



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Department (Board) of Juvenile Justice
<b>Virginia Administrative Code (VAC) citation</b>	6VAC35-11 (also repealing 6VAC35-10)
<b>Regulation title</b>	Promulgate Model Public Participation Guidelines
<b>Action title</b>	Repeal and adoption of Public Participation Guidelines
<b>Final agency action date</b>	June 11, 2008
<b>Document preparation date</b>	July 23, 2008

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

These Public Participation Guidelines provide a variety of means for interested parties and the general public to be made aware of and to offer their comments on regulations being considered, drafted, or revised by the Board of Juvenile Justice.

The Administrative Process Act (Chapter 40 of Title 2.2 of the Code of Virginia) sets out the procedures for promulgating regulations. Specifically, §2.2-4007.02 of the Code of Virginia directs agencies of the Commonwealth to develop, adopt, and use public participation guidelines for soliciting the input of interested parties in the formation and development of regulations.

Chapters 321 and 575 of the 2008 Acts of the General Assembly mandates that, by December 1, 2008, agencies either adopt model public participation guidelines issued by the Department of Planning and Budget or, if they need to make significant changes to the model guidelines, promulgate new public participation guidelines as fast-track regulations. This legislation was enacted, in part, to provide consistency across agencies for public participation in the regulatory process.

The Board of Juvenile Justice is entrusted with general authority to promulgate regulations by §66-10 of the Code of Virginia, which states the Board may “promulgate such regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth administered by the Director or the Department.” Accordingly, the Board approved enactment of the model public participation guidelines to obtain compliance with the requirements of Chapters 321 and 575 of the 2008 Acts of the General Assembly.

Full participation by the public and regulated entities in the regulatory process is necessary to ensure that regulations fulfill the purpose of protecting the health and safety of the public in a manner that is not overly burdensome to those being regulated. The amendments repeal the current public participation guidelines and promulgate the model public participation guidelines, which adds provisions related to negotiated rulemaking panels, regulatory advisory panels, and instructions for notification lists.

**Statement of final agency action**

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

---

On June 11, 2008, the Board of Juvenile Justice voted unanimously to adopt Public Participation Guidelines, developed by the Department of Planning and Budget, through an exempt regulatory process. The Board considered such action necessary to meet the mandates of Chapter 321 of the 2008 Acts of the General Assembly.

**Family impact**

*Assess the impact of this regulatory action on the institution of the family and family stability.*

---

The substance of this regulation will have no direct impact, either positive or negative, on the institution of the family and family stability. The regulation ensures that interested parties have an opportunity to review and comment on regulations being considered by the Board of Juvenile Justice. To the extent that parents of juveniles in or at risk of entering the juvenile justice system choose to participate in the comment process, this regulation enhances parents’ opportunity to affect the programs and services provided to juveniles involved with the Department.