

Repurposing and other types of licensing examples

Department of Juvenile Justice

- **Removal of Department of JDC Juvenile Justice Certification:**
 - 6VAC35-20-75
 - When the program or facility ceases to operate, the program or facility administrator shall return the certificate to the director or designee. The department shall notify the board of the change in the program's or facility's status.
- **More than one facility certified at one location:**
 - 6VAC35-101-10
 - "Detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia.
 - Ex. Prince William has proposed to co-locate the JDC and Molinari Youth Shelter, a nonsecure facility, next to each other on the same property, and connected via a secure pathway in order to have shared medical, shared administration, and shared staff.
 - Ex. The Lynchburg Group Home was built in 2016 beside the Lynchburg JDC. Youth can be referred by the JDR court or a placement agreement with Social Services.

Department of Social Services:

- **Children's Residential Facilities (CRF)¹:**
 - These provide 24-hour care, guidance and protection to children placed through local family assessment and planning teams under the Comprehensive Services Act or private placement by parents or legal guardians.
 - Examples include, operating as a temporary emergency shelter care, independent living and residential program.
- **Code Sections:**
 - § 63.2-1736
 - Authorizes the Department to enter into interagency agreements with other state agencies to develop and implement regulations.
 - § 63.2-1737
 - Giving the State Board of Social Services the licensing authority and power to make regulations regarding CRFs.
- **Regulations:**
 - 22VAC40-151- The chapter with the standards for these children's residential facilities.
 - Specifically:
 - 22VAC40-151-50
 - General Requirements (compliance with standards)
 - 22VAC40-151-250
 - Required training for staff
 - 22VAC40-151-360

¹ DSS CRF Licensing website: <https://www.dss.virginia.gov/facility/crf.cgi>.

- Requirements for buildings, inspections, and building plans
 - “The buildings and physical environment shall provide adequate space and shall be of a design that is suitable to house the programs and services provided and meet specialized needs of the residents.”

Department of Behavioral Health and Developmental Services:

- **Children’s Residential Facilities²:**
 - A publicly or privately operated facility, other than a private family home, where 24-hour per day care is provided to children separated from their legal guardians and is required to be licensed or certified by the Code of Virginia.
 - These facilities provide “on-site” services to address the needs of residents with mental illness, intellectual disabilities, or substance use disorders. These needs may include counseling, therapy, training, habilitation or other services. For example, a children’s residential service serving emotionally disturbed children must provide for counseling/therapy on site, as well as a daily structured program of care.
- **Code Section:**
 - § 37.2-408
 - The Department shall assist and cooperate with other state departments in fulfilling their respective licensing and certification responsibilities. The Board shall adopt regulations that shall allow the Department to so assist and cooperate with other state departments. The Board may adopt regulations to enhance cooperation and assistance among agencies licensing similar programs.
 - The Board's regulations shall establish the Department as the single licensing agency for group homes or residential facilities providing mental health, developmental, brain injury, or substance abuse services other than facilities operated or regulated by the Department of Juvenile Justice.
- **Regulations:**
 - 12VAC35-46- The chapter with the standards for these children’s residential facilities.
 - Specifically:
 - 12VAC35-46-60
 - General Requirements (compliance with standards)
 - 12VAC35-46-90
 - Levels of licensure
 - 12VAC35-46-310
 - Staff development and training
 - 12VAC35-46-420
 - E. “The buildings and physical environment shall provide adequate space and shall be of a design that is suitable to house the programs and services provided and meet specialized needs of the residents.”

² DBHDS CRF Licensing Website: <https://dbhds.virginia.gov/quality-management/licensing-childrens-residential-providers/>.