

## Relevant Laws and Regulations Related to Juvenile Detention Centers

<b><u>Virginia State Regulations</u></b>	
<b>Chapter 20. Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities</b>	
<b>Regulation</b>	<b>Summary</b>
6VAC35-20-35	<ul style="list-style-type: none"> <li>Requiring DJJ to prepare guidance documents for programs and facilities</li> </ul>
6VAC35-20-36	<ul style="list-style-type: none"> <li>Requiring programs and facilities to give auditors reports and information demonstrating compliance with regulations</li> </ul>
6VAC35-20-36.1	<ul style="list-style-type: none"> <li>Requiring DJJ to take corrective action when made aware of a health, welfare, or safety violation</li> </ul>
6VAC 35-20-37	<p>Authorizing the director to take immediate action when there is: (1) evidence of a health, welfare, or safety violation or (2) when a program/facility isn't in compliance with regulatory requirements or the Virginia Juvenile Community Crime Control Act.</p> <p>Actions include:</p> <ul style="list-style-type: none"> <li>Withholding funds</li> <li>Removing juvenile residents</li> <li>Placing programs/facilities under probation certification status</li> <li>Summarily suspending the certification</li> </ul> <p>Details process on how the Director can summarily suspend certifications including:</p> <ul style="list-style-type: none"> <li>Situations when it is warranted</li> <li>Notice requirements</li> <li>Appeals process</li> </ul>
6VAC35-20-50	<p>Detailing the pre-audit process for certification audits including:</p> <ul style="list-style-type: none"> <li>Notice requirements</li> <li>Ability of facility to request to reschedule an audit</li> </ul>
6VAC35-20-60	<ul style="list-style-type: none"> <li>All programs and facilities shall be subject to monitoring visits.</li> <li>DJJ shall annually develop a plan for these visits.</li> </ul>
6VAC35-20-61	<ul style="list-style-type: none"> <li>Requiring programs and facilities to conduct self-audits in the years that they are not subject to certification audits.</li> </ul>
6VAC35-20-69	<ul style="list-style-type: none"> <li>Process for a new facility to request/obtain certification</li> </ul>
6VAC35-20-75	<ul style="list-style-type: none"> <li>Giving the Director the power to certify each juvenile residential facility and court service unit. Also, detailing what happens when the certification expires</li> </ul>
6VAC35-20-80	<ul style="list-style-type: none"> <li>Detailing certification audit procedures</li> </ul>
6VAC35-20-85	<ul style="list-style-type: none"> <li>Detailing what constitutes sufficient compliance with regulatory requirements</li> </ul>
6VAC35-20-90	<ul style="list-style-type: none"> <li>Requiring that the audit findings be discussed with the program/facility administrator</li> <li>Requiring a report of the findings to be sent to both the administrator and the Director of DJJ</li> <li>Detailing options that the program/facility may have if found to be in noncompliance</li> </ul>

6VAC35-20-91	<ul style="list-style-type: none"> <li>• The program/facility administrative shall develop a corrective action plan for each finding of noncompliance.</li> <li>• Shall be submitted to DJJ within 30 days.</li> <li>• Detailing what the corrective action plan should include.</li> </ul>
6VAC35-20-92	<ul style="list-style-type: none"> <li>• Detailing how a facility/program can request variance, which means a board action to relieve the facility’s duty to meet a regulatory requirement or create a corrective action plan</li> </ul>
6VAC35-20-93	<ul style="list-style-type: none"> <li>• Giving the Director the power to grant waivers.</li> <li>• Detailing when granting a waiver would be appropriate.</li> <li>• The waiver is only in effect until the board rules on a variance request.</li> </ul>
6VAC35-20-94	<ul style="list-style-type: none"> <li>• Detailing the appeals process available to a program/facility found in noncompliance</li> </ul>
6VAC35-20-100	<ul style="list-style-type: none"> <li>• Detailing the certification actions that the Director should take in any given scenario. This includes scenarios warranting recertification, placing a program on probationary certification status, or decertifying the program.</li> </ul>
6VAC35-20-110	<ul style="list-style-type: none"> <li>• Requiring the Director or a designee to give notice of the certification action within two weeks</li> </ul>
6VAC35-20-115	<ul style="list-style-type: none"> <li>• When a facility or program is found in noncompliance, the matter is placed on the agenda for the next board meeting.</li> <li>• The board may enter an order to limit the placement of children in the facility and may request a status report from the administrator.</li> </ul>
6VAC35-20-120	<p>When a program or facility that is locally or regionally operated is decertified or denied certification, the board and department may:</p> <ul style="list-style-type: none"> <li>• Require the supervisory/governing authority to take necessary actions to qualify the facility for certification</li> <li>• Suspend/reduce funding or withdraw the required approval</li> <li>• Prohibit/limit the placement of juveniles</li> </ul> <p>The board shall not use decertified facilities for residential placements</p>
6VAC35-20-150	<ul style="list-style-type: none"> <li>• Giving the Board the sole authority to designate critical regulatory requirements</li> </ul>

**Chapter 30. Regulation Governing State Reimbursement of Local Juvenile Residential Facility Costs**

<b>Regulation</b>	<b>Summary</b>
6VAC35-30-35	<ul style="list-style-type: none"> <li>• Anyone planning the construction, renovation, enlargement, or expansion of a facility shall submit a detailed report to DJJ.</li> <li>• DJJ shall respond within 30 days with whether or not the project is subject to this regulation.</li> <li>• Lists three categories of changes</li> </ul>
6VAC35-30-40	<ul style="list-style-type: none"> <li>• Detailing the process for how a project sponsor requests reimbursement including:                             <ul style="list-style-type: none"> <li>○ Submitting a needs assessment</li> <li>○ Then, once that is approved, submitting a planning study showing how this project is the most appropriate and cost-effective to the specific need.</li> </ul> </li> </ul>

6VAC35-30-45	<ul style="list-style-type: none"> <li>Detailing what happens in regards to reimbursement requests in the event of a legislative moratorium.</li> </ul>
6VAC35-30-60	<p>The criteria for a board funding recommendation:</p> <ul style="list-style-type: none"> <li>Demonstrated need</li> <li>Operational cost efficiency</li> <li>Construction cost</li> </ul> <p>A sponsor may request reimbursement in phases.</p>
6VAC35-30-65	<ul style="list-style-type: none"> <li>The funding formula that is used to calculate estimated construction costs.</li> </ul>
6VAC35-30-70	<ul style="list-style-type: none"> <li>The board shall prioritize reimbursement requests in a manner that ensures equitable distribution of funds across the Commonwealth.</li> <li>Prioritization of regionalized local facilities (these facilities shall serve three or more localities as determined by the needs assessment).</li> </ul>
6VAC35-30-80	<ul style="list-style-type: none"> <li>The board shall give its recommendation to the Governor.</li> <li>Final appropriations are subject to the Governor's approval and legislative enactment.</li> </ul>
6VAC35-30-90	<ul style="list-style-type: none"> <li>The sponsor shall submit preliminary design documents to DJJ.</li> <li>DJJ shall review these documents in accordance with statutes and regulations and communicate recommendations to the sponsor.</li> <li>When all comments have been resolved, DJJ shall tell the sponsor that the project has progressed to the construction documents phase.</li> </ul>
6VAC35-30-100	<ul style="list-style-type: none"> <li>The sponsor shall submit construction documents to DJJ.</li> <li>DJJ shall review these documents in accordance with statutes and regulations and communicate recommendations to the sponsor.</li> <li>When all comments have been resolved, DJJ shall approve the construction documents and inform the sponsor in writing that the project has progressed to the bidding phase.</li> </ul>
6VAC35-30-110	<ul style="list-style-type: none"> <li>If, during the project development stage, any substantive change in scope, increase in cost, or any change in operational staff requirements occurs, the review process shall be suspended.</li> <li>The project must be resubmitted to the board for further review and possible change in reimbursement status.</li> </ul>
6VAC35-30-120	<ul style="list-style-type: none"> <li>The process for awarding the contract after the bidding process has completed</li> </ul>
6VAC35-30-130	<ul style="list-style-type: none"> <li>During construction, the sponsor shall submit monthly inspection or progress reports to DJJ.</li> <li>Any substantive change during the construction phase shall be submitted to DJJ for review before it is executed.</li> </ul>
6VAC35-30-140	<ul style="list-style-type: none"> <li>The process for the final inspection of the project after construction is completed.</li> </ul>
6VAC35-30-150	<ul style="list-style-type: none"> <li>The sponsor shall have the architect to modify original drawings to match what was actually constructed.</li> <li>These drawings shall be marked "Record."</li> </ul>

6VAC35-30-160	<ul style="list-style-type: none"> <li>Reimbursement for private construction of juvenile facilities.</li> </ul>
6VAC35-30-170	<ul style="list-style-type: none"> <li>Prior to the board authorizing entering into a contract for private construction, sponsors shall certify and submit documents required by statute.</li> </ul>
6VAC35-30-180	<ul style="list-style-type: none"> <li>The process for the sponsor's submittal of the final reimbursement request</li> </ul>
6VAC35-30-190	<ul style="list-style-type: none"> <li>Consequences for noncompliance</li> </ul>
<b>Chapter 101. Regulation Governing Juvenile Secure Detention Centers</b>	
<b>Regulation</b>	<b>Summary</b>
6VAC35-101-40	<ul style="list-style-type: none"> <li>Requiring Juvenile Detention Centers to be certified, which means the Centers have to comply with standards and regulations</li> </ul>
6VAC35-101-45	<ul style="list-style-type: none"> <li>If a Juvenile Detention Center contracts with another entity to house a juvenile, the entity must comply with the regulations under 6VAC35-20.</li> </ul>
6VAC35-101-50	<ul style="list-style-type: none"> <li>Requiring JDCs to give documents and information requested by DJJ</li> </ul>
6VAC35-101-60	<ul style="list-style-type: none"> <li>Requiring the center to notify the Director of DJJ of any administrative changes, lawsuits, and settlements.</li> </ul>
6VAC35-101-70	<ul style="list-style-type: none"> <li>Allowing an administrator to request variance from the Board.</li> </ul>
6VAC35-101-75	<ul style="list-style-type: none"> <li>Current operating procedures shall be accessible to all staff.</li> </ul>
6VAC35-101-80	<ul style="list-style-type: none"> <li>Requiring the reporting of any serious injury, death, suspected child abuse or neglect, fire, disaster, emergency, or absence from the facility without permission.</li> </ul>
6VAC35-101-90	<ul style="list-style-type: none"> <li>Requiring reporting of any suspected child abuse and neglect within the JDC</li> </ul>
6VAC35-101-95	<ul style="list-style-type: none"> <li>Requiring reporting of all known criminal activity within the JDC</li> </ul>
6VAC35-101-100	<ul style="list-style-type: none"> <li>Requiring that residents have access to a grievance procedure and laying out the requirements for the contents thereof.</li> </ul>
6VAC35-101-110	<ul style="list-style-type: none"> <li>Requiring that the governing authority of the facility be clearly identified. Requiring that a facility administrator be appointed by that authority. Requiring a decision-making plan to be produced. Requiring procedures to be developed and implemented to monitor and evaluate service quality and effectiveness.</li> </ul>
6VAC35-101-120	<ul style="list-style-type: none"> <li>Insurance requirements</li> </ul>
6VAC35-101-130	<ul style="list-style-type: none"> <li>The governing body of a facility writes the procedures for the review, approval, and monitoring of human research.</li> </ul>
6VAC35-101-140	<ul style="list-style-type: none"> <li>Requiring job descriptions to be written for jobs within the facility</li> </ul>
6VAC35-101-150	<ul style="list-style-type: none"> <li>Requiring job qualifications to be set</li> </ul>
6VAC35-101-155	<ul style="list-style-type: none"> <li>Employees shall submit tuberculosis screenings annually.</li> <li>Detailing when employees might be subject to additional screening</li> <li>Detailing what happens if someone tests positive for tuberculosis</li> </ul>
6VAC35-101-160	<ul style="list-style-type: none"> <li>Requiring physical examinations for positions requiring a given set of physical abilities</li> </ul>
6VAC35-101-170	<ul style="list-style-type: none"> <li>Requiring background checks for employees and volunteers</li> </ul>

6VAC35-101-180	<ul style="list-style-type: none"> <li>• Requiring and setting the procedures for orienting new employees at JDCs</li> </ul>
6VAC35-101-190	<ul style="list-style-type: none"> <li>• Requiring that employees complete certain trainings depending on their position. This section also lays out what these trainings should consist of.</li> </ul>
6VAC35-101-200	<ul style="list-style-type: none"> <li>• Requiring a certain amount of retraining annually</li> </ul>
6VAC35-101-210	<ul style="list-style-type: none"> <li>• Requiring personnel procedures to be written and available to all staff members.</li> </ul>
6VAC35-101-220	<ul style="list-style-type: none"> <li>• Requiring a written code of ethics to be available to all employees</li> </ul>
6VAC35-101-240	<ul style="list-style-type: none"> <li>• Requiring staff who have to transport residents to maintain a driver's license and update the facility whenever their driver's license status changes</li> </ul>
6VAC35-101-250	<ul style="list-style-type: none"> <li>• Requiring written procedures regarding political activity by employees</li> </ul>
6VAC35-101-260	<ul style="list-style-type: none"> <li>• Requiring the removal of employees whose health pose a direct threat to the health and safety of residents.</li> </ul>
6VAC35-101-270	<ul style="list-style-type: none"> <li>• Defining the terms volunteers and interns</li> </ul>
6VAC35-101-280	<ul style="list-style-type: none"> <li>• Regulating the selection and duties of volunteers and interns</li> </ul>
6VAC35-101-290	<ul style="list-style-type: none"> <li>• Requirements and procedures for background checks of volunteers and interns</li> </ul>
6VAC35-101-300	<ul style="list-style-type: none"> <li>• Requirements and procedures for orientation and training of volunteers and interns</li> </ul>
6VAC35-101-310	<ul style="list-style-type: none"> <li>• Requirements for detailed personnel records of employees, volunteers, and interns</li> </ul>
6VAC35-101-330	<ul style="list-style-type: none"> <li>• Requirements for detailed records of all of the residents of the JDC</li> </ul>
6VAC35-101-340	<ul style="list-style-type: none"> <li>• Requiring a detailed face sheet of each resident at time of admission, including basic identifying information</li> </ul>
6VAC35-101-350	<ul style="list-style-type: none"> <li>• Requirements for inspections including fire, building, safety, etc.</li> </ul>
6VAC35-101-360	<ul style="list-style-type: none"> <li>• Standards for inspecting, testing, and maintaining all safety, emergency, and communications equipment</li> </ul>
6VAC35-101-370	<ul style="list-style-type: none"> <li>• Requiring JDCs to have an alternative power source</li> </ul>
6VAC35-101-380	<ul style="list-style-type: none"> <li>• Heating shall be provided to all rooms so that the temperature doesn't go below 68 degrees Fahrenheit. Air conditioning shall be provided to all rooms so that the temperature doesn't go above 80 degrees Fahrenheit.</li> </ul>
6VAC35-101-390	<ul style="list-style-type: none"> <li>• Lighting requirements</li> </ul>
6VAC35-101-400	<ul style="list-style-type: none"> <li>• Plumbing and water supply/water temperature requirements</li> </ul>
6VAC35-101-410	<ul style="list-style-type: none"> <li>• Requiring fresh drinking water in sleeping areas and potable drinking water in activity areas</li> </ul>
6VAC35-101-420	<ul style="list-style-type: none"> <li>• Requiring one toilet, one hand basin, and one shower or tub for every eight residents for facilities certified on or before December 27, 2007. This requirement is lowered to every four residents for facilities certified on or after December 25, 2007.</li> <li>• At least one bathtub per facility</li> </ul>
6VAC35-101-430	<ul style="list-style-type: none"> <li>• Requirements for sleeping arrangements</li> </ul>
6VAC35-101-440	<ul style="list-style-type: none"> <li>• Requiring furnishings to be safe, clean, and suitable for residents</li> </ul>

6VAC35-101-450	<ul style="list-style-type: none"> <li>Regarding the collection and disposal of all garbage and waste materials</li> <li>Also regarding the storage, use, and disposal of hazardous materials and chemicals</li> </ul>
6VAC35-101-460	<ul style="list-style-type: none"> <li>Prohibiting tobacco products</li> </ul>
6VAC35-101-470	<ul style="list-style-type: none"> <li>Requiring JDCs to provide an indoor recreation area, an outdoor recreation area, a kitchen, a dining area, space and equipment for laundry, storage space, a designated visiting area, space for administrative activities, and a central medical room</li> </ul>
6VAC35-101-480	<ul style="list-style-type: none"> <li>Regarding kitchen operation and safety including service, storage, and sanitation</li> <li>Prohibiting residents from working in the detention center's food service</li> </ul>
6VAC35-101-490	<ul style="list-style-type: none"> <li>Requiring buildings to be maintained, free of foul odors, and free of pests and vermin</li> </ul>
6VAC35-101-500	<ul style="list-style-type: none"> <li>The standards for maintaining animals on the premises</li> </ul>
6VAC35-101-510	<ul style="list-style-type: none"> <li>Requirements and procedures for creating an emergency preparedness and response plan.</li> <li>Requirements and procedures for providing emergency preparedness and response training to facility employees.</li> <li>Requiring evacuation drills to be completed at least once a month.</li> </ul>
6VAC35-101-520	<ul style="list-style-type: none"> <li>Requiring that a control center that can't be accessed by residents be staffed 24 hours and integrate security functions and communications networks.</li> </ul>
6VAC35-101-530	<ul style="list-style-type: none"> <li>Requiring that the detention center's perimeter be secured.</li> </ul>
6VAC35-101-540	<ul style="list-style-type: none"> <li>Requiring that written procedures be made for how to deal with escapes and unexcused absences</li> </ul>
6VAC35-101-550	<ul style="list-style-type: none"> <li>Requiring written procedures for the control, detection, and disposition of contraband</li> </ul>
6VAC35-101-560	<ul style="list-style-type: none"> <li>Requiring written procedures for resident searches.</li> <li>Requiring pat downs and frisks to be conducted by employees of the same sex as the resident.</li> <li>Standards for strip searches</li> </ul>
6VAC35-101-570	<ul style="list-style-type: none"> <li>Requiring a means of communication between control center and living areas. Also requiring that the detention center have the ability to provide communications in the event of an emergency</li> </ul>
6VAC35-101-580	<ul style="list-style-type: none"> <li>Requiring staff to have access to at least one non-pay telephone. Requiring that there be an emergency number that staff can call in the event that it is needed.</li> </ul>
6VAC35-101-590	<ul style="list-style-type: none"> <li>Regulations regarding keys to different doors throughout the detention centers.</li> </ul>
6VAC35-101-600	<ul style="list-style-type: none"> <li>States that no guns, pellet guns, air guns, or other weapons can be on the premises of a detention center unless used by authorized law enforcement in the event of an emergency or stored in a secured locker outside the secured perimeter by law enforcement.</li> </ul>

6VAC35-101-610	<ul style="list-style-type: none"> <li>• Requiring that a written procedure govern the access and control of security, maintenance, recreational, and medical equipment.</li> </ul>
6VAC35-101-620	<ul style="list-style-type: none"> <li>• Regarding the use and maintenance of power equipment</li> </ul>
6VAC35-101-630	<ul style="list-style-type: none"> <li>• Regarding the availability of transportation</li> </ul>
6VAC35-101-640	<ul style="list-style-type: none"> <li>• The procedures/regulations for transporting residents</li> </ul>
6VAC35-101-650	<ul style="list-style-type: none"> <li>• The list of prohibited actions that cannot be taken against residents. This mainly consists of actions that violate the residents' rights. This includes deprivation of food, corporal punishment, etc.</li> </ul>
6VAC35-101-655	<ul style="list-style-type: none"> <li>• Defining vulnerable populations, determining how residents are assessed as being members of a vulnerable population, and establishing the procedures for dealing with residents that are members of vulnerable populations</li> </ul>
6VAC35-101-660	<ul style="list-style-type: none"> <li>• Procedures regarding the delaying, withholding, or searching of the incoming and outgoing mail of residents.</li> </ul>
6VAC35-101-670	<ul style="list-style-type: none"> <li>• Permitting phone calls of residents in accordance with a number of considerations.</li> </ul>
6VAC35-101-680	<ul style="list-style-type: none"> <li>• Allowing residents visiting privileges</li> </ul>
6VAC35-101-690	<ul style="list-style-type: none"> <li>• Allowing residents to have uncensored, confidential conduct with attorneys. Residents shall not be denied access to courts. Residents cannot be required to submit to questioning by law enforcement, but they can do so voluntarily.</li> </ul>
6VAC35-101-700	<ul style="list-style-type: none"> <li>• Requiring that residents be given a list of things deemed personal necessity (listed in the regulation).</li> </ul>
6VAC35-101-710	<ul style="list-style-type: none"> <li>• Requiring that residents have the opportunity to shower daily.</li> </ul>
6VAC35-101-730	<ul style="list-style-type: none"> <li>• Residents shall have privacy when using the bathroom, showering, or getting dressed, subject to a few limitations</li> </ul>
6VAC35-101-740	<ul style="list-style-type: none"> <li>• Food and nutritional requirements for meals served to residents, including how many meals are required to be served daily</li> </ul>
6VAC35-101-750	<ul style="list-style-type: none"> <li>• Residents shall have access to reading materials</li> </ul>
6VAC35-101-760	<ul style="list-style-type: none"> <li>• Residents shall be able to freely practice religion, free of coercion. Religious services should be offered.</li> </ul>
6VAC35-101-770	<ul style="list-style-type: none"> <li>• Requiring that a detention centers develop a recreational program that meets a list of requirements.</li> </ul>
6VAC35-101-780	<ul style="list-style-type: none"> <li>• Procedures and safeguards for the keeping of funds belonging to residents.</li> </ul>
6VAC35-101-790	<ul style="list-style-type: none"> <li>• Residents cannot be used for fundraising without consent from both themselves and their legal guardian.</li> </ul>
6VAC35-101-800	<ul style="list-style-type: none"> <li>• Procedures for the orientation of residents</li> </ul>
6VAC35-101-810	<ul style="list-style-type: none"> <li>• Requiring the inventory and admission of the personal property of residents</li> </ul>
6VAC35-101-820	<ul style="list-style-type: none"> <li>• Each resident must go through a mental health screening. The required procedures are detailed in this regulation</li> </ul>
6VAC35-101-830	<ul style="list-style-type: none"> <li>• Residents shall be assigned rooms based on a detailed classification plan that takes into account a variety of considerations</li> </ul>
6VAC35-101-840	<ul style="list-style-type: none"> <li>• Procedures for the discharge of residents</li> </ul>

6VAC35-101-860	<ul style="list-style-type: none"> <li>Requiring each facility to develop and implement a comprehensive, planned, and structured daily routine.</li> </ul>
6VAC35-101-870	<ul style="list-style-type: none"> <li>Procedures for written communication between staff of the facilities</li> </ul>
6VAC35-101-880	<ul style="list-style-type: none"> <li>Regulations for the additional duties of direct care staff. Residents cannot be solely responsible for support functions.</li> </ul>
6VAC35-101-890	<ul style="list-style-type: none"> <li>Staff shall provide 24 hour, seven day a week supervision of residents. Regulations regarding how long staff can work, who can supervise where, etc.</li> </ul>
6VAC35-101-900	<ul style="list-style-type: none"> <li>How many staff are required to be supervising residents at given points in the daily routine</li> </ul>
6VAC35-101-910	<ul style="list-style-type: none"> <li>Requiring monitoring of outside personnel that are performing work on the premises</li> </ul>
6VAC35-101-920	<ul style="list-style-type: none"> <li>The facility can assign chores to residents. The chores cannot interfere with schoolwork.</li> </ul>
6VAC35-101-930	<ul style="list-style-type: none"> <li>Requiring that the facility administrator appoint a health authority who is responsible for organizing, planning, and monitoring the timely provision of appropriate health care services, consistent with statutes and regulations.</li> </ul>
6VAC35-101-940	<ul style="list-style-type: none"> <li>Treatment by nursing personnel shall be performed pursuant to laws and regulations. Other health trained personnel shall provide care within their training level and certification.</li> </ul>
6VAC35-101-950	<ul style="list-style-type: none"> <li>Regulations regarding health care procedures, including who to notify in the event of a medical or dental emergency.</li> </ul>
6VAC35-101-960	<ul style="list-style-type: none"> <li>Health trained personnel can only administer care they are trained to administer</li> </ul>
6VAC35-101-970	<ul style="list-style-type: none"> <li>Informed consent must be given for health care procedures, unless in accordance with other laws or regulations</li> </ul>
6VAC35-101-980	<ul style="list-style-type: none"> <li>Residents must undergo a health screening at admission</li> </ul>
6VAC35-101-990	<ul style="list-style-type: none"> <li>Residents must undergo a tuberculosis screening within five days of admission</li> </ul>
6VAC35-101-1000	<ul style="list-style-type: none"> <li>Requiring a medical examination of residents by a physician or qualified healthcare practitioner within five days of admission</li> </ul>
6VAC35-101-1010	<ul style="list-style-type: none"> <li>Regulations for dealing with infectious or contagious diseases and exposure to them</li> </ul>
6VAC35-101-1020	<ul style="list-style-type: none"> <li>A written procedure must be written for suicide prevention programs and training</li> </ul>
6VAC35-101-1030	<ul style="list-style-type: none"> <li>Requirements for the health care records of residents</li> </ul>
6VAC35-101-1040	<ul style="list-style-type: none"> <li>Requiring that a first-aid kit be available and well-stocked for dealing with minor injuries</li> </ul>
6VAC35-101-1050	<ul style="list-style-type: none"> <li>Requirements for when a resident needs hospital care or other medical treatment outside of the detention center</li> </ul>
6VAC35-101-1060	<ul style="list-style-type: none"> <li>Regulations regarding the labeling, storage, and administration of medication</li> <li>Procedures for when a medication incident occurs</li> </ul>



6VAC35-101-1070	<ul style="list-style-type: none"> <li>• Requiring the implementation of a behavioral management program, designed to correct a resident’s inappropriate behavior.</li> <li>• Requiring the facility administrator to evaluate the effectiveness of the facility’s behavioral intervention techniques at least annually.</li> </ul>
6VAC35-101-1080	<ul style="list-style-type: none"> <li>• Requiring written procedures that guide the disciplinary process.</li> <li>• Requiring discipline reports to be written when it is alleged that a resident committed a violation for which room confinement is an appropriate sanction.</li> <li>• Requiring the review of the discipline reports by an impartial person.</li> <li>• Giving residents the right to appeal the decision made by the impartial person.</li> <li>• The discipline report is placed in the resident’s record if found guilty of the violation. If found not guilty, the discipline report is removed from the resident’s case record.</li> </ul>
6VAC35-101-1090	<ul style="list-style-type: none"> <li>• Physical restraint is only to be used as a last resort.</li> <li>• Written procedures shall govern the use of physical restraint.</li> <li>• Each application of physical restraint shall be documented in the resident’s record.</li> </ul>
6VAC35-101-1100	<ul style="list-style-type: none"> <li>• When a resident is locked in a confined room, staff shall check the resident visually every 30 minutes. If the resident is on suicide watch, staff should check the resident visually every 15 minutes.</li> <li>• Residents confined to a room shall be awarded at least one hour of physical exercise per day.</li> <li>• If the confinement is for more than 24 hours, the facility administrator should be notified</li> <li>• If confinement is more than 72 hours, the Director of DJJ should be notified.</li> <li>• Confinement should not exceed five days.</li> <li>• Administrator or designee should be in contact with confined residents daily.</li> </ul>
6VAC35-101-1110	<ul style="list-style-type: none"> <li>• Only the facility administrator can place residents in administrative confinement.</li> <li>• Residents can be confined to no more than two in a room.</li> <li>• Residents in administrative confinement should be afforded basic living conditions.</li> <li>• “Administrative confinement means the placement of a resident in a special housing unit or designated individual cell that is reserved for special management of residents for purposes of protective custody or the special management of residents whose behavior presents a serious threat to the safety and security of the facility, staff, general population, or themselves. For the purpose of this section, protective custody shall mean the separation of a resident from the general population for protection from or for other residents for reasons of health or safety.”</li> </ul>
6VAC35-101-1120	<ul style="list-style-type: none"> <li>• Staff may not use pepper spray or other chemical agents to manage resident behavior.</li> </ul>

6VAC35-101-1130	<ul style="list-style-type: none"> <li>• Requiring written procedures to govern the use of mechanical restraints.</li> <li>• The procedure should require all staff who use such restraints to be trained in their use.</li> <li>• Staff that are untrained in the use of mechanical restraints cannot use them.</li> </ul>
6VAC35-101-1140	<ul style="list-style-type: none"> <li>• Staff shall provide restrained residents with access to water, meals, and toilet.</li> <li>• Staff shall check on restrained residents at least every 15 minutes.</li> <li>• Staff should consult with a health care provider and mental health professional if a resident is restrained for more than 2 hours in a given 24 hour period.</li> <li>• Procedures for if a resident displays self-injurious behavior after being placed in mechanical restraints.</li> </ul>
6VAC35-101-1150	<ul style="list-style-type: none"> <li>• Requiring a written procedure for the use of restraints for medical or mental health purposes.</li> </ul>
6VAC35-101-1160	<ul style="list-style-type: none"> <li>• “A detention center that accepts placements in a post-dispositional detention program, as defined herein, must be approved by the board to operate a post-dispositional detention program.”</li> </ul>
6VAC35-101-1170	<ul style="list-style-type: none"> <li>• Requiring that the post-dispositional detention program request a written agreement with a court service unit of the committing court defining working relationships and implementation</li> </ul>
6VAC35-101-1180	<ul style="list-style-type: none"> <li>• Requiring written procedure ensuring reasonable utilization of the detention center for pre-dispositional detention and the post-dispositional detention program.</li> <li>• Requiring the facility to implement programs that are available to post-dispositional detention program participants but not residents detained due to pre-dispositional reasons.</li> <li>• Procedure for evaluating whether a resident is an appropriate candidate for a post-dispositional detention program.</li> <li>• Allowing consideration for temporary release of a resident in a post-dispositional detention program when programs or services are not available in the detention center.</li> </ul>
6VAC35-101-1190	<ul style="list-style-type: none"> <li>• Requiring a written description of the post-dispositional detention program</li> </ul>
6VAC35-101-1200	<ul style="list-style-type: none"> <li>• Requiring the creation and implementation of individual service plans for residents placed within post-dispositional detention programs.</li> </ul>
6VAC35-101-1210	<ul style="list-style-type: none"> <li>• Requiring a documented review of the progress of each post-dispositional resident.</li> </ul>
6VAC35-101-1220	<ul style="list-style-type: none"> <li>• The facility shall implement written case management procedures addressing: <ul style="list-style-type: none"> <li>○ Helping families and residents understand the effects of what is happening</li> <li>○ Helping families support residents</li> <li>○ Utilizing community resources</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Helping to plan for the resident’s future</li> <li>○ Etc.</li> </ul>
6VAC35-101-1230	<ul style="list-style-type: none"> <li>● Requiring the health records to include ongoing psychiatric or mental health treatments</li> <li>● Requiring certain documents be available in the event of a medical or dental emergency</li> </ul>
6VAC35-101-1240	<ul style="list-style-type: none"> <li>● When a post-dispositional detention program refers a resident to a licensed professional in private practice, the program should verify that the person is indeed licensed.</li> </ul>
6VAC35-101-1250	<ul style="list-style-type: none"> <li>● Requiring written procedures governing self-medication of residents at a detention center that accepts post-dispositional placements exceeding 30 consecutive days.</li> </ul>
6VAC35-101-1260	<ul style="list-style-type: none"> <li>● Allowing residents within post-dispositional programs to have paid employment as a part of the rehabilitation and treatment plan.</li> </ul>
6VAC35-101-1270	<ul style="list-style-type: none"> <li>● Requiring that certain information regarding the continued care of the resident be given to the legal guardian or legally authorized representative at the time of the resident’s release from the facility.</li> </ul>

<b>Code of Virginia</b>	
<b>Article 9. Disposition</b>	
<b>Section</b>	<b>Summary</b>
§ 16.1-284.1	<ul style="list-style-type: none"> <li>● If a juvenile 14 years of age or older commits an offense which if committed by an adult would be punishable by confinement in a state or local correctional facility and the court determines that:                             <ul style="list-style-type: none"> <li>○ (1) the juvenile has not been and is not currently adjudicated as being delinquent of a violent juvenile felony or found guilty of a violent juvenile felony</li> <li>○ (2) that the juvenile has not been released from DJJ custody within the last 18 months</li> <li>○ (3) that the interests of the juvenile and community require that the juvenile be placed under legal restraint or discipline, and</li> <li>○ (4) that other placements under this title would not best serve the interests of the juvenile</li> </ul> </li> <li>● Then the court may order the juvenile confined in a detention home or other secure facility for juveniles for a period not to exceed six months.                             <ul style="list-style-type: none"> <li>○ If the offense, which would have been classified as a felony or Class I misdemeanor if committed by an adult, caused the death of another person, the detention period can be for up to 12 months.</li> </ul> </li> <li>● Procedure/eligibility for having the juvenile's commitment to DJJ suspended</li> <li>● If the confinement is to exceed 30 calendar days, the court shall conduct a mandatory review hearing at least once per each 30</li> </ul>

	<p>days. If it appears at such a hearing that the purpose of the confinement has been achieved, the juvenile shall be released.</p> <ul style="list-style-type: none"> <li>○ This appearance is satisfied either in person or through a video or audio meeting.</li> <li>● Juveniles can only be ordered confined to a facility that is in compliance with the standards set by the State Board.</li> <li>● DJJ shall assist the localities in implementing this section consistent with the statewide action plan and pursuant to standards issued by the State Board.</li> </ul>
<b>Article 12.1. Virginia Juvenile Community Crime Control Act</b>	
<b>Section</b>	<b>Summary</b>
§ 16.1-309.2	<ul style="list-style-type: none"> <li>● The General Assembly's purpose and intent when it comes to this Act.</li> </ul>
§ 16.1-309.3	<ul style="list-style-type: none"> <li>● Any county, city, or combination thereof may establish a community-based system.</li> <li>● These systems shall be administered by a county, city, or combination thereof and may be administered through a community policy and management team.</li> <li>● DJJ shall provide technical assistance to localities, upon request, for establishing or expanding programs or services.</li> <li>● Any community that establishes one of these systems shall biennially submit a local plan for development, implementation, and operation to the State Board.</li> <li>● Each locality shall provide relevant data to the Director of DJJ.</li> </ul>
§ 16.1-309.4	<ul style="list-style-type: none"> <li>● DJJ shall develop 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.</li> </ul>
§ 16.1-309.5	<ul style="list-style-type: none"> <li>● The Commonwealth shall reimburse the localities for one-half the cost of construction, enlargement, renovation, purchase or rental of a detention home or other facilities the plans of which were approved by the Board and the Governor.</li> <li>● Priority funding shall be given to multijurisdictional initiatives.</li> <li>● The Board shall promulgate regulations regarding the process for requesting reimbursements and accepting those requests.</li> </ul>
§ 16.1-309.6	<ul style="list-style-type: none"> <li>● The process for appropriating funds for the programs under this Act.</li> </ul>
§ 16.1-309.7	<ul style="list-style-type: none"> <li>● The calculations for how much the Commonwealth will reimburse localities with approved plans.</li> </ul>
§ 16.1-309.8	<ul style="list-style-type: none"> <li>● Any county, city, or combination thereof operating a Juvenile Community Crime Control Act program may collect a daily rate from localities of the Commonwealth from which a juvenile is placed in the program.</li> </ul>
§ 16.1-309.9	<ul style="list-style-type: none"> <li>● The State Board of Juvenile Justice shall promulgate standards for the development, implementation, operation and evaluation of community-based programs, services, and facilities.</li> </ul>

	<ul style="list-style-type: none"> <li>• The Board shall also approve minimum standards for the construction and equipment of detention homes.</li> <li>• The State Board may prohibit the placement of juveniles in facilities that do not comply with its minimum standards. It may also limit the number of juveniles to be housed in a detention home.</li> <li>• If DJJ finds noncompliance, it can suspend all or any portion of financial aid made available to the locality until there is compliance.</li> <li>• Orders of the State Board of Juvenile Justice shall be enforced by circuit courts.</li> </ul>
§ 16.1-309.10	<ul style="list-style-type: none"> <li>• Detention homes established under this Act are subject to visitation, inspection and regulation by the State Board or its agents.</li> <li>• It shall be furnished and managed so far as possible as a family home under the management of a superintendent.</li> <li>• The superintendent shall furnish relevant data to DJJ.</li> </ul>
<b>Article 13. Facilities for Detention and Other Residential Care</b>	
<b>Section</b>	<b>Summary</b>
§ 16.1-315	<ul style="list-style-type: none"> <li>• The governing bodies of three or more political subdivisions may, by concurrent ordinances or resolutions, provide for the establishment of a joint or regional citizen juvenile detention home commission.</li> </ul>
§ 16.1-316	<ul style="list-style-type: none"> <li>• A juvenile detention home commission must have at least three members and at least one member from each participating political subdivision.</li> <li>• Participating political subdivisions can appoint alternate members.</li> <li>• Neither the chief judge or any judge of the juvenile and domestic relations court in his/her district can be a member of the commission.</li> <li>• The term of office for members of the commission, if any, shall be for four years.</li> </ul>
§ 16.1-317	<ul style="list-style-type: none"> <li>• A majority of the members of the commission shall constitute a quorum.</li> <li>• The commission shall elect a chairman and adopt rules and regulations for its procedure and governance.</li> <li>• The governing bodies of the political subdivisions may opt to compensate the members.</li> </ul>
§ 16.1-318	<ul style="list-style-type: none"> <li>• Each commission shall have the powers necessary to carry out the general purposes of this article.</li> <li>• The commissions are subject to supervision by the Director of DJJ.</li> <li>• These powers include the following:                         <ul style="list-style-type: none"> <li>○ To adopt a seal, to have perpetual succession, and to make and execute contracts.</li> <li>○ To employ officers, agents, and employees and to remove such employees at pleasure.</li> <li>○ To acquire property</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ To acquire, establish, construct, operate, and maintain a juvenile detention home or facility.</li> <li>○ To make and enforce rules and regulations for the management and operation of its business and facilities.</li> <li>○ To accept donations</li> <li>○ To make regulations and policies governing the care, guidance, and training of juveniles in the commission's detention facilities.</li> <li>○ To borrow money</li> <li>○ To issue revenue bonds</li> </ul>
§ 16.1-319	<ul style="list-style-type: none"> <li>● The commission may acquire by eminent domain any real property which it may deem necessary to carry out the purposes of this article after the adoption of a resolution declaring the acquisition to be in the public interest and necessary for public use.</li> <li>● However, this must be done pursuant to approval (after a public hearing) of the governing body of the political subdivision.</li> </ul>
§ 16.1-320	<ul style="list-style-type: none"> <li>● Property of the commission is exempt from execution and judgment liens.</li> </ul>
§ 16.1-321	<ul style="list-style-type: none"> <li>● The political subdivisions that created the commission can make appropriations for the construction, improvement, maintenance, and operation of any juvenile detention facility operated or proposed to be operated by the commission.</li> <li>● The subdivisions can also issue general obligation bonds and appropriate the proceeds thereof for capital costs of such a facility.</li> </ul>
§ 16.1-322	<ul style="list-style-type: none"> <li>● The commission shall keep and preserve complete records of its administrative operations and transactions.</li> <li>● These records shall be open for inspection by the political subdivisions at all times.</li> <li>● The commission shall make reports to the political subdivisions annually, and at such other times the subdivisions require.</li> </ul>
<b>Article 13.1. Funding of Local Juvenile Facilities, Programs and Certain Court Service Units</b>	
<b>Section</b>	<b>Summary</b>
§ 16.1-322.1	<ul style="list-style-type: none"> <li>● DJJ shall apportion funds apportioned to DJJ in the general appropriation act for the support of such facilities to the localities and commissions operating juvenile detention centers, with a few exceptions.</li> <li>● This shall include an allowance for salaries and expenses.</li> <li>● DJJ may reduce the apportionment for facilities that do not comply with DJJ or State Board regulation.</li> </ul>
§ 16.1-322.2	<ul style="list-style-type: none"> <li>● State funds appropriated to DJJ for the support of local juvenile detention facilities and apportioned in accordance with the previous section shall be paid to localities or commissions quarterly.</li> <li>● Any funds distributed that are unexpended at the end of each fiscal year within a biennium shall be kept by the locality or commission and spent on the respective detention facilities.</li> </ul>

	<ul style="list-style-type: none"> <li>• Any surplus funds remaining at the end of each biennium shall be returned to the state treasury.</li> </ul>
<p>§ 16.1-322.3</p>	<ul style="list-style-type: none"> <li>• Each locality or commission eligible to receive state funds in accordance with this article shall report each month to the Director of DJJ the number of child care days registered during the preceding month by each facility operated by such locality or commission.</li> <li>• Describing the penalty for failing to submit these reports</li> </ul>
<p>§ 16.1-322.4</p>	<ul style="list-style-type: none"> <li>• Any locality or commission operating a juvenile detention facility may collect a daily rate from any locality of the Commonwealth from which a child is placed in said facility.</li> </ul>
<p>§ 16.1-322.5</p>	<ul style="list-style-type: none"> <li>• The State Board may authorize a city, county, or combination thereof to contract with a private entity for the construction, operation, etc. of a juvenile detention home or facility.</li> <li>• Subject to the following requirements and limitations:             <ul style="list-style-type: none"> <li>○ Contracts shall be with an entity submitting an acceptable response. The private contractor must demonstrate that it has:                 <ul style="list-style-type: none"> <li>▪ The qualifications, expertise, and management personnel to execute the terms of the contract</li> <li>▪ The necessary financial resources</li> <li>▪ Evidence of past performance of similar contracts</li> <li>▪ The ability to comply with federal and state laws and regulations</li> </ul> </li> <li>○ May be entered into for a period of up to 30 years</li> <li>○ Requirements for contracts regarding juvenile correctional facilities or programs:                 <ul style="list-style-type: none"> <li>▪ The contractor provides audited financial statements for the previous five years.</li> <li>▪ The contractor provides an adequate plan of indemnification.</li> </ul> </li> <li>○ Requirements for contracts for correctional services:                 <ul style="list-style-type: none"> <li>▪ Contract has to be reviewed and approved by the State Board</li> <li>▪ An appropriation for the services to be provided has been expressly approved as is otherwise provided by law.</li> <li>▪ The facilities or programs proposed by the contract are of at least the same quality as those routinely provided by a governmental agency to similarly situated children.</li> <li>▪ An evaluation of the contract demonstrates a cost benefit when compared to alternative means of providing the services.</li> </ul> </li> </ul> </li> </ul>
<p>§ 16.1-322.6</p>	<ul style="list-style-type: none"> <li>• The following powers are not delegable to a private contractor:             <ul style="list-style-type: none"> <li>○ Developing and implementing procedures for determining release dates</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Classifying detainees or placing detainees in less or more restrictive custody</li> <li>○ Transferring a detainee</li> <li>○ Formulating rules of detainee behavior</li> <li>○ Disciplining detainees in a manner which requires discretion.</li> </ul>
§ 16.1-322.7	<ul style="list-style-type: none"> <li>● The State Board shall adopt regulations governing the following aspects of private operation and management of detention facilities: <ul style="list-style-type: none"> <li>○ The schedule for state reimbursement to the political subdivisions for the cost of construction</li> <li>○ The manner of state payment to the localities for the care and custody costs at the facility of the children for whom the Commonwealth is required to provide funds.</li> <li>○ Minimum standards for the construction, equipment, administration, and operation of the facilities.</li> <li>○ Contingency plans in the event of termination of a contract</li> <li>○ The powers and duties of contractors' personnel charged with the care and custody of detainees.</li> <li>○ Methods of monitoring a contractor-operated facility by governmental entities.</li> <li>○ Public access to a contractor-operated facility</li> <li>○ Other regulations necessary to carry out the provisions of this title.</li> </ul> </li> </ul>

**Title 66. Juvenile Justice**

**Chapter 1. Department and State Board of Juvenile Justice.**

Section	Summary
§ 66-3	<ul style="list-style-type: none"> <li>● Nothing in this Section shall be construed to grant DJJ any authority over the operation and security of detention homes not specified in any other provision of law.</li> </ul>

**Chapter 2. Care of Children Committed to Department.**

Section	Summary
§ 66-13	<ul style="list-style-type: none"> <li>● DJJ is authorized to receive individuals committed to it by courts.</li> <li>● DJJ may make arrangements with cities or counties maintaining places of detention of juveniles, for the temporary care of such juveniles.</li> <li>● DJJ may by mutual agreement with localities establish detention homes for use by localities for pre-trial and post-dispositional detention.</li> <li>● DJJ may collect by mutual agreement with the localities and from any locality from which a juvenile is placed in said detention homes, the cost of maintaining said juvenile in the facility and a portion of the cost of the construction of the facility.</li> </ul>
§ 66-15	<ul style="list-style-type: none"> <li>● DJJ shall establish schedules setting forth the per diem cost to each locality for maintaining a child in a detention home.</li> </ul>



	<ul style="list-style-type: none"> <li>• In accordance with said schedule, DJJ will reimburse localities the per diem rate for any child that is committed to DJJ that has been placed in a detention home operated by the locality.</li> </ul>
<p>§ 66-25.1:3</p>	<ul style="list-style-type: none"> <li>• The Director of DJJ may contract with local detention homes for the temporary placement of a committed juvenile who is deemed appropriate for the participation in the programs or services provided by or through a certified post-dispositional program in that local detention facility or home.</li> <li>• A juvenile who the Director is satisfied meets the work-release criteria and who will benefit from educational programs, employment or other related community activity programs available at or through the local detention facility or home is eligible for placement in such local detention facility.</li> <li>• Juveniles who have been placed in the programs authorized by this section are still deemed to be in custody. There are penalties for leaving the authorized area.</li> <li>• The Director and the superintendent or administrative head of a local detention facility can contract to allow committed juveniles who meet the criteria to participate in local work release programs or in educational or other rehabilitative programs operating pursuant to this section.</li> </ul>