Virginia Commission on Youth
2026 Legislative Studies and Initiatives

Study on the Powers and Duties of the Children's Ombudsman as Related to Justice-Involved Youth

Draft Recommendations	Public Comment
Recommendation 1: Amend Chapter 4.4 (§ 2.2-438 et seq.) of Title 2.2 of the *Code of Virginia* to extend the powers and duties of the Office of the Children's Ombudsman to include: Option A: juveniles in secure confinement facilities certified or operated by the Department of Juvenile Justice (Bon Air Juvenile Correctional Center and all locally operated juvenile detention centers). or Option B: committed juveniles in secure confinement facilities certified or operated by the Department of Juvenile Justice (Bon Air Juvenile Correctional Center and detention facilities with Community Placement Programs). or Option C: committed juveniles in the secure confinement facility operated by the Department of Juvenile Justice (Bon Air Juvenile Correctional Center only). Provisions of the legislation will include that any individual with a legitimate interest may submit a general complaint to the	**New River Valley Juvenile Detention Center, Christiansburg:** New River Valley JDC opposes including juvenile detention centers in Recommendation 1 since juvenile detention centers (JDCs) are required to maintain grievance procedures, oversight of detention centers is provided by the Department of Juvenile Justice (DJJ), and outside reporting options for youth in JDCs already exist. "DJJ regulations require detention facilities to maintain a grievance policy and procedure. Residents can also raise concerns with their probation officers, attorneys, guardians ad litem, and other professionals they see regularly. They have several ways to seek help, including outside the facility's chain of command." New River JDC requests legislators to identify existing gaps in JDC reporting that cannot be addressed by DJJ oversight and "why current procedures and DJJ oversight cannot address them. Without that explanation, we see this proposal as duplicating protections already in place." **Northwestern Regional Juvenile Detention Center, Winchester:** Northwestern Regional JDC expresses concern about including youth in locally operated juvenile detention centers (JDCs) within the powers and duties of the Office of the Children's Ombudsman. Northwestern Regional JDC encourages the Commission to consider

Ombudsman. The Ombudsman has the sole discretion and authority to determine if a complaint falls within the Office's purview. Juveniles in such facilities may file a complaint directly with the Ombudsman without utilizing the facility's administrative process. The Office of the Children's Ombudsman may include recommendations related to the juvenile justice system in annual reports to the Governor, the Director of the Department of Juvenile Justice, and the General Assembly on the office's activities and recommendations for legislation or revisions to rules or policies.	the different governance, funding, staffing, and administrative structures of juvenile detention centers than state-operated facilities, in addition to the different legal circumstances of youth in JDCs. "We also understand that our residents are more transient than the committed youth. How will the OCO follow-up with complaints once the youth are released from our custody?" Northwestern Regional JDC emphasizes that there are existing oversight mechanisms for JDCs, including DJJ certification and regulatory requirements, judicial oversight, local government oversight, and internal grievance procedures, which could potentially lead to redundancy if the OCO is implemented. **Shenandoah Valley Juvenile Detention Center, Staunton:** Within the juvenile detention center "youth have opportunities to express concerns or complaints outside of the internal grievance procedure. This includes in-person visitation with parents/guardians, counselors, attorneys, and education staff. Toll-free numbers are provided at each phone station to contact local, state, and national child welfare agencies and hotlines… Our grievance procedures are subject to annual monitoring by the Virginia Department of Juvenile Justice, and we undergo a rigorous compliance review by an independent auditor for the Prison Rape Elimination Act every three years. Any allegation of abuse or neglect is immediately reported to Child Protective Services and/or law enforcement, as appropriate. These agencies are given full access to the youth, staff, documentation, video footage, and the facility itself. Additionally, we are subject to and do accommodate both announced and unannounced visits from child advocacy groups, such as the Disability Law Center of Virginia."

	Blue Ridge Juvenile Detention Center, Charlottesville: Blue Ridge JDC opposes expanding the powers and duties of the Office of the Children's Ombudsman to include youth in juvenile detention centers. The Executive Director raises concerns about allowing youth to file with the Ombudsman without undergoing the internal grievance process. "Facility grievance procedures serve an important purpose. They provide a structured, documented, and timely mechanism for residents to communicate concerns, receive responses, and seek resolution. They also enable facility administrators to identify patterns, correct deficiencies, and improve operations when warranted." **Legal Aid Justice Center:** "LAJC strongly supports extending the authority of the Office of the Children's Ombudsman to youth confined in facilities operated or certified by the Department of Juvenile Justice, including locally operated detention centers. We also support allowing any individual with a legitimate interest to submit complaints and permitting youth to communicate directly with the Ombudsman without first exhausting facility grievance procedures. Youth in secure confinement face substantial practical barriers to reporting safety concerns, abuse, neglect, retaliation, or inadequate services, especially when they are required to use internal grievance systems that are managed by the very people and agency that are the cause of their concerns. An independent Ombudsman provides an essential safeguard by creating a confidential, accessible, and credible mechanism through which youth and families can seek assistance reliably with less fear of retaliation." **disAbility Law Center of Virginia:** dLCV supports Recommendation 1. "As Virginia's designated Protection and Advocacy system for people with disabilities, dLCV exercises Federal access authority to monitor facilities, speak with residents, review conditions, investigate allegations of abuse and

	neglect, and advocate for the rights of people with disabilities. dLCV's juvenile justice work includes monitoring at Bon Air Juvenile Correctional Center and juvenile detention centers throughout the Commonwealth, individual advocacy for juveniles with disabilities, and investigations involving allegations of abuse and neglect. dLCV has encountered facilities where administrators and staff have been responsive to concerns, juveniles have reported positive experiences, and identified problems have been addressed. We have also encountered circumstances requiring substantial follow-up, advocacy, investigation, and corrective recommendations. Those experiences reinforce an important principle: independent oversight should not depend upon whether a particular facility is functioning well at a particular moment. Throughout the course of dLCV's work at Bon Air, juveniles have repeatedly expressed reluctance to use the facility's grievance process because they do not believe it will result in meaningful action… dLCV also supports extending this protection to DJJ-committed juveniles housed in locally operated juvenile detention centers. Our monitoring work in local JDCs has demonstrated that practices, resources, programming, and facility operations can vary.” **Adeira Wright, Parent, Roanoke:** Supports the examination of expanding the role of the Office of the Children’s Ombudsman for juveniles committed to DJJ. Recommends that the process for filing juvenile justice-related complaints with the OCO is accessible and navigable for justice-involved youth and families.

Recommendation 2: Amend the *Code of Virginia* §16.1-300(A) to explicitly grant the Office of the Children's Ombudsman access to confidential records of the Department of Juvenile Justice. Direct the Board of Juvenile Justice to adopt regulations ensuring Office of the Children's Ombudsman physical access to secure confinement facilities certified or operated by the Department of Juvenile Justice.	**Legal Aid Justice Center:** "LAJC strongly supports granting the Ombudsman access to confidential records maintained by the Department of Juvenile Justice and ensuring physical access to juvenile facilities. Meaningful independent review requires the ability to examine records and speak with youth directly. Likewise, facility visits are critical to understanding conditions on the ground and identifying concerns that may not be apparent from written documentation alone. These access provisions are consistent with the role of independent oversight and are necessary to ensure that the Ombudsman can effectively investigate complaints and monitor systemwide trends." **disAbility Law Center of Virginia:** "Effective oversight also requires meaningful access. Accordingly, dLCV supports Recommendation 2's provisions granting OCO access to relevant confidential DJJ records and ensuring physical access to secure confinement facilities. An oversight entity cannot independently evaluate allegations or systemic concerns if it lacks access to the records, people, and environments necessary to understand what occurred." **Adeira Wright, Parent, Roanoke:** Encourages the Commission to ensure prior child welfare involvement and other relevant updated information are available to the Office of the Children's Ombudsman during reviews related to justice-involved youth. "When serious information is fragmented among systems, an independent review should be able to ask whether anyone considered why children were reaching outside their household, whether sibling connections contained relevant information, whether there was safe family available, and whether current facts had changed since earlier decisions."

Recommendation 3: Direct the Department of Juvenile Justice to notify the Office of the Children's Ombudsman within 24 hours of all serious incident reports, as defined in Department of Juvenile Justice regulations.	**Legal Aid Justice Center:** "LAJC strongly supports requiring the DJJ to notify the Ombudsman within 24 hours of all serious incident reports. Timely notification is critical to effective oversight…Providing real-time notice of serious incidents will strengthen transparency and promote public confidence in the Commonwealth's juvenile justice system." **disAbility Law Center of Virginia:** dLCV supports Recommendation 3. "Timely notice gives an independent oversight entity the opportunity to identify patterns, assess circumstances while information is still available, and determine whether further review is warranted. In institutional investigations, delays matter. Records can become more difficult to obtain, memories can fade, and video, audio, or other evidence may 'not remain available indefinitely. Oversight is most meaningful when the oversight entity learns about serious events while meaningful review remains possible."
Recommendation 4: Introduce a budget amendment to Item 44 of the Appropriation Act to increase staffing for the Office of the Children's Ombudsman to support additional analytical and investigative responsibilities of the office related to juveniles in secure confinement facilities certified or operated by the Department of Juvenile Justice.	**Northwestern Regional Juvenile Detention Center, Winchester:** Northwestern Regional JDC raises concerns about strain on OCO staff and resources. "The potential fiscal impact associated with expanding OCO staffing and operational capacity has not been thoroughly evaluated." **Shenandoah Valley Juvenile Detention Center, Staunton:** Shenandoah Valley JDC believes "the current system already offers a multitude of avenues for youth to express concerns regarding their care or conditions... additional research be completed to determine if these current avenues are adequate before significant funding and staffing resources are committed."

	Blue Ridge Juvenile Detention Center, Charlottesville: "Additional staffing, investigative capacity, information-sharing arrangements, facility access, and administrative coordination will require public resources… the Commonwealth should estimate the anticipated workload, identify potential duplication with existing agencies, determine the staffing and funding required, and establish measurable outcomes against which the expansion would be evaluated." **Legal Aid Justice Center:** "LAJC strongly supports providing adequate funding for the expanded responsibilities contemplated by these recommendations. Independent oversight is only effective if the Office has sufficient staff and resources to investigate complaints, conduct site visits, review records, analyze trends, and issue recommendations." **disAbility Law Center of Virginia:** dLCV support Recommendation 4. "Expanding jurisdiction without ensuring that the Office can meaningfully receive, assess, investigate, and respond to complaints risks creating oversight in name rather than in practice."
<u>Recommendation 5:</u> Direct the Department of Juvenile Justice (DJJ) and the Office of the Children's Ombudsman (OCO) to develop a comprehensive plan and determine the resources needed to extend the powers and duties of the Ombudsman to include residents in group homes certified by the Department of Juvenile Justice. DJJ and the OCO shall report their findings and recommendations to the Commission on Youth, the chairs of the House Committee on Public Safety, the Senate Committee on Rehabilitation and Social Services, the House Appropriations Committee, the Senate Finance and Appropriations Committee by November 1, 2027.	**Legal Aid Justice Center:** LAJC supports Recommendation 5. "Many of the same concerns that justify independent oversight in secure confinement settings exist in other residential placements where youth live under the supervision of public agencies or contracted providers. Youth in congregate care environments are often isolated from family and community supports, and the environment and staffing is less regulated than in secure facilities. As this work proceeds, the Commonwealth should prioritize ensuring that all youth living in residential settings have access to independent oversight mechanisms that are accessible, confidential, reliable, and responsive."

Note: If Option B or Option C of Recommendation 1 is adopted, include locally operated juvenile detention centers as part of Recommendation 5.	**disAbility Law Center of Virginia:** "dLCV supports continued examination of OCO oversight for youth in other residential settings…Children do not become less deserving of independent safeguards because the government places them in one type of residential setting rather than another." **Northwestern Regional Juvenile Detention Center, Winchester:** "We respectfully encourage the Commission to carefully examine whether the same OCO framework intended for juveniles committed to DJJ should automatically extend to youth housed in locally operated detention centers. If local juvenile detention centers are included, we recommend that the legislation contain clearly defined jurisdiction, coordination requirements, confidentiality and security protections, appropriate complaint-referral procedures, and adequate resources for implementation." **Blue Ridge Juvenile Detention Center, Charlottesville:** Blue Ridge JDC recommends "that the Commission on Youth defer any expansion of the Ombudsman's jurisdiction over juveniles in secure confinement until the Commonwealth has completed a comprehensive evaluation of existing safeguards and demonstrated a specific need for additional authority."
<u>Recommendation 6:</u> Direct the Office of the Children's Ombudsman (OCO) and the Department of Behavioral Health and Developmental Services (DBHDS) to develop a comprehensive plan and determine the resources needed to extend the powers and duties of the Ombudsman to include children in residential facilities licensed by DBHDS. The OCO and DBHDS shall report their findings and recommendations to the Commission on Youth, the chairs of the House Committee on Health and Human Services, the Senate Committee on Rehabilitation and Social Services, the House Appropriations Committee, and the Senate Finance and Appropriations Committee by November 1, 2027.	**Legal Aid Justice Center:** LAJC supports Recommendation 6. "Many of the same concerns that justify independent oversight in secure confinement settings exist in other residential placements where youth live under the supervision of public agencies or contracted providers. Youth in congregate care environments are often isolated from family and community supports, and the environment and staffing is less regulated than in secure facilities." **disAbility Law Center of Virginia:** "dLCV specifically supports Recommendation 6's proposal for OCO and the Department of Behavioral Health and Developmental

	Services (DBHDS) to develop a comprehensive plan and determine the resources needed to extend OCO's powers and duties to children in residential facilities licensed by DBHDS. Independent oversight would provide an additional safeguard for children in these settings, including children with disabilities. dLCV looks forward to reviewing the findings and recommendations that OCO and DBHDS are directed to report by November 1, 2027."
	<u>Additional Public Comment:</u> **Olivia Gendreau, Student at George Mason University's School for Peace and Conflict Resolution Studies:** Encourages the Commission to engage current or former justice-involved youth as key stakeholders in developing potential policy expanding the Office of the Children's Ombudsman (OCO). Recommends modeling the policy development process for this study after 2025 youth-centered legislation that expanded direct access to the OCO for youth in the Fostering Futures program. **Jessica Gibson, Community Advocate, Newport News:** Emphasizes the importance of accessibility to oversight bodies for justice-involved youth and their families. Requests members to consider principles that could guide the juvenile justice system, including family engagement, access to services, and transparency. Encourages the Commission to consider the treatment of young adult offenders in Department of Corrections custody that may need similar resources and supports as youth.