



COMMONWEALTH OF VIRGINIA

Commission on Youth

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

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September 22, 2026



Commission mandate
Adopted May 20, 2026

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.



- The study mandate directs the Commission on Youth to:
 - 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.
 - Develop findings and recommendations.
 - Present findings and recommendations to the Commission on Youth.
 - Receive public comment.
 - Prepare a final report.



- **Commission on Youth Staff interviewed or met with the following agencies and offices:**
 - Department of Juvenile Justice
 - Massachusetts Office of the Child Advocate
 - Office of the Children's Ombudsman
 - Office of the State Inspector General (OSIG)
 - Office of the Department of Corrections Ombudsman
 - OSIG Chief Information Officer and Data Analysts
 - West Virginia Foster Care Ombudsman
 - Commission on Youth staff presented on the study at two quarterly meetings of the Virginia Juvenile Detention Association.
 - Commission on Youth staff are scheduled to meet with the Bon Air JCC Resident Advisory Committee to discuss the study.



Powers of the Ombudsman (Va. Code § 2.2-442)

The Children's Ombudsman has the authority to do all of the following with regard to children for whom a report of abuse or neglect was made, children receiving child-protective or foster care services, in foster care, or placed for adoption in an agency placement adoption:

- Pursue all necessary action, including legal action, to protect the rights and welfare of such children.
- Pursue legislative advocacy in the best interest of such children.
- Review policies and procedures relating to any child-serving agency's involvement with such children and make recommendations for improvement.
- Initiate investigations of the administrative acts of VDSS, LDSS, LCPA, or children's residential facilities on receipt of complaint or own initiative.



Youth in Secure Confinement

- Bon Air Juvenile Correctional Center
- 24 locally operated juvenile detention centers

Other Justice-Involved Youth

- 32 Court Service Units
- 16 other facilities, including:
 - group homes
 - shelter care facilities
 - transitional living programs
 - independent living programs



Juvenile Correctional Center Grievance Regulations

- Outlined in Virginia Administrative Code (6VAC35-71-80)
- Regulations require DJJ to provide:
 - Resident participation in the grievance process with assistance from staff upon request
 - Impartial investigation of all grievances submitted
 - Documented and timely responses to grievances
 - Administrative reviews
 - At least one level of appeal
 - Protection from retaliation for filing a grievance
 - Immediate review and expedited resolution of emergency grievances
- Residents receive information on the grievance procedure during orientation, and the written procedure is posted throughout the facility.



Juvenile Correctional Center Grievance Procedure

- Outlines grievable issues
 - Case management decisions, disciplinary decisions, and several educational matters are non-grievable.
- Establishes timeframes for reporting and resolution
 - Non-emergency grievances must be resolved within 15 working days.
 - Emergency grievances must be addressed within one hour and resolved within eight hours after received by staff.
- Describes data entry process and tracking

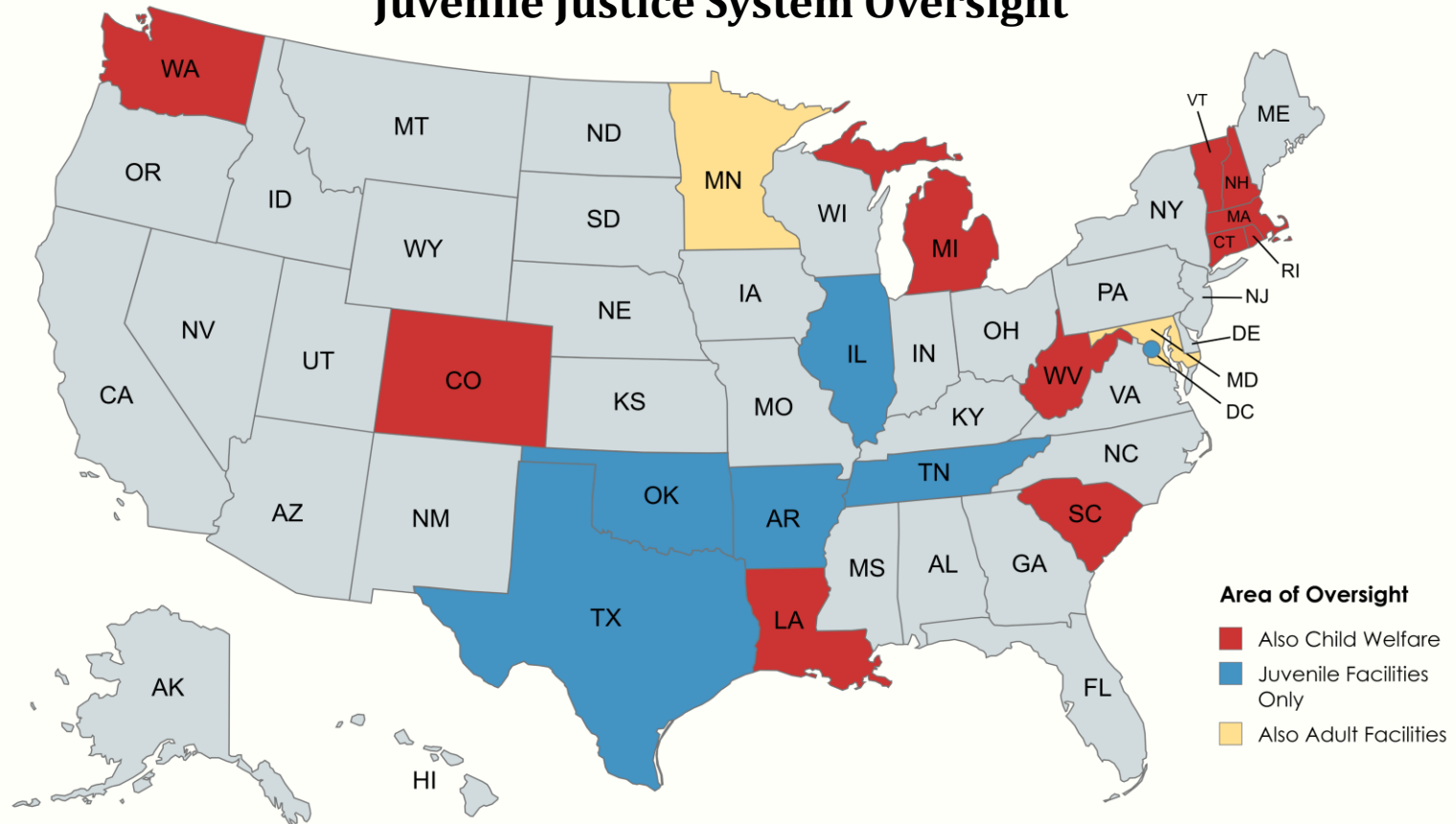


Juvenile Detention Center Grievance Regulations

- Detention centers maintain a grievance procedure specific to the facility. Regulations require a procedure that provides for:
 - Resident participation in the grievance process with assistance from staff upon request
 - Investigation of the grievance by an objective employee who is not the subject of the grievance
 - Documented and timely responses to grievances
 - At least one level of appeal
 - Administrative review of grievances
 - Protection from retaliation
 - Hearing of an emergency grievance within eight hours



Independent Ombudsman Offices with Juvenile Justice System Oversight





States that recently expanded the child welfare ombudsman's office to include juvenile justice facilities

2023

The West Virginia State Legislature expanded the scope of the Foster Care Ombudsman to include youth in *state-operated detention centers and correctional centers*.

2024

The Michigan State Legislature added oversight of *local detention centers, state-operated correctional programs, and private contracted group homes* to the powers and duties of the Office of Child Advocate

2025

The Washington State Legislature expanded the mandate of the Office of the Family and Children's Ombuds to include *state-operated juvenile rehabilitative facilities*.



Research-Informed Best Practices for Expanding the Office of the Children's Ombudsman

Collaboration with juvenile justice system stakeholders



Organizational restructuring



Developing a system for complaint intake



Facilitating data sharing



Building capacity for system-level reviews



Advisory Group

Met on
August 18, 2026

The Advisory Group received presentations on:

- DJJ Grievance Procedures
- The Powers of the Office of the Children's Ombudsman
- Model Ombudsman Programs

Membership

- Commonwealth's Attorneys
- Court Services Units
- Commission on Youth Members
- Department of Criminal Justice Services
- Department of Juvenile Justice
- Guardians Ad Litem
- Juvenile and Domestic Relations District Court Judges
- Juvenile Detention Centers
- Juvenile Justice Advocacy Groups
- Virginia Indigent Defense Commission
- Office of the Children's Ombudsman
- Office of the Secretary of Public Safety and Homeland Security



Major Policy Considerations

- Scope of the Powers and Duties of the Ombudsman
- Eligible Complainants
- Exhaustion Requirements
- Data Access
- Mandatory Investigations
- Reporting Requirements
- Budget & Staffing



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 juveniles in secure confinement facilities certified or operated by the Department of Juvenile Justice (including locally operated juvenile detention centers).

Include provisions that any individual with a legitimate interest may submit a general complaint to the 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.



Recommendation 1 (continued):

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.



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.

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.



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.



Recommendation 5:

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, and the Senate Finance and Appropriations Committee by November 1, 2027.



Recommendation 6:

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.



The Commission will accept written and in-person public comment before final action on draft recommendations.

Written public comment deadline

The Commission will be accepting public comment through October 14 at 5:00 p.m.

Submission directions:
Posted on the Commission's website

<https://vcoy.virginia.gov>

Next Commission meeting

October 20 at 1:30 p.m.
at the General Assembly
Building

The Commission will receive in person public comment and vote on draft recommendations at this meeting

The Commission will receive in-person public comment and vote on draft recommendations at the October 20 Commission meeting