

Office of Regulatory Management
Economic Review Form

Agency name	Department of Juvenile Justice
Virginia Administrative Code (VAC) Chapter citation(s)	6VAC35-180
VAC Chapter title(s)	Regulations Governing Mental Health Services Transition Plans for Incarcerated Juveniles
Action title	Amend Regulations Governing Mental Health Services Transition Plans for Incarcerated Juveniles
Date this document prepared	October 26, 2023 Updated September 23, 2024 Updated July 11, 2025
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: The department does not anticipate any quantifiable direct costs from the proposed changes in this regulation.</p> <p>Indirect Costs: The department does not anticipate any quantifiable indirect costs from the proposed changes in this regulation.</p> <p>Direct Benefits: The department does not anticipate any quantifiable direct benefits from the proposed changes in this regulation.</p> <p>Indirect Benefits: The department does not anticipate any quantifiable indirect benefits from the proposed changes in this regulation.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) The department does not anticipate any quantifiable direct or indirect costs from the proposed changes in this regulation.	(b) The department does not anticipate any quantifiable direct or indirect benefits from the proposed changes in this regulation.
(3) Net Monetized Benefit	None	
(4) Other Costs & Benefits (Non-Monetized)	<p>The regulatory changes in this action are intended to update and clarify language in the chapter; therefore, the non-monetized benefit lies in making it easier for the regulated entities to comply with this regulation’s requirements. The department believes increased compliance will improve outcomes for affected youth. These improvements include ensuring appropriate, ongoing treatment for substance use or other mental health conditions, higher treatment compliance, better functioning within the family and community upon release from incarceration, and lower likelihood of reoffending.</p>	
(5) Information Sources	Text of 6VAC35-180	

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 to maintaining the status quo.
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Benefits (Monetized)	<p>Indirect Costs: There are no quantifiable indirect costs to maintaining the status quo.</p> <p>Direct Benefits: There are no quantifiable direct benefits to maintaining the status quo.</p> <p>Indirect Benefits: There are no quantifiable indirect benefits to maintaining the status quo.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) There are no quantifiable direct or indirect costs to maintaining the status quo.	(b) There are no quantifiable direct or indirect benefits to maintaining the status quo.
(3) Net Monetized Benefit	None	
(4) Other Costs & Benefits (Non-Monetized)	<p>The primary benefit of the changes proposed in this action is greater clarity in the regulatory provisions, which the department believes will increase compliance with the regulatory requirements and improve outcomes for affected youth. These improvements include ensuring appropriate, ongoing treatment for substance use or other mental health conditions, higher treatment compliance, better functioning within the community upon release from incarceration, and lower likelihood of reoffending. Maintaining the status quo would forego those anticipated benefits.</p>	
(5) Information Sources	Text of 6VAC35-180	

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

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Code of Virginia § 16.1-293.1 requires the board, in consultation with the Department of Behavioral Health and Developmental Services, to promulgate a regulation addressing the process for planning and providing post-release services for individuals identified as having a mental health, substance abuse, or other therapeutic treatment need who are committed to the department pursuant to § 16.1-278.8(A)(14) or placed in a postdispositional program pursuant to subsection B of § 16.1-284.1. There is no viable alternative approach to either retaining or amending the regulation.</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	Code of Virginia § 16.1-293.1	

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 or result in any revenues, so there are no direct costs for local partners.</p> <p>Indirect Costs: The changes in this regulation are intended to clarify existing provisions and align the regulation with current practices, so there are no indirect costs for local partners.</p> <p>Direct Benefits: This regulation does not impose any fees or result in any revenues, so there are no direct benefits for local partners.</p> <p>Indirect Benefits: The changes in this regulation are intended to clarify existing provisions and align the regulation with current practices, so there are no quantifiable indirect benefits for local partners.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Other Costs & Benefits (Non-Monetized)	<p>The primary benefit of these regulatory changes is to update and clarify the chapter’s language, thereby making it easier for local partners to comply with the regulation’s provisions. The department believes increased compliance will improve outcomes for affected youth. These improvements include ensuring appropriate, ongoing treatment for substance use or other mental health conditions, higher treatment</p>	

	compliance, better functioning within the family and community upon release from incarceration, and lower likelihood of reoffending.
(4) Assistance	N/A
(5) Information Sources	Text of 6VAC35-180

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 imposes no direct costs on families.</p> <p>Indirect Costs: This regulation imposes no indirect costs on families.</p> <p>Direct Benefits: This regulation provides no quantifiable direct economic benefit to families.</p> <p>Indirect Benefits: This regulation provides no quantifiable indirect economic benefit to families.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Other Costs & Benefits (Non-Monetized)	<p>The primary benefit of the proposed changes is greater clarity in the regulatory provisions, which the department believes will increase compliance with the regulatory requirements and improve outcomes for affected youth. These improvements include ensuring appropriate, ongoing treatment for substance use or other mental health conditions, higher treatment compliance, better functioning within the family and community upon release from incarceration, and lower likelihood of reoffending.</p>	
(4) Information Sources	Text of 6VAC35-180	

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: No small businesses are likely to be impacted directly by the proposed changes to this regulation.</p> <p>Indirect Costs: No small businesses are likely to be impacted indirectly by the proposed changes to this regulation.</p> <p>Direct Benefits: No small businesses are likely to be impacted directly by the proposed changes to this regulation.</p> <p>Indirect Benefits: No small businesses are likely to be impacted indirectly by the proposed changes to this regulation.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Other Costs & Benefits (Non-Monetized)	No small businesses are likely to be impacted directly or indirectly by the proposed changes to this regulation.	
(4) Alternatives	N/A	
(5) Information Sources	Text of 6VAC35-180	

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
6VAC35-180-10	(M/A):	0	0	0	0
	(D/A):	1	0	1	-1
	(M/R):	0	0	0	0
	(D/R):	2	0	2	-2
6VAC35-180-20	(M/A):	0	0	0	0
	(D/A):	1	0	1	-1
	(M/R):	0	0	0	0
	(D/R):	1	0	1	-1
6VAC35-180-50	(M/A):	0	0	0	0
	(D/A):	2	3	0	+3
	(M/R):	0	0	0	0
	(D/R):	2	3	0	0 – These requirements reduce stringency for the regulant. Advised to count as zero by Ariana He on 12/3/24.
6VAC35-	(M/A):	0	0	0	-1
	(D/A):	7	0	1	-1
	(M/R):	0	0	0	0
	(D/R):	7	0	1	-1
6VAC35-180-65	(M/A):	0	0	0	0
	(D/A):	0	1	0	+1
	(M/R):	0	0	0	0
	(D/R):	0	1	0	+1

6VAC35-180-70	(M/A):	0	0	0	0
	(D/A):	8	0	0	0
	(M/R):	0	0	0	0
	(D/R):	8	0	2	-2
6VAC35-180-80	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	2	0	0	+2
	(D/R):	5	1	0	+1
6VAC35-180-90	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	2	2	0	+2
6VAC35-180-100	(M/A):	0	0	0	0
	(D/A):	7	0	1	-1
	(M/R):	0	0	0	0
	(D/R):	7	0	1	-1
6VAC35-180-130	(M/A):	0	0	0	0
	(D/A):	8	1	0	+1
	(M/R):	0	0	0	0
	(D/R):	8	1	0	+1
6VAC35-180-140	(M/A):	0	0	0	0
	(D/A):	5	2	0	+2
	(M/R):	0	0	0	0
	(D/R):	5	2	0	+2
6VAC35-180-150	(M/A):	0	0	0	0
	(D/A):	0	1	0	+1
	(M/R):	0	0	0	0
	(D/R):	0	1	0	+1
6VAC35-18-160	(M/A):	1	0	0	0
	(D/A):	3	3	0	+3
	(M/R):	1	0	0	0
	(D/R):	3	3	0	+3
	(M/A):	0	0	0	0

6VAC35-180-180	(D/A):	0	2	0	+2
	(M/R):	0	0	0	0
	(D/R):	0	2	0	+2
Guidelines for Determining the Length of Stay of Juveniles Indeterminately Committed to the Department of Juvenile Justice (DIBR)	(M/A):	0	0	0	0
	(D/A):	46	0	46	-46
	(M/R):	0	0	0	0
	(D/R):	46	0	46	-46
Grand Total of Changes in Requirements:					(M/A):0 (D/A): -37 (M/R):0 (D/R):-40

Cost Reductions or Increases (if applicable)

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

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
6VAC35-180-50	The proposed amendment adds a subsection relieving the CSU or JDC of the requirement to enter into an MOU with each covered jurisdiction if the program certifies that it is using a family assessment and	This change will alleviate concerns from the regulatory workgroup that many CSUs and JDCs either do not fully understand the MOU requirement or are struggling to comply with it because it

	planning team for the development and monitoring of each mental health services transition plan.	requires the local attorney for each jurisdiction to review the MOU, which sometimes creates significant delays.
6VAC35-180-50	The proposed amendment adds a requirement that the MOU (if there is one) be reviewed every five years and updated as needed.	This change could be seen as a marginal increase in the regulatory burden, although it aligns with current agency best practices and likely will have little practical impact on the regulated entities' workloads.
6VAC35-180-130	The proposed amendment requires greater specificity in describing the substance use, mental health, or other treatment <i>and</i> supports that will be made available to the juvenile.	This change represents a marginal increase in regulatory burden by adding a requirement that the plan include the specific supports that will be provided to the juvenile in addition to the specific substance use, mental health, or other treatment that will be made available.
6VAC35-180-150	The proposed amendment requires written documentation from a treatment provider if the juvenile's treatment needs have been met and treatment should be discontinued.	This change represents a marginal increase in regulatory burden by requiring that notification that a juvenile's treatment needs have been met be made in writing. While the notification requirement is not new, the requirement that it be made in writing is a change; however, this change will allow CSUs and JDCs to maintain better documentation on a juvenile's progress.
6VAC35-180-180	The proposed amendment creates a new section that requires a self-assessment to evaluate the facility's or program's compliance with this chapter.	This change represents an increase in the regulatory burden by requiring that CSUs and JDCs undertake a self-assessment to evaluate compliance with this regulation. The process established in the proposed amendment would be similar to the self-audit process all facilities and programs already undertake pursuant to

		<p>6VAC35-20-61 except that it would not be part of the formal certification process. Since the regulated entities are familiar with this self-assessment and already have processes in place to meet the existing requirement in 6VAC35-20-61, the department does not believe this represents a significant increase in the regulatory burden. Further, it corrects the current absence of any mechanism to ensure compliance with this chapter.</p>
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Length of Guidance Documents (only applicable if guidance document is being revised)

Title of Guidance Document	Original Length	New Length	Net Change in Length