposed at the March 22, 2023, meeting to take effect immediately. All Board members present declared "aye," and the motion carried.

On motion duly made by Tyren Frazier and seconded by Synethia White, the Board of Juvenile Justice approved retaining Board Policy 03-007 (Internal Audit Function) as recommended at the March 22, 2023, meeting. All Board members present declared "aye," and the motion carried.

DIRECTOR'S COMMENTS

Amy M. Floriano, Director, Department

The Workforce Development program is up and running at Bon Air. The Department is also in the process of communicating with various organizations, about youth who transfer back into the community or are on probation and parole to ensure they have the proper wrap around services in place.

Director Floriano has established an agency mental health workgroup to provide her with recommendations on how best to address mental health services for the Department's youth and is also looking at telehealth options that would allow for specialists, therapists, and family counseling.

The Data Resource Guide for FY2023 is now on the DJJ website.

BOARD COMMENTS

Dana Schrad, Chairperson

The Virginia Association of Chiefs of Police held their winter conference in February. Amy presented to the group and did a great job providing insights on the young people at Bon Air and the challenges that might be present. The police chiefs were appreciative of the information.

The Virginia Association of Chiefs of Police run the Revive Program in partnership with the Department of Behavioral Health and Developmental Services. They have a training program on the distribution of NARCAN and Fentanyl strips, particularly for universities. The program now includes DJJ staff who will be going through the training.

James Towe was thanked for his work on providing legislation updates.

Anita James Price has resigned from the Board. The Board has elected to wait until September to fill the vacancy she left as Secretary.

NEXT MEETING

The next meeting of the Board will be June 21 at Hanover.

ADJOURNMENT

Chairperson Schrad adjourned the meeting at 11:44 a.m.

STATE BOARD OF JUVENILE JUSTICE

BY-LAWS

Revised June 21, 2023

Article 1.

§ 1.01. Establishment and Composition.

The State Board of Juvenile Justice (the “Board”) is established by § 66-4 of the Code of Virginia. The Board consists of nine members appointed by the Governor and confirmed by the General Assembly if in session and, if not, at its next succeeding session. Two of the nine members shall be experienced educators.

Article 2.

§ 2.01. Term of Office.

In accordance with § 66-5 of the Code of Virginia, the term of office of Board members shall be for four years, except that appointments to fill vacancies shall be for the remainder of the unexpired terms. No person shall be eligible to serve more than two successive four-year terms, except that a person appointed to fill a vacancy may be eligible for two additional, successive four-year terms after the term of the vacancy for which the person was appointed has expired.

§ 2.02. Orientation.

In accordance with § 2.2-3702 of the Code of Virginia, within two weeks of their appointment or re-appointment, members of the Board shall (i) be furnished by the Board’s administrator or legal counsel with a copy of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), and (ii) read and become familiar with the provisions of that Act.

§ 2.03. Meetings.

Section 66-8 of the Code of Virginia requires that the Board meet at least four times each calendar year. The Board shall meet as follows:

- (a) Regular Meetings - Meet once during each calendar quarter at such times and places as it deems appropriate.
- (b) Special Meetings - Special meetings of the Board may be called by the Chairperson or, if the Chairperson is absent or disabled, by the Vice chairperson or by any four members of the Board at such dates, times and places as may be specified in the call for the meeting.

§ 2.04. Notice.

At least five days' notice in writing shall be given to a Board member of the date, time, and place of all meetings. In accordance with § 2.2-3707 of the Code of Virginia, notice including the time, date and place of each meeting shall be furnished to any citizen of the Commonwealth who requests such information. Notices for meetings shall state whether or not public comment will be received at the meeting, and, if so, the approximate points during the meeting public comment will be received. Any requests to be notified of Board meetings on a continual basis shall be made at least once a year, in writing and shall include the requester's name, address, zip code, daytime telephone number, email address (if available) and organization, if applicable. Notice to any citizen of the Commonwealth who requests such information, reasonable under the circumstance, of special or emergency meetings shall be given contemporaneously with the notice provided Board members.

§ 2.05. Board Materials.

With the exception of any materials that are exempt from public disclosure pursuant to § 2.2-3705 of the Code of Virginia, at least one copy of all agenda packets and materials furnished to Board members for a meeting shall be made available for inspection by the public at the same time such documents are furnished to the members of the Board.

§ 2.06. Cancellation or Rescheduling of Meetings.

The Chairperson may, with the concurrence of a majority of the Board, cancel or postpone a meeting. The Director of the Department of Juvenile Justice (the "Director") shall ensure that proper and immediate public notice is given. In an emergency, the Chairperson is authorized to cancel, significantly alter, or postpone the meeting time.

§ 2.07. Quorum.

In accordance with § 66-9 of the Code of Virginia, a majority of the current membership of the Board shall constitute a quorum for all purposes.

§ 2.08. Attendance.

Participation is essential to the fulfillment of the function of membership. The absence of any member impedes the business of the Board and deprives the Department of Juvenile Justice (the "Department") of the overall policy direction this Board is responsible for providing. Should any member miss three consecutive regular meetings, or a total of five or more regular meetings during a calendar year, the Chairperson, following consultation with the member, is authorized to advise the appropriate Executive Branch official(s). In accordance with § 66-5 of the Code of Virginia, members of the Board may be suspended or removed by the Governor at his pleasure.

§ 2.09. Conduct of Business

The Board actively encourages and welcomes public participation in all its public deliberations. All meetings of the Board, including meetings and work sessions during which no votes are cast or any decisions made, shall be public meetings, and shall be conducted in accordance with § 2.2-3707 of the Code of Virginia. Votes shall not be

taken by written or secret ballot in an open meeting, and minutes shall be recorded at all public meetings. All meetings shall be conducted in accordance with the principles of procedures prescribed in Roberts' Rules of Order.

Article 3. Powers and Duties.

§ 3.01. General Powers and Duties.

Section 66-10 of the Code of Virginia gives the Board the following general powers and duties:

- a) To establish and monitor policies for programs and facilities for which the Department is responsible by law;
- b) To ensure the development of a long-range youth services policy;
- c) To monitor the activities of the Department and its effectiveness in implementing the policies of the Board;
- d) To advise the Governor and Director on matters relating to youth services;
- e) To promulgate such regulations as may be necessary to carry out the provisions of Title 66 of the Code of Virginia and other laws of the Commonwealth;
- f) To ensure the development of programs to educate citizens and elicit public support for the activities of the Department;
- g) To establish length-of-stay guidelines for juveniles indeterminately committed to the Department and to make such guidelines available for public comment;
- h) To adopt all necessary regulations for the management and operation of the schools in the Department, provided that any such regulations do not conflict with regulations relating to security of the institutions in which the juveniles are committed; and
- i) To establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as juvenile correctional officers employed at a juvenile correctional facility as defined in § 66-25.3. For juvenile correctional officers who may have contact with pregnant residents, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant residents and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant residents, and the impact of body cavity searches on pregnant residents.

§ 3.02. Additional Specific Powers and Duties.

Various sections of the Code of Virginia give the Board additional specific powers and duties, both mandatory and discretionary. Such sections of the Code of Virginia include, but are not limited to, the following:

- a) Section 2.2-4007.02 of the Code of Virginia requires the Board to promulgate regulations for public participation in the formation and development of regulations.

- b) Section 16.1-223 of the Code of Virginia requires the Board to promulgate regulations governing the security and confidentiality of data in the Virginia Juvenile Justice Information System.
- c) Section 16.1-233 of the Code of Virginia requires the Board to establish minimum standards for court service unit staff and related supportive personnel and to promulgate regulations pertaining to their appointment and functions to the end that uniform services, insofar as is practical, will be available to juvenile and domestic relations district courts throughout the Commonwealth.
- d) Section 16.1-284.1 of the Code of Virginia requires the standards established by the Board for secure juvenile detention centers to require separate services for the rehabilitation of juveniles placed in post-dispositional detention programs for greater than 30 calendar days.
- e) Section 16.1-293.1 of the Code of Virginia requires the Board to promulgate regulations for the planning and provision of mental health, substance abuse, or other therapeutic treatment services for persons returning to the community following commitment to a juvenile correctional center or post-dispositional detention program.
- f) Section 16.1-309.3 of the Code of Virginia authorizes the Board to approve local plans for the development, implementation, and operation of a community-based system of services under the Virginia Juvenile Community Crime Control Act (Article 12.1 of Title 16.1 of the Code of Virginia). This section also requires the Board to solicit written comments on the plan from the judge or judges of the juvenile and domestic relations court, the director of the court service unit, and if applicable, the director of programs established under the Delinquency Preventions and Youth Development Act (Chapter 3 of Title 66 of the Code of Virginia).
- g) Section 16.1-309.5 of the Code of Virginia requires the Board to promulgate regulations to serve as guidelines in evaluating requests for reimbursement of one-half the cost of construction, enlargement, renovation, purchase, or rental of a secure juvenile detention center or other home and to ensure the geographically equitable distribution of state funds provided for such purpose.
- h) Section 16.1-309.9 of the Code of Virginia requires the following:
 - a. The Board to develop, promulgate, and approve standards for the development, implementation, operation, and evaluation of a range of community-based programs, services, and facilities authorized by the Virginia Juvenile Community Crime Control Act (Article 12.1 of Title 16.1 of the Code of Virginia)
 - b. The Board to approve minimum standards for the construction and equipment of secure juvenile detention centers or other facilities and for the provision of food, clothing, medical attention, and supervision of juveniles to be housed in these facilities and programs.
- i) Section 16.1-309.10 of the Code of Virginia authorizes the Board to visit, inspect, and regulate any secure juvenile detention center, group home, or the residential care facility for children in need of services, delinquent, or alleged delinquent that is established by a city, county, or any combination thereof.

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- j) Section 16.1-322.5 of the Code of Virginia requires the Board to approve those localities creating a Commission for the purpose of financing and constructing a regional detention or group home. This section also requires the Board to approve contracts for construction of such facilities.
- k) Section 16.1-322.7 of the Code of Virginia requires the Board to make, adopt, and promulgate regulations governing specific aspects of the private management and operation of local or regional secure juvenile detention centers or other secure facilities.
- l) Section 66-10.1 of the Code of Virginia requires the Board to promulgate regulations to effectuate the purposes of Chapter 5.1 (§32.1-162.16 et seq.) of Title 32.1 of the Code of Virginia governing any human research conducted or authorized by the Department.
- m) Section 66-10.2 of the Code of Virginia requires the Board to promulgate regulations governing the housing of youth who are detained in a juvenile correctional facility pursuant to a contract with the federal government and not committed to such juvenile correctional facility by a court of the Commonwealth.
- n) Section 66-23 authorizes the Board to promulgate regulations to govern the process by which superintendents of juvenile correctional centers consent to residents applying for driver's licenses and issue employment certificates;
- o) Section 66-24 of the Code of Virginia requires the Board to promulgate regulations for the certification of community group homes or other residential care facilities that contract with or are rented for the care of juveniles in direct state care.
- p) Section 66-25.1 of the Code of Virginia requires the Board to promulgate regulations governing the form and review process for any agreement with a public or private entity for the operation of a work program for juveniles committed to the Department.
- q) Section 66-25.6 of the Code of Virginia requires the Board to promulgate regulations governing the private management and operation of juvenile correctional facilities.
- r) Section 66-28 of the Code of Virginia requires the Board to prescribe policies governing applications for grants pursuant to the Delinquency Prevention and Youth Development Act (Chapter 3 of Title 66 of the Code of Virginia) and standards for the operation of programs developed and implemented under the grants.

Article 4.
Committees.

§ 4.01. Special or Ad Hoc Committees

Special or Ad Hoc Committees may be constituted at any time by action of the Board or the Chairperson. At the time a Special Committee is created, its mission shall be specifically established by action of the Board or by the Chairperson. In creating such Special Committees, the Chairperson shall specify the time within which the Committee is to make its report to the Board

§ 4.04. Other Appointments.

The Chairperson may designate members of the Board from time to time to serve on various task forces, advisory councils, and other committees and to serve as liaison with Department functions and state organizations or associations.

Article 5.
Officers.

§ 5.01. Officers Elected from the Board.

The Officers of the Board elected from its membership shall be the Chairperson, Vice-chairperson and Secretary, who shall each be elected by the Board at its first regular meeting of the fiscal year. Officers shall serve for a term of one year and shall be eligible for re-election. Should an Officer vacancy occur, the vacancy may be filled at the next meeting of the Board, unless such vacancy occurs within 10 days of the next meeting, in which case it may be filled at the subsequent meeting.

§ 5.02. Chairperson.

The Chairperson shall be the presiding officer of the Board at its meetings. Upon request of the Board, the Chairperson shall act as its spokesperson or representative and shall perform such additional duties as may be imposed on that position by an Act of the General Assembly or by direction of the Board. The Chairperson shall be an ex-officio member of all Committees of the Board.

§ 5.03. Vice-chairperson.

In the absence of the Chairperson at any meeting or in the event of disability or of a vacancy in the office, all the powers and duties of the Chairperson shall be vested in the Vice-chairperson. The Vice-chairperson shall also perform such other duties as may be imposed by the Board or the Chairperson.

§ 5.04. Secretary.

The Secretary shall (1) review and recommend improvements to Board meeting procedures and other relevant Board business so as to facilitate the administrative efficiency of the Board; (2) ensure the development of appropriate resolutions, etc., which are needed by the Board from time to time; (3) serve as the Board's parliamentarian; (4) work closely with the Department staff who are assigned to provide administrative assistance to the Board to review and sign minutes and policy documents, etc.; and (5) to ensure that unique or non-routine materials and equipment are available for the Board to carry out its functions. In the event that both the Chairperson and Vice-chairperson are absent at any meeting, the Secretary shall preside over the meeting.

§5.05. Order of Succession in Absence of Officers

In the event that the Chairperson, Vice-chairperson, and Secretary all are absent from a meeting, the Board member in attendance with the longest tenure on the Board shall be authorized to preside over the meeting. In the event that two or more such members in

attendance have served identical terms, the Director shall be authorized to designate one of the two Board members to preside over the meeting.

Article 6.

Department of Juvenile Justice.

§ 6.01. Director.

§ 66-1 of the Code of Virginia establishes the Department of Juvenile Justice under the immediate supervision of a Director who is appointed by the Governor, subject to confirmation by the General Assembly. In accordance with § 66-2 of the Code of Virginia, the Director is responsible for supervising the Department and for exercising such other powers and performing such other duties as may be provided by law or as may be required of the Director by the Governor and the Secretary of Public Safety. The Director shall implement such standards and goals of the Board as formulated for local and community programs and facilities. In accordance with § 16.1-234 of the Code of Virginia, it shall be the duty of the Department to ensure that minimum standards established by the Board for court service and other state-operated programs are adhered to.

§ 6.02. Relationship of the Board and Department.

In keeping with the powers and duties imposed upon the Board and upon the Director by law, the Board shall regularly meet with the Director in order that the responsibilities of each are carried out efficiently and cooperatively. The Board shall periodically assess its needs for administrative assistance and how well those needs are being met, and shall so advise the Director. In accordance with § 16.1-309.4 of the Code of Virginia, the Department shall submit to the Board on or before July 1 of odd-numbered years, a statewide plan for the establishment and maintenance of a range of institutional and community-based, diversion, predispositional and postdispositional services to be reasonably accessible to each court. The Department shall establish procedures to ensure (i) the superior quality and timeliness of materials submitted to the Board and (ii) that the Board is informed as early as possible of individuals attending Board meetings.

§ 6.03. Administrative Assistance.

The Department shall provide staff assistance to the Board in carrying out its administrative duties.

Article 7.

Amendments and Procedural Irregularities.

§ 7.01. Annual Review.

The Board shall review the By-Laws annually to ensure compliance with any amendments that may have been made to applicable sections of the Code of Virginia.

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§ 7.02. Amendments.

The By-Laws may be amended at any regular or special meeting of the Board by an affirmative vote of the majority of the Board, provided that the proposed amendment was included in the notice of the meeting.

§ 7.03. Procedural Irregularities.

Failure to observe procedural provisions of the By-Laws does not affect the validity of Board actions.

§ 7.04. Effective Date.

The foregoing By-Laws are adopted by the Board and are effective as amended, June 21, 2023.



Amy M. Floriano
Director

COMMONWEALTH OF VIRGINIA
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TO: State Board of Juvenile Justice

FROM: Virginia Department of Juvenile Justice

SUBJECT: Request Approval of VJCCCA Manual Guidance Document

DATE June 21, 2023

I. SUMMARY OF ACTION REQUESTED

The Department of Juvenile Justice (the department) respectfully requests that the State Board of Juvenile Justice (the board) approve the attached VJCCCA Manual guidance document. This document provides guidance to those providing services to youth through the Virginia Juvenile Community Crime Control Act (VJCCCA). The department is seeking the board's approval to submit the VJCCCA Manual to the Virginia Register of Regulations pursuant to § 2.2-4002.1 of the Code of Virginia.

II. BACKGROUND

Pursuant to legislation enacted by the Virginia General Assembly in 2018 (2018 Acts of Assembly, Chapter 820), guidance documents are subject to a 30-day public comment period following publication in the Virginia Register of Regulations. If the agency receives public comment asserting that the document conflicts with state law or regulations or is not eligible for exemption from the Administrative Process Act, the agency must delay the effective date of the document for an additional 30-day period.

The statute defines a *guidance document* as "any document developed by a state agency or 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 legislation requires the agency to certify that the document conforms to this definition. For purposes of this statute, guidance documents do not include (i) rulings and advisory opinions, (ii) forms and instructions, (iii) bulletins and legislative summaries, (iv) studies and reports, or (v) internal manuals and memoranda.

While the statute does not mandate board approval of guidance documents, the department is seeking the board's approval to proceed since the document will be published in the Virginia Register of Regulations.

III. GUIDANCE DOCUMENT CONTENT

The VJCCCA Manual provides guidance on a broad range of topics to those providing services to youth through VJCCCA. Key items include:

- Programs and services, including allowable and prohibited programs and services and program and service provider requirements;
- State funding information, including the funding formula, quarterly payment schedule, and the department's authority to withhold payments;
- Maintenance of effort requirements;
- Other funding sources;
- Allowable and prohibited expenditures;
- VJCCCA plan development, including plan participants and plan components;
- Plan review and approval;
- Plan management and reporting requirements; and
- Program evaluation, technical assistance, and monitoring.

VJCCCA MANUAL

www.djj.virginia.gov

Updated: September 1, 2023

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PURPOSE

This manual provides guidance to those involved in providing services to youth through the Virginia Juvenile Community Crime Control Act (VJCCCA). The guidance will be reviewed periodically by the Department of Juvenile Justice (DJJ). DJJ and the Board of Juvenile Justice, as appropriate, will make modifications to this manual. The most recent version of the VJCCCA Manual is available on the DJJ website: www.djj.virginia.gov. Please contact your VJCCCA Program Coordinator for questions not answered in the manual.

Introduction

History

In 1993, the General Assembly received several requests to fund the construction of secure detention facilities for the pre-dispositional placement of juveniles. Because of this, legislators requested that the Commission on Youth study issues of access to alternative, non-secure pre-dispositional placements for juveniles. The study concluded that there were few non-secure pre-dispositional options available throughout the Commonwealth.

Simultaneously, Virginia was undergoing a reform of the statutes pertaining to the juvenile justice system. With increased emphasis on accountability and more severe sanctioning, many saw the need to intervene early in the lives of juveniles involved in the juvenile justice system to prevent their further offending and deeper involvement in the system. Few programs and services existed however, to provide such interventions.

In 1995, the General Assembly enacted the Virginia Juvenile Community Crime Control Act (VJCCCA) that restructured funding for local juvenile justice programming. Block grant funding was discontinued for all programs except secure detention. Established block grant funds formed the basis for VJCCCA. The General Assembly appropriated additional funding so that all localities could implement programs and services to meet the needs of juveniles involved in the juvenile justice system. As a component of the legislation, all localities were required to expend an amount equal to the sum of their fiscal year 1995 expenditures for pre-dispositional and post-dispositional block grant alternatives to secure detention. This required local funding is called the Maintenance of Effort (MOE).

In 2019, the General Assembly passed HB1771, modifying the VJCCCA statute to allow for the provision of resources for youth who are not currently involved in the juvenile justice system but who have been screened for needing community diversion or community-based services using an approved assessment protocol.

Intent

Section [16.1-309.2](#) of the Code of Virginia sets out the intent and six purposes of VJCCCA as follows:

“The General Assembly, to ensure the prevention of juvenile crime and the imposition of appropriate and just sanctions and to make the most efficient use of community diversion and community-based and correctional resources for those juveniles who have been screened for needing community diversion or community-based services using an evidence-based assessment protocol or are before intake on complaints or the court on petitions alleging that the juvenile is a child in need of services, child in need of supervision, or delinquent, has determined that it is in the best interest of the Commonwealth to establish a community-based system of progressive intensive sanctions and services that correspond to the severity of offense and treatment needs. The purpose of this system shall be to deter crime by providing community diversion or community-based services to juveniles who are in need of such services and by providing an immediate, effective punishment that emphasizes accountability of the juvenile offender for his actions as well as reduces the pattern of repeat offending. In furtherance of this purpose, counties, cities or combinations thereof are encouraged to develop, implement, operate, and evaluate programs and services responsive to their specific juvenile offender needs and juvenile crime trends.

This article shall be interpreted and construed to accomplish the following purposes:

1. Promote an adequate level of services to be available to every juvenile and domestic relations district court.
2. Ensure local autonomy and flexibility in addressing juvenile crime.
3. Encourage a public and private partnership in the design and delivery of services for juveniles who come before intake on a complaint or the court on a petition alleging a child is in need of services, in need of supervision, or delinquent or have been screened for needing community diversion or community-based services using an evidence-based assessment protocol.
4. Emphasize parental responsibility and provide community-based services for juveniles and their families which hold them accountable for their behavior.
5. Establish a locally driven statewide planning process for the allocation of state resources.
6. Promote the development of an adequate service capacity for juveniles before intake on a complaint or the court on petitions alleging status or delinquent offenses.”

Target Population

There are three populations to target when allocating state funds: youth at risk of entering the juvenile justice system, youth before intake on complaints, and youth before the court on petitions. VJCCCA funding may be used for youth who have been screened as needing services to prevent their involvement with the juvenile justice system. An assessment protocol approved by DJJ must be used to determine the need for prevention services. VJCCCA programs may also provide diversion opportunities for youth who have had contact with juvenile intake. Finally, VJCCCA programs may prevent youth who are before the court from furthering their involvement within the justice system. Youth before intake or court for delinquency, CHINS Services, and/or CHINS Supervision matters are eligible for VJCCCA funding. Traffic offenders may only be served through VJCCCA funds if their offense rises to the level of a class 1 misdemeanor or felony.

Fundamentals

Programs and services should follow best practices, address specific criminogenic need, use evidence-based interventions, and use cognitive behavioral approaches as their guiding principles.

The Balanced Approach model to juvenile justice lends itself well to the intent of VJCCCA to provide a “community-based system of progressive intensive sanctions and services that correspond to the severity of offense and treatment needs” (16.1-309.2). This framework includes three components in meeting the needs of communities, victims, and offenders: public safety, accountability, and competency development. In accordance with the Balanced Approach model, a VJCCCA Plan should:

1. Promote community protection.
2. Hold juveniles accountable for their behavior and restore the losses suffered by victims.
3. Provide opportunities for juveniles to acquire or build on interpersonal, cognitive, and behavioral skills and strengths at home, in school, and at work.

Programs and Services

Allowable Programs and Services

Section [16.1-309.3\(A\)](#) of the Code of Virginia describes the establishment of a community-based system of services as follows:

“Any county, city, or combination thereof may establish a community-based system pursuant to this article, which shall provide, or arrange to have accessible, a variety of predispositional and post dispositional services. These services may include, but are not limited to, diversion, community service, restitution, house arrest, intensive juvenile supervision, substance abuse assessment and testing, first-time offender programs, intensive individual and family treatment, structured day treatment and structured residential programs, aftercare/parole community supervision, and residential and nonresidential services for juveniles who have been screened for needing community diversion or community-based services using an evidence-based assessment protocol or juvenile offenders who are before intake on complaints or the court on petitions alleging that the juvenile is delinquent, in need of services, or in need of supervision but shall not include secure detention for the purposes of this article.”

The [Allowable VJCCCA Funded Programs and Services List](#) (found on the DJJ website) describes the programs and services that may be funded through VJCCCA. The list is subject to updates and will be provided to plan contacts during the planning process of each biennium.

Program and Service Provider Requirements

In addition to the requirements outlined in the Allowable VJCCCA Funded Programs and Services List, Board regulations are to be followed. A list of applicable [Board Regulations](#) is found in the appendix.

Part I and Part III of the Regulations for Nonresidential Services ([6VAC35-150](#)) apply to nonresidential programs and services which are included in a local VJCCCA Plan. Each program or service provider is responsible for adopting written procedures necessary to implement and for compliance with all applicable requirements of [Part III, Programs and Services, Article 1 General Requirements](#). Alternative day treatment and structured day programs are subject to the provisions in Article 1 and [Article 2](#) of Part III. [6VAC35-150-430](#) specifies the information that each program and service provider must provide by written statement. This information is required to be provided in each program’s VJCCCA program manual.

The Regulation Governing the Monitoring, Approval and Certification of Juvenile Justice Programs and Facilities ([6VAC35-20](#)) require that programs and services follow statutory requirements, regulatory requirements and applicable department procedures or manuals. [Part III](#) describes how DJJ will monitor and audit VJCCCA programs.

Specialized Program Services

The program type of Specialized Program Services is used to meet infrequent and unique juvenile needs. Specialized Program Services should not be used for a particular service that is used for more than ten juveniles over the course of one year. When used for more than ten juveniles, that service should be established as a separate and distinct program.

Prohibited Programs and Services

Core intake, probation, and parole services **cannot** be funded through VJCCCA funds. They are funded directly through appropriations to DJJ. Such core services include but are not limited to: intake and preparing and filing petitions, informal supervision, case management, court coverage, completion of the YASI, preparation of pre and post-dispositional social history reports, preparing probation conditions, routine drug screening, and probation/parole supervision. ([See 16.1-237](#)).

Section [16.1-309.3\(A\)](#) of the Code of Virginia specifically excludes secure detention from services that may be established through VJCCCA funds. Consequently, all VJCCCA funding (state allocation and local Maintenance of Effort) spent by a locality must be spent serving youth through **non-secure** programs and services. VJCCCA funding may not be used for services for juveniles or their families while the juveniles are committed to DJJ or placed in a post-dispositional detention program.

Juveniles who are actively engaged in a VJCCCA treatment program and subsequently placed in pre-disposition detention or post-disposition detention that does not have the program, may continue their individual services while placed in detention. Examples of allowable services while placed in detention would be sex offender treatment, substance abuse treatment, or individualized services where a disruption in treatment would be detrimental to the juvenile's progress.

State Funding

Funding Formula

Funding for VJCCCA is set by the General Assembly according to the formula referenced in [16.1-309.6](#) and [16.1-309.7\(A\)](#) of the Code of Virginia as revised and clarified by the Appropriation Act.

Local Fiscal Agent Receives Payments

All localities in the Commonwealth with VJCCCA plans approved by the Board of Juvenile Justice (*or Board*) for the current fiscal year are eligible to receive funding as appropriated by the General Assembly. Localities that submit combined plans shall appoint one locality to act as the fiscal agent for all localities represented within the combined plan. All funds shall be directed to that locality (the fiscal agent).

Quarterly Payment Schedule

The annual appropriation for each locality shall be disbursed on a quarterly basis, as close as practical to the first of the following months:

- July – First quarter payment
- October – Second quarter payment
- January – Third quarter payment
- April – Fourth quarter payment

Funds are distributed each quarter through electronic funds transfer (EFT) by the Treasury of Virginia. DJJ will send a copy of the payment voucher for each state disbursement through the U.S. mail upon request. It is the locality's responsibility to notify the individual programs of the receipt and distribution of VJCCCA funds at the local level.

Quarterly payments will be distributed to each locality that has been approved to receive funds. The quarterly state disbursement shall not exceed the proportionate amount applicable to that period. However, current fiscal year funds that may have been withheld for non-compliance with VJCCCA requirements may be approved for release at the same time as the quarterly distribution. Any state funds received by a locality that remain unspent at the end of each year must be refunded to the Commonwealth.

To receive the first quarterly payment in July of the biennium, the locality's plan must be approved by the Board no later than its June meeting, just prior to the beginning of the biennium.

Authority to Withhold Payments

The release of VJCCCA funds is contingent upon the locality's compliance with all established terms and conditions and may be withheld. According to [16.1-309.9\(C\)](#), "If the Department determines that a program is not in substantial compliance with the approved plan or standards, the Department may suspend all or any portion of financial aid made available to the locality until there is compliance."

Reasons for withholding payments may include, but are not limited to, the following circumstances:

- The locality does not have a plan approved by the Board for the current fiscal year.
- A proposed plan and/or required supporting document(s) have not been received by DJJ.
- Plan program(s) are not in compliance with the requirements of DJJ.
- The locality has not reported expenditure data as required by DJJ.
- The locality has not reported program/placement data as required by DJJ.
- The Program Evaluation Report has not been submitted and/or approved by DJJ.
- The locality has not completed the prior fiscal year closeout as required by DJJ.
- A prior year refund of unexpended VJCCCA funds is due to the Treasury of Virginia.
- The locality is not operating in compliance with their Board approved plan.
- DJJ has identified issues concerning expenditure practices and/or management of the plan.

Acceptable Compliance

VJCCCA Program Coordinators will review, on an on-going basis, the various programs for compliance with the approved plans, adequate utilization rates, levels of expenditure and compliance with other Board and Department directives.

Notification of Withholding

Quarterly payments may be withheld for plans with unsatisfactory findings, as determined by the VJCCCA Program Manager. The funds may be released retroactively upon corrective action or resolution of the issue. Compliance must be met prior to the end of the fiscal year to receive withheld funds. Localities will be notified by the Program Coordinator of the withholding of any quarterly state disbursement. The notification will include the justification for withholding funds and any corrective action required by the locality. When withholding any funding, the Program Coordinator will initiate discussion of the issue with the locality and offer technical assistance.

Appeals

If a locality wishes to appeal the withholding of funding, it should submit its concerns in writing to the VJCCCA Program Manager, within 10 business days of receiving notice of the department's intent to withhold the funding. The VJCCCA Program Manager will recommend a resolution to the Deputy Director for Community Programs who will have authority to resolve the issue. After the issue is resolved the Program Manager will communicate the resolution to the locality. At this point, if the locality wishes to appeal this decision, they shall advise the Program Manager and submit a written letter of appeal to the Director of DJJ who will have final authority on the issue.

Maintenance of Effort (MOE)

Purpose

Section [16.1-309.6](#) of the Code of Virginia states that “Upon approval pursuant to the provisions of this article, any county, city, or combination thereof which utilized predispositional or post dispositional block grant services or programs in fiscal year 1995 shall contribute an amount not less than the sum of its fiscal year 1995 expenditures for child care day placements in predisposition and post dispositional block grant alternatives to secure detention for implementation of its local plan.”

In short, the legislature intended that the level of financial commitment communities was making in 1995 for detention alternatives would not be replaced or supplanted by VJCCCA funds. This prior level of commitment is known as the Maintenance of Effort, or MOE.

Source of MOE

The MOE must be locally appropriated funds. The source must be cash and not an in-kind contribution. It may not be generated as revenues from VJCCCA programs or services. A locality shall not use the proceeds from VJCCCA programs and services provided to another locality to meet their MOE.

Notification of Required MOE

Biennially, DJJ will send to each designated plan contact, notification of the locality’s required MOE, along with instructions for completing the local VJCCCA plan. As of July 1, 2011, localities may request reducing their MOE to equal the amount of state funds allocated to the locality. The request requires Board approval.

Expending MOE

The full amount of the MOE must be expended in each year of the biennium. Failure to expend the entire MOE shall result in the locality having to return the entire state allocation to the Treasurer of Virginia.

Funding from Other Sources

Additional Funds

VJCCCA requires a community planning process that may identify a variety of existing services as well as gaps in service. Localities should look at their service needs, their community assets, available funding sources and the constraints on those funds. A comprehensive community plan can lead to localities matching resources to meet their needs and will produce sound data to justify grant requests.

DJJ encourages localities to seek additional funds to supplement VJCCCA programs and services and to meet the full range of service needs in their community. Although not a requirement, localities should report revenue and expenditures from other funding sources if they partially support programs and services included in the VJCCCA plan so that the actual cost of the service can be identified.

Using VJCCCA to Match Funds

DJJ supports localities using their state VJCCCA allocation and/or their required local MOE to match federal funding sources (e.g., federal JABG grants) and private foundation grants that provide funding to serve the same populations. This constitutes using state and local funding to match federal and private funding sources.

VJCCCA funds used in such a manner must still be expended in accordance with all applicable VJCCCA requirements. It is the locality's responsibility to ensure that the funding source for which VJCCCA is being used as a match approves of VJCCCA as a match source.

A locality may not use the same funding to simultaneously meet both matching funds or MOE requirements for VJCCCA and other state funding streams. For example, a locality cannot use the same \$10,000 of local funding to match a social services grant and to meet their VJCCCA MOE.

Using VJCCCA or other Funding Sources

There are a variety of funding sources that support youth and families at risk of involvement or those involved in the juvenile justice system. There are guidelines that dictate when and how funding sources may be utilized.

The Children Services Act (CSA) is a law enacted in 1993 that established a single state pool of funds to support services for eligible youth and their families. If eligible for mandated CSA services, the services should ideally be paid for through CSA. An Attorney General's opinion ([2000 Va. Op. Att'y Gen. 034](#)) found that a "family assessment and planning team may not refer a juvenile for services funded under Juvenile Community Crime Control Act rather than Comprehensive Services Act, where the juvenile is eligible under both acts for services not yet funded by either act." Section [16.1-309.3\(C\)](#) of the Code of Virginia further states that funds provided to implement the provisions of VJCCCA shall not be used to supplant funds established as the state pool of funds for community policy and management teams under 2.2-5211.

Although VJCCCA funds may be used to fund services for youth on probation or parole, the services should ideally be paid for through DJJ's Regional Service Coordination Model. VJCCCA is a unique funding stream that allows for the provision of prevention and diversion services, as well as detention alternatives for youth who would otherwise not qualify for funding.

Expending VJCCCA Funds

Types of Revenue

There are three types of funding in support of VJCCCA programs; State Funding, Maintenance of Effort, and Additional Local Funding that the locality chooses to contribute to VJCCCA programs and services beyond the required maintenance of effort. These three types of funding are budgeted in a VJCCCA plan. The state allocation and MOE must be expended in compliance with the allowable expenditures below.

Allowable Expenditures

VJCCCA funding can only be expended on programs or services included in a Board approved plan. If a locality starts a new VJCCCA program without Board approval 1) no state allocation funding or MOE can be expended on the program; and 2) no local funding spent will count towards the MOE. VJCCCA funds can only be expended on the target population specified in the Code of Virginia.

Contracted Services

According to [16.1-309.3\(B\)](#), "Community-based services instituted pursuant to this article shall be administered by a county, city, or combination thereof, and may be administered through a community policy and management team established under 2.2-5204 or a commission established under 16.1-315. Such programs and services may be provided by qualified public or private agencies, pursuant to appropriate contracts."

MOE and state allocations may be used to purchase or contract for VJCCCA programs or services from public or private providers. Local procurement policies must be followed. Localities may not prepay for services in a subsequent year.

Personnel

Direct service staff positions may be funded through VJCCCA with state allocations and/or local MOE funding. Direct service personnel are local, or commission employees assigned to local, or commission operated programs that provide VJCCCA services directly to juveniles. However, state, and local probation officer positions are not permitted. As discussed earlier, core probation and parole services cannot be funded through VJCCCA. Supervisory positions of VJCCCA funded staff are not permitted for funding unless they too are providing direct services to juveniles enrolled in the program.

Local employees may also be assigned to provide VJCCCA administrative services to manage VJCCCA plans. These activities may include Plan and Data contact duties. Only VJCCCA administrative functions can be paid for with VJCCCA funding. For example, if a position is half-time VJCCCA coordinator and half-time CSA coordinator, VJCCCA funds can only pay for half the position with the other half paid by CSA. Such administrative costs shall not exceed five percent (5%) of the total budget for the VJCCCA Plan.

VJCCCA funded staff are employees of the locality and not to be supervised by CSU staff. A Memorandum of Agreement must be developed to specify the operational, administrative, human resource functions and logistical support parameters between the CSU and the locality. The memorandum template is found on the DJJ website.

Travel

VJCCCA funding may be used to pay travel costs only for the transportation of juveniles or staff as a part of their direct participation in, or provision of, a VJCCCA program or service.

Transportation

VJCCCA funding may be used to pay for the transportation of youth and/or parent/legal guardian who may not have any other means of transportation and are required to participate in a VJCCCA program or service. Each locality shall develop a written procedure detailing how the transportation will be funded and actively monitored. Each locality shall submit the written procedure for approval prior to implementation.

Vehicles

MOE and state allocations may be used to pay for vehicles only when directly related to the provision of a VJCCCA program or service. The insurance and maintenance upkeep are the responsibility of the locality. The [Equipment Expenditure Justification Form](#) (found on the DJJ website) must be submitted for approval.

Staff Development

MOE and state allocations may be used to pay staff development costs only if they are directly related to the performance of their duties in a VJCCCA program or service.

Telecommunications

VJCCCA funding may be used to pay telecommunications costs only for juveniles or staff as a part of their direct participation in a VJCCCA program or service. Funds may be used also to purchase internet service to comply with reporting requirements if it is not otherwise available in the locality.

Supplies and Materials

VJCCCA funding may be used to pay for office supplies directly related to the operation of the program (e.g., pens, pencils, pads, computer media and copy paper) provided they are used directly for programming or for VJCCCA required administrative activities. Materials for programming conducted by locally operated VJCCCA programs can be purchased with VJCCCA funding. Materials of this nature would include consumables such as program manuals to be used by the juveniles and counselors, recreational supplies, first aid kits, and protective garments such as disposable gloves for those juveniles in community service work programs. Supply and/or material purchases more than \$1,000 should be pre-approved by the Program Coordinator.

Meals and Snacks

MOE and state allocations may be used to pay for snacks and meals directly related to the operation of the program.

Equipment

When equipment is purchased with VJCCCA funds, it must be clearly documented that the equipment purchased is necessary for the operation of the VJCCCA program or service. Equipment purchases should be planned and approved in the locality's VJCCCA plan. All planned purchases of equipment exceeding \$1,000 in value should be explained in the plan submission. If not included in the Board approved VJCCCA plan, any expenditures for equipment in excess of \$1,000 must be preapproved by the Program Coordinator or they may be disallowed. Such approval will be based on a justification of why

the equipment is necessary and documenting that such equipment is not otherwise available through the completion of an [Equipment Expenditure Justification Form](#) (which can be found on the DJJ website). During the periodic review, the locality must be able to show that equipment purchased with VJCCCA funding is used directly by the juveniles being served, VJCCCA funded staff in performance of their official duties, or for the majority of the time for VJCCCA administrative tasks.

DJJ requires data collection on services provided to juveniles and program expenditures. This requires the use of a personal computer and internet access. To ensure appropriate data collection and reporting requirements, locally operated VJCCCA programs that do not have access to computer equipment may purchase (per plan):

- One computer
- Necessary software
- One printer
- An internet service provider

Equipment may be replaced every five years or upon documentation that it is no longer serviceable.

Office Space Rental

VJCCCA funds may be allocated to rent space appropriate to conduct non-residential programs or services that will directly serve the targeted population, if the program or service was included in the local plan that has been approved by the Board. Rental expenses should be planned for and approved in the locality's VJCCCA plan. All rental expenses more than \$1,000 per year shall be accompanied by the submission of a [Rent Justification Form](#) (that can be found on the DJJ website). Rental expenses that arise after the approval of the VJCCCA plan should either reflect a new program needing Board approval or change in an existing program. If the rental expense is for an existing program the Rent Justification Form shall be submitted, even if the rental expense is less than \$1,000.

If the rental space is being shared with other non-VJCCCA approved programs and services, the program shall pay an appropriate portion of the expense but shall not incur the total cost of the rental property. Localities may not use VJCCCA funds for rent, utilities, or other services provided in locally owned buildings.

Other Costs

Costs that have not been identified in this Manual should be addressed with your Program Coordinator to determine if it is an acceptable expense. If the Program Coordinator identifies the expense as one which should not be approved, the local program may appeal the decision to the VJCCCA Program Manager.

Prohibited Expenditures

The following types of expenditures are strictly prohibited.

Capital Costs

State allocations and MOE funding may not be spent on construction, enlargement, renovation, purchase or rental of residential facilities. Special provisions are made for these expenditures in 16.1-309.5 of the Code of Virginia. Please contact the DJJ Deputy Director for Administration and Finance to assist in capital expenditure matters.

Secure Detention

Section [16.1-309.3\(A\)](#) of the Code of Virginia specifically excludes detention from VJCCCA. Secure juvenile detention facilities are funded under 16.1-322.1. Costs associated with the operation and maintenance of secure residential components of juvenile detention facilities may not be covered with VJCCCA funding, whether pre-or post-dispositional. If a child resides in a secure post-dispositional detention program, services provided to the child may not be paid for with VJCCCA funds during the period of confinement.

Traffic Offenders

VJCCCA funding may not be used for juveniles before the court on traffic offenses that do not rise to the level of a class 1 misdemeanor or felony. The Office of the Attorney General has determined that traffic offenses, in and of themselves, are not criminal acts. Section 18.2-8 states “traffic infractions are violations of public order as defined in 46.2-100 and not deemed to be criminal in nature.” While judges may place traffic offenders into programs designed for VJCCCA, funding to pay for services cannot come from state VJCCCA allocations or the required MOE. It is encouraged that traffic offenders be served as appropriate, but through funding sources other than VJCCCA.

Indirect Costs

Indirect costs, sometimes referred to as overhead costs, are those that are not directly associated with expenses incurred for programs and services for the targeted population. Indirect costs include rent, utilities, administrative costs not directly related to VJCCCA, and any other costs that are not directly related to service delivery for eligible juveniles.

Mandated Court Service Unit Functions

VJCCCA funding cannot be used to provide mandated court service unit functions (See [16.1-237](#)). Such core services include but are not limited to intake and preparing and filing petitions, informal supervision, case management, court coverage, completion of the YASI, preparation of pre- and post-dispositional social history reports, preparing probation conditions, routing drug screening, and probation/parole supervision.

Developing a VJCCCA Plan

Biennial Local Plan

[16.1-309.3\(D\)](#) of the Code of Virginia states that to participate in VJCCCA a locality “shall biennially submit to the State Board for approval a local plan for the development, implementation and operation of such services, programs, and facilities pursuant to this article.” According to [16.1-309\(A\)](#), such community-based systems shall be based on an annual review of court related data and an objective assessment of the need for services and programs.

Participants in the Plan

While the chief administrative officer can designate any individual or group to develop the VJCCCA plan, the Code of Virginia specifies, “The community-based system shall be developed after consultation with the judge or judges of the juvenile and domestic relations district court, the director of the court services unit, the community policy and management team established under 2.2-5205, and, if applicable, the director of any program established pursuant to 66-26.”

Localities are encouraged to collaborate with local child serving agencies, public and private, when developing the VJCCCA plan. In addition to the required participants (Chief Judge, CSU Director, and CPMT Chair), the following parties, with their specific duties and responsibilities detailed below, are key in developing the plan.

Plan Contact

The plan contact is the specific person designated by the chief administrative officer to be responsible for ensuring development, coordination, implementation, operation, monitoring, and evaluation of the locality’s VJCCCA plan. The plan contact is identified in the local plan and is the official contact person for DJJ. This person will receive all instructions, reminders, and questions about their VJCCCA plan. While others in the community may play an active role in implementing the plan, it is the plan contact’s responsibility to coordinate activities, gather information from others involved and communicate the information to DJJ. The Program Coordinator must be notified immediately if the plan contact changes.

The plan contact’s responsibilities include:

- Establishing a collaborative local planning team to include the JDR Judge(s), the CSU Director(s), CPMT Chair(s), and additional VJCCCA stakeholders.
- Assessing local needs to identify what types of programs and services are needed for juveniles in the target population.
- Reviewing programs to assess their effectiveness and presenting findings to the planning team.
- Ensuring that the VJCCCA plan is developed and approved by the appropriate persons at the beginning of each biennium.
- Convening the planning team as necessary to develop and/or revise the VJCCCA plan.
- Ensuring that any changes to the plan are concurred with by the planning team.
- Ensuring that the revised plan is presented to the chief administrative officer of the locality.
- Coordinating on site periodic review visits by the Program Coordinator and other designated DJJ personnel.
- Ensuring quality of services provided by contracted vendors.

- Ensuring that programs and services adhere to applicable Board regulations.
- Ensuring that locally operated and contracted vendors provide the local data contact with required service delivery information in a timely and accurate manner.
- Ensuring that incidents that are required to be reported to DJJ are reported in a timely manner on the [Serious Incident Report Form](#) (found on the DJJ website).
- Attending scheduled regional meetings, training, and development sessions.

Data Contact

The data contact is the individual designated by the chief administrative officer to provide the required data about participants in VJCCCA funded programs and serves as the point of contact to DJJ for data related issues. The data contact is responsible to the chief administrative officer to ensure the data reports are accurate and timely.

The data contact's responsibilities include:

- Ensuring that each juvenile admitted to a VJCCCA funded program is eligible to receive funding and is either currently before intake, the court, or has a valid referral for a prevention program.
- Ensuring that prevention programs record all service unit data and provides the local tracking sheet to the data contact monthly.
- Entering placement and financial data for all programs in the Community Programs Reporting (CPR) module in a timely and accurate manner.
- Conferencing with the Program Coordinator on issues related to program service units and financial/expenditure data within the CPR system.
- Attending scheduled regional meetings, training, and development sessions.

Chief Administrative Officer

The chief administrative officer is the city manager or county administrator of a locality.

The chief administrative officer's responsibilities include:

- Requesting VJCCCA funds for the locality by signing the General Conditions Certification Form and providing a Resolution for the local governing body indicating intent to participate in and accept funds for services under VJCCCA.
- Ensuring that services are provided, and funds are spent, according to VJCCCA provisions by signing the Expenditure Compliance Certification Form.
- Ensuring that the CPR Detail Expenditure Report and Annual Program Evaluation Report are completed and returned to DJJ in a timely manner.
- Appointing a VJCCCA plan and data contact and notifying DJJ of any changes in the contacts.

DJJ Court Service Unit Staff

Court service units are primary referring agents to VJCCCA. Consequently, it is vitally important that the programs and services included in the plan meet the needs of the CSU. This can best be accomplished by including CSU staff on the local planning team.

Plan Components

The VJCCCA plan itself is an Excel Workbook that provides a description of the program and services to be offered. Specific workbook items include plan and budget information, program narratives, and performance measures. According to [16.1-309.3\(D\)](#), the plan shall provide the projected number of juveniles served by alternatives to secure detention, any reduction in secure detention rates and commitments to state care, and include a cost comparison for the private operation of services.

The workbook and required attachments are submitted electronically to the VJCCCA Program Coordinator. The required attachments include a Resolution, General Conditions Certification Form, Letters of Support, and Concept Papers or Program Manuals.

Resolution

A resolution from the governing body of each participating locality, endorsing participation in VJCCCA is required. A locality may word their resolution such that they intend to participate in VJCCCA until they notify DJJ, in writing, that they no longer wish to participate. This resolution should be flexible enough to allow revision of the plan, in accordance with policy, without additional approval of the Board of Supervisors or City Council. If this is done, further resolutions will not be required.

If the resolution is worded such that the locality intends to participate in VJCCCA in accordance with the plan being submitted, a new resolution will be required each biennium. This resolution should be flexible enough to allow revision of the plan, in accordance with policy, without additional approval of the Board of Supervisors or City Council during the biennium.

While localities must construct their own resolution language, language can be as simple as:

Be it resolved that the (City Council/County Board of Supervisors) will participate in the Virginia Juvenile Community Crime Control Act and accept funds appropriate for the purpose set forth in this Act until it notifies the Department of Juvenile Justice, in writing, that it no longer wishes to participate.

Be it further resolved that the (City Manager/County Administrator) is hereby authorized to execute a local plan on behalf of the (City/County).

For localities that wish to operate VJCCCA programs jointly with one or more other localities (combined plans), the resolution should name the localities participating in the plan and designate one locality as the fiscal agent. For example:

Be it resolved that the (City Council/County Board of Supervisors) will participate in the Virginia Juvenile Community Crime Control Act and accept funds appropriate for the purpose set forth in this Act until it notifies the Department of Juvenile Justice, in writing, that it no longer wishes to participate.

Be it further resolved that the (City/County) will combine with the governing bodies of (City/County). (City/County) will act as fiscal agent for these localities.

Be it further resolved that the (City Manager/County Administrator) is hereby authorized to execute a local plan on behalf of the (City/County).

General Conditions Certification Form

The chief administrative officer submitting the local plan shall ensure that the locality follows all requirements of VJCCCA as provided on the form. When requirements are understood, the chief administrative officer should sign and submit the [General Conditions Certification Form](#) (found on the DJJ website) with the workbook.

Letters of Support

According to [16.1-309.3\(D\)](#), "The State Board shall solicit written comments on the plan from the judge or judges of the juvenile and domestic relations court, the director of the court services unit, and, if applicable, the director of programs established pursuant to 66-26."

In addition to consultation, written comments on the plan are required from the chief judge or judges in a combined plan, the CSU director(s), the CPMT chair, and the Office on Youth director, if applicable. The preferred format is a letter addressed to the Board concerning the plan. A written comment can be as simple as "I support the local VJCCCA plan for the biennium, FY_____."

Concept Papers and Program Manuals

Concept papers are required for all new program proposals. Once the plan is approved by the Board, a written program manual must be submitted within 45 days of the program start date. [6VAC35-150-430](#) specifies the information that each program and service provider must provide by written statement. This information is required to be provided in each program's VJCCCA program manual. Program manuals will be reviewed by the VJCCCA Program Coordinator to ensure compliance with the approved plan and regulatory requirements. Concept papers and program manuals must be submitted in electronic form.

Combined Plans

Localities that wish to operate VJCCCA programs jointly with one or more other localities shall submit only one plan and one set of evaluative reports. Localities must choose the same fiscal agent and the same plan and data contacts. The fiscal agent shall be responsible for submitting the combined plan, required attachments, and reports. A combined plan, reflecting all participating localities shall include:

- A resolution from each governing body that states their intent to join with the other listed governing bodies and which designates one of them as the fiscal agent.
- A [General Conditions Certification Form](#) from each chief administrative officer. A copy of the form is included in the plan workbook.
- Identification of the same plan and data contact for all localities in the combined plan.
- The total state allocation, MOE, and optional local funding for all participating localities.

Planning Activities

Planning is important to ensure that VJCCCA dollars are well spent. The VJCCCA planning model, that can be adapted to each locality, is presented on the next page.

Quarter 1: July, August, September
<ul style="list-style-type: none"> • Implement program changes and additions as specified in the Board approved plan • Complete the closeout process and self-audit of previous Fiscal Year • Submit the Data and Expenditure Compliance Certification Forms by September 1st • Convene the Local Planning Team and invite other stakeholders as necessary to: <ul style="list-style-type: none"> ○ Review plan programs and utilization ○ Identify success and drawbacks to plan programs ○ List juvenile justice and community changes since the development of the plan ○ List what you would do differently • Reach out to your VJCCA Program Coordinator for technical assistance • Enter placement/service unit and expenditure data by the 15th day of the following month
Quarter 2: October, November, December
<ul style="list-style-type: none"> • Monitor and review current program operations and progress towards plan goals • Maintain an awareness of events and circumstances affecting youth in your locality • Convene the Local Planning Team and invite other stakeholders as necessary to: <ul style="list-style-type: none"> ○ Discuss program utilization and identify areas of success and concern ○ Discuss target population, delinquent trends, and criminogenic need areas ○ Suggest service improvements or new services needed to address needs ○ Identify quality (validated) programming to address need areas and determine how current programming compares ○ Discuss funding streams that are available for specific populations ○ Determine how VJCCA can help fill service gaps to address the target population • Reach out to your VJCCA Program Coordinator for technical assistance • Enter placement/service unit and expenditure data by the 15th day of the following month
Quarter 3: January, February, March
<ul style="list-style-type: none"> • Submit the Program Evaluation Report (PER) for feedback • Convene the Local Planning Team and invite other stakeholders as necessary to: <ul style="list-style-type: none"> ○ Share DJJ approved PER with key stakeholders ○ Analyze the court-related data and objective assessment of service needs ○ Discuss adjustments needed for next year's plan ○ Prioritize need areas and programming • Develop a draft budget or review the current budget • Meet with local purchasing authority to determine purchasing requirements • Jointly develop goals and measurable outcomes for each established program with providers • Organize the elements of the plan according to workbook instructions for submission, if applicable • Reach out to your VJCCA Program Coordinator for technical assistance • Enter placement/service unit and expenditure data by the 15th day of the following month
Quarter 4: April, May, June
<ul style="list-style-type: none"> • Submit new/revised plan, as applicable, to DJJ by April for feedback • Finalize new plan with judges, court service unit director, and CPMT • Submit the General Conditions Certification Form, Letters of Support, and Resolution (if applicable) • The Board will review and approve plans in June, prepare for July 1 implementation of new biennial plan, but do not implement any service changes or additions prior to board approval • Prepare for end of year closeout and self-audit • Reach out to your VJCCA Program Coordinator for technical assistance • Enter placement/service unit and expenditure data by the 15th day of the following month

Plan Review and Approval Process

Overview

After a locality submits its proposed plan, the Program Coordinator will review it for approval. The Program Coordinator is available to offer technical assistance during the development of the plan, and localities are encouraged to work closely with their coordinator during this stage to expedite the review and approval process.

Should the coordinator determine that the plan requires modification, the plan will be returned to the locality with an explanation of any areas of concern. Once the coordinator has determined that the plan is acceptable, it will be submitted to the Board of Juvenile Justice with a recommendation for approval. If the plan is approved, DJJ is authorized to disburse funding. The coordinator will notify the plan contact of the Board's decision within five business days after the meeting.

Board of Juvenile Justice Meeting

While not necessary, local representatives may attend Board meetings. Notice of all Board meetings are posted at: <https://www.djj.virginia.gov/pages/about-djj/djj-board.htm>

If there is a point of disagreement in a plan that cannot be resolved by the locality and DJJ staff, representatives of the locality will be invited to the Board meeting specifically to present their view of the plan directly to the Board. Board decisions are final.

Board of Juvenile Justice Decisions

The Board can accept one of four recommendations for plan approval:

1. Approve the plan for both years of the biennium.
2. Approve the plan for the first year of the biennium.
3. Extend the approval of the current approved plan through the end of the first quarter of the first year of the biennium.
4. Deny plan approval.

If a locality fails to submit a proposed plan, they will not receive quarterly disbursements until they have a plan approved by the Board.

Revising a Plan

Adding Programs

Localities may decide at any time to revise their approved plan. This may include adding a program or removing a previously approved program. Once determined, the Program Coordinator should be notified and consulted with for guidance. To add a program, a revised plan must be submitted to the Board for approval.

Revision Documentation

The plan contact, having met with the local planning team and having considered the best options for revising the plan, should submit to the Program Coordinator:

- Documentation explaining what revision(s) are needed and why.
- An updated plan workbook to reflect the proposed revision(s).
- Documentation of support for the revision(s) from the judge, CSU director, and CPMT chair.

The same guidelines and procedures for new plan approval apply to a revised plan. See "Plan Review and Approval Process."

Fiscal Adjustments

Localities may adjust up to 50% of their plan budget by moving funds between programs within their current approved plan without Board approval. Localities receiving less than \$10,000 in state funding allocations may move funding between all approved programs without Board approval.

All localities regardless of the amount of funding to be moved must notify their chief administrative officer, judge(s), court service unit director(s) and Program Coordinator of revisions to their plan through a Fiscal Adjustment Form (FAF). If needed, the form will be provided by your Program Coordinator and should be completed electronically. A copy of the final cumulative FAF should be attached to the year-end report submitted to the Program Coordinator.

Managing a Plan

Local Administration

The chief administrative officer is responsible for administering the VJCCCA plan. This is because [16.1-309.3\(B\)](#) of the Code of Virginia specifies that “community-based services instituted pursuant to this article shall be administered by a county, city or combination thereof...” The chief administrative officer may delegate administration of VJCCCA to a new or existing group such as a community policy and management team established under 2.2-5204 or a commission established under 16.1-315. These include, but are not limited to, groups working with the Comprehensive Services Act or commissions that provided services to juveniles when such programs were funded through the Block Grant program.

The chief administrative officer also shall designate a specific plan contact who will work closely in the development, implementation, operation, and evaluation of the locality’s VJCCCA plan. This contact, who may be the chief administrative officer, is reported to DJJ in the local plan. DJJ staff will send all VJCCCA communications to this designated contact. See “Developing a Plan” for a full description of Plan Contact responsibilities.

Procurement

According to [16.1-309.3\(B\)](#), “programs and services may be provided by qualified public or private agencies, pursuant to appropriate contracts.” If a locality wishes to operate its own programs or services, it may do so. If it wishes to purchase services from other public or private vendors, it must comply with its own procurement procedures.

Regulations

All programs using VJCCCA funding must follow the applicable provisions contained in the Regulation for Nonresidential Services (6VAC35-150), and the Regulation Governing Juvenile Group Homes and Halfway Houses (6VAC35-41) promulgated by the state Board of Juvenile Justice. The regulations identify the general requirements of programs and services, which include the hiring and training of staff, juvenile rights, contract monitoring, and the specific requirements of particular programs and services.

Each program must be able to present written procedures, program accounting/expenditures, juvenile program records, and other documentation to substantiate compliance with all applicable requirements in 6VAC35-150-430 through 6VAC35-150-740 or all applicable requirements in 6VAC35-41.

Staff Background Checks

As promulgated in 6VAC35-150-80 which addresses nonresidential services, and 6VAC35-41-180, which addresses nonsecure juvenile residential facilities, certain persons are required to undergo background checks before working in nonsecure residential facilities or providing services to juveniles. All background record check documentation shall be maintained in personnel files and shall be available for review by DJJ. At a minimum, the record checks shall include a reference check, a criminal history record check, a fingerprint check with the Virginia State Police (VSP) and the Federal Bureau of Investigation (FBI); a central registry check with Child Protective Services (CPS), and a DMV check for those staff that operate motor vehicles as part of their job function.

The responsibility for ensuring that staff of both locally and contractor operated programs who are in direct contact with juveniles have undergone the required background checks will rest with the locality.

Persons who maintain professional licenses, such as Certified Substance Abuse Counselors, Licensed Clinical Social Workers, etc. shall undergo the appropriate background checks. There is no waiver of this provision for professional staff. Should situations arise where it is believed that the licensed provider's behavior with a juvenile is unprofessional, it should be reported to the appropriate licensing authority. If the behavior falls in the realm of abuse, it should be reported to the local Child Protective Services agency and the licensing authority.

Memorandum of Agreement (MOA)

MOAs are required for local positions funded by VJCCCA to outline the operational, administrative, and logistical support parameters for employees hired by the locality in connection with the VJCCCA plan. The memorandum template is found on the DJJ website.

MOAs are also required for community service work programs. There are no provisions under Board regulations that require juveniles in community service programs to be supervised by a third party, such as parks and recreation staff or staff at a fire station. Therefore, it is required that local VJCCCA staff supervise juveniles while engaged in community service work. The ultimate responsibility for the juvenile's care and safety lies with the locality. DJJ requires a MOA to be signed between the CSU and the locality ensuring compliance with supervision and background record checks for community service programs. The memorandum template is found on the DJJ website.

Serious Incident Reports

From time to time a serious incident may occur in a VJCCCA program. Such incidents are governed by 6VAC35-41-90 for nonsecure juvenile residential facilities and 6VAC35-150-530 for nonresidential programs. Such incidents include but are not limited to death, fire at the program, alleged child abuse or neglect, serious juvenile injury or illness, serious staff injury or illness, juvenile on juvenile assault, juvenile assault on staff, staff arrest or serious misconduct, suicide attempt, or AWOL. When such incidents occur, DJJ must be notified through the [Serious Incident Report](#) (SIR). A copy of the SIR form and the instructions for completing it are on the DJJ website.

Reporting Requirements

Overview

The Code of Virginia requires localities choosing to participate in VJCCCA to provide information on their progress to DJJ. According to [16.1-309.3\(E\)](#), “Each locality shall report quarterly to the Director the data required by the Department to measure progress on stated objectives and to evaluate programs and services within such locality’s plan.”

Data collected will be used to:

- Determine VJCCCA allocations
- Improve agency financial reporting
- Evaluate program effectiveness and measure progress on stated objectives
- Determine if a program is being utilized as stated in the local plan
- Assess local needs and identify areas for improvement
- Ensure programs are meeting the needs of the youth placed in them
- Provide data for needs assessments, statewide evaluations, legislative and recidivism studies, grant applications, and policy analysis

Program IDs

To complete financial or service reports, each program must have a program ID. Upon approval of the local VJCCCA plan, the Program Coordinator will provide program IDs for any program that does not already have an assigned ID.

CPR System Access and Usage

Each person who is approved to use the Community Programs Reporting (CPR) system must have their own username and password. Forms to apply for a username and password can be obtained by request from the Program Coordinator. Persons may be given access to either one or both components (Placement Data Entry or Financial Data Entry) of the CPR system, depending on their security level and role. Data can be entered into CPR from most computers that have internet access. Contact your Program Coordinator for training or technical assistance.

Responsibility for Reporting Data

The chief administrative officer can designate any individual or organization (including service providers) to report the required data in CPR. It is the data contact’s responsibility to coordinate and ensure that all persons charged with reporting service data do so in a timely and accurate manner. The identified data contact is ultimately responsible to the chief administrative officer to ensure that data entry and reports are accurate and timely.

Monthly Financial Reporting

Each fiscal agent locality must report their expenditures for each VJCCCA program, by funding source, into the financial portion of CPR monthly. Data must be entered on the “Financials” Tab of CPR no later than the 15th of the following month. Failure to report accurate or complete data may result in withholding of quarterly VJCCCA payments until reporting issues are resolved.

Monthly Placement and Service Unit Reporting

Data about participants in VJCCCA funded programs are reported monthly and recorded in CPR. Placement and Service Unit data must be entered into CPR no later than the 15th of the following month. Failure to report accurate or complete data may result in withholding of quarterly VJCCCA payments until reporting issues are resolved.

Placement and Service Unit Data for Prevention Programs must be tracked by the locality outside of CPR. The information should be reported monthly to the Program Coordinator.

Juvenile Number

Reporting service units is a two-stage process. First a youth must be enrolled in a program through the "Add New Placement" screen. The participant's Juvenile Number is required to complete this process. Juveniles who receive a direct summons into court or who otherwise would not come before intake must be processed through intake to generate a Juvenile Number prior to being enrolled in CPR. The court service unit is required to send the Juvenile Number with the program referral. Once the juvenile is enrolled, service units can be entered for each month in which they participate.

Placement Data

You must report each juvenile who participates in a program funded by VJCCCA. Juveniles who participate in more than one program must be reported in each they receive. If a family member of a juvenile receives a program or service (e.g., parenting classes), this program or service must be reported under the juvenile's name and the DJJ assigned Juvenile Number.

Service Units

Service units should only be reported as delivered. Service units should follow the standard rules of rounding. No services should be reported for periods of time when the juvenile is AWOL or not participating in the program or service.

Quarterly Reviews

Quarterly reviews will be completed by Program Coordinators to ensure that placement, service unit, and financial data have been entered as required. Failure to report accurate or complete data may result in withholding of quarterly VJCCCA payments until reporting issues are resolved.

In addition, quarterly reviews will be completed to confirm program utilization that promotes fiscally responsible practices. A program would generally be expected to utilize approximately one-half of its projected service units and/or its budgeted funds by mid-year. The cost per service unit should be reasonable as compared to the estimated cost per service unit on the approved plan.

If it appears the program (or plan as a whole) will not expend its budget or will fail to meet the projected number of service units by year end, the Program Coordinator will contact the locality's plan contact to discuss the matter and provide technical assistance as needed. Localities may be required to reassess needs or reallocate available funds.

Annual Reporting and Fiscal Year Closeout

In addition to monthly data reporting requirements, localities must also complete end of the fiscal year reporting requirements.

Data Compliance Certification Form

During the fiscal year closeout process the plan and data contact must sign the [Data Compliance Certification](#) form (found on the DJJ website). Completing this form certifies that all data submitted for the fiscal year are complete and accurate. Localities are encouraged to have annual independent audits of their data entry and expenditures prior to signing the certification form. The Data Compliance Certification form must be received by the Program Coordinator no later than **September 1**.

Expenditure Compliance Certification Form

The [Expenditure Compliance Certification](#) form (found on the DJJ website) is signed by the chief administrative officer. Completing this form certifies that all funds were expended in compliance with VJCCCA requirements. Localities are encouraged to have annual independent audits of their data entry and expenditures prior to signing the certification form. VJCCCA funds must be expended consistent with the approved plan. To confirm CPR financial entries, you may reference the Detail Expend Report, which is located within the reports tab of CPR. The Expenditure Compliance Certification form must be received by the Program Coordinator no later than **September 1**.

While many localities may allow programs to encumber funds, the Code of Virginia specifically speaks to the “expenditure” of funds. Consequently, localities must have incurred the expense by June 30 of a given year. Payment must be processed before the locality closes its books for the year.

Reimbursement of Unspent Funds

Any state VJCCCA funds left unexpended on June 30 must be returned to DJJ. After the final reimbursement amount is confirmed by the Program Coordinator, they will notify the plan contact, in writing, of the amount that is to be returned to DJJ along with the instructions for submission. Reimbursements must be received no later than **October 1**.

Failure to meet these deadlines may result in the withholding of future quarterly VJCCCA payments.

Evaluating VJCCCA Programs and Services

Overview

Evaluating VJCCCA programs and services are vitally important for several reasons:

- Analyzes utilization of programs/funding and justifies the need for future resources
- Analyzes program success
- Identifies program target populations
- Identifies potential service gaps
- Analyzes program outcomes
- Promotes fiscally responsible use of available funding streams

The VJCCCA planning process includes consideration of both required outcome measures (program completion and recidivism rates) and a limited number of program specific goals and objectives determined by the locality. This does not preclude localities from conducting their own, more extensive program evaluations. Program Coordinators are available to consult with localities on the design and implementation of program evaluation activities and where available, to extract data for such evaluations from DJJ data sources.

Annual Program Evaluation Report

Each VJCCCA plan is required to submit an annual Program Evaluation Report (PER) containing the following information for each section below. The Program Coordinators will inform each plan contact of the PER due date at the time the template is provided to localities.

Section 1: Utilization

Two metrics will be used to assess utilization, service units and cost per service unit. The number of actual service units provided will be compared to the number of units projected on the approved plan. Differences greater than or less than 20% must be explained. The actual service unit data is outlined in the Program Summary Report, which is available in CPR.

The actual cost per service unit as compared to the projected cost per service unit on the approved plan. Differences greater than or less than 10% must be explained. The actual service unit cost is outlined in the Program Summary Report, which is available in CPR.

Section 2: Program Completion Rates

Each program is responsible for achieving at least a 75% satisfactory completion rate. Ongoing successful completion rates below 75% may result in those programs being reviewed for the appropriateness of continued funding. Satisfactory completion rates less than 75% should be explained. Program completion rates are outlined in the Program Summary Report, which is available in CPR.

Completion rates are determined by the Release Code reported in CPR for each juvenile enrolled in a program. Release codes are used as a tool to monitor program success and accuracy is dependent on consistent and thoughtful application of the codes below:

2: Completed program, satisfactory completion

Released: Satisfactory Program Completion

This code should be used when the juvenile completes the majority of program expectations.

3: Terminated program, further participation is of no use

Released: Further Treatment Not Justified/Insufficient Resource

This code should be used when a juvenile is released from the program early due to the resources of the program being insufficient to meet the needs of the juvenile or the program is inappropriate to justify further participation.

4: Terminated program for noncompliance (dishonorable discharge)

Released: For Significant Violation of Program Expectations

This code should be used when a juvenile is released from the program early due to overt violation or disregard for program rules and/or failure to participate in required programing.

5: Terminated program for unrelated reasons

Released: For Reasons Unrelated to Youth's Behavior in the Program

This code should be used when a juvenile is released from the program early for reasons other than those stated above.

6: Program Terminated

Program Ended Early/Dissolved

This code should be used if a program ends.

Section 3: Target Population

Each program should be designed with a target population in mind. Target population is determined based on the most common juvenile complaints and criminogenic need areas.

Section 4: 12 Month Recidivism (Rearrest) Rates

Recidivism is an indicator of program effectiveness. Recidivism is defined as rearrest for a new criminal offense within 12 months of program completion (not including violations of probation, Child in Need of Services or Supervision, and non-criminal traffic violations).

Program recidivism rates should not be greater than the overall recidivism rate of the local CSU. Likewise, program recidivism rates should not be greater than the recidivism rate of programs of the same program type statewide. Program recidivism data are outline in the Program Summary Report, which is available in CPR. Ongoing recidivism rates above the established target rate may result in those programs being reviewed for the appropriateness of continued funding.

The following programs do not require recidivism reporting: Outreach, Electronic Monitoring/GPS, and Shelter Care.

Section 5: Other Key Measures

Other considerations for program design include the number of juveniles committed to DJJ, the number of youths detained, the availability of detention alternatives, and the availability of diversion programming. When evaluating programs, these considerations should be used to determine if there are service gaps that could be filled through other program options.

Section 6: Locally Defined Outcomes

When evaluating programs, the locally defined goals that are identified on the approved plan must be measured. Performance indicators are necessary to assess and measure a program's progress in meeting the desired outcome. Two outcome measures are required for each goal. Plan and data contacts should be aware of what data are needed to report on these outcome measures and therefore, should plan accordingly to obtain the data.

Section 7: Evidence-Based Principles and Programming

When possible, programs should utilize evidence-based practices and the principles of effective intervention. When evaluating a program's success, considerations include whether the principles are being followed with fidelity and if they are having an impact on the juveniles served through the program.

Section 8: Maximizing All Funding Streams

Funding of services for juveniles on probation and parole supervision are available through DJJ's Regional Service Coordination Model. VJCCCA funds are a unique funding source that provides programming for juveniles on diversion plans and detention alternatives. In addition, prevention programming is available through VJCCCA funds. Therefore, when evaluating a program's success, it should be determined whether the locality is maximizing all funding streams for the greatest impact.

Strategies for Improvement

Programs that fail to meet any of the outcomes listed above, should provide an explanation and strategies for improvement within each applicable section of the PER. Explanations should include:

- Cause of the identified issue (why the outcome was not met)
- Action that has been or will be taken to correct the identified issue
- Action that will be taken to ensure that the issue does not recur or continue
- Completion date for the action taken or to be taken
- Person responsible for ensuring that the corrective action will occur

Technical Assistance and Monitoring

Technical Assistance

According to [16.1-309.3\(B\)](#) of the Code of Virginia, “the Department of Juvenile Justice shall provide technical assistance to localities, upon request, for establishing or expanding programs or services pursuant to this article.”

Regional Meetings

Regional meetings will be held to provide updates and material, guidance on VJCCCA related tasks and reporting requirements, as well as relevant juvenile justice information. The times and locations of these meetings will be scheduled by your Program Coordinator. Accommodations for participation, including virtual options, will be made available.

Training Opportunities

DJJ’s Training Unit offers a variety of training opportunities through the year. Local VJCCCA staff can register and attend these sessions on a space-available basis.

Monitoring and Periodic Review

According to [16.1-309.9\(C\)](#) of the Code of Virginia, “the Department shall periodically review all services established and annually review expenditures made under this article to determine compliance with the approved local plans and operating standards.”

During the biennium, the Program Coordinator will make arrangements with the plan contact to conduct an audit of the programs and services specified on the VJCCCA plan. During the audit, the VJCCCA program must demonstrate an acceptable level of compliance with all statutory requirements, the approved local plan, applicable regulatory requirements, and applicable department procedures or manuals. The burden of proving compliance with the applicable requirements rests with program staff. Residential programs will be certified by the Department’s Certification Unit.

A portion of the audit will be on-site in the locality at a place designated by the plan contact. In many instances the information is located in several places. The Program Coordinator should be advised if this is the case so that an appropriate amount of time will be allocated for the review. However, it would be helpful if the review is conducted at a place where financial data, program evaluation data, and program records are available.

Audit Findings

The audit findings will be reported to the plan contact along with a copy to the individual with supervisory authority over the plan contact. If DJJ determines that a program is not in substantial compliance with the approved plan or regulations, DJJ may suspend all or any portion of VJCCCA payments to the locality until there is compliance. DJJ will monitor the progress of the VJCCCA program in correcting the identified noncompliance through subsequent documentation and monitoring visits. The plan contact may appeal the audit findings and the withholding of funding, in writing, within 10 business days of receiving notice of the department’s intent to withhold the funding. Please refer to the “Appeals” section for further instructions. A copy of the Audit Forms can be found on the DJJ website.

Case Record Review

All juveniles assigned to VJCCCA programs must have a case record. In accordance with [6VAC35-150-510](#), the case record shall always contain: current identifying and demographic information on the juvenile; court order, placement agreement, or service agreement; rules imposed by the judge or the probation officer, if applicable; and dates of acceptance and release. Furthermore, programs and services that provide counseling, treatment, or supervision shall: develop an individual service plan for each juvenile that shall specify the number and nature of contacts between the juvenile and staff; provide the individual service plan information to the supervising probation or parole officer, when applicable; document all contacts with the juvenile, the juvenile's family, and others involved with the case; and provide written progress reports to the referring agency at agreed upon intervals.

Where the CSU is responsible for the VJCCCA plan, all information pertaining to juveniles placed in VJCCCA programs and services must be kept as part of the CSU case record. Since the requirements for VJCCCA and the CSU are similar, the CSU must include a separate section in their case record that contains the required VJCCCA information in lieu of maintaining two case records on the same juvenile. The first inside tab is recommended. The tab should be divided and labeled to distinguish CSU information from VJCCCA information. Shared items (e.g., reports from vendors) may be kept in their normal place in the CSU file with a location reference to them in the VJCCCA running record.

Definition of Terms

Balanced Approach	DJJ responds to juvenile offenders by providing effective interventions that improve the lives of youth, strengthening both families and communities by promoting a balance of programs and services that incorporates: Community Protection; Accountability; and Competency Development.
Board of Juvenile Justice	The body, appointed by the Governor, to provide policy oversight to the Department of Juvenile Justice in accordance with 66-4 of the Code of Virginia. Unless otherwise noted, "Board" refers to the Board of Juvenile Justice.
Chief Administrative Officer	The city manager or county administrator of the locality.
Combined Plan	A plan submitted by more than one locality for a complete pooling of VJCCCA funds, and for which one locality shall bear responsibility for the receipt, disbursement, and reporting requirements for all VJCCCA funds related to the plan.
Community Programs Reporting (CPR)	An internet-based database system designed to collect both financial and service data on programs and participants in VJCCCA.
Data Compliance Form	Form to be submitted annually indicating that all service data entered into CPR is complete and accurate.
Data Contact	An individual designated by the chief administrative officer to provide the required data about participants in VJCCCA funded programs and services. This person serves as the single point of contact to DJJ for data related issues. The data contact is responsible to the chief administrative officer to ensure that reports are accurate and timely.
Department (DJJ)	Unless otherwise noted, "Department" refers to the Department of Juvenile Justice.
Direct Service Personnel	Local or commission employees assigned to local, or commission operated programs or services who deliver programs or services directly to VJCCCA eligible juveniles.
Diversion	The provision of programs and services, consistent with the protection of the public and public safety, to juveniles that can be cared for or treated through alternatives to the juvenile justice system as provided for in § 16.1-227 of the Code of Virginia.
Expenditure	While many localities may allow programs to encumber funds, the Code of Virginia specifically speaks to the "expenditure" of funds. Consequently, localities must have incurred the expense by June 30 of

	a given year. Payment must be processed before the locality closes its books for the year. This follows the accrual method of accounting.
Expenditure Compliance Form	Form to be submitted annually indicating that all VJCCCA expenditures are in accordance with §§ 16.1-309.3(C) (non-supplantation of funds); 16.1-309.6 (expenditure of Maintenance of Effort); and 16.1-309.9 of the Code of Virginia.
Fiscal Adjustment Form (FAF)	The mechanism by which a locality advises the Department of budget adjustments to the plan within set limits, and verifies that the chief administrative officer, judge(s) and court service unit director have been notified.
Fiscal Agent	The locality that acts on behalf of all localities within a combined plan, with respect to all financial and reporting matters related to the VJCCCA.
Fiscal Year	July 1 through June 30 of the subsequent year. For example, FY2023 runs from July 1, 2022, through June 30, 2023.
Indirect Costs	Those costs for a common or joint purpose that support one or more non-VJCCCA cost objectives (contract, award, project or program). Indirect costs are not allowed. These are costs that do not directly contribute to the operation of a VJCCCA program or service. For example, the locality may not take 5% of the VJCCCA allocation to cover overhead or expenses incurred processing VJCCCA services.
Local Plan	A document or set of documents prepared by one or more localities pursuant to § 16.1-309.3(D) of the Code of Virginia, describing a range of community-based sanctions and services addressing individual juvenile offenders' needs and local juvenile crime trends.
Local Planning Team	A group of people who meet to develop the VJCCCA plan based on a review of community data, identification of needs, determination of service gaps and identification of resources to fill the identified needs. The team should include: judge(s), court service unit (CSU) staff, community policy and management team (CPMT) representation, office on youth (OOY) director, representatives of child serving agencies, plan contact, and data contact.
Maintenance of Effort (MOE)	Local funding that the locality must spend first, to be eligible to expend the state allocation.
Monitoring Visit	In years alternating with the periodic review, a monitoring visit is conducted, which may include case records reviews, data, personnel information, progress made on plans of action, as well as interviews of plan officials and program personnel.

Optional Local Funding	Local funding a locality chooses to contribute to VJCCCA programs and services beyond the required maintenance of effort.
Other Funding	Funding such as user fees, USDA, revenue from other localities, recovered costs for non-VJCCCA placements, federal or private grants, etc. that support VJCCCA programs or services.
Periodic Review	A formal on-site review of the VJCCCA plan to ensure that the locality is operating according to the plan and that all applicable regulations and requirements are being met. The periodic review will include case records reviews, data and financial reviews, personnel information, progress made on plans of action, as well as interviews of plan officials and program personnel.
Plan Contact	Single point of contact designated by the chief administrative officer to be responsible for ensuring development, coordination, implementation, operation, monitoring and evaluation of the locality's VJCCCA plan. This contact is identified in the local plan and is the official contact person for DJJ. The chief administrative officer must notify DJJ should the plan contact change during the biennium.
Program	A coordinated set of activities designed to produce specific changes for a particular client base. Programs have structure and processes that are defined in enough detail to allow the program to be duplicated by others.
Program Coordinator	DJJ staff that conducts periodic reviews and monitoring visits of VJCCCA plans, offers technical assistance, conducts regional meetings, and provides training.
Provider	An agency, organization or association that delivers a program or service funded through the VJCCCA.
Regulation	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. This manual primarily addresses the Regulation for Nonresidential Services (6VAC35-150) and includes references to the Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities (6VAC35-20) and the Regulation Governing Juvenile Group Homes and Halfway Houses (6VAC35-41).
Resolution	A document promulgated by the local governing body (city council, board of supervisors) that sets out terms of participation in the VJCCCA.
Sanction	Disciplinary actions, restrictions, limitations, suspension of privileges, or increases in levels of supervision.

Serious Incident Report	The method for reporting to the Department of Juvenile Justice any serious incident while participating in or operating a VJCCCA program or service.
Service	A limited set of related activities for a specific purpose. A service could be one of the activities of a program, or it could exist alone.
Service Population	The specific segment of the target population that a program or service is designed to serve based on offenses, risk level, needs, etc.
Start-Up Costs	One-time costs incurred to develop new programs or services. Costs may include equipment, program specific curricula or materials.
State Allocation	State general funding that DJJ provides to the locality to support VJCCCA programs and services.
Target Population	Juveniles who have been screened for needing community diversion or community-based services using an evidence-based assessment protocol or are before intake on complaints or the court on petitions alleging that the juvenile is a child in need of services, child in need of supervision, or delinquent per 16.1-309.2 of the Code of Virginia.

APPENDIX

[Link to: Chapter 150. Regulation for Nonresidential Services](#)

[Link to: Chapter 20. Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities](#)

[Link to: Chapter 41. Regulation Governing Juvenile Group Homes and Halfway Houses](#)

Virginia Juvenile Community Crime Control Act (VJCCCA)

Katherine Farmer,
Acting Program Manager
June 21, 2023



**Virginia Department
of Juvenile Justice**

**Safety. Connection.
Purpose. Fairness.**



VJCCCA HISTORY AND OVERVIEW

Background

- Enacted in 1995 to restructure funding for local juvenile justice programming
- Intent is for localities to develop and implement programs and services to prevent and address juvenile offending
- Emphasis placed on detention alternatives, diversion and prevention/early intervention programming
- Local flexibility/autonomy; state oversight by DJJ



VJCCCA HISTORY AND OVERVIEW

- Provides formula-based funding to localities
- Some localities contribute a required Maintenance of Effort (MOE) and/or additional local contributions of funds
- Current state allocation ~\$10.4 million; total with MOE and additional local ~\$20 million
- All 133 cities/counties participate
- DJJ provides TA, and has administrative oversight and monitoring of the VJCCCA plans



PLANNING PROCESS/PLAN DEVELOPMENT

- Every two years, localities submit grant applications/proposed biennial plans for the use of funds
- A data-driven process that includes a review of state and local data (e.g. intake data, DAI override data, risk assessment criminogenic need data)
- Plans are developed after consultation with key stakeholders and required plan participants (CPMT Chair, CSU Director, J&DR Court Judges) § 16.1-309.3
- Guidance is provided by DJJ VJCCCA Coordinators



TARGET POPULATIONS

- Juveniles before intake (Diversion)
- Juveniles before the court (Petitions)
 - Child in Need of Services (CHINServices)
 - Child in Need of Supervision (CHINSupervision)
 - Delinquency
- Prevention Services (since FY20)



FY24 PLAN HIGHLIGHTS

- Received plans (anticipated) from 12 localities; some as part of combined plans
- Continued heavy utilization of VJCCCA funds to provide an array of detention alternatives to secure detention (e.g. outreach detention, Electronic Monitoring/GPS, Shelter Care)
- Increased interest in prevention programming, particularly for Truancy Prevention Services
- Added Services: Restorative Justice, Pro-Social Activities, Mentoring



FY22 VJCCCA DATA

Youth Served, FY 2022

Youth Placed	4,401
Total Program Placements	6,662
Average Placement per Youth	1.5
Youth Eligible for Detention	79.3%

Placement Status, FY 2022

Dispositional Status	Residential	Non-Residential
Pre-D	484(7.3%)	4,526 (67.9%)
Post -D	35 (0.5%)	1,677(24.3%)



Placements by Service Category and Type, FY 2020-2022

Service Category and Type	2020		2021		2022	
	Total	%	Total	%	Total	%
Accountability	1,715	19.7%	967	17.3%	1,197	18.0%
Community Service	1,648	19.0%	894	16.0%	1,163	17.5%
Restitution/Restorative Justice	67	0.8%	73	1.3%	34	0.5%
Competency Development	2,197	25.3%	1,268	22.7%	1,610	24.2%
After-School/Extended Day	85	1.0%	34	0.6%	42	0.6%
Anger Management Programs	636	7.3%	331	5.9%	531	8.0%
Case Management	456	5.2%	160	2.9%	182	2.7%
Employment/Vocational	27	0.3%	10	0.2%	8	0.1%
Home-Based/Family Preservation	68	0.8%	44	0.8%	44	0.7%
Individual, Group, Family Counseling	107	1.2%	26	0.5%	24	0.4%
Law-Related Education	240	2.8%	178	3.2%	310	4.7%
Life Skills	55	0.6%	80	1.4%	101	1.5%
Parenting Skills	32	0.4%	62	1.1%	55	0.8%
Sex Offender Education/Treatment	2	0.0%	2	0.0%	1	0.0%
Shoplifting Programs	183	2.1%	85	1.5%	87	1.3%
Substance Abuse Assessment	79	0.9%	61	1.1%	45	0.7%
Substance Abuse Education/Treatment	227	2.6%	195	3.5%	180	2.7%
Group Homes	185	2.1%	117	2.1%	97	1.5%
Public Safety	4,248	48.9%	2,986	53.5%	3,326	49.9%
Crisis Intervention/Shelter Care	593	6.8%	346	6.2%	422	6.3%
Intensive Supervision/Surveillance	516	5.9%	249	4.5%	187	2.8%
Outreach Detention/Electronic Monitoring	3,139	36.1%	2,391	42.8%	2,717	40.8%
Specialized Program Services	347	4.0%	231	4.1%	388	5.8%
Missing	3	0.0%	16	0.3%	44	0.7%
Total Placements	8,695	100.0%	5,585	100.0%	6,662	100.0%



QUESTIONS

Direct VJCCCA Specific Questions to:
Katherine Farmer
Acting Program Manager
Katherine.Farmer@djj.virginia.gov

Learn more at:
VADJJ Data Resource Guide, FY 2022
<https://www.djj.virginia.gov/pages/about-djj/drg.htm>

**Virginia Juvenile Community Crime Control Act
FY2023 - FY2024 Budget Summary**

Locality	FY2023 MOE	FY2023 State	FY2024 MOE	FY 2024 State
Accomack	\$0.00	\$ 23,933.00	\$0.00	\$ 23,933.00
Albemarle	\$52,231.00	\$ 71,218.00	\$52,231.00	\$ 71,218.00
Alleghany	\$3,617.00	\$ 18,476.00	\$3,617.00	\$ 18,476.00
Amelia	\$2,729.00	\$ 9,913.00	\$2,729.00	\$ 9,913.00
Amherst	\$28,233.00	\$ 37,022.00	\$28,233.00	\$ 37,022.00
Appomattox	\$332.00	\$ 9,071.00	\$332.00	\$ 9,071.00
Arlington	\$270,059.00	\$ 270,059.00	\$270,059.00	\$ 270,059.00
Augusta	\$0.00	\$ 26,808.00	\$0.00	\$ 26,808.00
Bath	\$0.00	\$ 6,585.00	\$0.00	\$ 6,585.00
Bedford	\$14,190.00	\$ 70,751.00	\$14,190.00	\$ 70,751.00
Bland	\$0.00	\$ 6,585.00	\$0.00	\$ 6,585.00
Botetourt	\$3,300.00	\$ 13,138.00	\$3,300.00	\$ 13,138.00
Brunswick	\$635.00	\$ 11,703.00	\$635.00	\$ 11,703.00
Buchanan	\$809.00	\$ 67,453.00	\$809.00	\$ 67,453.00
Buckingham	\$287.00	\$ 8,798.00	\$287.00	\$ 8,798.00
Campbell	\$53,024.00	\$ 53,024.00	\$53,024.00	\$ 53,024.00
Caroline	\$8,460.00	\$ 14,869.00	\$8,460.00	\$ 14,869.00
Carroll	\$2,940.00	\$ 18,929.00	\$2,940.00	\$ 18,929.00
Charles City	\$9,400.00	\$ 6,585.00	\$9,400.00	\$ 6,585.00
Charlotte	\$268.00	\$ 12,976.00	\$268.00	\$ 12,976.00
Chesterfield	\$202,459.00	\$ 668,292.00	\$202,459.00	\$ 668,292.00
Clarke	\$0.00	\$ 8,990.00	\$0.00	\$ 8,990.00
Craig	\$0.00	\$ 6,585.00	\$0.00	\$ 6,585.00
Culpeper	\$1,119.00	\$ 51,802.00	\$1,119.00	\$ 51,802.00
Cumberland	\$0.00	\$ 6,585.00	\$0.00	\$ 6,585.00
Dickenson	\$2,739.00	\$ 10,437.00	\$2,739.00	\$ 10,437.00
Dinwiddie	\$9,014.00	\$ 19,549.00	\$9,014.00	\$ 19,549.00
Essex	\$4,885.00	\$ 22,825.00	\$4,885.00	\$ 22,825.00
Fairfax County	\$613,374.00	\$ 600,996.00	\$613,374.00	\$ 600,996.00
Fauquier	\$2,886.00	\$ 36,836.00	\$2,886.00	\$ 36,836.00
Floyd	\$0.00	\$ 6,585.00	\$0.00	\$ 6,585.00
Fluvanna	\$0.00	\$ 6,585.00	\$0.00	\$ 6,585.00
Franklin County	\$10,124.00	\$ 21,332.00	\$10,124.00	\$ 21,332.00
Frederick	\$0.00	\$ 53,031.00	\$0.00	\$ 53,031.00
Giles	\$385.00	\$ 9,243.00	\$385.00	\$ 9,243.00
Gloucester	\$44,727.00	\$ 44,727.00	\$44,727.00	\$ 44,727.00
Goochland	\$0.00	\$ 6,585.00	\$0.00	\$ 6,585.00

Grayson	\$0.00	\$ 6,585.00	\$0.00	\$ 6,585.00
Greene	\$0.00	\$ 7,596.00	\$0.00	\$ 7,596.00
Greensville	\$8,668.00	\$ 6,585.00	\$8,668.00	\$ 6,585.00
Halifax	\$10,476.00	\$ 63,762.00	\$10,476.00	\$ 63,762.00
Hanover	\$20,556.00	\$ 81,243.00	\$20,556.00	\$ 81,243.00
Henrico	\$209,620.00	\$ 390,110.00	\$209,620.00	\$ 390,110.00
Henry	\$34,009.00	\$ 131,661.00	\$34,009.00	\$ 131,661.00
Highland	\$0.00	\$ 6,585.00	\$0.00	\$ 6,585.00
Isle of Wight	\$10,716.00	\$ 23,984.00	\$10,716.00	\$ 23,984.00
James City	\$91,512.00	\$ 91,512.00	\$91,512.00	\$ 91,512.00
King & Queen	\$2,535.00	\$ 9,336.00	\$2,535.00	\$ 9,336.00
King George	\$1,040.00	\$ 15,258.00	\$1,040.00	\$ 15,258.00
King William	\$10,300.00	\$ 6,951.00	\$10,300.00	\$ 6,951.00
Lancaster	\$7,908.00	\$ 20,530.00	\$7,908.00	\$ 20,530.00
Lee	\$3,333.00	\$ 27,260.00	\$3,333.00	\$ 27,260.00
Loudoun	\$145,706.00	\$ 145,706.00	\$145,706.00	\$ 145,706.00
Louisa	\$1,028.00	\$ 9,905.00	\$1,028.00	\$ 9,905.00
Lunenburg	\$1,047.00	\$ 13,270.00	\$1,047.00	\$ 13,270.00
Madison	\$1,494.00	\$ 6,585.00	\$1,494.00	\$ 6,585.00
Mathews	\$10,651.00	\$ 22,790.00	\$10,651.00	\$ 22,790.00
Mecklenburg	\$1,349.00	\$ 31,360.00	\$1,349.00	\$ 31,360.00
Middlesex	\$3,241.00	\$ 6,585.00	\$3,241.00	\$ 6,585.00
Montgomery	\$179.00	\$ 49,393.00	\$179.00	\$ 49,393.00
Nelson	\$202.00	\$ 10,364.00	\$202.00	\$ 10,364.00
New Kent	\$14,391.00	\$ 10,557.00	\$14,391.00	\$ 10,557.00
Northampton	\$0.00	\$ 12,336.00	\$0.00	\$ 12,336.00
Northumberland	\$6,626.00	\$ 29,083.00	\$6,626.00	\$ 29,083.00
Nottoway	\$617.00	\$ 19,399.00	\$617.00	\$ 19,399.00
Orange	\$2,181.00	\$ 21,728.00	\$2,181.00	\$ 21,728.00
Page	\$0.00	\$ 30,076.00	\$0.00	\$ 30,076.00
Patrick	\$5,984.00	\$ 25,241.00	\$5,984.00	\$ 25,241.00
Pittsylvania	\$29,756.00	\$ 41,765.00	\$29,756.00	\$ 41,765.00
Powhatan	\$2,056.00	\$ 8,468.00	\$2,056.00	\$ 8,468.00
Prince Edward	\$0.00	\$ 10,840.00	\$0.00	\$ 10,840.00
Prince George	\$21,972.00	\$ 52,775.00	\$21,972.00	\$ 52,775.00
Prince William	\$509,171.00	\$ 394,413.00	\$509,171.00	\$ 394,413.00
Pulaski	\$0.00	\$ 21,321.00	\$0.00	\$ 21,321.00
Rappahannock	\$0.00	\$ 9,673.00	\$0.00	\$ 9,673.00
Richmond County	\$11,698.00	\$ 10,751.00	\$11,698.00	\$ 10,751.00
Roanoke County	\$24,644.00	\$ 179,982.00	\$24,644.00	\$ 179,982.00
Rockbridge	\$0.00	\$ 14,600.00	\$0.00	\$ 14,600.00
Rockingham	\$0.00	\$ 44,867.00	\$0.00	\$ 44,867.00

Russell	\$411.00	\$ 28,355.00	\$411.00	\$ 28,355.00
Scott	\$35.00	\$ 23,096.00	\$35.00	\$ 23,096.00
Shenandoah	\$0.00	\$ 31,204.00	\$0.00	\$ 31,204.00
Smyth	\$4,392.00	\$ 29,786.00	\$4,392.00	\$ 29,786.00
Southampton	\$6,340.00	\$ 10,485.00	\$6,340.00	\$ 10,485.00
Spotsylvania	\$39,655.00	\$ 84,641.00	\$39,655.00	\$ 84,641.00
Stafford	\$37,265.00	\$ 107,510.00	\$37,265.00	\$ 107,510.00
Surry	\$6,275.00	\$ 6,585.00	\$6,275.00	\$ 6,585.00
Sussex	\$3,321.00	\$ 6,585.00	\$3,321.00	\$ 6,585.00
Tazewell	\$923.00	\$ 46,689.00	\$923.00	\$ 46,689.00
Warren	\$0.00	\$ 36,630.00	\$0.00	\$ 36,630.00
Washington	\$11,856.00	\$ 34,727.00	\$11,856.00	\$ 34,727.00
Westmoreland	\$30,339.00	\$ 58,808.00	\$30,339.00	\$ 58,808.00
Wise	\$6,815.00	\$ 54,899.00	\$6,815.00	\$ 54,899.00
Wythe	\$0.00	\$ 33,156.00	\$0.00	\$ 33,156.00
York	\$44,146.00	\$ 54,684.00	\$44,146.00	\$ 54,684.00
Alexandria	\$95,575.00	\$ 185,026.00	\$95,575.00	\$ 185,026.00
Bristol	\$9,828.00	\$ 28,057.00	\$9,828.00	\$ 28,057.00
Buena Vista	\$0.00	\$ 11,657.00	\$0.00	\$ 11,657.00
Charlottesville	\$108,415.00	\$ 220,840.00	\$108,415.00	\$ 220,840.00
Chesapeake	\$83,014.00	\$ 246,857.00	\$83,014.00	\$ 246,857.00
Colonial Heights	\$0.00	\$ 69,080.00	\$0.00	\$ 69,080.00
Covington	\$1,054.00	\$ 7,575.00	\$1,054.00	\$ 7,575.00
Danville	\$26,324.00	\$ 86,999.00	\$26,324.00	\$ 86,999.00
Emporia	\$8,917.00	\$ 63,101.00	\$8,917.00	\$ 63,101.00
Fairfax City	\$0.00	\$ 12,378.00	\$0.00	\$ 12,378.00
Falls Church	\$2,815.00	\$ 120,679.00	\$2,815.00	\$ 120,679.00
Franklin City	\$6,195.00	\$ 15,521.00	\$6,195.00	\$ 15,521.00
Fredericksburg	\$33,165.00	\$ 54,975.00	\$33,165.00	\$ 54,975.00
Galax	\$0.00	\$ 13,363.00	\$0.00	\$ 13,363.00
Hampton	\$110,724.00	\$ 315,703.00	\$110,724.00	\$ 315,703.00
Harrisonburg	\$0.00	\$ 41,964.00	\$0.00	\$ 41,964.00
Hopewell	\$42,913.00	\$ 105,185.00	\$42,913.00	\$ 105,185.00
Lexington	\$0.00	\$ 6,608.00	\$0.00	\$ 6,608.00
Lynchburg	\$147,370.00	\$ 247,716.00	\$147,370.00	\$ 247,716.00
Manassas	\$2,510.00	\$ 59,873.00	\$2,510.00	\$ 59,873.00
Manassas Park	\$0.00	\$ 20,794.00	\$0.00	\$ 20,794.00
Martinsville	\$22,756.00	\$ 72,076.00	\$22,756.00	\$ 72,076.00
Newport News	\$226,485.00	\$ 339,437.00	\$226,485.00	\$ 339,437.00
Norfolk	\$639,899.00	\$ 639,899.00	\$639,899.00	\$ 639,899.00
Norton	\$10.00	\$ 12,062.00	\$10.00	\$ 12,062.00
Petersburg	\$64,836.00	\$ 84,000.00	\$64,836.00	\$ 84,000.00

Poquoson	\$10,295.00	\$ 10,295.00	\$10,295.00	\$ 10,295.00
Portsmouth	\$45,877.00	\$ 184,000.00	\$45,877.00	\$ 184,000.00
Radford	\$0.00	\$ 10,199.00	\$0.00	\$ 10,199.00
Richmond City	\$459,084.00	\$ 347,683.00	\$459,084.00	\$ 347,683.00
Roanoke City	\$274,384.00	\$ 394,210.00	\$274,384.00	\$ 394,210.00
Salem	\$9,418.00	\$ 52,851.00	\$9,418.00	\$ 52,851.00
Staunton	\$0.00	\$ 35,093.00	\$0.00	\$ 35,093.00
Suffolk	\$57,855.00	\$ 124,169.00	\$57,855.00	\$ 124,169.00
Virginia Beach	\$662,505.00	\$ 869,280.00	\$662,505.00	\$ 869,280.00
Waynesboro	\$0.00	\$ 55,484.00	\$0.00	\$ 55,484.00
Williamsburg	\$31,908.00	\$ 39,383.00	\$31,908.00	\$ 39,383.00
Winchester	\$0.00	\$ 66,337.00	\$0.00	\$ 66,337.00
	\$5,922,796.00	\$10,379,921.00	\$5,922,796.00	\$10,379,921.00
	\$16,302,717.00		\$16,302,717	

**Virginia Juvenile Community Crime Control Act
FY2023-FY2024 Summary of Programs**

	Sum of FY 23 Year 1 Youth	Sum of FY 23 Year 1 Budget
Anger Management	590	\$ 241,362.00
Assessments/Evaluations	29	\$ 27,926.00
Community Service	1311	\$ 2,256,981.63
Coordinator/Administrative	50	\$ 373,830.80
Law Related Education	221	\$ 133,362.00
Life Skills	376	\$ 299,984.08
Mentoring	126	\$ 284,665.00
Parenting Skills	239	\$ 158,495.00
POST-D EM & GPS	1049	\$ 1,302,161.26
POST-D Outreach	305	\$ 531,811.72
POST-D Shelter Care	64	\$ 381,079.73
PRE-D EM & GPS	1914	\$ 3,034,810.26
PRE-D Outreach	888	\$ 2,666,744.43
PRE-D Shelter Care	332	\$ 2,412,016.73
Pro-Social Activities	131	\$ 45,470.00
Pro-Social Skills	895	\$ 480,257.41
Restorative Justice	212	\$ 72,225.00
Sex Offender Services	11	\$ 24,150.00
Shoplifting/Larceny Reduction	262	\$ 37,908.00
Specialized Prevention Programs	112	\$ 65,855.00
Specialized Program Services	464	\$ 548,678.20
Substance Abuse Ed/Treatment	612	\$ 469,971.00
Truancy Intervention	190	\$ 217,137.00
Truancy Prevention	650	\$ 270,142.00
Group Home	261	\$ 1,614,426.77
POST-D Day & Evening Reporting	66	\$ 611,223.00
Gang Prevention	48	\$ 162,373.44
Substance Abuse Prevention	38	\$ 75,053.00
Clinical Services	124	\$ 303,658.00
Employment/Vocational	63	\$ 121,300.00
Gang Intervention	33	\$ 123,329.10
Grand Total	11666	\$ 19,348,387.56

Sum of FY 24 Year 2 Youth	Sum of FY 24 Year 2 Budget
604	\$ 234,102.00
44	\$ 27,926.00
1196	\$ 855,412.00
50	\$ 356,841.70
197	\$ 115,186.00
376	\$ 299,984.08
132	\$ 284,467.00
228	\$ 158,495.00
1234	\$ 1,100,208.32
538	\$ 533,123.72
55	\$ 381,079.73
1892	\$ 2,807,676.62
858	\$ 2,364,082.72
321	\$ 662,981.73
161	\$ 45,470.00
985	\$ 428,277.72
167	\$ 56,441.00
11	\$ 24,150.00
260	\$ 37,908.00
176	\$ 65,855.00
441	\$ 447,451.20
710	\$ 465,651.00
176	\$ 217,137.00
650	\$ 270,142.00
265	\$ 1,614,426.77
66	\$ 623,840.27
48	\$ 162,623.44
38	\$ 75,053.00
97	\$ 303,658.00
53	\$ 121,300.00
57	\$ 123,579.10
11643	\$18,507,597.12

Table 1: FY23/24 Allowable VJCCCA Funded Programs and Services (updated 12/09/2021)

VJCCCA GRANT PLAN ADMINISTRATION	
Coordinator/ Administrative Services	<p>Administrative services to manage VJCCCA plans, programs, and services</p> <p><u>Services may include:</u> plan development coordination, Plan and/or Data Contact responsibilities, negotiating/monitoring service contracts, and attending VJCCCA meetings and/or training</p> <p><u>Requirements:</u> Plans may allocate up to 5% of total VJCCCA budget for compensation of these services by non-DJJ staff; FTE percentages must be proportional to allocation</p>
PUBLIC SAFETY	
Pre-Dispositional Detention Alternatives	
PRE-D Outreach Services	<p>Monitoring that provides for public safety and assures youth's availability for court through random contacts at home, school, and within the community via face to face or phone/video contact</p> <p>This category of services should not be used for CHINS or other non-detainable offenses.</p> <p><u>Target Population:</u> Pre-dispositional youth in need of a detention alternative (with a DAI score of 10-14); Youth stepped down from a more-restrictive detention alternative</p> <p><u>Requirements:</u> Program guidelines must be established through an MOA with provider and must include program expectations established by court and CSU, including: number and mode of contacts; length of stay; a plan for step up/down as needed based on a system of graduated sanctions and incentives; hours of operation; program behavior management system; and admission/dismissal criteria.</p>
PRE-D Electronic Monitoring (EM) & Global Positioning Service (GPS)	<p>Monitoring that provides for public safety and assures youth's availability for court through use of electronic monitoring (EM) or global positioning service (GPS)</p> <p>This category of services should not be used for CHINS or other non-detainable offenses.</p> <p><u>Target Population:</u> Pre-dispositional youth in need of a detention alternative (with a DAI score of 10-14); Youth stepped up/down from a less/more-restrictive detention alternative.</p> <p><u>Requirements for non-DJJ providers:</u> Program guidelines must be established through an MOA with provider and must include program expectations established by court and CSU, including: number and mode of contacts; length of stay; a plan for step up/down as needed based on a system of graduated sanctions and incentives; hours of operation; program behavior management system; and admission/dismissal criteria.</p> <p>Use of EM/GPS must also include Pre-D Outreach Services as a component of this service.</p>

<p>PRE-D Structured Day & Evening Reporting Programs</p>	<p>Non-residential programs that provide structured activities and supervision during or after regular school hours (especially during the hours of 3:00pm-7:00pm), and are used as a pre-dispositional alternative to secure detention. This category of services should not be used for CHINS or other non-detainable offenses.</p> <p><u>Target Population:</u> Pre-dispositional youth in need of a detention alternative (with a DAI score of 10-14); Youth stepped up/down from a less/more-restrictive detention alternative</p> <p><u>Services include:</u> transportation; counseling; supervision; academic support; vocational development; cultural, educational and recreational activities; pro-social skill development</p> <p>Short-term (up to 90 days) residential care programs that focus on stabilizing youth behavior and are used as a pre-dispositional alternative to detention.</p> <p>This category of services should not be used for CHINS or other non-detainable offenses.</p>
<p>PRE-D Shelter Care</p>	<p><u>Target Population:</u> Pre-dispositional youth in need of a detention alternative (with a DAI score of 10-14); Youth stepped up from a less-restrictive detention alternative; Youth stepped down from secure detention</p> <p><u>Services include:</u> assessment(s) and a specifically approved range of services to address treatment needs such as counseling, academic support, interagency services referrals</p>
<p>Post-Dispositional/ Graduated Sanctions</p>	
<p>POST-D Outreach Services</p>	<p>Monitoring that provides additional contacts to home, school, and within the community via face to face or phone/video contact in order to enhance probation/parole supervision</p> <p><u>Target Population:</u> Youth on probation or parole in need of additional supervision; youth facing technical violation(s) of supervision; youth before the court for disposition</p> <p><u>Requirements:</u> Program guidelines must be established through an MOA with provider and must include program expectations established by court and the CSU, including: number and mode of contacts; length of stay; a plan for step up/down as needed based on a system of graduated sanctions and incentives; hours of operation; program behavior management system; and admission/dismissal criteria.</p> <p>The number of contacts shall be determined in advance, proportional to severity of need with a plan to decrease over time, and should not remain in place for over 30 consecutive days without CSU Supervisor approval.</p> <p>Additional surveillance contacts do not replace contacts made by the youth's probation/parole officer.</p>

<p>POST-D Electronic Monitoring (EM) & Global Positioning Service (GPS)</p>	<p>Monitoring that provides additional surveillance in order to enhance probation/parole supervision through use of electronic monitoring (EM) or global positioning service (GPS);</p> <p><u>Target Population:</u> Youth on probation or parole in need of additional supervision; youth facing technical violation(s) of supervision; youth before the court for disposition</p> <p><u>Requirements for non-DJJ providers:</u> Program guidelines must be established through an MOA with provider and must include program expectations established by court and the CSU, including: number and mode of contacts; length of stay; a plan for step up/down as needed based on a system of graduated sanctions and incentives; hours of operation; program behavior management system; and admission/dismissal criteria. The number of contacts shall be determined in advance, proportional to severity of need with a plan to decrease over time, and should not remain in place for over 30 consecutive days without CSU Supervisor approval. Additional surveillance contacts do not replace contacts made by the youth's probation/parole officer.</p> <p><u>Use of EM/GPS must also include Post-D Outreach Services as a component of this service.</u></p> <p><u>Non-residential programs that provide structured activities and supervision during or after regular school hours (especially during the hours of 3:00pm-7:00pm) in order to enhance probation/parole supervision</u></p>
<p>POST-D Structured Day & Evening Reporting Programs</p>	<p><u>Target Population:</u> Youth on probation or parole in need of additional supervision; youth facing technical violation(s) of supervision; youth before the court for disposition</p> <p><u>Services include:</u> transportation; counseling; supervision; academic support; vocational development; cultural, educational and recreational activities; pro-social skill development</p> <p><u>Short-term (up to 90 days) residential care programs that focus on stabilizing youth behavior in order to enhance probation/parole supervision</u></p>
<p>POST-D Shelter Care</p>	<p><u>Target Population:</u> Youth on probation or parole in need of additional supervision; youth facing technical violation(s) of supervision; youth before the court for disposition</p> <p><u>Services include:</u> assessment(s) and a specifically approved range of services to address treatment needs such as counseling, academic support, interagency services referrals</p>

ACCOUNTABILITY	
Community Service Programs	<p>Programs that provide community service work opportunities for youth that include supervision and recruiting & establishing partnerships with workites; May also incorporate social learning and/or restorative principles; transportation to/from workites Case management duties alone (providing a list of worksite opportunities, monitoring attendance, verifying completion) do not meet the requirements for this program.</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D); youth on supervised probation/parole facing technical violation(s) (graduated sanction)</p> <p><u>Requirements:</u> An MOA between DJJ and the locality (as the service provider) is required.</p>
Law Related Education Programs	<p>Programs that encourage youth to become law-abiding citizens by promoting civic responsibility, accountability, and an understanding of the legal system; may also include offense-specific individual/group discussions, interactive web-based presentations, pre & post knowledge tests</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D); youth on supervised probation/parole facing technical violation(s) (graduated sanction)</p> <p><u>Program Examples:</u> Virginia Rules</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCCA Coordination Team</p>
Restorative Justice Programs	<p>Programs that provide youth an opportunity to repair harm caused by their behavior and to recognize how their behavior impacts others; May also include restitution and/or other compensation to victims</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D); youth on supervised probation/parole facing technical violation(s) (graduated sanction)</p> <p><u>Services include:</u> circle processing; community conferencing; victim/offender conferences</p> <p><u>Requirements:</u> Participation by all parties is strictly voluntary.</p>
Shoplifting/Larceny Reduction Programs	<p>Programs that educate participants on the laws and consequences of shoplifting and/or larceny; May also include developing consequential thinking skills; discussing alternatives to problem behavior; addressing thinking patterns, values, and beliefs that lead to problem behavior</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D) on charges related to shoplifting and/or larceny; youth on supervised probation/parole facing technical violation(s) (graduated sanction) for related behavior</p> <p><u>Program Examples:</u> Youth Emerge Straight (Y.E.S.); STOPLifting (3rd Millennium Classrooms)</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCCA Coordination Team</p>

COMPETENCY DEVELOPMENT	
Anger Management Programs	<p>Programs that teach alternative means of communicating and problem solving to reduce aggressive behavior; May also include individual/group counseling and education; conflict resolution skills; self-regulation skills; cognitive behavioral interventions; development of problem solving, impulse-control, and coping skills</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D) on charges related to violence and/or aggression; youth on supervised probation/parole facing technical violation(s) (graduated sanction) for related behavior</p> <p><u>Program Examples:</u> Aggression Replacement Therapy (ART); Thinking For a Change (T4C); 3rd Millennium Classrooms; Peaceful Alternatives To Tough Situations (PATTS)</p> <p><u>Requirements:</u> Services must be provided by a licensed mental health professional with applicable degree(s) and specialized training* or a curriculum/program approved by the VJCCCA Coordination Team</p> <p><u>Assessments/evaluations</u> for youth requiring clinical services in order to fulfill diversion plan or court ordered obligations. The SASSI does not meet the requirements for this program.</p>
Assessments/ Evaluations	<p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D) requiring clinical services in order to fulfill diversion or court-ordered obligations</p> <p><u>Requirements:</u> Services must be provided by a licensed mental health professional with applicable degree(s) and specialized training* Mental health services to meet the needs of youth and family; May include individual, group, or family counseling; in-home counseling; equine therapy; art therapy; music therapy; etc.</p>
Clinical Services	<p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D) with an identified need for mental health services</p> <p><u>Requirements:</u> Services must be provided by a licensed mental health professional with applicable degree(s) and specialized training*</p>
Employment/ Vocational Programs	<p>Programs that prepare youth with basic employment skills and assist them in obtaining employment; May include vocational assessment and counseling; job and pre-employment skill development; on-site supervision/supported employment; coordination of transportation; job placement programs</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D) with an identified need for employment skill building; youth on supervised probation/parole with an identified need for related skill development</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCCA Coordination Team</p>

<p>Gang Intervention Programs</p>	<p>Programs designed to reduce gang involvement; May include skill development to assist youth in critical thinking, decision making, and resistance/refusal skills; identifying and addressing youth, family and community factors that influence gang involvement; mentoring/coaching; wraparound services and supports; individual/family/group counseling; connecting youth to pro-social supports, places, and activities; tattoo removal; job training/placement</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D) on charges related to gang involvement; youth on supervised probation/parole with an identified need</p> <p><u>Program Examples:</u> The Phoenix Curriculum; Gang Resistance Education and Training (G.R.E.A.T.); Youth Advocate Programs (YAP)</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCCA Coordination Team</p>
<p>Life Skills Programs</p>	<p>Programs that promote skill development to assist youth in maintaining pro-social and healthy behaviors to become productive citizens; May include individualized services based on youth's identified criminogenic need; consequential thinking, goal setting, social perspective-taking, and/or interpersonal skill development; independent living skills; development of healthy relationships and support systems</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D) with an identified need for life skills development</p> <p><u>Program Examples:</u> Casey Life Skills; Botvin LifeSkills Training; ARISSE; Project Life</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCCA Coordination Team</p>
<p>Mentoring Programs</p>	<p>Programs that build competency by providing a positive adult relationship/role model to support, guide, and enhance opportunities for youth to meet their goals and be successful; May include modeling/teaching prosocial skills and coping mechanisms; advising; reinforcing and coaching positive behavior; interpersonal skill training</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D); youth on supervised probation/parole with an identified need</p> <p><u>Program Examples:</u> MENTOR Virginia</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCCA Coordination Team</p>
<p>Parenting Skills Programs</p>	<p>Programs designed to build positive parenting solutions, enhance parenting skills, and provide support to the parents/guardians/caretakers/natural supports of justice-involved youth; May include parent/guardian empowerment; culturally competent programming; fatherhood initiatives</p> <p><u>Target Population:</u> Parents/guardians/caretakers/natural supports of youth before intake or the court (Pre-D or Post-D) or on supervised probation/parole</p> <p><u>Program Examples:</u> The Parent Project; 24/7 Dad; FAST Families & Schools Together[®]; Strengthening Families</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCCA Coordination Team</p>

<p>Pro-Social Activities</p>	<p>Programs, services, and activities that build protective factors, provide positive reinforcement, and reduce likelihood for future delinquency through pro-social activities; May include structured recreational activities; extracurricular activities; cultural activities; lessons/classes; costs associated with GED testing</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D); youth on supervised probation/parole with an identified need</p> <p><u>Requirements:</u> Prior approval must be received from the VJCCCA Coordination Team. This category must be a standalone program on the plan.</p> <p>Programs tailored to the individual needs of youth that teach skills to enhance pro-social behaviors and improve consequential thinking skills; May include cognitive behavioral interventions; gender specific programming; character development and value clarification; addressing thinking patterns, values, and beliefs that contribute to problem behavior</p>
<p>Pro-Social Skills Programs</p>	<p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D); youth on supervised probation/parole with an identified need to strengthen protective factors</p> <p><u>Program Examples:</u> Thinking For A Change (T4C); 3rd Millennium Classrooms; Girls Circle; The Council for Boys and Young Men; Unity Circle; Becoming a Man (B.A.M) Program; Working on Womanhood (WOW)</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCCA Coordination Team</p>
<p>Sex Offender Services</p>	<p>Programs and services that promote public safety through education and/or treatment of sexual offending behaviors; May include sexting education; personal boundary education; individual, family, and group counseling/treatment</p> <p><u>Target Population:</u> Youth before intake or court (Pre-D or Post-D) or on supervised probation/parole on charges related to sexting, pornography, and/or sexual offending behaviors</p> <p><u>Requirements:</u> Services must be provided by a licensed professional with applicable degree(s) and specialized training* or a curriculum/program approved by the VJCCCA Coordination Team</p>
<p>Substance Abuse Education/ Treatment Programs</p>	<p>Programs designed to teach youth the consequences of illegal substance use, assist the youth in remaining drug and alcohol free, and to avoid further problem behavior; May include substance abuse education; substance abuse counseling/treatment</p> <p>Urinalysis, breathalyzer, and other drug testing may be conducted by the service provider only when done in conjunction with treatment program administration. Drug testing alone is an excluded service.</p> <p>The SASSI does not meet the requirements for this program.</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D) on charges related to drugs or alcohol; youth on supervised probation/parole facing technical violation(s) (graduated sanction) for related behavior</p> <p><u>Requirements:</u> Services must be provided by a licensed professional with applicable degree(s) and specialized training* or a curriculum/program approved by the VJCCCA Coordination Team</p>

<p>Truancy Intervention Programs</p>	<p>Programs that improve school engagement and reduce further court involvement by addressing barriers to school attendance; May include mentoring/coaching and counseling; incentives and rewards; summer transition services; morning accountability/wake-up calls; home visits; student/teacher relationship building; college & career readiness services; academic supports; truancy-based mediation/restorative practices; alternative court programs/teen court</p> <p><u>Target Population:</u> Youth before intake for CHINS-Truancy petitions; youth on supervised probation/parole facing technical violation(s) (graduated sanction) for related behavior</p> <p><u>Program Examples:</u> Achievement Mentoring Program (AMP); Check and Connect; School Engagement Program by Domus; On Track Supports by RISE Network; Preparing Our Kids for Success by Parent Project; Youth Advocate Program – Truancy (YAP)</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCCA Coordination Team</p>
<p>Specialized Program Services (formerly Supervision Plan Services)</p>	<p>Funding allocated for the purchase of services that are not provided for within the current VJCCCA plan. Services may include any service or program outlined on the Allowable Services List.</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D) on charges related to the requested service; youth on supervised probation/parole facing technical violation(s) (graduated sanction) related to/indicating need for requested service</p> <p><u>Requirements:</u> Approval must be received from the VJCCCA Coordination Team</p>
<p>GROUP HOMES</p>	
<p>Group Home Programs</p>	<p>Programs that provide a residential placement in a non-secure environment; includes placement in a homelike foster care environment</p> <p><u>Target Population:</u> Youth before the court (Pre-D or Post-D); youth on supervised probation/parole with an identified need</p> <p><u>Requirements:</u> Must meet licensing, regulatory, and certification requirements.</p>

* All service providers (including local VJCCCA-funded employees and contracted providers) must possess the required professional credentials and must be operating in compliance within regulations and scope of practice, including but not limited to the VA Dept. of Health Professions Board of Counseling.

Table 2: FY 23/24 Allowable VJCCCA Funded Prevention Programs and Services (updated 12/09/2021)

COMPETENCY DEVELOPMENT	
Gang Prevention Programs	<p>Programs designed to prevent gang involvement; May include skill development to assist youth in critical thinking, decision making, and resistance/refusal skills; identifying and addressing youth, family and community factors that influence gang involvement; mentoring/coaching; wraparound services and supports/case management; individual/family/group counseling; connecting youth to pro-social supports, places, and activities; tattoo removal; job training/placement</p> <p><u>Target Population:</u> Youth who have been identified, by an approved assessment tool, as being at-risk for gang involvement</p> <p><u>Program Examples:</u> The Phoenix Curriculum; Gang Resistance Education and Training (G.R.E.A.T.); Youth Advocate Programs (YAP)</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCCA Coordination Team</p> <p>Programs designed to teach youth the consequences of illegal substance use, assist the youth in remaining drug and alcohol free, May include substance abuse education; substance abuse screening (i.e. SASSI), assessment, and counseling Urinalysis, breathalyzer, and other drug testing is a prohibited service.</p> <p><u>Target Population:</u> Youth who have been identified, by an approved assessment tool, as being at-risk for substance abuse</p> <p><u>Requirements:</u> Services must be provided by a licensed professional with applicable degree(s) and specialized training* or a curriculum/program approved by the VJCCCA Coordination Team</p>
Substance Abuse Prevention Programs	<p>Programs that improve school engagement and prevent youth from becoming truant by addressing barriers to school attendance; May include mentoring/coaching and counseling; incentives and rewards; summer transition services; morning accountability/wake-up calls; home visits; student/teacher relationship building; college & career readiness services; academic supports; case management; truancy-based mediation/restorative practices; alternative court programs/teen court; truancy awareness campaigns</p> <p><u>Target Population:</u> Youth who have been identified, by an approved assessment tool, as being at-risk for truancy</p> <p><u>Program Examples:</u> Achievement Mentoring Program (AMP); Check and Connect; School Engagement Program by Domus; On Track Supports by RISE Network; Preparing Our Kids for Success by Parent Project; Youth Advocate Program – Truancy (YAP); Wyman’s Teen Outreach Program (TOP); Communities in Schools; Truancy Court Program (TCP); Ability School Engagement Partnership</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCCA Coordination Team</p>
Truancy Prevention Programs	<p>Programs that provide specialized services to prevent youth from becoming involved in the juvenile justice system</p> <p><u>Target Population:</u> Youth who have been identified, by an approved assessment tool, as being at-risk for juvenile justice involvement</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCCA Coordination Team</p>
Specialized Prevention Programs	<p>Programs that provide specialized services to prevent youth from becoming involved in the juvenile justice system</p> <p><u>Target Population:</u> Youth who have been identified, by an approved assessment tool, as being at-risk for juvenile justice involvement</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCCA Coordination Team</p>

* All service providers (including local VJCCCA-funded employees and contracted providers) must possess the required professional credentials and must be operating in compliance within regulations and scope of practice, including but not limited to the VA Dept. of Health Professions Board of Counseling.



COMMONWEALTH OF VIRGINIA
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TO: Board of Juvenile Justice

FROM: Virginia Department of Juvenile Justice

SUBJECT: Request Authorization to Advance 6VAC35-180 (Regulations Governing Mental Health Services Transition Plans for Incarcerated Juveniles) to the Proposed Stage of the Standard Regulatory Process

DATE June 21, 2023

I. Action Requested

The Department of Juvenile Justice (the department) respectfully requests that the Board of Juvenile Justice (the board) authorize advancing 6VAC35-180 (Regulations Governing Mental Health Services Transition Plans for Incarcerated Juveniles) to the Proposed stage of the standard regulatory process. This regulatory action will enable the department to carry out the recommendations it made in the Periodic Review Report in accordance with the process mandated in the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). The proposed text is attached to this document.

II. Background

Pursuant to the statutory mandate in Code of Virginia § 16.1-293.1, the board shall promulgate regulations for the “planning and provision of post-release services” for certain youth identified as having a recognized mental health, substance abuse, or other therapeutic treatment need. The targeted youth include those who are committed to the department pursuant to subdivision (A)(14) of § 16.1-278.8 of the Code of Virginia or placed in a postdispositional detention program pursuant to subsection B of § 16.1-284.1. The statute requires the board to consult with the Department of Behavioral Health and Developmental Services in promulgating the regulations. In accordance with the statutory requirements, the Regulations Governing Mental Health Services Transition Plans for Incarcerated Juveniles took effect on January 1, 2008.

Even though § 2.2-4007.1 requires state agencies to review their regulations every four years, this chapter had never undergone a review after it took effect. In an effort to come into compliance with the quadrennial review requirement, on March 27, 2019, pursuant to authorization granted by the board and in accordance with the process outlined in § 2.2-4007.1 of the Code of Virginia, the department submitted a Periodic Review Report regarding this regulatory chapter. In the report, the department recommended that the chapter be amended to address inconsistent, obsolete, and ambiguous provisions with a goal of promoting consistency in the regulation’s application, increasing compliance, and improving outcomes for eligible youth with mental health, substance

abuse, or other therapeutic treatment needs. The department convened a workgroup consisting of internal staff and representatives from the Virginia Department of Behavioral Health and Developmental Services, the Virginia Department of Social Services, the Virginia Juvenile Detention Association, and the Virginia Association of Post-Dispositional Programs to conduct a more exhaustive review of the regulation.

At its November 13, 2019, meeting the board heard the workgroup's preliminary recommendations and authorized the department to file a Notice of Intended Regulatory Action (NOIRA) to initiate amendments to the chapter. The department submitted the NOIRA on January 2, 2020, and it completed Executive Branch review on January 4, 2022. The department has been working since then to finalize the text for the Proposed stage.

III. DISCUSSION OF THE PROPOSED TEXT

To achieve the goals described above, the workgroup recommended significant revisions to the text of the regulation. Those recommendations are described below in the order in which they appear in the draft of the proposed text.

6VAC35-180-10. Definitions.

- Add terms and definitions consistent with those in other regulatory chapters: “annual,” “court service unit,” and “individual service plan.”
- Add and define the term “mental health services transition plan” or “MHSTP.”
- Strike the word “Virginia” from the definition of “Department” to make it consistent with the definitions in Chapters 41, 71, 101, 160, and 170.
- Strike from the definition of “indeterminately committed” the reference to the department’s Length of Stay Guidelines because it constitutes an improper incorporation by reference.
- Replace the word “resident” with “juvenile” in the definitions section and throughout the chapter, and update the definition of “juvenile” to be inclusive both of those youth who currently are confined in a secure setting and those who are transitioning or have transitioned back into the community. The current text of the regulation uses both terms, and the workgroup determined that using a single, inclusive term would be clearer.
- Remove references to Code of Virginia § 16.1-278.8(A)(16), which is the full postdispositional (post-D) statute and does not apply. Section 16.1-293.1 grants the board authority to promulgate MHSTP regulations only for youth who are committed to DJJ pursuant to § 16.1-278.8(A)(14) or who are placed in post-D programs pursuant to subsection B of § 16.1-284.1. This same correction is made elsewhere in the text, as well.
- Replace the term “identified as having a recognized mental health, substance abuse, or other therapeutic treatment need” with “identified as having a recognized mental health or substance use disorder or being at significant risk for the recurrence of such disorders if not treated.” This term was suggested by representatives of both DBHDS and DJJ’s Behavioral Services Unit in response to an inquiry as to what “other therapeutic treatment need” might warrant an MHSTP.
- Replace the term “qualified mental health professional” or “QMHP” with “mental health clinician,” here and throughout the chapter, and add a definition for “mental health clinician.” The term “QMHP” is defined in both the Board of Counseling’s regulations (12VAC35-105-20) and Code of Virginia § 54.1-3500, and the workgroup determined that the term is too broad for use in this chapter. As defined, QMHPs are not required to be clinicians and, according to the workgroup, may therefore not be qualified to make

a determination whether a juvenile has a mental health diagnosis. The board approved this same change in the final draft of the juvenile detention centers regulation (6VAC35-101).

- Remove as duplicative a reference to § 16.1-278.8(A)(17). Serious offender commitments are covered under § 16.1-285.1, so the additional reference is unnecessary. This same change is made elsewhere in the text.
- In addition to the expansion of the definition of “juvenile” discussed above, clarify that the term “juvenile” does not include individuals sentenced under Code of Virginia § 16.1-272 who will be released directly from a department facility to an adult correctional facility or jail to complete a blended sentence.

6VAC35-180-20. Purpose and goal

The Registrar of Regulations has directed agencies to eliminate the Purpose and Goal sections from their regulations. Accordingly, the workgroup recommends repealing this section in its entirety, with one exception. The requirement that services be provided in the least restrictive setting consistent with public safety and the resident’s treatment needs should be moved to Section 140. The proposed text reflects this recommendation.

6VAC35-180-30. Criteria for mental health services transition planning.

In addition to the changes discussed under 6VAC35-180-10, the workgroup also recommends removing as unnecessary a partial list of mental health disorders likely to result in significant impairment to a juvenile’s functioning in the community.

6VAC35-180-50. Interagency Memorandum of Understanding.

- In its current form, this section requires a memorandum of understanding for each jurisdiction covered by a CSU or juvenile detention center (JDC) that operates a post-D program. The workgroup raised concerns that many JDCs and CSUs either do not fully understand this requirement, or they struggle to comply with it because it requires the local attorney for each jurisdiction to review the MOU, which creates significant delays. To address these concerns, the workgroup recommends adding a provision (B) relieving the CSU or JDC of the MOU requirement if the program certifies that it is using a family assessment and planning team (FAPT) established in accordance with § 2.2-5207 of the Code of Virginia for the development and monitoring of each MHSTP. The provision requires that this certification be documented on a department-approved form and that it describe the extent to which the FAPT is responsible for the development and implementation of the MHSTP. FAPTs are local teams appointed by the community policy and management team (CPMT) and assigned the duty of determining the strengths and needs of troubled youth and families who are approved for referral to the team and of identifying which services are appropriate to meet those needs.
- Add a requirement that MOUs be reviewed every five years and updated as needed. This is in accordance with existing agency best practices.

6VAC35-180-60. Content of agreements.

- Insert a reference to the subsection added in 6VAC35-180-50 allowing for certification that a FAPT is being used for development and monitoring of the MHSTP.
- Remove the requirement that the MOU include a timeline for implementing services upon the juvenile’s release. The workgroup agreed that timelines should be individualized. Further, Section 130 provides that

the MHSTP itself shall specify the projected timeframe over which each service will be provided, so there is no need to address the timeframe in this section.

6VAC35-180-65. Determination of eligibility for MHSTP.

The workgroup recommends adding this new section to clarify that the facility determines eligibility for MHSTP planning *prior to* the facility case review meeting. The existing regulation suggests that this determination is made at the time of the facility case review meeting, which is misleading.

6VAC35-180-70. Timing and purpose of the facility case review meeting.

- Update Subsection A to reflect the addition of Section 65 (discussed above), to eliminate duplicative language, and to align with the Registrar's style requirements. Additionally, move the requirements originally captured in Subsection C to this subsection. Those requirements direct that the participants in the facility case review meeting address the continuing service needs of the juvenile, the family's involvement, the juvenile's progress toward discharge, and the anticipated release date.
- Update Subsection B to reflect the changes discussed above, and add a reference to 6VAC35-180-30 for clarity.
- Add new language in Subsection C providing that whenever a juvenile will return to court for a judicial review and the facility has at least 90 days' notice, the staff must conduct the facility case review meeting at least 90 days prior to the court appearance. This clarifies the facility's responsibility to conduct the MHSTP facility case review meeting ahead of time in those instances when the department exercises its discretion to petition the court for a hearing for early release for good cause. Additionally, this language will reduce the need to waive the required time frames since the governing statute does not appear to allow for the MHSTP to be completed after a juvenile's release.
- Remove the provision allowing the facility case review meeting to take place no later than 30 days after the resident's release. Section 16.1-293.1 of the Code of Virginia states that the plan must be "completed prior to the person's release" and does not make any provision for completing the plan after that time. The workgroup also recommends adding language clarifying that nothing in this section relieves staff of the obligation to complete the facility case review before the juvenile's release, even if they are unable to meet the time frames required elsewhere in this section.

6VAC35-180-80. Participants in facility case review meeting.

- Add language in A 1 to allow an exception to the requirement that the juvenile participate in the case review meeting if clinical or safety concerns preclude the juvenile's participation.
- Update A 4 to clarify that a facility case manager or designee should participate rather than "staff knowledgeable about the resident." The workgroup believes the existing language could result in unintended consequences since other facility staff may be knowledgeable about the juvenile but should not be participating in the facility case review meeting.
- Add a provision at A 6 specifically to require participation by the Department of Social Services (DSS) for those juveniles who were in the custody of DSS immediately prior to commitment or who will be released to DSS.
- Remove the vague language pertaining to participants in B, and clarify that the juvenile's parent or legal guardian must be invited to the meeting and given the opportunity to participate in developing the MHSTP.

- Based in part upon a recommendation from the disAbility Law Center of Virginia (dLCV), add Subsection C giving the professional members of the facility case review team the discretion to invite other individuals to participate in the facility case review meeting or provide input to the team, including those suggested by the juvenile or the juvenile's parent or legal guardian.

6VAC35-180-90. Distribution and documentation of facility case review meeting.

The workgroup recommends updating the language in this section to specify who, exactly, should receive the results of the facility case review meeting. Where current language simply requires that the results be distributed to those who participated in the meeting, the proposed amendments specify the juvenile, the juvenile's parent or legal guardian, and each agency that participated in the meeting. Additionally, the results must be distributed in writing, which is not required in the current text.

6VAC35-180-100. Mental health services transition planning.

- Add a new subsection at A to require court service unit staff to begin the process of identifying the necessary resources to carry out the recommendations from the facility case review meeting between the time of that meeting and the 30-day meeting required later in this section.
- Add language at B to reflect the new process created in Section 50 allowing facilities and programs to avoid entering into an MOU if the FAPT is involved in the planning process.
- Remove language in C that makes an unnecessary reference to 21-year-olds who will not be subject to adult parole supervision. That qualification is contemplated in the definition of "direct discharge" and is redundant.
- Remove the requirement that 18- or 21-year-olds consent to the 30-day meeting. While a youth may decline services upon reaching the age of 18 or 21, as applicable, the workgroup believes it is in the youth's best interest to proceed with the meeting and carry out the program or facility's legal obligations. The workgroup also recommends removing the requirement that the parent or legal guardian consent to the meeting since the youth will have reached the age of legal consent.
- Add language in D clarifying that, even if the 30-day meeting cannot be held within the required time frame, the probation or parole officer still must conduct the meeting prior to the juvenile's release.

6VAC35-180-110. Referral to family assessment and planning team.

- Update the reference to the Comprehensive Services Act (§ 2.2-5200 et seq. of the Code of Virginia) to the Children's Services Act (CSA) to align with a 2015 change made by the General Assembly.
- Update the language in this section to state that the 30-day meeting required in the previous section be conducted in accordance with the policies of the CSA program if the case is referred to the local FAPT. Some CSA programs have policies that govern the CPMT and the FAPT separately.
- Add language reflecting a change in 6VAC35-180-120, discussed below.

6VAC35-180-120. Development of plans not referred to a family assessment and planning team.

- Add language in A 1 to allow an exception to the requirement that the juvenile participate in the case review meeting if clinical or safety concerns preclude the juvenile's participation.

- Remove redundant language in A 2 pertaining to the juvenile's parent's or legal guardian's participation in the meeting.
- Add the facility case manager or designee to the list of participants at A 4.
- Add Subsection B authorizing the professional members of the team to determine whether other individuals, including those suggested by the juvenile, parent, or legal guardian, shall be invited to attend or provide input.
- Remove Subsections C and D as unnecessary.

6VAC35-180-130. Content of the plan.

- Update Subdivision A 2 to require that the plan name the *specific* substance abuse, mental health or other treatment *and* supports that will be made available to the juvenile.
- Add clarifying language at A 4 that the project time frame for each service should be based on the needs of the juvenile and access to resources.
- Remove the specific examples cited in A 5 because they could lead to the erroneous conclusion that the list is exhaustive.
- Update the language in Subdivision A 6 to align the provision with Subsection C of § 16.1-293.1, which requires at a minimum that the agency responsible for case management make the necessary referrals and assist in applying for the services identified in the plan, including completing and submitting applications that may only be submitted upon release.
- Add Subdivision A 7 to require the plan to include potential barriers for successful plan implementation.
- Add Subsection B requiring that all participants in the plan's development sign the plan.
- Make additional changes to A2, A3, and A6 for style and clarity.

6VAC35-180-140. Time frames for completing the plan and related tasks; limitations.

- Remove language in A requiring that the plan be completed no later than 30 days following a court order for release. Code of Virginia § 16.1-293.1 requires that the plan be completed prior to release, so this provision violates the statute.
- Add language in A clarifying that the written plan must be completed, even if the time frame required in this subsection cannot be met.
- Clarify in B that all referrals for service must be made prior to release.
- Add a new Subsection C requiring that, to the extent possible, all issues pertaining to the implementation of the plan must be resolved prior to release.
- Add a new Subsection D requiring that all services in the plan be provided in the least restrictive setting consistent with public safety and the juvenile's treatment needs.

6VAC35-180-150. Reports to probation or parole officer.

The workgroup recommends amending the language in this section to provide for two cases where a juvenile's treatment may be discontinued: when the treatment provider submits written documentation to the probation or parole officer that the juvenile's treatment need has been met (written documentation currently is not required) or at the discretion of the probation or parole officer if they determine that sufficient progress has not been made or that the service provider is ineffective. This change will help ensure that department staff remain actively involved

in assessing the juvenile's treatment and provides the department some discretion not to prolong ineffective treatment unnecessarily.

6VAC35-180-160. Periodic review of mental health services transition plan.

- Clarify in Subsection A that the 90-day review should be conducted by the parties who participated in the development of the plan.
- Add Subsection C detailing who, specifically, must receive copies of the revised plan. This list includes the juvenile, the juvenile's parent or legal guardian, the service provider, and the mental health clinician, if applicable. The current Subsection B requires all team members to receive copies of the plan, which may not be appropriate.

6VAC35-180-180. Self-assessment requirement for MHSTPs.

The workgroup recommends adding Section 180 to require a self-assessment to evaluate the facility's or program's compliance with this chapter. Currently, there is no mechanism for ensuring compliance with these requirements. The process established in Section 180 would be similar to the self-audit process all facilities and programs must undergo pursuant to 6VAC35-20-61 except that it would not be part of the facility's or program's formal certification audit. While this provision is broadly constructed, the workgroup determined it would be the least burdensome means of promoting compliance with this chapter.

IV. CONCLUSION

The amendments to this chapter recommended by the workgroup address a significant number of inconsistent, obsolete, and ambiguous provisions in the existing chapter and promote consistency in the regulation's application to increase compliance and improve outcomes for eligible youth with mental health, substance abuse, or other therapeutic treatment needs. The department respectfully requests that the board authorize the department to advance these amendments to the Proposed stage of the standard regulatory process.

CHAPTER 180.

REGULATIONS GOVERNING MENTAL HEALTH SERVICES TRANSITION PLANS FOR
INCARCERATED JUVENILES.

Part I.

General Provisions.

6VAC35-180-10. Definitions.

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

"Annual" means within 13 months of the previous event or occurrence.

"Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the Code of Virginia.

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

"Direct discharge" means the release of a ~~resident juvenile~~ from commitment to the department with no supervision conditions imposed upon the ~~resident juvenile~~ by the department or a court.

"Facility" means a juvenile correctional center operated by the department, an alternative placement for ~~residents juveniles~~ under the direct custody of the department, or a detention home operating a postdispositional detention program serving ~~residents juveniles~~ sentenced under ~~subdivision A 16 of §16.1-278.8 and~~ subsection B of § 16.1-284.1 of the Code of Virginia.

"Identified as having a recognized mental health, ~~or substance abuseuse, disorder, or being at significant risk for the recurrence of such disorders if not treated~~ or other therapeutic treatment need" means a ~~resident juvenile~~ who meets established criteria, set forth in 6VAC35-180-30, based on ~~objective assessment or diagnosis and assessment~~ by a ~~qualified~~ mental health ~~professional clinician, as provided for in this regulation.~~

"Incarceration" means confinement in: (i) a detention home operating a postdispositional detention program pursuant to subsection B of § 16.1-284.1 of the Code of Virginia, (ii) a juvenile residential facility or a secure facility as defined in § 16.1-228 of the Code of Virginia operated or contracted for by the department, or (iii) an alternative placement as a result of a commitment to the department pursuant to subdivision A 14 of § 16.1-278.8 or § 16.1-285.1 of the Code of Virginia. ~~a detention home operating a postdispositional detention program pursuant to subdivision A 16 of §16.1-278 and subsection B of § 16.1-284.1 of the Code of Virginia or in a juvenile residential facility or a secure facility as defined in § 16.1-228 of the Code of Virginia operated or contracted for by the department or in an alternative placement as a result of a commitment to the department pursuant to subdivision A 14 of § 16.1-278.8, A 16, or A 17 of §16.1-278.8 or §16.1-285.1 of the Code of Virginia.~~

"Indeterminately committed" means commitment to the department pursuant to subdivision A 14 of §16.1-278.8 of the Code of Virginia with the ~~resident's~~ juvenile's length of stay calculated in accordance with §16.1-285 of the Code of Virginia ~~and the department's Length of Stay Guidelines.~~

"Individual service plan" means a written plan of action developed, revised as necessary, and reviewed at specified intervals to meet the needs of a juvenile.

"Juvenile" means an individual, regardless of age, who ~~has been~~ currently is confined in one of the following facilities: (i) a detention home operating a postdispositional detention program pursuant to ~~subdivision A 16 of §16.1-278.8 and~~ subsection B of §16.1-284.1 of the Code of Virginia, (ii) ~~or in~~ a juvenile residential facility or a secure facility as defined in § 16.1-228 of the Code of Virginia operated or contracted for by the department, or ~~in~~ (iii) an alternative placement as a result of a commitment to the department pursuant to subdivision A 14, ~~A 16, or A 17~~ of § 16.1-278.8 or § 16.1-285.1 of the Code of Virginia. Juvenile also includes ~~or an~~ individual, regardless of age, who is transitioning or has transitioned from incarceration and is under the supervision of or receiving services from a court service unit. Juvenile shall not include an

individual sentenced under § 16.1-272 of the Code of Virginia who will be released directly from a department facility to an adult correctional institution or jail to complete the remaining portion of a blended sentence.

"Mental health clinician" means a clinician licensed to provide assessment, diagnosis, treatment planning, treatment implementation, and similar clinical counseling services, or a licensed-eligible clinician under supervision of a licensed mental health clinician.

"Mental health services transition plan" or "MHSTP" means the plan resulting from the enhanced planning process described by 6VAC35-180-70 through 6VAC35-180-160.

"Mental health services transition planning" means the enhanced planning process described by 6VAC35-180-70 through 6VAC35-180-160 to ensure the provision of mental health, substance abuse, or other therapeutic treatment services upon a ~~resident's~~ juvenile's release from incarceration. This planning process is considered "enhanced" because it is more comprehensive than the standard process for developing a plan for probation, parole, or aftercare. ~~This process shall result in a mental health transition services plan.~~

~~"Resident" means an individual, both a juvenile and an adult, who is or was committed to the department pursuant to §16.1-285.1 or subdivision A 14 or A 17 of §16.1-278.8 of the Code of Virginia and resides in a juvenile residential facility or a secure facility defined in §16.1-228 of the Code of Virginia operated or contracted for by the department or placed in a detention home that is operating a postdispositional detention program pursuant to subdivision A 16 of §16.1-278.8 and subsection B of §16.1-284.1 of the Code of Virginia. Resident includes an individual, both juvenile and adult, who is or was committed to the department by a circuit court judge under §16.1-272 of the Code of Virginia. For purposes of this regulation, the term includes residents being released from incarceration that are 18 years old or older and excludes any individual sentenced under §16.1-272 of the Code of Virginia who will be released directly from a department facility to an adult correctional institution or jail to complete the remaining portion of a blended sentence.~~

“Serious offender” means an individual who was committed to the department pursuant to ~~subdivision A 17 of §16.1-278.8 and~~ §16.1-285.1 of the Code of Virginia.

6VAC35-180-20. Purpose and goal. (Repeal.)

~~A. This chapter is intended to ensure the planning and provision of postrelease services addressing the mental health, substance abuse, or other therapeutic treatment needs of incarcerated residents as they transition back into their communities. The goal is to ensure implementation and continuity of necessary treatment and services in order to improve short- and long-term outcomes for juvenile offenders with significant needs in these areas. Services should be provided in the least restrictive setting consistent with public safety and the resident’s treatment needs. The plan shall address the resident’s need for and ability to access medication, medical insurance, disability benefits, mental health services, and funding necessary to meet the resident’s treatment needs.~~

~~B. This chapter is intended to be applied in conjunction with other relevant regulations of agencies of the Commonwealth (e.g., 6VAC35-150, Standards for Nonresidential Services Available to Juvenile and Domestic Relations District Courts; 6VAC35-140, Standards for Juvenile Residential Facilities; 22VAC42-10, Standards for Interdepartmental Regulation of Children’s Residential Facilities; and 8VAC20-660, Regulations Governing the Reenrollment of Students Committed to the Department of Juvenile Justice).~~

6VAC35-180-30. Criteria for mental health services transition planning.

A ~~resident juvenile will~~shall be identified as having a recognized mental health or substance ~~abuse~~use disorder, or being at significant risk for the recurrence of such disorders, ~~if not treated other therapeutic need~~, and ~~will~~shall qualify for mental health services transition planning when one of the following criteria is met:

1. A ~~qualified~~ mental health professional clinician determines that the ~~resident juvenile~~ has a current diagnosis for a mental ~~illness~~health disorder or substance use disorder that is likely to result in significant impairment in the ~~resident’s~~juvenile’s functioning in the

community, ~~including, but not limited to, the following: psychotic disorders, major affective disorders, substance use disorders, and posttraumatic stress disorder;~~ or

2. The ~~resident juvenile is currently~~ is receiving medication treatment for a mental ~~illness~~ health disorder or substance use disorder as described in subdivision 1 of this section, and the provider has indicated that there is a treatment necessity ~~is~~ to continue such medication upon release from the facility.

6VAC35-180-40. Confidentiality.

For all activities conducted in accordance with this chapter, confidential information shall be handled in accordance with all relevant state or federal laws or regulations addressing the sharing of confidential information.

Part II.

Agreements Among Agencies and Service Providers.

6VAC35-180-50. Interagency Memorandum of Understanding.

A. Except as provided in subsection B, Each each court service unit (CSU) and detention home that is operating a postdispositional detention program shall enter into a single, integrated Memorandum of Understanding (MOU) with the public agencies that are required to participate in the Ccommunity Policy and Mmanagement Team (CPMT), as established by § 2.2-5205 of the Code of Virginia, for each jurisdiction covered by the CSU or detention home that is operating a postdispositional detention program.

1. The MOU shall specify the parties' commitment to participate in the planning process established in this chapter and in § 16.1-293.1.B of the Code of Virginia.

2. Other public or private agencies may be party to these agreements as appropriate.

3. The MOU shall be reviewed every five years and updated as needed.

B. A court service unit or detention home that is operating a postdispositional detention program shall not be required to enter into the Memorandum of Understanding mandated in subsection A of this section if the program certifies that it is using a Family Aassessment and

Planning Team (FAPT) established in accordance with § 2.2-5207 of the Code of Virginia for the development and on-going monitoring of each MHSTP required under this chapter.

1. The certification shall be written on a department-approved form, and

2. The certification shall describe the extent to which the FAPT is responsible for the development and implementation of the MHSTP and what, if any, restrictions are imposed.

6VAC35-180-60. Content of ~~agreements~~ Memorandum of Understanding.

The Memorandum of Understanding shall identify:

1. The substance ~~abuseuse_ or~~ mental health, ~~or other therapeutic~~ treatment and case management services that the agencies will make available for ~~residents-juveniles~~ being released from incarceration;

2. If, and with what restrictions, the ~~Family Assessment and Planning Teams (FAPT), as established by §2.2-5207 of the Code of Virginia, shall~~ will be responsible for the development and implementation of the ~~mental health transition plan~~ MHSTP as described in 6VAC35-180-100 when a certification has not been submitted pursuant to subsection B of 6VAC35-180-50;

~~3. or h~~How the mental health services transition planning process will take place when the FAPT will not serve as the responsible entity;

~~3~~4. The process and parties responsible for making the necessary referrals specified in the plan and for assisting the ~~resident~~ juvenile and the ~~resident's~~ juvenile's family with the process of applying for services identified in the plan;

~~4. A timeline for implementation of services upon the resident's release from incarceration;~~

5. The sources of funding that may be utilized to provide the services;

6. Methods for maximizing available sources of funding, including Medicaid, and the process and parties responsible for the initiation of applications for insurance or other benefits that may be used to fully or partially fund such services; and

7. Methods for handling confidential information in accordance with all relevant state or federal laws or regulations addressing the sharing of confidential information.

Part III.

Facility Review of Resident's Juvenile's Case.

6VAC35-180-65. Determination of eligibility for MHSTP.

If a juvenile is indeterminately committed, committed to the department as a serious offender or placed in a postdispositional detention program in a detention home pursuant to subsection B of § 16.1-284.1, designated staff at the facility where the juvenile resides shall review the juvenile's case, including the individual service plan, to determine if the juvenile qualifies for mental health services transition planning based on the criteria set forth in 6VAC35-180-30. This determination shall be made before the facility case review meeting provided for in 6VAC35-180-70.

6VAC35-180-70. Timing and purpose of the facility case review meeting.

A. If in the event that the designated staff at the facility where the juvenile resides determine that a resident juvenile is eligible for mental health services transition planning in accordance with 6VAC35-180-65, is indeterminately committed to the department, is committed to the department as a serious offender for less than 24 months, or is placed in a detention home that is operating a postdispositional detention program, then at least 90 days before a-the resident's juvenile's scheduled release from a facility, designated the staff at the facility where the resident resides shall review the resident's case, including the resident's individualized service plan, to determine if the resident qualifies for the enhanced mental health services transition planning based on the criteria set forth in 6VAC35-180-30, shall conduct a facility case review meeting. During the meeting, the participants shall address the continuing service needs of the juvenile, the family's involvement, the juvenile's progress toward discharge, and the anticipated release date.

B. In the event that thelf a resident juvenile is committed to the department as a serious offender for 24 months or longer, then the facility case review meeting required in subsection A of this section shall take place at least 90 days before the second anniversary of that resident's

~~juvenile's commitment, designated staff at the facility where the resident resides shall review the resident's case, including the resident's individualized service plan, to determine if the resident qualifies for enhanced mental health services transition planning based on the criteria set forth in 6VAC35-180-30. The resident's case shall be reviewed annually thereafter for determination of whether the resident juvenile continues to meet the eligibility requirements for MHSTP planning established in be identified as having a recognized mental health, substance abuse, or other therapeutic treatment need and continues to qualify for mental health services transition planning6VAC35-180-30.~~

~~C. If it is determined that a juvenile committed to the department as a serious offender under § 16.1-285.1 will return to court for a discretionary or mandatory judicial review of the juvenile's commitment, and the department anticipates or has reason to know of such hearing at least 90 days in advance, the facility case review meeting required in subsection A of this section shall take place at least 90 days before the hearing.~~

~~C. In addition to an assessment of the criteria set forth in 6VAC35-180-30, the facility case review shall address the continuing needs of the resident, family involvement, the resident's progress towards discharge, and the anticipated release date.~~

~~D. The time frames designated in subsections A and B of this section may be waived in the event that if a judicial order for release of a resident sentenced under subdivision A 16 or A 17 of §16.1-278.8, §16.1-285.1, (serious offender incarcerated in a juvenile correctional center) or §16.1-284.1 (placement in a detention home that is operating a postdispositional detention program) of the Code of Virginia makes such time frames impracticable. In such cases, review shall be completed as soon as possible, but no later than 30 days after the resident's release. Nothing in this section shall relieve staff in the facility from the duty to conduct the facility case review as soon as reasonably possible and before the resident's release from incarceration, even if it is not possible to conduct the review within the time frames mandated in subsections A, B, and C of this section.~~

6VAC35-180-80. Participants in facility case review meeting.

A. The following parties shall participate ~~either in person or via telephone or video conference~~ in the facility case review meeting, either in person or via telephone or video conference, unless clearly impractical ~~or inappropriate~~ (as determined by the professional members of the facility case review team) and documented in the case file:

1. The ~~resident~~juvenile, unless clinical or safety concerns preclude the juvenile's participation;
2. The ~~resident's~~ juvenile's probation or parole officer, ~~or~~ and a representative of the Department of Corrections (adult probation ~~or parole~~), if applicable;
3. A ~~qualified~~ mental health ~~professional~~ clinician familiar with the ~~resident's~~ juvenile's case;
4. A Facility facility case manager or the case manager's designee staff knowledgeable about the resident; and
5. Other community agency staff, ~~if as~~ appropriate; and
6. ~~(e.g.,~~ Department of Social Services (DSS) personnel for a ~~resident~~ juvenile who was in the custody of DSS immediately prior to commitment to the department or who will be released to DSS custody).

B. ~~The resident's family members, caregivers, legal guardian, or legally authorized representative shall be invited and given the opportunity to participate in the development of the resident's plan. The juvenile's parent or legal guardian shall be invited to attend and given the opportunity to participate in the development of the juvenile's plan.~~

C. ~~The professional members of the facility case review team shall have the discretion to determine whether other individuals, including those suggested by the resident, juvenile, parent, or legal guardian, shall be invited to attend or to offer input regarding the review.~~

6VAC35-180-90. Distribution and documentation of facility case review meeting.

A. The results of the facility case review meeting, including any recommendations for treatment or other services, shall be distributed in writing to the following parties: ~~who participated in the meeting.~~

1. The juvenile;
2. The juvenile's parent or legal guardian; and
3. Each agency participating ~~on~~ in the facility review meeting.

B. The distribution shall be documented in the resident's juvenile's record.

Part IV.

~~Enhanced~~ Transition Planning.

Article 1.

Developing the Transition Plan.

6VAC35-180-100. ~~Enhanced M~~mental health services transition planning.

~~A. If the resident meets the criteria set out in 6VAC35-180-30~~After the facility case review meeting but before the meeting addressed in subsection B of this section, court service unit staff shall begin the process of identifying the resources needed to carry out the recommendations made during the facility case review meeting.

~~B. the~~The probation or parole officer present at the facility case review meeting shall (i) notify the responsible ~~agency or~~ agencies identified in the Memorandum of Understanding established pursuant to 6VAC35-180-50 or the applicable agencies on the Ffamily aAssessment and pPlanning Tteam and (ii) schedule a meeting, to be conducted no later than 30 days ~~prior to~~before the ~~resident's juvenile's~~ anticipated release, to ~~develop~~ finalize the ~~resident's juvenile's~~ mental health services transition plan.

~~BC. However, w~~When a resident (i) will receive a direct discharge from the department upon attaining the age of 21 ~~and will not be subject to adult parole supervision~~ or (ii) will be released from a postdispositional program at a detention home ~~that is operating a postdispositional~~

~~program at age 18 or older without having been placed on probation, the probation or parole officer shall proceed with the meeting scheduled in subsection B. The probation or parole officer shall obtain the resident's consent before making any referrals as a result of the meeting, shall be scheduled and proceed only with the resident's documented consent and, as required by law, the consent of his parent or legal guardian.~~

GD. The time frames designated in subsection ~~A-B~~ of this section ~~shall may~~ be waived ~~in the event that if~~ a judicial order for release of a resident sentenced under subdivision A 16 or A 17 of §16.1-278.8, §16.1-285.1, ~~(serious offender incarcerated in a juvenile correctional center)~~ or §16.1-284.1 ~~(placement in a detention home that is operating a postdispositional detention program)~~ of the Code of Virginia makes such time frames impracticable. ~~In such cases, review shall be completed as soon as possible, but no later than 30 days after the resident's release. However, nothing in this section shall relieve the probation or parole officer from conducting the meeting required in subsection B prior to the resident's juvenile's release from incarceration, even if the meeting cannot be conducted within the time frame mandated in subsection B.~~

6VAC35-180-110. Referral to family assessment and planning team.

If the ~~resident's juvenile's~~ case is referred to the local family assessment and planning team established under the ~~Comprehensive Children's Services Act~~ (§ 2.2-5200 et seq. of the Code of Virginia), the meeting will be conducted in accordance with the policies of the ~~family planning and assessment team local Children's Services Act program. Additional parties identified in 6VAC35-180-120 may be required, invited, or considered for attendance at the meeting, as authorized in 6VAC35-180-120.~~

6VAC35-180-120. Development of ~~the plans if other than~~not referred to a family assessment and planning team.

A. If the ~~resident's juvenile's~~ case is not referred to the local family assessment and planning team, the following persons shall participate in the ~~meeting to develop development of the mental~~

~~health services transition plan~~ MHSTP, either in person or via telephone or video conference, unless clearly impractical or inappropriate, as determined by the professional members of the ~~enhanced~~ mental health services transition planning team and documented in the case file:

1. The ~~resident~~ juvenile unless clinical or safety concerns preclude the juvenile's participation;
2. The ~~resident's~~ juvenile's parent or, legal guardian, ~~or legal custodian unless clearly inappropriate (as determined by the professional members of the review team) and documented in the case file;~~
3. ~~Unless the resident will not be receiving any postrelease supervision, the~~ The resident's juvenile's probation or parole officer ~~or~~ and a representative of the Department of Corrections for ~~those offenders~~ juveniles who will be released to adult probation or supervision; ~~and~~
4. The facility case manager or a designee; and
5. A representative of one ~~of~~ or more of the agencies ~~participating in~~ that are party to the Memorandum of Understanding established by 6VAC35-180-50, as applicable and appropriate.

~~B. The following persons may be invited to participate in the meeting to develop the resident's mental health services transition plan:~~

1. ~~Other family members or caregivers who are judged to be critical to the resident's successful completion of treatment services; and~~
2. ~~Any other person, agency, or institution having a legitimate interest in the development of the plan for the purpose of providing treatment or services for the resident who is the subject of the plan.~~

B. The professional members of the team identified in subsection A shall have the discretion to determine whether other individuals, including those suggested by the ~~resident~~ juvenile, parent, or legal guardian shall be invited to attend or to provide input into the plan.

~~C. If the persons invited pursuant to subsections A and B of this section are unable to participate in the planning meeting as described in subsection D of this section, they may provide information prior to the meeting.~~

~~D. All participants in the development of the plan shall be concurrently available to each other during the transition services planning meeting, either in person, or by telephone conference call, or by video-conference.~~

Article 2.

Content of the Plan.

6VAC35-180-130. Content of the plan.

A. The plan shall specify:

1. The ~~person(s)~~ person assigned case management responsibilities for the development and implementation of the ~~mental health transition services plan~~ MHSTP. Case management includes making all referrals and coordination of all aspects of the plan;
2. The ~~kinds of~~ specific substance abuse, mental health, or other therapeutic treatment and supports that will be made available to the ~~resident~~ juvenile;
3. The provider ~~or providers~~ who will be responsible for delivering each service;
4. The projected time frame over which each service will be provided based on the needs of the juvenile and access to resources;
5. The proposed sources through which the services will be funded. ~~(funding sources may include, but are not limited to, Medicaid, Comprehensive Services Act (§2.2-5200 et seq. of the Code of Virginia), Family Access to Medical Insurance Security, private insurance, and other federal, state, or local funds such as Promoting Safe & Stable Families funds, federal mental health and substance abuse block grant funds, Virginia Juvenile Community Crime Control Act funds, DJJ Transitional Services funds, and other state~~

general funds available to the Community Service Boards, the department, or other agencies participating in the planning process); and

6. ~~Any~~ All applications for services, insurance, and other financial assistance that must be completed in order for the resident juvenile to obtain the identified services, which shall include: ~~Such applications include (i) those that may be completed and submitted before the resident's release from incarceration; (ii) those applications that may be completed before, but may not be submitted until after, the resident is released from incarceration; and (iii) those applications that may not be initiated until after the resident's juvenile's~~ release from incarceration. The plan shall assign responsibility for assisting the resident juvenile or the resident's juvenile's parents or guardians in completing such applications; and

7. Potential barriers for successful implementation of the plan.

~~B. To the extent possible, all issues pertaining to the implementation of the plan shall be resolved prior to the resident's release.~~

~~B. All individuals who participate in the development of the plan shall be required to sign the plan.~~

Article 3.

Completion and Implementation of the Plan.

6VAC35-180-140. Time frames for completing the plan and related tasks; limitations.

A. To facilitate the process of referrals for services and application and enrollment for financial and other assistance, the written plan shall be completed at least 10 days ~~prior to~~ before the resident's juvenile's release from incarceration unless such time frame is rendered impracticable by a judicial order to release the resident juvenile from incarceration. In such instances, the plan shall be completed as soon as possible before the juvenile's release from incarceration, ~~but in no event later than 30 days following the date of the court order for release.~~ Nothing in this subsection

shall waive the requirement to complete the written plan, even if the plan cannot be completed within the time frames required by this subsection.

B. All referrals for services shall be made prior to the juvenile's release from incarceration and all applications for financial and other assistance shall be completed within sufficient time frames to ensure continuity of necessary treatment and implementation of recommended services upon the ~~resident's~~ juvenile's release.

C. To the extent possible, all issues pertaining to the implementation of the plan shall be resolved prior to the juvenile's release.

~~All participants in the development of the plan shall sign the plan, indicating their commitment to fulfill the responsibilities assigned to them.~~

D. All services identified in the plan shall be provided in the least restrictive setting consistent with public safety and the ~~resident's~~ juvenile's treatment needs.

Part V.

Review of the Plan.

6VAC35-180-150. Reports to probation or parole officer.

When it is a condition of probation or parole that the juvenile, upon release from a facility, must participate in one or more treatment services provided in accordance with this chapter, the person or agency responsible for providing such clinical services shall report to the probation or parole officer on the juvenile's progress toward meeting the plan's objectives at least monthly as long as the juvenile remains under probation or parole supervision.

~~When the juvenile's treatment need has been met, the~~The juvenile's treatment service may be discontinued in either of the following scenarios: , and the probation or parole officer shall be notified that the juvenile has completed the treatment (i) when the treatment provider submits written documentation to the probation or parole officer that the juvenile's treatment need has

been met, or (ii) at the discretion of the probation or parole officer upon determining that sufficient progress has not been made or that the service provider is ineffective.

When the juvenile discontinues participation in the treatment or is suspended or terminated from the program, the probation or parole officer shall be notified as soon as practicable of the juvenile's changed status.

6VAC35-180-160. Periodic review of mental health services transition plan.

A. Every 90 days, the parties who participated in the development of ~~to~~ the plan shall review and assess the juvenile's progress and the continued applicability of the plan.

B. Any changes to the plan shall be made in writing. All participants shall sign ~~and receive~~ copies of the revised plan.

C. Copies of the revised plan shall be distributed to the following parties:

1. The juvenile;
2. The juvenile's parent or legal guardian;
3. The service provider; and
3. The mental health clinician, if applicable.

6VAC35-180-170. Final review prior to termination of probation or parole.

A. If the juvenile has been placed on probation or parole, the individuals and agencies participating in the implementation of the ~~mental health transition plan~~ MHSTP shall convene no later than 30 days before the juvenile's anticipated release from probation or parole supervision to determine if ~~any of~~ the services provided for in the plan should continue beyond the juvenile's release from probation or parole supervision.

B. If the ~~determination is made~~ meeting participants determine that one or more services should continue, an updated plan shall be developed for the juvenile, including identification of the case manager to be responsible for the plan from that point forward. All participants shall sign and receive a copy of the updated plan.

C. If treatment services are continued beyond the juvenile's release from probation or parole, the service provider and case manager shall have no further duty to report to the probation or parole officer on the juvenile's progress in treatment.

6VAC35-180-180. Self-assessment requirement for MHSTPs

A. Each juvenile correctional center, juvenile detention center operating a postdispositional detention program, and court service unit subject to the requirements of this chapter shall conduct and document an annual self-assessment to evaluate the facility or program's compliance with this chapter for each juvenile under the facility or program's jurisdiction for whom an MHSTP is required.

B. Documentation of the self-assessment shall be retained for a minimum of three years and provided to the Department upon request.

CHAPTER 180.

REGULATIONS GOVERNING MENTAL HEALTH SERVICES TRANSITION PLANS FOR
INCARCERATED JUVENILES.

Part I.

General Provisions.

6VAC35-180-10. Definitions.

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

"Annual" means within 13 months of the previous event or occurrence.

"Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the Code of Virginia.

"Department" means the Department of Juvenile Justice.

"Direct discharge" means the release of a juvenile from commitment to the department with no supervision conditions imposed upon the juvenile by the department or a court.

"Facility" means a juvenile correctional center operated by the department, an alternative placement for juveniles under the direct custody of the department, or a detention home operating a postdispositional detention program serving juveniles sentenced under subsection B of § 16.1-284.1 of the Code of Virginia.

"Identified as having a recognized mental health or substance use disorder, or being at significant risk for the recurrence of such disorders if not treated" means a juvenile who meets established criteria, set forth in 6VAC35-180-30, based on diagnosis and assessment by a mental health clinician.

"Incarceration" means confinement in: (i) a detention home operating a postdispositional detention program pursuant to subsection B of § 16.1-284.1 of the Code of Virginia, (ii) a juvenile residential facility or a secure facility as defined in § 16.1-228 of the Code of Virginia

operated or contracted for by the department, or (iii) an alternative placement as a result of a commitment to the department pursuant to subdivision A 14 of § 16.1-278.8 or § 16.1-285.1 of the Code of Virginia.

“Indeterminately committed” means commitment to the department pursuant to subdivision A 14 of § 16.1-278.8 of the Code of Virginia with the juvenile’s length of stay calculated in accordance with § 16.1-285 of the Code of Virginia.

“Individual service plan” means a written plan of action developed, revised as necessary, and reviewed at specified intervals to meet the needs of a juvenile.

“Juvenile” means an individual, regardless of age, who currently is confined in one of the following facilities: (i) a detention home operating a postdispositional detention program pursuant to subsection B of § 16.1-284.1 of the Code of Virginia, (ii) a juvenile residential facility or a secure facility as defined in § 16.1-228 of the Code of Virginia operated or contracted for by the department, or (iii) an alternative placement as a result of a commitment to the department pursuant to subdivision A 14 of § 16.1-278.8 or § 16.1-285.1 of the Code of Virginia. Juvenile also includes an individual, regardless of age, who is transitioning or has transitioned from incarceration and is under the supervision of or receiving services from a court service unit. Juvenile shall not include an individual sentenced under § 16.1-272 of the Code of Virginia who will be released directly from a department facility to an adult correctional institution or jail to complete the remaining portion of a blended sentence.

“Mental health clinician” means a clinician licensed to provide assessment, diagnosis, treatment planning, treatment implementation, and similar clinical counseling services, or a license-eligible clinician under supervision of a licensed mental health clinician.

“Mental health services transition plan” or “MHSTP” means the plan resulting from the enhanced planning process described by 6VAC35-180-70 through 6VAC35-180-160.

“Mental health services transition planning” means the enhanced planning process described by 6VAC35-180-70 through 6VAC35-180-160 to ensure the provision of mental

health, substance abuse, or other therapeutic treatment services upon a juvenile's release from incarceration. This planning process is considered "enhanced" because it is more comprehensive than the standard process for developing a plan for probation, parole, or aftercare.

"Serious offender" means an individual who was committed to the department pursuant to § 16.1-285.1 of the Code of Virginia.

6VAC35-180-20. (Repeal.)

6VAC35-180-30. Criteria for mental health services transition planning.

A juvenile shall be identified as having a recognized mental health or substance use disorder, or being at significant risk for the recurrence of such disorders if not treated and shall qualify for mental health services transition planning when one of the following criteria is met:

1. A mental health clinician determines that the juvenile has a current diagnosis for a mental health disorder or substance use disorder that is likely to result in significant impairment in the juvenile's functioning in the community; or
2. The juvenile currently is receiving medication treatment for a mental health disorder or substance use disorder as described in subdivision 1 of this section, and the provider has indicated that there is a treatment necessity to continue such medication upon release from the facility.

6VAC35-180-40. Confidentiality.

For all activities conducted in accordance with this chapter, confidential information shall be handled in accordance with all relevant state or federal laws or regulations addressing the sharing of confidential information.

Part II.

Agreements Among Agencies and Service Providers.

6VAC35-180-50. Interagency Memorandum of Understanding.

A. Except as provided in subsection B, each court service unit (CSU) and detention home that is operating a postdispositional detention program shall enter into a single, integrated Memorandum of Understanding (MOU) with the public agencies that are required to participate in the community policy and management team (CPMT), as established by § 2.2-5205 of the Code of Virginia, for each jurisdiction covered by the CSU or detention home that is operating a postdispositional detention program.

1. The MOU shall specify the parties' commitment to participate in the planning process established in this chapter and in § 16.1-293.1. B of the Code of Virginia.
2. Other public or private agencies may be party to these agreements as appropriate.
3. The MOU shall be reviewed every five years and updated as needed.

B. A court service unit or detention home that is operating a postdispositional detention program shall not be required to enter into the Memorandum of Understanding mandated in subsection A of this section if the program certifies that it is using a family assessment and planning team (FAPT) established in accordance with § 2.2-5207 of the Code of Virginia for the development and ongoing monitoring of each MHSTP required under this chapter.

1. The certification shall be written on a department-approved form, and
2. The certification shall describe the extent to which the FAPT is responsible for the development and implementation of the MHSTP and what, if any, restrictions are imposed.

6VAC35-180-60. Content of Memorandum of Understanding.

The Memorandum of Understanding shall identify:

1. The substance use or mental health treatment and case management services that the agencies will make available for juveniles being released from incarceration;

2. If, and with what restrictions, the FAPT will be responsible for the development and implementation of the MHSTP when a certification has not been submitted pursuant to subsection B of 6VAC35-180-50;
3. How the mental health services transition planning process will take place when the FAPT will not serve as the responsible entity;
4. The process and parties responsible for making the necessary referrals specified in the plan and for assisting the juvenile and the juvenile's family with the process of applying for services identified in the plan;
5. The sources of funding that may be utilized to provide the services;
6. Methods for maximizing available sources of funding, including Medicaid, and the process and parties responsible for the initiation of applications for insurance or other benefits that may be used to fully or partially fund such services; and
7. Methods for handling confidential information in accordance with all relevant state or federal laws or regulations addressing the sharing of confidential information.

Part III.

Facility Review of Juvenile's Case.

6VAC35-180-65. Determination of eligibility for MHSTP.

If a juvenile is indeterminately committed, committed to the department as a serious offender or placed in a postdispositional detention program in a detention home pursuant to subsection B of § 16.1-284.1, designated staff at the facility where the juvenile resides shall review the juvenile's case, including the individual service plan, to determine if the juvenile qualifies for mental health services transition planning based on the criteria set forth in 6VAC35-

180-30. This determination shall be made before the facility case review meeting provided for in 6VAC35-180-70.

6VAC35-180-70. Timing and purpose of the facility case review meeting.

A. If designated staff at the facility where the juvenile resides determine that a juvenile is eligible for mental health services transition planning in accordance with 6VAC35-180-65, then at least 90 days before the juvenile's scheduled release from a facility, the staff shall conduct a facility case review meeting. During the meeting, the participants shall address the continuing service needs of the juvenile, the family's involvement, the juvenile's progress toward discharge, and the anticipated release date.

B. If a juvenile is committed to the department as a serious offender for 24 months or longer, the facility case review meeting required in subsection A of this section shall take place at least 90 days before the second anniversary of that juvenile's commitment. The case shall be reviewed annually thereafter for determination of whether the juvenile continues to meet the eligibility requirements for MHSTP planning established in 6VAC35-180-30.

C. If it is determined that a juvenile committed to the department as a serious offender under § 16.1-285.1 will return to court for a discretionary or mandatory judicial review of the juvenile's commitment, and the department anticipates or has reason to know of such hearing at least 90 days in advance, the facility case review meeting required in subsection A of this section shall take place at least 90 days before the hearing.

D. The time frames designated in subsections A and B of this section may be waived if a judicial order for release of a resident sentenced under subdivision A 16 or A 17 of §16.1-278.8, §16.1-285.1, or §16.1-284.1 of the Code of Virginia makes such time frames impracticable. Nothing in this section shall relieve staff in the facility from the duty to conduct the facility case review as soon as reasonably possible and before the resident's release from incarceration, even if it is not possible to conduct the review within the time frames mandated in subsections A, B, and C of this section.

6VAC35-180-80. Participants in facility case review meeting.

A. The following parties shall participate in the facility case review meeting, either in person or via telephone or video conference, unless clearly impractical as determined by the professional members of the facility review team and documented in the case file:

1. The juvenile, unless clinical or safety concerns preclude the juvenile's participation;
2. The juvenile's probation or parole officer and a representative of the Department of Corrections (adult probation), if applicable;
3. A mental health clinician familiar with the juvenile's case;
4. A facility case manager or the case manager's designee;
5. Other community agency staff, as appropriate; and
6. Department of Social Services (DSS) personnel for a juvenile who was in the custody of DSS immediately prior to commitment to the department or who will be released to DSS custody.

B. The juvenile's parent or legal guardian shall be invited to attend and given the opportunity to participate in the development of the juvenile's plan.

C. The professional members of the facility case review team shall have the discretion to determine whether other individuals, including those suggested by the resident, parent, or legal guardian shall be invited to attend or to offer input regarding the review.

6VAC35-180-90. Distribution and documentation of facility case review meeting.

A. The results of the facility case review meeting, including any recommendations for treatment or other services, shall be distributed in writing to the following parties:

1. The juvenile;
2. The juvenile's parent or legal guardian; and
3. Each agency participating in the facility review meeting.

B. The distribution shall be documented in the juvenile's record.

Part IV.

Transition Planning.

Article 1.

Developing the Transition Plan.

6VAC35-180-100. Mental health services transition planning.

A. After the facility case review meeting but before the meeting addressed in subsection B of this section, court service unit staff shall begin the process of identifying the resources needed to carry out the recommendations made during the facility case review meeting.

B. The probation or parole officer present at the facility case review meeting shall (i) notify the responsible agencies identified in the Memorandum of Understanding established pursuant to 6VAC35-180-50 or the applicable agencies on the family assessment and planning team and (ii) schedule a meeting, to be conducted no later than 30 days before the juvenile's anticipated release, to finalize the juvenile's mental health services transition plan.

C. When a resident (i) will receive a direct discharge from the department upon attaining the age of 21 or (ii) will be released from a postdispositional program at a detention home at age 18 or older without having been placed on probation, the probation or parole officer shall proceed with the meeting scheduled in subsection B. The probation or parole officer shall obtain the resident's consent before making any referrals as a result of the meeting.

C. The time frames designated in subsection B of this section may be waived if a judicial order for release of a resident sentenced under subdivision A 16 or A 17 of §16.1-278.8, §16.1-285.1, or §16.1-284.1 of the Code of Virginia makes such time frames impracticable. However, nothing in this section shall relieve the probation or parole officer from conducting the meeting required in subsection B prior to the resident's release from incarceration, even if the meeting cannot be conducted within the time frame mandated in subsection B.

6VAC35-180-110. Referral to family assessment and planning team.

If the juvenile's case is referred to the local family assessment and planning team established under the Children's Services Act (§ 2.2-5200 et seq. of the Code of Virginia), the meeting will be conducted in accordance with the policies of the local Children's Services Act program. Additional parties identified in 6VAC35-180-120 may be required, invited, or considered for attendance at the meeting, as authorized in 6VAC35-180-120.

6VAC35-180-120. Development of plans not referred to a family assessment and planning team.

A. If the juvenile's case is not referred to the local family assessment and planning team, the following persons shall participate in the meeting to develop the MHSTP, either in person or via telephone or video conference, unless clearly impractical or inappropriate as determined by the professional members of the mental health services transition planning team and documented in the case file:

1. The juvenile unless clinical or safety concerns preclude the juvenile's participation;
2. The juvenile's parent or legal guardian;
3. The juvenile's probation or parole officer and a representative of the Department of Corrections for juveniles who will be released to adult probation or supervision;
4. The facility case manager or a designee; and
5. A representative of one or more of the agencies that are party to the Memorandum of Understanding established by 6VAC35-180-50, as applicable and appropriate.

B. The professional members of the team identified in subsection A shall have the discretion to determine whether other individuals, including those suggested by the resident, parent, or legal guardian shall be invited to attend or to provide input into the plan.

Article 2.

Content of the Plan.

6VAC35-180-130. Content of the plan.

A. The plan shall specify:

1. The person assigned case management responsibilities for the development and implementation of the MHSTP. Case management includes making all referrals and coordination of all aspects of the plan;
2. The specific substance abuse, mental health, or other therapeutic treatment and supports that will be made available to the juvenile;
3. The provider who will be responsible for delivering each service;
4. The projected time frame over which each service will be provided based on the needs of the juvenile and access to resources;
5. The proposed sources through which the services will be funded.
6. All applications for services, insurance, and other financial assistance that must be completed in order for the juvenile to obtain the identified services, which shall include those applications that may not be initiated until after the juvenile's release from incarceration. The plan shall assign responsibility for assisting the juvenile or the juvenile's parents or guardians in completing such applications; and
7. Potential barriers for successful implementation of the plan.

B. All individuals who participate in the development of the plan shall be required to sign the plan.

Article 3.

Completion and Implementation of the Plan.

6VAC35-180-140. Time frames for completing the plan and related tasks; limitations.

A. To facilitate the process of referrals for services and application and enrollment for financial and other assistance, the written plan shall be completed at least 10 days before the juvenile's release from incarceration unless such time frame is rendered impracticable by a judicial order to release the juvenile from incarceration. In such instances, the plan shall be completed as soon as possible before the juvenile's release from incarceration. Nothing in this subsection shall waive the requirement to complete the written plan, even if the plan cannot be completed within the time frames required by this subsection.

B. All referrals for services shall be made prior to the juvenile's release from incarceration and all applications for financial and other assistance shall be completed within sufficient time frames to ensure continuity of necessary treatment and implementation of recommended services upon the juvenile's release.

C. To the extent possible, all issues pertaining to the implementation of the plan shall be resolved prior to the juvenile's release.

D. All services identified in the plan shall be provided in the least restrictive setting consistent with public safety and the resident's treatment needs.

Part V.

Review of the Plan.

6VAC35-180-150. Reports to probation or parole officer.

When it is a condition of probation or parole that the juvenile, upon release from a facility, must participate in one or more treatment services provided in accordance with this chapter, the

person or agency responsible for providing such clinical services shall report to the probation or parole officer on the juvenile's progress toward meeting the plan's objectives at least monthly as long as the juvenile remains under probation or parole supervision.

The juvenile's treatment may be discontinued in either of the following scenarios: (i) when the treatment provider submits written documentation to the probation or parole officer that the juvenile's treatment need has been met, or (ii) at the discretion of the probation or parole officer upon determining that sufficient progress has not been made or that the service provider is ineffective.

When the juvenile discontinues participation in the treatment or is suspended or terminated from the program, the probation or parole officer shall be notified as soon as practicable of the juvenile's changed status.

6VAC35-180-160. Periodic review of mental health services transition plan.

A. Every 90 days, the parties who participated in the development of the plan shall review and assess the juvenile's progress and the continued applicability of the plan.

B. Any changes to the plan shall be made in writing. All participants shall sign the revised plan.

C. Copies of the revised plan shall be distributed to the following parties:

1. The juvenile;
2. The juvenile's parent or legal guardian;
3. The service provider; and
3. The mental health clinician, if applicable.

6VAC35-180-170. Final review prior to termination of probation or parole.

A. If the juvenile has been placed on probation or parole, the individuals and agencies participating in the implementation of the MHSTP shall convene no later than 30 days before the juvenile's anticipated release from probation or parole supervision to determine if the services

provided for in the plan should continue beyond the juvenile's release from probation or parole supervision.

B. If the meeting participants determine that one or more services should continue, an updated plan shall be developed for the juvenile, including identification of the case manager to be responsible for the plan from that point forward. All participants shall sign and receive a copy of the updated plan.

C. If treatment services are continued beyond the juvenile's release from probation or parole, the service provider and case manager shall have no further duty to report to the probation or parole officer on the juvenile's progress in treatment.

6VAC35-180-180. Self-assessment requirement for MHSTPs

A. Each juvenile correctional center, juvenile detention center operating a postdispositional detention program, and court service unit subject to the requirements of this chapter shall conduct and document an annual self-assessment to evaluate the facility or program's compliance with this chapter.

B. Documentation of the self-assessment shall be retained for a minimum of three years and provided to the Department upon request.



Amy M. Floriano
Director

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 Amendment of One Policy: 20-001 (Treatment Programs and Services), and Recission of Two Policies: 04-111 (Fees for Psychological Services), and 20-105 (Graduated Community Reentry)

DATE: June 21, 2023

I. SUMMARY OF ACTION REQUESTED

The Department of Juvenile Justice (the Department) respectfully requests that the State Board of Juvenile Justice (the Board) approve the amendment of two existing Board policies and the retention 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 35 active policies in place ranging in subject matter from overall administration of the Department to operations within facilities and programs regulated by the Department. Many of these policies were 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 that review. The Department described its plan to recommend retaining or

amending those policies that are mandated by statute or that provide guidance above and beyond what is required by regulation and to recommend rescinding those policies that have been subsumed into regulation, that duplicate existing law, or that are obsolete.

Including those presented at the March 2023 Board meeting, the Department has made recommendations and the Board has acted on 12 policies to date. The Department is recommending action on three additional policies today. The policies and summaries are contained in Parts IV and V 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 POLICY IDENTIFIED FOR AMENDMENT

Current Policy

20-001 Treatment Programs and Services

The Department shall make available to residents in direct care: (1) mental health treatment and crisis intervention and (2) a range of programs and services, as applicable and appropriate to the residents’ individual treatment needs.

Such treatment resources shall be implemented with the goal of addressing individual needs and reducing the risk of re-offending and shall include, but shall not be limited to, a continuum of programs and services for the treatment of:

- (1) Committed juvenile sex offenders;
- (2) Residents identified with substance abuse problems; and
- (3) Residents identified with aggression management problems.

To guide the Department in the development and administration of its sex offender, substance abuse, and aggression management treatment programs and services, the Director or his designee shall establish a committee or committees to ensure that quality programs and services are accessible to residents and that such programs are

¹ 2011 Op. Va. Att’y Gen. 99, 102.

consistently applied across all facilities and to provide quality control for, oversight of, and recommendations for these treatment programs.

The Board encourages the use of evidence-based approaches and practices to support the identification and implementation of such treatment modalities.

Effective Date: September 9, 2009 *Most Recent Review:* September 9, 2009

Recommendation: Amend

Proposed Amended Policy

20-001 Treatment Programs and Services

The department shall make available to residents in direct care: (1) mental health treatment and crisis intervention and (2) a range of programs and services, as applicable and appropriate to the residents' individual treatment needs.

Such treatment resources shall be implemented with the goal of addressing individual needs and reducing the risk of reoffending and shall include, but shall not be limited to, a continuum of programs and services for the treatment of:

- (1) Residents identified with sex offending behaviors;
- (2) Residents identified with substance use problems; and
- (3) Residents identified with aggression management problems.

To guide the department in administering these treatment programs and services, the director or the director's designee shall establish a committee to ensure that quality programs and services are accessible to residents; to ensure that such programs are consistently applied across all direct care facilities; and to provide quality control for, oversight of, and recommendations for these treatment programs.

The board encourages the use of evidence-based approaches and practices to support the identification and implementation of such treatment modalities.

Effective Date: June 21, 2023 *Most Recent Review:* June 21, 2023

Rationale for Recommendation: The Department recommends retaining this policy with a few minor amendments. Under the existing policy, the Department must make treatment available to address the needs of certain committed youth, including committed juvenile sex offenders. The Department believes this language may be too restrictive, as it may not account for residents who were not committed for a sex offense but have been identified with sex offending behaviors. The proposal recommends expanding the policy such that treatment services will include these residents. This change is consistent with the Department's current practices.

The current policy also mandates that the director or the director's designee establish a committee that will provide oversight and quality control for the required treatment programs. When this policy was last reviewed in 2009, the Department operated several juvenile correctional centers (JCCs) across the Commonwealth and

had an oversight committee in place tasked with addressing clinical and logistical issues and ensuring quality treatment at each facility. With the closure of several facilities over the course of 14 years, the revamping of certain treatment programs, and the restructuring of staff roles to ensure the provision and effectiveness of such programs, the need for a single committee to assess the quality of programming and oversee treatment was eliminated.

Currently, the Department operates one JCC and certifies eight community placement programs and nine detention reentry programs. Direct care youth also may be placed in other alternative direct care programs through the Department's continuum of care. As DJJ continues to bolster its treatment programs and expand its continuum of services and care, the benefit of an intradepartmental committee that will meet periodically to monitor treatment programming across facilities has become more apparent. Thus, the Department plans to reestablish a committee to provide monitoring and oversight of the treatment programs within the facilities to comply with the current policy.

V. SUMMARY OF POLICIES IDENTIFIED FOR RESCISSION

Current Policy

04-111 Fees for Psychological Services

The Director annually shall publish an amount, set aside from funds appropriated in the general appropriation act for the Department, from which payments shall be made for reimbursement of the costs for a juvenile's psychological examination ordered by a court pursuant to § 16.1-275 of the Code of Virginia when the person responsible for the support of the juvenile is determined by the court to be unable to pay for the costs of such examination. The Department shall not be required to pay for such psychological examinations when the amount set aside for this purpose has been exhausted.

The Department shall recommend a uniform statewide reimbursement fee schedule for approval by the Board every four years.

Effective Date: July 14, 1994

Most Recent Review: June 11, 2008

Recommendation: Rescind

Rationale for Recommendation: Section 16.1-275 of the *Code of Virginia* allows the juvenile and circuit courts to order psychological examinations and treatment for juveniles within their jurisdiction. If the court finds the parent or person responsible for the juvenile's care financially unable to assume the costs for these examinations, the costs may be paid from funds appropriated in the general appropriation act for the Department. Prior to 2012, this statute allowed for such costs to be paid "according to standards and rates adopted by the board." In 2012, the General Assembly modified this language to its current version, which provides that such costs may be paid according to procedures and rates adopted by the Department. . . . The 2012 legislation (Chapters 165 and 456 of the 2012 Acts of Assembly) was a product of the Secretary of Public Safety's omnibus bill consolidating, eliminating, and altering various powers and duties of the State Board of Juvenile Justice. It appears that this policy should have been rescinded in 2012 given that the authority to determine the appropriate rates and procedures for providing this funding now rests solely with the Department.

The current policy requires the Director to publish an annual amount available for reimbursement. Historically, the Department had a limited amount of funds available for these psychological evaluations. Under the new Regional Service Coordinator model, the Department contracts with Regional Service Coordinators and uses their contracted rates, which are established by comparing rates with Medicaid, the Children's Services Act, and similar funding mechanisms. Because the Department now has sufficient monies to fund all applicable court-ordered psychological evaluations, funding is no longer contingent upon a parent's inability to assume such costs. The Department no longer needs to provide a uniform statewide reimbursement fee schedule or annually publish a set-aside amount.

The Board last addressed the fee rates in September 2011. Given the statutory change removing the need to prescribe the rates by Board standards and the change in processes DJJ has undergone since 2012, the Department sees no need to retain this policy. Accordingly, the Department recommends rescinding the policy.

Current Policy

20-105 Graduated Community Reentry

The Department shall have the ability to promote activities which would ease residents' transition from a structured setting to less structured settings, give residents access to services and programs not otherwise available, and provide an incentive in behavior management programs.

Effective Date: August 1991

Most Recent Review: September 17, 2008

Recommendation: Rescind

Rationale for Recommendation: This policy was last amended in 2008. Prior to the 2008 amendment, the policy addressed resident furloughs, defined by regulation as temporary, short-term, authorized absences from a facility for a specific purpose. Per the definition, a furlough extends the physical limits of confinement to include the place or places in the community that the resident is given specific permission to visit. Under the board policy as it existed prior to the 2008 amendments, the purpose of furloughs was to ease the transition from a structured setting to less structured settings, provide access to otherwise unavailable activities and programming, and provide an incentive in behavior management programs. The 2008 amendments removed all references to furloughs based partly on the assertion that this programming already was addressed by statute and regulation.

Because of the broad regulatory definition of furlough and the board's decision in 2008 to remove furlough references from the policy, the policy currently addresses other activities that do not require absence from the facility but are intended to ease a committed resident's transition into less structured settings. The current title of the policy, however, suggests that the intent is to provide a process for progressively preparing residents for reentry into the community. It is not clear what types of less structured, on-campus programming and activities were contemplated when this policy was last updated, nor is it clear why a policy would be needed to ensure that such activities and programming are encouraged within the facilities.

Even if the Board intended to exclude from this policy only those release opportunities available to residents visiting their homes or families, as authorized in § 66-25.1:4 of the *Code of Virginia* and to include other temporary authorized absences, several other statutory provisions currently allow for residents to pursue

educational or other related community activity programs offsite. Section 66-25.1:3, for example, allows the DJJ Director to establish work release programs whereby eligible juveniles capable of substantially benefitting from educational and other related community activity programs not available in a JCC may attend such programs outside the JCC.

Considering the policy's vague language and the current statutory provisions providing a process for eligible committed youth to pursue educational and other beneficial opportunities offsite, the Department believes this policy is unnecessary and should be rescinded.

VI. IMPACT AND EFFECTIVE DATE OF BOARD ACTION

If the Board votes in support of the Department's recommendations in Parts IV and V of this memorandum, the proposed changes will take effect immediately. Amending Board Policy 20-001 will reinforce the Department's obligation to ensure that appropriate mental health treatment and crisis intervention are available consistently for residents in direct care and that such treatment has proper oversight and monitoring. Rescinding the policies on fees for psychological services and graduated reentry will eliminate the burden on staff of interpreting or complying with policies that are vague or obsolete.

SUMMARY
DIRECTOR'S CERTIFICATION ACTIONS
May 9, 2023, and April 27, 2023

Certified the First District Court Service Unit (Chesapeake) to April 14, 2026, 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.

Certified the 12th District Court Service Unit (Chesterfield) to May 19, 2026, 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.

Certified the 13th District Court Service Unit (Richmond) to March 15, 2026.

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.

Certified the 29th District Court Service Unit (Tazewell) to September 15, 2026, 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.

Certified the 30th District Court Service Unit (Gate City) to June 18, 2026, 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.

Certified the Crater Juvenile Detention Center to May 9, 2026, 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.

Certified the Northwestern Regional Juvenile Detention Center and Post-dispositional Program to April 14, 2026, 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.

Granted a Conditional Certification on April 27, 2023, to RISE Youth Shelter (Loudoun County) effective April 27, 2023, to October 26, 2023.

Pursuant to 6VAC35-20-100 A conditional certification for up to six months will be issued to a new program or a newly opened facility that:

- 1. Demonstrates 100% compliance with (i) all critical regulatory requirements and (ii) any physical plant regulatory requirements.*
- 2. Demonstrates at least 90% compliance with all noncritical regulatory requirements and has an acceptable corrective action plan; and*
- 3. Has no unresolved health, welfare, or safety violations.*

**CERTIFICATION AUDIT REPORT
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

PROGRAM AUDITED:

First District Court Service Unit (Chesapeake)
301 Albemarle Drive
Chesapeake, Virginia 23320
(757) 382-8190
J. Kevin Curling, Director
john.curling@dji.virginia.gov

AUDIT DATES:

December 1, 2022

CERTIFICATION ANALYST:

Wanda Parris-Flanagan

CURRENT TERM OF CERTIFICATION:

April 14, 2020 – April 13, 2023

REGULATIONS AUDITED:

6AC35-150 Regulations for Nonresidential Services Available to Juvenile and Domestic Relations District Courts

PREVIOUS AUDIT FINDINGS – November 12, 2019:

98.27% Compliance Rating
6VAC35-150-410 (A). Commitment information

CURRENT AUDIT FINDINGS – December 1, 2022:

100% Compliance Rating

CERTIFICATION ACTION – May 9, 2023: Certified the First District Court Service Unit (Chesapeake) to April 14, 2026, 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
Shelia Hinton, Certification Analyst
Learna Harris, Certification Analyst

POPULATION SERVED:

The First District Court Service Unit serves the City of Chesapeake.

PROGRAMS AND SERVICES PROVIDED:

The First District Court Service Unit provides mandated services including:

- Juvenile Intake
- Probation
- Direct Care and Parole Supervision

The First District Court Service Unit interacts with the community in obtaining such services as:

- Residential Group Homes
- Electronic Monitoring with crisis intervention/face-to-face contact
- Individual, Family & Group Counseling

- Aggression Replacement Therapy
- Tidewater Juvenile Substance Abuse Program
- Family Assessment & Crisis Intervention Program
- Life Skills
- Apartment Living and Thinking for A Change through Tidewater Youth Services Commission
- Post-Dispositional Detention Program
- Shoplifting Groups
- Smoking Cessation Groups
- Virginia Teens and the Law Program
- Sex Offender Treatment and Residential Placements
- The Juvenile Conference Committee Program
- The Community Service Program
- The Fire Setter's Program
- Bank On (finance program)
- Safe Healthy Ethical Lifelong Lessons Classes (SHELL)
- Community Mental health

SIGNIFICANT CHANGES SINCE THE LAST AUDIT:

- Former director, Elizabeth (Beth) St. John, retired. Former in-house Supervisor, J. Kevin Curling was promoted to Director.
 - Caseload numbers have been greatly impacted by the Pandemic but an increase in more serious offenses, including violent felonies, has seen a significant increase, resulting in a higher number of court ordered detention placements, and/or alternative placements, such as Challenge Outreach with Electronic Monitoring.
-

**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@djv.virginia.gov

AUDIT DATES:

January 23, 2023

CERTIFICATION ANALYST:

Shelia Hinton

CURRENT TERM OF CERTIFICATION:

May 19, 2020 - May 18, 2023

REGULATIONS AUDITED:

6VAC35-150 Regulations for Nonresidential Services Available to Juvenile and Domestic Relations District Courts

PREVIOUS AUDIT FINDINGS: December 9, 2019:

96% Compliance Rating
6VAC35-150-336 (A) Social histories
6VAC35-150-420 Contacts during juvenile's commitment

CURRENT AUDIT FINDINGS – January 23, 2023

100% Compliance Rating

CERTIFICATION ACTION – May 9, 2023: Certified the 12th District Court Service Unit (Chesterfield) to May 19, 2026, 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:

Shelia Hinton, Team Leader
Learna Harris, Certification Analyst
Wanda Parris-Flanagan, Certification Analyst

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; and
- Chesterfield Adolescent Reporting Center: youth on supervision are referred there as a sanction for probation or parole violations.

**CERTIFICATION AUDIT REPORT
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

PROGRAM AUDITED:

13th District Court Service Unit (Richmond)
Oliver Hill Courts Building
1600 Oliver Hill Way
Richmond, Virginia 23219
(804 646-2948)
Kimberly D. Russo, Director
kimberly.russo@djj.virginia.gov

AUDIT DATES:

November 16, 2022

CERTIFICATION ANALYST:

Learna R. Harris

CURRENT TERM OF CERTIFICATION:

March 15, 2020 - March 14, 2023

REGULATIONS AUDITED:

6VAC35-150 Regulations for Nonresidential Services Available to Juvenile and Domestic Relations District Courts

PREVIOUS AUDIT FINDINGS – October 28, 2019:

96% Compliance Rating
No repeated deficiencies from previous audit.

Number of Deficiencies: Two

6VAC35-150-350 (A) Supervision plans for juveniles
6VAC35-150-420 Contacts during juvenile's commitment

CURRENT AUDIT FINDINGS – November 16, 2022:

98% Compliance Rating
Number of Deficiencies: Two
*Repeated deficiencies from previous audit: One
***6VAC35-150-420. Contacts during juvenile's commitment.**
Community Supervision Phase: Supervisor Responsibilities.

CERTIFICATION ACTION – May 9, 2023: Certified the 13th District Court Service Unit (Richmond) to March 15, 2026.

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:

Learna R. Harris - Team Leader
Shelia Hinton – Certification Analyst
Wanda Parris-Flannagan – Certification Analyst

POPULATION SERVED:

The 13th District Court Service Unit serves the City of Richmond.

PROGRAMS AND SERVICES PROVIDED:

The 13th District Court Service Unit provides mandated services including:

- **Diversion Services:** The CSU diverts criminal offenses that meet the Code requirement in Child in Need of Services and Child in Need of Supervision complaints. Juveniles are diverted to programs and services and monitored for compliance with services for 90-to-120-day period. Delinquency prevention programs are provided by public human service agencies and private providers.
- **Intake Services:** Intake services are provided 24 hours a day. Intake Officers process all juvenile delinquency complaints and domestic relations civil complaints for the City of Richmond. Civil complaints are processed on a walk-in basis during normal operating hours- non-support, family abuse, custody (permanent and temporary), abuse and neglect, termination of parental rights, visitation rights, paternity, and emancipation. All Probation Officers are assigned to respond to juvenile arrests after hours arrests and the Intake process is performed by Williamsburg Court Service Unit via video (VIA3).
- **Probation:** Juveniles adjudicated guilty of charges that have assessed the need for community supervision and case management are placed on "supervision probation", per the Juvenile Code of Virginia, 16.1-278.8 (B). Community Supervision strives to achieve a "balanced approach." This approach focuses on the principles of community protection (public safety), accountability, and competency development. Probation Officers perform ongoing assessments, service planning, service identification and referrals to services/programs; case management and compliance monitoring. Juveniles are supervised according to risk levels of low, medium and high.
- **Re-entry Services:** The CSU provides supervision for juveniles who are committed and placed in Juvenile Correctional Centers. Parole Officers assist juveniles in the transition back to the community. Re-entry provides overarching case management, coordinated handling of the juvenile's case from the time of commitment, through the period of incarceration and the juvenile's re-entry to the community under parole supervision.
- **Parole Officers** provide continuous contact and collaboration with the staff at the juvenile correctional center, the juvenile and his or her family.
- **Pre-dispositional Unit:** Attends juvenile arraignments and covers all delinquency and CHINS court cases. Supervises level one and two post disposition cases. Writes pre-dispositional social history reports and transfer hearing reports.
- **Volunteers/interns-** n/a
- **Other Services.**
- **Court Reports:** The Court Service Unit conduct pre-dispositional investigations and social history reports, transfer reports, addendums, and needs/risk assessments. Custody Investigations are completed by Richmond Department of Social Services.
- **Level II Case Management:** Court Service Unit has one locally funded and state funded post-dispositional Case Manager who provides service linkage at the Intake level. These Case Managers are office-based and responsible for monitoring compliance, court appearances, documentation and follow-up.
- **Juvenile Detention Alternatives Initiative (JDAI):** The purpose of JDAI is to safely limit the use of secure detention by identifying and developing appropriate graduated, non-secure alternatives and promoting their consistent, fair use and by eliminating any unnecessary delay in processing delinquency cases from the time of initial contact with the youth to final resolution of the case. We have reduced admissions to detention, reduced average daily

population in detention, reduced case processing time, and increased reliance on community-based detention alternative programs. The 13th CSU has been a JDAI site since 2002. Current JDAI Coordinator- Shatara Hurt. JDAI Expeditor- Kimberly Murray.

- Juvenile Justice Collaborative: The Court Service Unit Director co-facilitates with Department of Justice Services a Juvenile Justice Collaborative (JJC) meeting bi-monthly. The purpose of meetings is to facilitate juvenile justice process and systems improvements among stakeholder agencies in the City of Richmond.
 - Court Service Unit Multi-Disciplinary Team (MDT): The Court Service Unit convenes MDT meetings to staff cases that have exhausted community-based services that may need Comprehensive Services Act funding. The team is comprised of professionals from various human services areas of expertise who gather with youth and their family in an effort to explore local community resources in order to prevent foster care or additional delinquent acts. The team was formed in response to a local Community Policy Management Team (CPMT) policy.
 - DMC Site: The Virginia Department of Criminal Justice Services selected our Court Service Unit to participate in a DMC evaluation/strategic planning process.
 - DMC researchers completed stakeholder interviews and data analysis; a draft report received May 2012.
 - Final report published December 2012, research results debriefing May 2013, and DMC projects initiated in August 2013.
-

**CORRECTIVE ACTION PLAN
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

FACILITY/PROGRAM: 13th District Court Service Unit (Richmond)
SUBMITTED BY: Kimberly D. Russo, Court Service Unit Director
CERTIFICATION AUDIT DATES: November 16, 2022
CERTIFICATION ANALYST: Learna R. Harris

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.

420. Contacts during juvenile 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.

**Audit Finding:
With Juvenile**

Three of seven applicable cases reviewed did not have a face-to-face visit at least every 90 days.

Program Response

Cause:

There was a misinterpretation or misunderstanding of approved procedure concerning documentation of the contact by the previous parole supervisor (no longer employed).

Effect on Program:

Juveniles in direct care did not have the opportunity to have monthly contacts with their parole officers, therefore, juveniles did not have the opportunity to discuss behaviors and provide family updates in accordance with policy and procedures.

Planned Corrective Action:

The Deputy Director has met with the parole supervisor to discuss the policy and procedure to ensure the unit has a general understanding of the importance of having face-to-face contacts with the juvenile each month to discuss progress, behavioral issues, and family updates. Parole Officers are required have monthly contacts face-to-face with juveniles and contacts may be made by video conferencing or by telephone. Parole supervisor will ensure parole officer utilize and follow parole templates monthly by conducting file reviews. In addition, Parole Officers are now

required to have monthly face to face visits with juveniles that are local to the CSU. All actions must be documented in the BADGE case narrative. Those juveniles that are not local to the CSU will be seen in person once every 90 days and the Parole Offices will coordinate video contacts monthly. The CSU Director and or Deputy Director, and Parole Supervisor will periodically review BADGE to ensure face to face contacts are being conducted and documented in BADGE.

Person Responsible:

CSU Director, CSU Deputy Director, Parole/Probation Supervisors, and Parole/Probation Officers

Completion Date:

Ongoing for all youth in direct care phase.

Current Status on March 28, 2023: Not Determined

During the status review period January 1, 2023 – March 28, 2023, the Court Service Unit did not have any applicable cases to review during that period.

Audit Finding:

Community Supervision Phase: Supervisor Responsibilities

Four of eight applicable cases reviewed did not have a level 3 or level 4 case staffing monthly.

Program Response

Cause:

There was a misinterpretation or misunderstanding of approved procedure concerning documentation of the contact. The previous parole supervisor (no longer employed) failed to document in the BADGE case narratives that the case staffing occurred.

Effect on Program:

Parole officers did not have the opportunity to receive 1:1 guidance and coaching from their supervisor regarding their cases.

Planned Corrective Action:

The Deputy Director has met with the parole supervisor to discuss the policy and procedure to ensure the unit has a general understanding of the importance of monthly case staffing's on level 3 and level 4 cases. The parole supervisor will meet with parole officers monthly. During the monthly 1:1 meeting, the parole officers will present a list of cases that require staffing's. The parole supervisor will document actions in the BADGE case narrative. The Director and or Deputy Director will periodically review BADGE cases to ensure that case staffing occur and are documented.

Person Responsible:

CSU Director, CSU Deputy Director, Parole/Probation Supervisors, and Parole/Probation Officers

Completion Date:

This is ongoing for all level 3 and 4 parole cases.

Current Status on March 28, 2023: Compliant

Two of two applicable cases reviewed had a level 3 or 4 case staffing monthly.

**CERTIFICATION AUDIT REPORT
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

PROGRAM AUDITED:

29th District Court Service Unit (Tazewell)
140 School Street
Tazewell, Virginia 24651
(276) 385-1255
Jeffrey T. Brintle, Director
jeffrey.brintle@djj.virginia.gov

AUDIT DATES:

March 15, 2023

CERTIFICATION ANALYST:

Wanda Parris-Flanagan

CURRENT TERM OF CERTIFICATION:

September 15, 2020 – September 14, 2023

REGULATIONS AUDITED:

6VAC35-150 Regulations for Nonresidential Services Available to Juvenile and Domestic Relations District Courts

PREVIOUS AUDIT FINDINGS – October 19, 2020:

96.37% Compliance Rating
No repeat deficiencies from previous audit.

6VAC35-150-336 (A) Social histories

6VAC35-150-350 (A) Supervision plans for juveniles

CURRENT AUDIT FINDINGS – March 15, 2023:

100% Compliance Rating

CERTIFICATION ACTION – May 9, 2023: Certified Certify the 29th District Court Service Unit (Tazewell) to September 15, 2026, 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
Learna Harris, Certification Analyst
Shelia Hinton, Certification Analyst

POPULATION SERVED:

The 29th District Court Service Unit serves:

- Buchanan County
- Dickenson County
- Russell County
- Tazewell County

PROGRAMS AND SERVICES PROVIDED:

The 29th 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:

- Outreach Detention
 - Community Service
 - Anger Management
 - Substance Abuse Diversion
 - Functional Family Therapy
 - Parenting classes
 - Moral Reconciliation Therapy
 - Case Management and Counseling through local community service boards
 - Internet Safety Seminar
 - AMIKids
 - Multi-systemic Therapy
-

**CERTIFICATION AUDIT REPORT
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

PROGRAM AUDITED:

30th District Court Service Unit (Gate City)
190 Beech Street, Suite 203
Gate City, Virginia 24251
(276) 386-9561
Mark E. Thompson, Director
mark.thompson@dji.virginia.gov

AUDIT DATES:

January 30, 2023

CERTIFICATION ANALYST:

Wanda Parris-Flanagan

CURRENT TERM OF CERTIFICATION:

June 18, 2020 – June 17, 2023

REGULATIONS AUDITED:

6VAC35-150 Regulations for Nonresidential Services Available to Juvenile and Domestic Relations District Courts

PREVIOUS AUDIT FINDINGS – January 29, 2020:

100% Compliance Rating

CURRENT AUDIT FINDINGS – January 30, 2023:

100% Compliance Rating

CERTIFICATION ACTION – May 9, 2023: Certified the 30th District Court Service Unit (Gate City) to June 18, 2026, 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
Learna Harris, Certification Analyst
Shelia Hinton, Certification Analyst

POPULATION SERVED:

The 30th District Court Service Unit serves the City of Norton and the counties of Lee, Scott and Wise.

PROGRAMS AND SERVICES PROVIDED:

The 30th 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:

- Juvenile Drug Court
- Outreach Detention/Electronic Monitoring

- Community Service
 - Intensive Supervision
 - Mental Health services, including:
 - Assessments
 - Individual and family counseling
 - Group counseling
 - Relapse prevention counseling
 - Educational group/brief motivational intervention
 - Crisis intervention
 - Substance abuse evaluations and treatment
 - SASSI Assessments
 - Trauma assessments
-

**CERTIFICATION AUDIT REPORT
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

PROGRAM AUDITED:

Crater Juvenile Detention Center
6102 County Drive
Disputanta, Virginia 23842
(804) 861-0644
Jack M. Scott, Executive Director
JScott@cyc.state.va.us

AUDIT DATES:

December 6, 2022

CERTIFICATION ANALYST:

Wanda Parris-Flanagan

CURRENT TERM OF CERTIFICATION:

May 9, 2020 - May 8, 2023

REGULATIONS AUDITED:

6VAC35-101 Regulation Governing Juvenile Secure Detention Centers

PREVIOUS AUDIT FINDINGS December 3, 2019:

99.6% Compliance Rating
6VAC35-101-1060 (H). Medication. CRITICAL

CURRENT AUDIT FINDINGS – December 6, 2022:

100% Compliance Rating

CERTIFICATION ACTION – May 9, 2023: Certified the Crater Juvenile Detention Center to May 9, 2026, 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
Shelia Hinton, Certification Analyst
Michael Sayles, Central Office
John Adams, Central Office
Deborah Hayes, Certification Specialist
Denise Kelly, Chesterfield JDC

POPULATION SERVED:

The Crater Juvenile Detention Center is a secure custody facility operated by the Crater Youth Care Commission. The Crater Secure Detention Home provides services for the Cities of Petersburg, Hopewell, and Emporia, and the counties of Prince George, Sussex, Surry and Dinwiddie. The facility serves a pre- and post-dispositional population of 22 male and female residents' ages eight through 17. The facility is also approved to serve juveniles through the age of 19 in the Re-entry Program. The physical plant consists of one main building with two wings, and one separate school building.

PROGRAMS AND SERVICES PROVIDED:

In addition to all mandated services, Crater Juvenile Detention Center provides the following:

Crater Juvenile Detention Center

- Educational Services are available Monday-Friday, from 8:30 a.m. to 3:00 p.m., with six (6) teachers assigned to the educational program. Five and a half hours daily.
 - Recreation, both indoor and outdoor, is an integral part of the daily schedule.
 - Large muscle group activities are offered twice daily.
 - Special guests/visitors and speakers are an active part of the program. They include bible study groups, and presentations from the community.
 - Crisis counseling is also available as needed through the District 19 Community Services Board. These services include intensive one to one counseling, substance abuse counseling, and family counseling. A mental health clinician is assigned to the facility in addition to a contractual psychiatrist.
 - Parents and Guardians visit youth on Thursdays from 7:30 p.m.–8:30 p.m. and on Sundays from 12:30 p.m.-1:30 p.m. Special visitations are on an as needed basis IAW our Visitation Policy.
 - The Department of Juvenile Justice Re-Entry Program as needed.
 - The James House provides off site emergency emotional support and confidential counseling and interpreter services in person and by telephone.
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**CERTIFICATION AUDIT REPORT
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

PROGRAM AUDITED:

Northwestern Regional Juvenile Detention Center
145 Fort Collier Road
Winchester, Virginia 22603
(540) 722-6174
Erin K. Maloney, Superintendent
maloneye@nrjdc.com

AUDIT DATES:

November 29, 2022

CERTIFICATION ANALYST:

Wanda Parris-Flanagan

CURRENT TERM OF CERTIFICATION:

April 14, 2020-April 13, 2023

REGULATIONS AUDITED:

6VAC35-101 Regulation Governing Juvenile Secure Detention Centers

PREVIOUS AUDIT FINDINGS November 20, 2019:

99.7% Compliance Rating

6VAC35-101-990 (A) Tuberculosis screening CRITICAL

CURRENT AUDIT FINDINGS -- November 20, 2019:

100% Compliance Rating

CERTIFICATION ACTION – May 9, 2023: Certified the Northwestern Regional Juvenile Detention Center and Post-dispositional Program to April 14, 2026, 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
John Adams, Central Office
Learna Harris, Certification Analyst
Sheila Hinton, Certification Analyst
Angela Rice, Norfolk Juvenile Detention Center
Michael Sayles, Central Office

POPULATION SERVED:

Northwestern Regional Juvenile Detention Center is a secure custody facility operated by the Northwestern Regional Juvenile Detention Center Commission. The members of the Commission include the city of Winchester, and the counties of Clarke, Frederick, Page, Shenandoah and Warren. The city of Winchester acts as the facility's fiscal agent. The facility serves a pre-dispositional population of 32 male and female residents ages 14 through 17. There is also a post-dispositional detention program for 8 male and female residents, included in the rated capacity.

PROGRAMS AND SERVICES PROVIDED:

In addition to all mandated services Northwestern Regional Juvenile Detention Center interacts with the community in obtaining such services as:

- Mental health assessments
- On-site education through the Frederick County Public School System, including GED and art programs
- Narcotics Anonymous/Alcohol Anonymous groups
- Local religious-based organizations provide youth the opportunity for religious services
- ABBA Cares (for female population on healthy relationships)
- I'm Just Me Movement (mentoring, positive self-esteem/self-worth)
- Crossroads Counseling (provides aftercare for Post D residents)

SIGNIFICANT CHANGES SINCE LAST AUDIT:

- In 2021, Northwestern Regional Juvenile Detention Center signed a contract with the Department of Homeland Security to hold residents detained by ICE.
 - At the onset of COVID-19, Northwestern Regional Juvenile Detention Center completely closed their facility to everyone except for staff. Northwestern Regional Juvenile Detention Center learned how to manage meetings and visitation virtually. Video phones were installed on all the pods to allow for families to "visit."
 - Northwestern Regional Juvenile Detention Center resumed in-person parental visitation on September 5, 2022. However, in-person meetings for professionals resumed in 2021.
 - Resurgence of the volunteer program in 2021 since the beginning of COVID.
 - 5 days in cell quarantine and then the resident must wear a mask for 5 days. After the full 10 days with no symptoms, then they do not need to wear masks.
 - Currently, masks are optional for staff and visitors, but Northwestern Regional Juvenile Detention Center checks their area numbers each Monday to determine if they should go back to mandatory masks for the week.
 - Fighting complacency due to low population.
-

**CERTIFICATION AUDIT REPORT
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

PROGRAM AUDITED:

RISE Youth Shelter (Loudoun County)
42055 Gourley Transit Drive
Leesburg, VA 22601
(703) 771-5200
Michelle Smith, Superintendent
michelle.smith@loudoun.gov

AUDIT DATES:

April 25, 2023

CERTIFICATION ANALYST:

Learna R. Harris

CURRENT TERM OF CERTIFICATION:

New Program

REGULATIONS AUDITED:

6VAC35-41 Regulation Governing Juvenile Group Homes and Halfway Houses

REVIOUS AUDIT FINDINGS

New Program

CURRENT AUDIT FINDINGS – April 25, 2023:

100% Compliance Rating

CERTIFICATION ACTION – April 27, 2023: Granted a Conditional Certification to RISE Youth Shelter (Loudoun County) effective April 27, 2023, to October 26, 2023.

Pursuant to 6VAC35-20-100 A conditional certification for up to six months will be issued to a new program or a newly opened facility that:

- 1. Demonstrates 100% compliance with (i) all critical regulatory requirements and (ii) any physical plant regulatory requirements.*
- 2. Demonstrates at least 90% compliance with all noncritical regulatory requirements and has an acceptable corrective action plan; and*
- 3. Has no unresolved health, welfare, or safety violations.*

TEAM MEMBERS:

Learna R. Harris, Team Leader
Ken Bailey, Central Office
John Adams, Central Office

POPULATION SERVED:

The RISE (Reaching for Insight, Success, and Empowerment) program creates a supportive and accepting environment. Program staff creates and maintains a cultural system that is caring and compassionate and emphasizes the individual's contributions to the welfare of the shelter community, and to the general community outside the shelter. The shelter milieu is strengthened and by the residents themselves, as they reproduce the norms through peer group sessions, support, mutual confrontation and accountability toward their daily shelter activities.

The RISE Shelter will provide a safe, structured, and supportive environment for youth. While at RISE, each youth will participate in the behavior management program, routine Shelter-based activities, and community-based activities. An individualized service plan will be developed for each youth; the plan will identify the youth's needs, strengths, and goals for the period they are residing at the RISE Shelter. A youth's maximum length of stay is 90 days.

While residing at the RISE Shelter, youth will be offered opportunities to build skills through group and individual activities, including recreation, social skills groups, pro-social outings, community service, life-skills activities and workshops, and information sessions.

PROGRAMS AND SERVICES PROVIDED:

The mission of the residential services provided at the Youth Services Center is to protect the public and provide safe and secure shelter services for youth. The goal of the RISE Youth Shelter is to positively impact the lives of youth by providing a safe, structured, and supportive environment to youth. This is achieved in a nurturing environment through group programming and individual skill-building, in collaboration with other agencies and community partners.

The Juvenile Court Service Unit is currently in the process of becoming a Trauma-Informed Organization. All Shelter practices, policies for youth and staff as well as the facility will be trauma informed.

DJJ Certification staff reviewed the physical environment, all applicable procedures required by regulations, and training records of staff. Based on that review a recommendation was submitted to the DJJ Director for a Conditional Certification valid effective until October 26, 2023. Prior to that date a review will be conducted to assess compliance of areas that were not assessed during the initial audit. These results will determine the status of further certification action.

Legislative Update

2023 Session
of the
General Assembly of Virginia



Virginia Department of
Juvenile Justice

1

DJJ Legislation



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Drones (HB 2020 / SB 1073)



- Prohibits knowingly and intentionally causing a drone ("UAS") to 1) drop any items within the boundaries of, or 2) obtain any video-graphic or still image of any identifiable inmate or resident at any state or local correctional facility or juvenile correctional center.
- Class 1 misdemeanor.

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Direct Impact Legislation



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Gangs (HB 1478 / SB 1207)



- Adds offenses listed in subsection C of 17.1-805 to the definition of "act of violence", thereby including them in the definition of "predicate criminal act."
- Penalty for criminal street gang participation increased from Class 5 to Class 4 or 3 felony.
- Penalty for 3rd or subsequent conviction of criminal street gang crimes increased from a Class 3 to a Class 2 felony.
- Penalty for gang activity in a gang-free zone increased from a Class 5 to a Class 4 felony.

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Notifications (SB 1264)



- Allows DJJ or a court service unit, when a case is diverted, to disclose information necessary to enforce any provision of the diversion program to any law-enforcement officer, school principal where the juvenile attends school, or known victim.
- A CSU may also provide information regarding the availability of a protective order and restitution and dispositional information to the victim.

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DPYDA - 2022 (SB 485)



- Delinquency Prevention and Youth Development Act (§§ 66-26 through 66-35).
- DJJ to make grants to counties and cities to promote efficiency and economy in delivery of youth services and to provide support to localities seeking to respond to juvenile delinquency.
- The Board to adopt policies governing applications for grants and standards for the operation of programs developed and implemented under the grants.

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DPYDA (cont'd) (SB 485)



- A locality participating in a program funded by a grant must be represented by a youth services citizen board.
- The youth services citizen board shall participate with community representatives in the formation of a comprehensive plan for the development, coordination and evaluation of the youth services program and shall make recommendations to the governing authority on the plan and its implementation.

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DPYDA (cont'd) (SB 485)



- The DPYDA was last funded in FY 2001.
- SB 485 adds that DJJ shall establish a list of best practices program models that are likely to qualify for grants.
- Changes the composition of youth services citizen boards.
- Permits the boards to establish a youth advisory team.
- 2022 Budget Item 426 would have provided for \$3.4 million for DPYDA grants. FAILED.
- 2023 Budget Item 426 (Senate) currently seeks to provide \$3 million to implement the Act.
- Budget is being negotiated.

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james.towey@djj.Virginia.gov



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**DEPARTMENT OF JUVENILE JUSTICE
REGULATORY AND GUIDANCE DOCUMENT UPDATE**

June 21, 2023

ACTIONS WITH RECENT UPDATES:

6VAC35-41 Regulation Governing Juvenile Group Homes and Halfway Houses

Stage: Final (Standard Regulatory Process)

Status: This regulation was last amended effective January 1, 2014. This action involves a comprehensive review of the regulatory requirements. The NOIRA was published in the *Virginia Register* on October 31, 2016, and the department received no public comments. The action was submitted through the Proposed Stage on April 17, 2020, and was published in the *Virginia Register* on May 24, 2021. The 60-day public comment period ended on July 23, 2021, with 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 of the standard regulatory process. Currently, the Office of the Attorney General (OAG) is reviewing the regulation.

Next step: Once the OAG completes its review, the department will prepare to submit materials to the Department of Planning and Budget (DPB).

6VAC35-180 Regulations Governing Mental Health Services Transition Plans for Incarcerated Juveniles

Stage: NOIRA (Standard Regulatory Process)

Status: This regulation became effective January 1, 2008, and has never been amended. 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 subsequently 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.

Next step: The board will consider amendments at its June 21, 2023, meeting to authorize the department to advance the regulation to the Proposed Stage of the standard regulatory process.

OTHER ACTIONS:

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: NOIRA (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 has completed Executive Branch review and was published in the *Virginia Register* on February 1, 2021. The 30-day public comment period generated no comments.

Next step: The board approved the proposed amendments on April 7, 2021, for advancement to the Proposed Stage of the standard regulatory process. The department continues its preparations to advance the approved amendments for Executive Branch review.

6VAC35-71 Regulation Governing Juvenile Correctional Centers

Stage: Final (Standard Regulatory Process).

Status: This regulation became effective on January 1, 2014. This action involves a comprehensive review of the regulatory requirements. The NOIRA was published in the *Virginia Register* on October 3, 2016. At the NOIRA stage, no public comments were submitted. The Proposed action was published in the *Virginia Register* on September 30, 2019. The 60-day public comment period ended on November 29, 2019. Because numerous significant changes were made after the Proposed Stage, the action was advanced through a Revised Proposed Stage submitted on August 31, 2021, 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. The proposed amendments are undergoing review by the OAG.

Next step: Once the OAG completes its review, the department will prepare to submit materials to the Department of Planning and Budget.

6VAC35-101 Regulation Governing Juvenile Secure Detention Centers

Stage: Final (Standard Regulatory Process)

Status: This regulation became effective on January 1, 2014. This action involves a comprehensive review of the regulatory requirements. The NOIRA was published in the *Virginia Register* on October 17, 2016, and yielded no public comments. The action was submitted through the Proposed Stage on September 3, 2019, completed Executive Branch review, 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 reconvened workgroup held its last meeting on December 6, 2021. At its April 20, 2022, meeting, the Board authorized the Department to submit this regulation to the Final Stage.

Next step: This regulation has completed review at the OAG and DPB. The Secretary's review is underway.

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 action has undergone DPB, SPSHS, and Governor's Office review, was published in the *Virginia Register* on March 1, 2021, and the public comment period ending on March 31, 2021, yielded no public comment. The board approved proposed amendments to the text for advancement to the Proposed Stage of the standard regulatory process on September 21, 2022, and the department submitted the action for Executive Branch review on December 20, 2022. The amendments are undergoing review by the OAG.

Next step: Once the OAG completes its review, the department will prepare to submit materials to DPB.

