

POWERS AND DUTIES OF THE OFFICE OF THE CHILDREN'S OMBUDSMAN AS RELATED TO JUVENILES COMMITTED TO THE DEPARTMENT OF JUVENILE JUSTICE

STUDY PLAN

Study Mandate

The Commission on Youth shall coordinate with the Office of the Children's Ombudsman to convene a work group of stakeholders to consider the necessary steps to extend the powers and duties of the Office of the Children's Ombudsman to include juveniles committed to the Department of Juvenile Justice.

Background

- During the 2026 General Assembly session, Senator Marsden introduced Senate Bill 485 directing the Commission on Youth to study including juveniles committed to the Department of Juvenile Justice as part of the powers and duties of the Office of the Children's Ombudsman.
 - The bill was carried over into 2027 with a letter to the Commission on Youth from the Chair of the House Rules Committee.
 - SB 485 recommended that the work group be composed of representatives from the Department of Juvenile Justice, court service units, juvenile detention centers, juvenile and domestic relations district court judges, attorneys for the Commonwealth, public defenders, guardians ad litem, juvenile justice advocacy groups, and other relevant state, local, or community organizations.
- Outlined in Virginia Administrative Code, the current process of investigating grievances reported by committed juveniles is entirely confined within the Department of Juvenile Justice for non-criminal allegations. While third parties may assist residents in filing a grievance, investigations are led by a Department employee who is not the subject of the grievance.
- Currently, the Office of the Children's Ombudsman receives complaints about children who are in foster care, awaiting adoption, receiving child protective services, or are alleged victims of abuse or neglect. The Children's Ombudsman can lead independent investigations and reviews of the Department of Social Services, local departments of social services, and other child-caring institutions.
 - The Office of the Children's Ombudsman can make recommendations following individual investigations or system-wide reviews and advocate for policy changes.

Identified Issues

- Currently no external office has ongoing authority to receive or investigate complaints involving juveniles committed to the Department of Juvenile Justice that are not criminal in nature. An outside entity, such as the Office of the Children’s Ombudsman, is needed to provide a place where individuals can make complaints and to have an unbiased investigation.
- Last year, news reports of disruptions by youth at Bon Air Juvenile Correctional Center raised concerns about the treatment of committed youth and staff responses to complaints by youth, which led to a 2025 performance audit conducted by the Office of the State Inspector General (OSIG).
- The OSIG performance audit found that the Department of Juvenile Justice’s process for addressing and documenting incidents and grievances is not compliant with current policy.
 - The audit found that 12% of grievance forms did not document the final determination and 48% of emergency grievances were not addressed by staff timely or signed and dated with a conclusion.

Study Activities

- Review Department of Juvenile Justice internal grievance policies and procedures.
- Research and review juvenile justice grievance procedures of other states.
- Review Office of the Children’s Ombudsman staffing and resources for feasibility of implementation.
- Convene a work group of stakeholders:
 - Commonwealth’s Attorneys
 - Court Services Units
 - Department of Juvenile Justice
 - Guardians Ad Litem
 - Juvenile and Domestic Relations District Court Judges
 - Juvenile Detention Centers
 - Juvenile Justice Advocacy Groups
 - Public Defenders
 - Virginia Commission on Youth
- Develop findings and recommendations.
- Present findings and recommendations to the Commission on Youth.
- Receive public comment.
- Prepare final report.