

Draft Recommendations

Juvenile Justice Workgroup

Background – Juvenile Diversion for Delinquency Charges

Juvenile diversion is an important community-based approach that holds young people accountable while keeping them out of the formal juvenile justice system. Diversion programs give youth timely, developmentally appropriate interventions, such as counseling, education, family support, and community service, that address underlying issues more effectively and at a lower cost than court processing or detention.

Recommendation 1:

Add a new section to the *Code of Virginia* to allow at any point prior to the commencement of the adjudication hearing for any delinquency charge before the court, the court, with concurrence of the juvenile and the Commonwealth (if a party to the case), may refer the delinquency charge back to the Court Services Unit intake officer and direct it to proceed informally. Upon such a referral, the Court shall dismiss the delinquency petition and order that it be expunged.

Background – Length of Stay

Limiting the length of stay in a juvenile correction center helps protect healthy development, preserve family and school connections, and lower the risk of reoffending. Research consistently shows that extended stays do not improve outcomes and often make youth more likely to return to the justice system. Shorter, goal-focused placements paired with community-based services are proven to be far more effective.

Recommendation 2:

Amend the *Code of Virginia* § 16.1-285 that addresses the length of stay of juveniles committed to the Department of Juvenile Justice. If the Department of Juvenile Justice determines that a juvenile should stay longer than the Board's estimated length of stay guideline, the Department must petition the court for a review. The legislation sets up the process for such a review.

Background – Children's Ombudsman for Juvenile Justice

The Office of the Children's Ombudsman can receive and investigate complaints involving children who are alleged to have been abused or neglected, are receiving child protective services, are in foster care, or are placed for adoption. However, currently, the Office of the Children's Ombudsman does not have the authority to receive or investigate complaints involving juveniles

committed to the Department of Juvenile Justice. An outside entity, such as the Office of the Children's Ombudsman, is needed to provide a place where individuals can make complaint and to have an unbiased investigation.

Recommendation 3:

Introduce a § 1 bill to direct the Virginia Commission on Youth, in coordination with the Office of the Children's Ombudsman, to convene a work group to determine what changes would be necessary to extend the purview of the Office of the Children's Ombudsman to include juveniles who are committed to the Department of Juvenile Justice. The work group shall examine any needed revisions to the Office's functions and duties, any amendments to the Code of Virginia, and any staffing or resource requirements associated with this expansion.

The work group shall include representatives from the Department of Juvenile Justice, court service units, Juvenile detention centers, juvenile court judges Commonwealth's attorneys, representatives of local public defender offices, guardian ad litem, representatives of Virginia juvenile justice advocacy groups, and representatives from other relevant state, local, or community entities. The work group shall report its recommended changes to the Governor and the General Assembly by November 1, 2026.

Background – Minimizing Room Confinement

Limiting the time a juvenile spends in a room while committed to the Department of Juvenile Justice helps prevent the harms of extended room confinement, including slowed brain development, heightened anxiety or depression, and setbacks in rehabilitation. Young people learn and grow through positive relationships, education, and structured activities, not through room confinement. Ensuring that juveniles spend most of their time engaged with others outside of their room helps maintain mental well-being, strengthens social skills, and promotes safer facilities.

Recommendation 4:

Introduce a § 1 bill to direct the Department of Juvenile Justice to establish in collaboration with relevant stakeholders, including juvenile justice groups, public defenders, prosecutors and others, clear standards for maximizing out-of-room time for all committed youth. The purpose of out-of-room is to reduce the reliance on room confinement and create an environment that promotes pro-social personal growth and rehabilitation. The Department shall minimize room confinement by engaging youth in positive, structured activities. The Department can address underlying causes of behavior, strengthen community ties, improve facility safety, and prepare youths for a successful reentry into the community with the implementation of effective programming and treatment plans.

The Department shall 1) develop a minimum daily out-of-room time for all committed youth, 2) implement and provide programming that meets the needs, interests, and goals of the youth, 3) train staff in trauma-informed care and youth development practices to ensure

effective delivery of programs, 4) collaborate with community organizations and businesses to create opportunities for youth, and 5) collect and review program participation data from community partners and staff to monitor compliance and assess outcomes. The Department shall report by November 1, 2026 to the Senate Committee on Rehabilitation and Social Services, the House Committee on Health and Human Services, and the Commission on Youth.

Background – Importance of Mental Health Services

Mental health services in juvenile correctional facilities play a critical role because many justice-involved youth enter the system with untreated trauma, behavioral health conditions, or emotional needs that can worsen during confinement if not addressed. Providing timely, evidence-based mental health care helps stabilize youth, reduces harmful behaviors, and creates a safer environment for both staff and residents. These services also support rehabilitation by addressing the root causes of a young person's actions, improving their ability to succeed when they return to school, family, and community.

Recommendation 5:

Introduce a budget amendment to add two additional full-time employees to the Department of Juvenile Justice's behavioral health care unit to provide mental health services for juveniles at Bon Air Juvenile Correctional Center.