

Office of Regulatory Management
Economic Review Form

Agency name	Department of Juvenile Justice
Virginia Administrative Code (VAC) Chapter citation(s)	6VAC35-101
VAC Chapter title(s)	Regulation Governing Secure Juvenile Detention Centers
Action title	Amend Regulation Governing Secure Juvenile Detention Centers to Add Provisions Pertaining to Community Placement Programs
Date this document prepared	
Regulatory Stage (including Issuance of Guidance Documents)	Proposed

Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: This regulation does not impose any fees, and there are no other direct costs associated with it.</p> <p>Indirect Costs: There are no quantifiable indirect costs associated with this regulation.</p> <p>Direct Benefits: This regulation does not generate any revenues, and there are no other direct benefits associated with it.</p> <p>Indirect Benefits: There are no quantifiable indirect benefits associated with this regulation.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0
(3) Net Monetized Benefit	\$0	
(4) Other Costs & Benefits (Non-Monetized)	<p>Adding the proposed provisions to this chapter will benefit both the juvenile detention centers (JDCs) and the department by establishing minimum regulatory requirements and better structure for the community placement programs (CPPs), eliminating the gray area that currently exists around them since they are directly subject to neither the JDC nor the juvenile correctional center (JCC) regulations. The changes also will benefit committed youth by ensuring that CPPs are evaluated and certified like other facilities and programs across the Commonwealth, better protecting this population’s health, welfare, and safety. Because the new provisions make no significant changes to current practice other than adding a certification component, neither JDCs nor the department will incur significant costs as the detention centers already undergo certification audits for their facilities and other programs. The department’s current certification staff will be able to absorb the small amount of extra work.</p>	
(5) Information Sources	Proposed amendments to 6VAC35-101 in this action.	

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

(1) Direct & Indirect Costs &	Direct Costs: There are no quantifiable direct costs associated with the status quo.
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Benefits (Monetized)	<p>Indirect Costs: There are no quantifiable indirect costs associated with the status quo.</p> <p>Direct Benefits: There are no quantifiable direct benefits associated with the status quo.</p> <p>Indirect Benefits: There are no quantifiable indirect benefits associated with the status quo.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0
(3) Net Monetized Benefit	\$0	
(4) Other Costs & Benefits (Non-Monetized)	<p>Maintaining the status quo would mean continuing the gray area in which CPPs have operated since their creation in 2014. There will be no regulatory provisions specifically governing the CPPs, meaning continued uncertainty for the JDCs around minimum standards for the programs and whether they are or should be certified as other programs are. Finally, not having these provisions in place leaves the CPPs subject to the preferences of future management, potentially risking reduced protections for these residents' health, welfare, and safety.</p>	
(5) Information Sources	<p>Current department practices and the proposed amendments to 6VAC35-101 in this action.</p>	

Table 1c: Costs and Benefits under Alternative Approach(es)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>CPPs currently are managed by contracts between the department and the JDCs who wish to operate them. The only approach other than maintaining the status quo or establishing regulations would be to enhance contract requirements. This approach would not solve the fundamental issue that CPPs operate in a gray area between JDCs and juvenile correctional centers, so the department does not believe this would be a viable approach.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Net Monetized Benefit	N/A	

(4) Other Costs & Benefits (Non-Monetized)	N/A
(5) Information Sources	Current agency practices and the proposed amendments to 6VAC35-101 in this action.

Impact on Local Partners

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 2: Impact on Local Partners

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: This regulation does not impose any fees, so there are no direct costs associated with it.</p> <p>Indirect Costs: There are no quantifiable indirect costs associated with this regulatory action.</p> <p>Direct Benefits: This regulation does not generate any revenues, so there are no direct benefits associated with it.</p> <p>Indirect Benefits: There are no quantifiable indirect benefits associated with this regulatory action.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0
(3) Other Costs & Benefits (Non-Monetized)	One benefit to local partners is that JDCs that choose to operate CPPs will have added clarity in how these programs are governed and will have a certification process in alignment with the one they already follow for assessments of compliance.	
(4) Assistance	N/A	
(5) Information Sources	Proposed amendments to 6VAC35-101 in this action and consultation with representatives of the JDCs participating in the regulatory workgroup.	

Impacts on Families

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 3: Impact on Families

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: This regulation does not impose any fees, so there are no direct costs to families.</p> <p>Indirect Costs: This regulation has no indirect costs to families.</p> <p>Direct Benefits: This regulation does not produce any direct benefits to families.</p> <p>Indirect Benefits: This regulation does not produce any indirect benefits to families.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0
(3) Other Costs & Benefits (Non-Monetized)	<p>While this regulatory change likely will go unnoticed by most families in the Commonwealth, those with children in CPPs will benefit from the increased scrutiny on these programs, helping ensure their children’s health, safety, and wellness.</p>	
(4) Information Sources	<p>Proposed amendments to 6VAC35-101 in this action.</p>	

Impacts on Small Businesses

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 4: Impact on Small Businesses

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: Businesses will not incur any direct costs from this regulatory action.</p> <p>Indirect Costs: Businesses will not incur any indirect costs from this regulatory action.</p> <p>Direct Benefits: Since no businesses currently operate CPPs, this regulatory action will provide no direct benefits.</p> <p>Indirect Benefits: Since no businesses currently operate CPPs, this regulatory action will provide no indirect benefits.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits

	(a) \$0	(b) \$0
(3) Other Costs & Benefits (Non-Monetized)	None.	
(4) Alternatives	The alternative to this regulatory change is the status quo, which is unsatisfactory because it leaves CPPs without the same Certification oversight as that of other juvenile residential programs regulated by the department. The new regulatory provisions will be minimal, and the department does not believe they will have any quantifiable impact on small businesses.	
(5) Information Sources	Proposed amendments to 6VAC35-101 in this action.	

Changes to Number of Regulatory Requirements**Table 5: Regulatory Reduction**

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

Change in Regulatory Requirements

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
6VAC35-101-1280 (new)	(M/A):	0	0	0	0
	(D/A):	0	3	0	+3
	(M/R):	0	0	0	0
	(D/R):	0	1	0	+1
6VAC35-101-1290 (new)	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	3	0	+3
6VAC35-101-1300 (new)	(M/A):	0	0	0	0
	(D/A):	0	1	0	+1
	(M/R):	0	0	0	0
	(D/R):	0	0	0	0
6VAC35-101-1310 (new)	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	9	0	+9
6VAC35-101-1320 (new)	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	1	0	+1
6VAC35-101-1330 (new)	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	1	0	+1
	(M/A):	0	0	0	0
	(D/A):	0	0	0	0

6VAC35-101-1340 (new)	(M/R):	0	0	0	0
	(D/R):	0	1	0	+1
6VAC35-101-1350 (new)	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	7	0	+7
6VAC35-101-1360 (new)	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	1	0	+1
Grand Total of Changes in Requirements:					(M/A):0 (D/A):4 (M/R):0 (D/R):24

Key:

Please use the following coding if change is mandatory or discretionary and whether it affects externally regulated parties or only the agency itself:

(M/A): Mandatory requirements mandated by federal and/or state statute affecting the agency itself

(D/A): Discretionary requirements affecting agency itself

(M/R): Mandatory requirements mandated by federal and/or state statute affecting external parties, including other agencies

(D/R): Discretionary requirements affecting external parties, including other agencies

Cost Reductions or Increases (if applicable)

VAC Section(s) Involved*	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases
N/A	N/A	N/A	N/A	N/A

Other Decreases or Increases in Regulatory Stringency (if applicable)

VAC Section(s) Involved*	Description of Regulatory Change	Overview of How It Reduces or Increases Regulatory Burden
6VAC35-101-1280 (new)	This change sets out the requirements for operating a CPP at a juvenile detention center.	The change neither increases nor decreases the regulatory burden; it just creates a provision to allow DJJ to enforce how we already operate these programs.

6VAC35-101-1290 (new)	This change sets out the requirements for operating a CPP at a private provider.	The change neither increases nor decreases the regulatory burden; it just creates a provision to allow DJJ to enforce how we already operate these programs.
6VAC35-101-1300 (new)	This provision establishes that only youth with valid commitments to DJJ may be placed in a CPP.	The change neither increases nor decreases the regulatory burden; it just creates a provision to allow DJJ to enforce how we already operate these programs.
6VAC35-101-1310 (new)	This provision details the necessary elements of the agreement between the JDC (or private provider) and the department as required in 6VAC35-101-1280 and 6VAC35-101-1290.	The change neither increases nor decreases the regulatory burden; it just creates a provision to allow DJJ to enforce how we already operate these programs.
6VAC35-101-1320 (new)	This provision requires the community placement program to have a written statements describing its program philosophy, residential program, behavior management program, provision of services, educational and employment services, case management, and family engagement.	The change neither increases nor decreases the regulatory burden; it just creates a provision to allow DJJ to enforce how we already operate these programs.
6VAC35-101-1330 (new)	This provision requires CPPs to have a case manager assigned to CPP youth.	The change neither increases nor decreases the regulatory burden; it just creates a provision to allow DJJ to enforce how we already operate these programs.
6VAC35-101-1340 (new)	This provision requires the case manager to work with the department to maintain the individual service plans for each CPP youth.	The change neither increases nor decreases the regulatory burden; it just creates a provision to allow DJJ to enforce how we already operate these programs.
6VAC35-101-1350 (new)	This provision sets out the requirements for progress reports from the CPP every 90 days .	The change neither increases nor decreases the regulatory burden; it just creates a provision to allow DJJ to

		enforce how we already operate these programs.
6VAC35-101-1360 (new)	This provision states that residents shall be released from a CPP only upon written approval by the department.	The change neither increases nor decreases the regulatory burden; it just creates a provision to allow DJJ to enforce how we already operate these programs.

Length of Guidance Documents (only applicable if guidance document is being revised)

Title of Guidance Document	Original Word Count	New Word Count	Net Change in Word Count
No guidance documents are being revised.			

*If the agency is modifying a guidance document that has regulatory requirements, it should report any change in requirements in the appropriate chart(s).