Unified Regulatory Plan of the Department/Board of Juvenile Justice for State Fiscal Year 2025

Prepared on July 1, 2024

Description of Agency or Boards

The Department of Juvenile Justice (the department) provides services to juveniles and families by operating 30 court service units (CSUs) and one juvenile correctional center (JCC). The department also oversees locally operated CSUs, juvenile detention centers, community placement programs, group homes, shelter care facilities, and independent living programs. The Board of Juvenile Justice (board) is the policy-making body responsible for promulgating the regulations necessary for the department to carry out the provisions of Title 66 and other laws of the Commonwealth and to achieve its mission to protect the public by preparing court-involved and committed youth to be successful citizens. The department operates under the supervision of the Secretary of Public Safety and Homeland Security.

Action/Stage or Gu	idance Document Forum ID (if available)		
Action 4617/Stage 9297			
Title of Proposed R	Title of Proposed Regulatory Action or Guidance Document		
Periodic Review of I	Regulation Governing Juvenile Secure De	tention Centers (6VAC35-101)	
Brief Overview			
This regulatory action	on includes comprehensive amendments	to the regulation. The purpose of the	
action is to continue	e to enhance programming and ensure sa	afety and security within these facilities.	
Among the most no	teworthy changes, the regulation impose	es numerous restrictions on juvenile	
detention center sta	aff use of mechanical restraints, the mec	hanical restraint chair, and spit guards, as	
well as room restriction and disciplinary room restriction.			
Regulatory Stage		Emergency or Emergency/NOIRA	
(check one box)	Proposed	Revised Proposed	
	🖾 Final	Fast-Track	
Additional	Expedited Review Requested	Guidance Document	
Description	Exempt Action		
Legal Authority	□ Action required by federal statute	Discretionary action	
	\Box Action required by state statute		
Deregulatory	Several provisions will be streamlined,	and guidance documents improperly	
Component	incorporated by reference have been removed.		
Expected Date	June 30, 2025 (Executive Branch Review began on June 16, 2022.)		

Action/Stage or Guidance Document Forum ID (if available) Action 4608/Stage 9889 Title of Proposed Regulatory Action or Guidance Document

Periodic Review of Regulation Governing Juvenile Correctional Centers (6VAC35-71)

Brief Overview			
This regulatory action seeks to amend the Regulation Governing Juvenile Correctional Centers (6VAC35-71) promulgated by the board, which provides the minimum standards for juvenile correctional center staff. The proposed amendments will help the department ensure proper safeguards are in place when room confinement is imposed and control and limit staff use of mechanical restraints, the mechanical restraint chair, and protective devices.			
Regulatory Stage		Emergency or Emergency/NOIRA	
(check one box)	Proposed	Revised Proposed	
	🛛 Final	Fast-Track	
Additional	Expedited Review Requested	Guidance Document	
Description	Exempt Action		
Legal Authority	Action required by federal statute	Discretionary action	
	Action required by state statute		
Deregulatory	This regulatory action will remove all requirements currently contained in Part X		
Component	of the regulation related to juvenile boot camp programs. The department plans		
	to remove the compliance manual as a document incorporated by reference so		
	that it exists as a standalone guidance document no longer deemed a part of the		
	regulation. In addition, several provisions that improperly incorporate		
	departmental procedures into the regulation are being removed. Because		
	juvenile correctional centers are operated by the department, these changes will		
From a stand Data	not count towards regulatory reduction.		
Expected Date	June 30, 2025 (The action was submitted to the OAG for Executive Branch review		
l	at the Final Stage on December 20, 202	۷.)	

Action 5617/Stage 9890

Title of Proposed Regulatory Action or Guidance Document

Establish new regulations applicable to programs detaining youth pursuant to federal contracts (6VAC35-200)

Brief Overview

This action seeks to establish a new set of regulatory provisions promulgated by the board that will apply to programs for youth detained in juvenile correctional facilities pursuant to contracts with federal governmental entities. The action is the product of a legislative mandate enacted during the 2020 Virginia General Assembly Session (Chapter 599 of the 2020 Acts of Assembly, codified as Code of Virginia § 66-10.2) that directs the board, in collaboration with DBHDS, 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.

Regulatory Stage		Emergency or Emergency/NOIRA
(check one box)	⊠ Proposed	\Box Revised Proposed
	🗆 Final	Fast-Track
Additional	Expedited Review Requested	Guidance Document
Description	Exempt Action	
Legal Authority	Action required by federal statute	Discretionary action
	oxtimes Action required by state statute	

Deregulatory	While this action will result in a net increase in regulatory requirements, the
Component	department is making every effort to ensure this chapter is aligned with the
	existing chapters concerning juvenile detention centers (JDCs) and juvenile
	correctional centers (JCCs) in order to minimize the impact. Also worth noting,
	this chapter only applies to those facilities choosing to enter into a contract with
	the federal government. As of the submission date of this report, this includes
	only one of the state's 24 JDCs; the state's single JCC currently does not
	participate in any of the federal arrangements covered by this Code section.
Expected Date	June 30, 2025 (This action was submitted to the Office of the Attorney General
	for Executive Branch review on December 20, 2022.)

Action 4638/Stage 9996

Title of Proposed Regulatory Action or Guidance Document

Periodic Review of Regulation Governing Juvenile Group Homes and Halfway Houses (6VAC35-41)

Brief Overview

This regulatory action seeks to amend the Regulation Governing Juvenile Group Homes and Halfway Houses (6VAC35-41) promulgated by the board. The action proposes comprehensive amendments to ensure the safety and rehabilitation of juveniles residing in group home facilities. Proposed changes include, among others, requirements for periodic room checks, a decrease in the mandated training hours for certain staff, and new information-sharing requirements during resident transportation.

Regulatory Stage		Emergency or Emergency/NOIRA
(check one box)	Proposed	Revised Proposed
	🖾 Final	Fast-Track
Additional	Expedited Review Requested	Guidance Document
Description	Exempt Action	
Legal Authority	□ Action required by federal statute	Discretionary action
	\Box Action required by state statute	
Deregulatory	The changes proposed for this chapter include removing the compliance manual	
Component	incorporated by reference into the regulation so that the manual becomes a	
	standalone resource. The department also proposes to remove requirements	
	regarding programs no longer in operation and various provisions regarding	
	resident searches.	
Expected Date	June 30, 2025 (The action was submitted to the OAG for Executive Branch review	
	at the Final Stage on April 28, 2023.)	

Action/Stage or Guidance Document Forum ID (if available) Action 5467/Stage 9317

Title of Proposed Regulatory Action or Guidance Document

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

Brief Overview		
This regulatory action seeks to amend the Regulation Governing State Reimbursement of Local		
Juvenile Residential	Facility Costs set forth in 6VAC35-30 and	l promulgated by the board. The current
regulations establis	h a process for localities seeking to obtain	n state reimbursement funding for
qualifying construct	ion projects involving juvenile detention	centers and juvenile group home
facilities in accordar	nce with § 16.1-309.5 of the <i>Code of Virgi</i>	inia. Although a moratorium on state
reimbursement for	such projects has been in place for sever	al years, localities remain subject to the
reimbursement pro	cess outlined in this regulation. The depa	rtment initiated this action to reduce the
regulatory burden o	on localities engaged in qualifying project	S.
Regulatory Stage	🗆 NOIRA	Emergency or Emergency/NOIRA
(check one box)	🖾 Proposed	Revised Proposed
	🗆 Final	Fast-Track
Additional	Expedited Review Requested	Guidance Document
Description Exempt Action		
Legal Authority	\Box Action required by federal statute	Discretionary action
	\Box Action required by state statute	
Deregulatory The proposal seeks to remove the requirement to apply a complicated formula		
Component	for determining reimbursement amoun	ts and to make additional changes to

Component	for determining reimbursement amounts and to make additional changes to	
	simplify the process for localities that wish to preserve their right to seek	
	reimbursement should the General Assembly ever reinitiate funding. In addition	
	to these changes, the proposal seeks to remove a number of provisions that	
	improperly incorporate departmental procedures into the regulation.	
Expected Date	June 30, 2025 (This action was submitted to the Office of the Attorney General	
	for Executive Branch review on September 29, 2023.)	

Action/Stage or Guidance Document Forum ID (if available) Action 5467/Stage 9317

Title of Proposed Regulatory Action or Guidance Document

Adopt New Regulation Governing the Process for Planning, Designing, and Constructing Locally Funded Juvenile Residential Facilities (6VAC35-35)

Brief Overview

This regulatory action seeks to create a new chapter promulgated by the board, the Regulation Governing the Process for Planning, Designing, and Constructing Locally Funded Juvenile Residential Facilities (6VAC35-35). The action is related to the action to amend the Regulations Governing State Reimbursement of Local Juvenile Residential Facility Costs. The department initiated this regulatory action to reduce the regulatory burden on localities constructing local juvenile detention centers and juvenile group homes by allowing for an expedited departmental review process for those localities engaged in qualifying construction projects that have no intention of seeking state reimbursement in the future should funding ever become available.

Regulatory Stage		Emergency or Emergency/NOIRA
(check one box)	🛛 Proposed	Revised Proposed
	🗆 Final	Fast-Track
Additional	Expedited Review Requested	Guidance Document
Description	Exempt Action	
Legal Authority	Action required by federal statute	Discretionary action
	\Box Action required by state statute	

Deregulatory	While this proposal adds a new regulatory chapter and imposes new
Component	requirements, the purpose of the action is to lessen the burden on those
	localities that have no intention of seeking reimbursement by allowing for an
	expedited departmental review. Localities subject to this chapter will need to
	fulfill fewer regulatory requirements than under the amended reimbursement
	regulation chapter.
Expected Date	June 30, 2025 (This action was submitted to the Office of the Attorney General
	for Executive Branch review on September 29, 2023.)

Action/Stage or Guidance Document Forum ID (if available) Action 5468/Stage 8880

Title of Proposed Regulatory Action or Guidance Document

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

Brief Overview

The Regulation Governing Mental Health Service Transition Plans for Incarcerated Juveniles promulgated by the board establishes a process for ensuring the provision of post-release services for juveniles committed to the department or detained in a postdispositional program who have been identified as having a recognized mental health, substance abuse, or other therapeutic treatment need. The department has not amended this regulation since it took effect in 2008. This action seeks to conduct a comprehensive review and amendment of the existing chapter to ensure that the regulation: (i) establishes requirements that are feasible for staff in juvenile correctional centers, court service units, and post-D programs operated by juvenile detention centers; (ii) is not broader in scope than intended by the governing statute, and (iii) includes provisions aimed at successfully transitioning youth with recognized mental health, substance abuse, or other treatment needs from these facilities back to the community.

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Regulatory Stage		Emergency or Emergency/NOIRA
(check one box)	🛛 Proposed	Revised Proposed
	🗆 Final	Fast-Track
Additional	Expedited Review Requested	Guidance Document
Description	Exempt Action	
Legal Authority	Action required by federal statute	Discretionary action
	Action required by state statute	
Deregulatory	This action updates a provision requiring a sometimes time-consuming	
Component	This action updates a provision requiring a sometimes time-consuming memorandum of understanding to allow the regulated entities to certify their use of family assessment and planning teams (as established pursuant to statute) in the development of mental health services transition plans for juveniles. While this change does not reduce the number of requirements, it does provide an avenue to reduce the regulatory burden on court service units and juvenile detention centers operating post-dispositional programs. Additionally, documents currently incorporated into the regulation will exist as standalone documents, further reducing discretionary requirements.	
Expected Date	June 30, 2025 (This action was submitted to the Office of the Attorney General	
	for Executive Branch review on July 21, 2	2023.)

Action 6419/Stage 10262

Title of Proposed Regulatory Action or Guidance Document

Periodic Review of the Regulation Governing Juvenile Data Requests and Research Involving Human Subjects (6VAC35-170)

Brief Overview

This regulatory action seeks to accomplish the Governor's 25% regulatory reduction initiative by identifying extraneous and unnecessarily burdensome provisions that may be removed from the Regulation Governing Juvenile Data Requests and Research Involving Human Subjects (6VAC35-170), promulgated by the board. In addition, proposed amendments will clarify confusing language and more closely align provisions with industry practices.

Regulatory Stage	NOIRA	Emergency or Emergency/NOIRA
(check one box)	Proposed	Revised Proposed
	🗆 Final	Fast-Track
Additional	Expedited Review Requested	Guidance Document
Description	Exempt Action	
Legal Authority	\Box Action required by federal statute	Discretionary action
	\Box Action required by state statute	
Deregulatory	The department anticipates removing so	everal provisions that could be addressed
Component	through other means or that impose ad	ministrative burdens on individuals
	submitting data requests or research pr	oposals involving youth served by the
	department.	
Expected Date	June 1, 2025	

Action/Stage or Gu	idance Document Forum ID (if available)	
Not Available		
Title of Proposed R	egulatory Action or Guidance Document	
Periodic Review of F	Regulation for Nonresidential Services (6)	VAC35-150)
Brief Overview		
This regulatory action	on is intended to initiate a comprehensiv	e overhaul of the Regulation for
Nonresidential Serv	ices set forth in 6VAC35-150 and promul	gated by the board. The current
regulation establish	es minimum standards for the operation	of state-operated and locally operated
court service units a	and for nonresidential programs available	e to the juvenile and domestic relations
district court.		
Regulatory Stage	🖾 NOIRA	Emergency or Emergency/NOIRA
(check one box)	Proposed	Revised Proposed
	🗆 Final	Fast-Track
Additional	Expedited Review Requested	Guidance Document
Description	Exempt Action	
Legal Authority	□ Action required by federal statute	Discretionary action
	\Box Action required by state statute	
Deregulatory	The department is working to finalize recommendations for reducing the	
Component	regulatory requirements and anticipates removing several provisions that are	
	operational or improperly incorporate of	departmental procedures into the
	regulation.	
Expected Date	June 1, 2025	

Action/Stage or Guidance Document Forum ID (if available) Not available

Title of Proposed Regulatory Action or Guidance Document

Action to Reduce Requirements for Regulation Governing Juvenile Record Information and the Virginia Juvenile Justice Information System (6VAC35-160)

Brief Overview

This regulatory action seeks to accomplish a portion of the Governor's 25% regulatory reduction and to make additional changes to the Regulation Governing Juvenile Record Information and the Virginia Juvenile Justice information System (6VAC35-160), promulgated by the board. The proposed changes will also clarify existing language and account for changes in agency and industry practices.

Regulatory Stage	⊠ NOIRA	Emergency or Emergency/NOIRA
(check one box)	Proposed	Revised Proposed
	🗆 Final	Fast-Track
Additional	Expedited Review Requested	Guidance Document
Description	Exempt Action	
Legal Authority	Action required by federal statute	Discretionary action
	Action required by state statute	
Deregulatory	The department is working to finalize its reduction plan and anticipates	
Component	removing certain documents incorporated by reference, ensuring that the	
	proper versions of remaining incorporated documents are referenced, and	
	removing operational provisions more appropriate for agency procedures.	
Expected Date	June 1, 2025	

Action/Stage or Guidance Document Forum ID (if available) Action 6433/Stage 10284

Title of Proposed Regulatory Action or Guidance Document

Amend Regulation Governing Juvenile Secure Detention Centers to Add Provisions Pertaining to Community Placement Programs (6VAC35-101)

Brief Overview

This action will fill a gap in the department's regulatory structure by creating rules pertaining to committed (direct care) youth who are placed in Community Placement Programs (CPPs). CPPs are highly structured residential programs operated for direct care youth in juvenile detention centers (JDCs). CPPs seek to place youth in smaller settings closer to their home communities to increase family engagement and facilitate a smoother transition after release. These programs currently are governed by agreements between the department and participating JDCs. Creating a regulatory structure around these programs will help ensure these youth receive treatment and rehabilitation services that are consistent among JDCs and are comparable to the services they would receive at the state's centrally located juvenile correctional center at Bon Air. These regulations will be promulgated by the board.

Regulatory Stage		Emergency or Emergency/NOIRA
(check one box)	🛛 Proposed	Revised Proposed
	🗆 Final	Fast-Track
Additional	Expedited Review Requested	Guidance Document
Description	Exempt Action	

Legal Authority	□ Action required by federal statute		
	\Box Action required by state statute		
Deregulatory	The department expects this action to result in a net increase in regulatory		
Component	requirements for the JDCs that choose to participate in CPPs; however, these requirements will ease the overall burden on families and provide clarity for those juvenile detention centers operating CPPs. The new rules will be consistent with current practice while prioritizing the best interests of the youth placed in these programs.		
Expected Date	March 1, 2025		

Not Available

Title of Proposed Regulatory Action or Guidance Document

Action to Amend the Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities (6VAC35-20)

Brief Overview

This action seeks to amend the Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities, in accordance with the most recent Periodic Review Report. The details of any possible changes are not yet clear. These regulations will be promulgated by the board.

Regulatory Stage	🖾 NOIRA	Emergency or Emergency/NOIRA
(check one box)	Proposed	Revised Proposed
	🗆 Final	Fast-Track
Additional	Expedited Review Requested	Guidance Document
Description	Exempt Action	
Legal Authority	Action required by federal statute	Discretionary action
	oxtimes Action required by state statute	
Deregulatory	While the details of any changes are not yet clear, the department expects to	
Component	make modest reductions in regulatory requirements as part of this action.	
Expected Date	March 1, 2025	

Action/Stage or Guidance Document Forum ID (if available)			
Not Available			
Title of Proposed Regulatory Action or Guidance Document			
Action to Amend Co	ompliance Manual for the Regulation Go	verning Juvenile Secure Detention Centers	
Brief Overview	Brief Overview		
This action seeks to	This action seeks to amend the Compliance Manual for the Regulation Governing Juvenile Secure		
Detention Centers.	The document governs all compliance a	udits of juvenile detention centers, and	
proposed amendments will provide interpretive guidance to staff in JDCs and the department's			
Certification Unit.			
Regulatory Stage	🗆 NOIRA	Emergency or Emergency/NOIRA	
(check one box)	Proposed	Revised Proposed	
	🗆 Final	Fast-Track	
Additional	Expedited Review Requested	🛛 Guidance Document	
Description	Exempt Action		
Legal Authority	□ Action required by federal statute	Discretionary action	

	□ Action required by state statute
Deregulatory	The proposed amendments will align with changes and reductions to 6VAC35-
Component	101. Additionally, proposed changes will shorten and simplify the document by removing extraneous purpose statements and unnecessary rationales, as well as repetitive language.
Expected Date	June 30, 2025 (contingent on proposed changes to 6VAC35-101 completing the
	Final Stage by this date).

Action/Stage or Guidance Document Forum ID (if available) N/A **Title of Proposed Regulatory Action or Guidance Document** Action to Amend Compliance Manual for the Regulation Governing Juvenile Group Homes and Halfway Houses (6VAC35-41) **Brief Overview** This action seeks to amend the Compliance Manual for the Regulation Governing Juvenile Group Homes and Halfway Houses. The document governs all compliance audits of juvenile group homes funded, in part, by the Virginia Juvenile Community Crime Control Act. Proposed amendments will provide interpretive guidance to staff in such facilities and in the department's Certification Unit. **Regulatory Stage** □ Emergency or Emergency/NOIRA (check one box) □ Revised Proposed □ Proposed 🗌 Final □ Fast-Track Additional □ Expedited Review Requested ⊠ Guidance Document Description Exempt Action Legal Authority □ Action required by federal statute ⊠ Discretionary action \Box Action required by state statute The proposed amendments will align with changes and reductions to 6VAC35-Deregulatory Component 41. Additionally, proposed changes will shorten and simplify the document by removing extraneous purpose statements and unnecessary rationales, as well as repetitive language. **Expected Date** June 30. 2025 (contingent on proposed amendments to 6VAC35-41 completing

Action/Stage or Guidance Document Forum ID (if available)			
Not available			
Title of Proposed Regulatory Action or Guidance Document			
Action to Amend Compliance Manual for the Regulation Governing Juvenile Correctional Centers			
Brief Overview			
This action seeks to amend the Compliance Manual for the Regulation Governing Juvenile			
Correctional Centers. The document governs all compliance audits of state and locally operated			
juvenile correctional centers, and proposed amendments will provide interpretive guidance to staff in			
JCCs and the department's Certification Unit.			
Regulatory Stage	🗆 NOIRA	Emergency or Emergency/NOIRA	
(check one box)	Proposed	Revised Proposed	

the Final Stage).

	🗆 Final	Fast-Track
Additional	Expedited Review Requested	🖾 Guidance Document
Description	Exempt Action	
Legal Authority	\square Action required by federal statute	Discretionary action
	\square Action required by state statute	
Deregulatory	The proposed amendments will align with changes and reductions to 6VAC35-	
Component	71. Additionally, proposed changes will shorten and simplify the document by	
	removing extraneous purpose statements and unnecessary rationales, as well as	
	repetitive language.	
Expected Date	June 30, 2025 (contingent on proposed amendments to 6VAC35-71 completing	
	the Final Stage).	

Action/Stage or Guidance Document Forum ID (if available)			
Not available			
Title of Proposed R	Title of Proposed Regulatory Action or Guidance Document		
Action to Simplify G	Action to Simplify Guidance Document Interpreting 6VAC35-170		
Brief Overview	Brief Overview		
This action is intend	led to modify the guidance document int	erpreting the Regulation Governing	
Juvenile Data Reque	ests and Research Proposals (6VAC35-170)) to align with proposed changes to	
6VAC35-170.			
Regulatory Stage		Emergency or Emergency/NOIRA	
(check one box)	Proposed	Revised Proposed	
	🗆 Final	Fast-Track	
Additional	Expedited Review Requested	🖂 Guidance Document	
Description	Exempt Action		
Legal Authority	□ Action required by federal statute	Discretionary action	
	\Box Action required by state statute		
Deregulatory	The department is working to finalize recommendations that will align the		
Component	document with changes to 6VAC35-170, including removing provisions that		
	impose unnecessarily burdensome requirements on researchers and individuals		
	making requests for juvenile data. Additionally the proposal will shorten and		
	simplify the document by removing extraneous or duplicative provisions and		
	striking unnecessary details of the process.		
Expected Date	June 1, 2025 (contingent on proposed changes to 6VAC35-170 nearing		
	completion of the Final Stage by this date).		