



## **VIRGINIA COMMISSION ON YOUTH**

### **Meeting Minutes**

#### **Commission Meeting**

December 2, 2025, 11:00 a.m.

General Assembly Building, Senate Committee Room A

#### **Attending:**

Senators: Barbara Favola (Chair), Dave Marsden, David Suetterlein

Delegates: Karrie Delaney, Irene Shin, Anne Ferrell Tata

Citizen Members: Mackenzie Babichenko

#### **Attending Virtually:**

Delegates: Joshua Cole, Holly Seibold

#### **Not Attending:**

Delegates: Carrie Coyner (Vice-Chair)

Citizen Member: Rita Jones

#### **Staff Attending:**

Amy Atkinson, Will Egen, Matthew Nwaneri

#### **I. Call to Order and Opening Remarks**

*Delegate Karrie Delaney*

Delegate Karrie Delaney called the meeting to order and welcomed Commission members and attendees. Delegate Delaney announced adjustments to the order of presentations received by the committee to allow for additional time for members to arrive due to poor travel conditions, including the Commission Chair, Senator Favola. Delegates Joshua Cole and Holly Seibold attended the meeting virtually. Both members had personal obligations that made it necessary for them to attend virtually.

The Office of the Children's Ombudsman presentation and the Collection of Evidence Based Practices, 10<sup>th</sup> Edition presentation were moved to the beginning of the agenda to allow for agenda items requiring a vote to be received when members arrived and a quorum was met. Delegate Delaney introduced Eric J. Reynolds, Esq., Director of the Office

of the Children’s Ombudsman, to present on the office’s Annual Report for state fiscal year 2025.

## **II. Office of the Children’s Ombudsman Annual Report**

*Eric J. Reynolds, Esq., Director*

Mr. Reynolds provided an overview of the Office of the Children’s Ombudsman, including describing the purpose of the office and the investigatory authority the office holds. Mr. Reynolds discussed FY 2025 data on complaints received, preliminary assessments, and investigations initiated. Mr. Reynolds shared details of allegations and findings of investigations. The Office identified noteworthy practice issues across local social services departments. The presentation also provided the latest child fatalities data, noting the prominence of unsafe sleep and parental substance abuse as reasons or contributing factors of many child fatalities recorded. Mr. Reynolds presented recommendations for system changes. The full presentation including the recommendations is available on the Commission’s website under the Meetings tab.

## **III. Collection of Evidence-based Practices, 10<sup>th</sup> Edition**

*Matthew Nwaneri, Management Fellow*

Delegate Delaney introduced Matthew Nwaneri, Virginia Management Fellow with the Commission on Youth, to present on the updated *Collection of Evidence-based Practices for Children and Adolescents with Mental Health Treatment Needs*. Mr. Nwaneri gave an overview of the history of *the Collection* as well as challenges *the Collection* seeks to address. The presentation discussed uses of *the Collection* and the new section on the impacts of social media on mental health. The presentation can be accessed on the Commission’s website under the Meetings tab.

## **IV. Juvenile Justice Working Group Presentation and Recommendations**

*Amy M. Atkinson, Executive Director*

Senator Favola before introducing the topic requested that the staff lead a roll call to establish quorum before the agenda items requiring a vote. Senator Favola then directed Amy Atkinson to begin her presentation on the juvenile justice work group. This group was led by Senator Favola and included Commission member Mackenzie Babichenko and Professor Julie E. McConnell, Esq. of the University of Richmond School of Law. Staff members included Ms. Atkinson and Ms. Lilly Hettrick, Chief of Staff for Senator Favola. The work group proposed the following recommendations:

**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.

**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

**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.

**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.

**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.

Senator Favola requested a motion to endorse all five recommendations from the juvenile justice work group. Commission staff called the roll, and the motion to endorse the recommendations passed unanimously.

**V. Relief of Custody Recommendations**

*Will Egen, Senior Policy Analyst*

Mr. Egen presented on the relief of custody work group, which was organized by the Office of the Children's Ombudsman. The work group consisted of 35 members, including Commissioner Babichekno. Mr. Egen presented the following draft recommendations from the work group:

**Recommendation 1:**

Request that in their next update of the District Court Judges' Benchbook, the Office of the Executive Secretary of the Supreme Court of Virginia include the following factors for a judge to consider in determining whether there is good cause to grant a petition for the relief of care and custody of a child:

1. Any safety concerns for the child, petitioner, or other members of the child's household;
2. The petitioner's relationship with the child and, if a non-parent, the circumstances by which the petitioner has custody and care of the child, the petitioner's ability to meet the needs of the child, and whether the petitioner is seeking temporary respite or permanent relief of custody and care;
3. The services obtained by the petitioner or currently provided to the child, including privately and publicly available mental health and educational services, the efforts made by the petitioner to access services, and the extent to which such services, if any, have been effective;

4. The extent to which alternative remedies to relief of custody and care are available, including the filing of a CHINS petition or seeking residential treatment for the child by parental placement or through FAPT or the local department of social services whereby the petitioner retains legal custody of the child; and

5. Such other factors as the court deems necessary and proper to the determination of good cause.

**Recommendation 2:**

Amend the *Code of Virginia* § 16.1-241(A)(4) to include non-parent petitioners as follows: “whose parent or ~~parents~~ custodian for good cause desires to be relieved of his care and custody.”

**Recommendation 3:**

Amend the *Code of Virginia* sections as follows:

§ 16.1-277.02 (A). Requests for petitions for relief of the care and custody of a child shall be referred initially to the local department of social services for investigation and the provision of services, if appropriate, in accordance with the provisions of § 63.2-319 or Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2. The petitioning parent or custodian shall cooperate with the appropriate services offered by the local department of social services. The local department of social services shall, as part of its investigation, (i) refer the parent to the local family assessment and planning team and (ii) create a written report regarding the history of the child and family.

§ 16.1-278.3 (A). Within 60 days of a hearing on a petition for relief of the care and custody of any child pursuant to § 16.1-277.02 at which the court found (i) good cause for the petitioner's desire to be relieved of a child's care and custody, or (ii) that permanent relief of custody and termination of residual parental rights is in the best interest of the child, and, unless continued placement in the home would be contrary to the welfare of the child, the petitioner has cooperated with the local department of social services to prevent the child from being removed from the home, a dispositional hearing shall be held, if a final order disposing of the matter was not entered at the conclusion of the hearing on the petition held pursuant to § 16.1-277.02.

Senator Favola requested a motion to endorse all three recommendations from the relief of custody work group. Commission staff called the roll, and the motion to endorse the recommendations passed unanimously.

## **VI. Election of Chair and Vice Chair for 2026**

Senator Marsden made a motion to nominate Senator Favola as Chair of the Commission on Youth. The Commission members voted unanimously to elect Senator Favola as Chair. Delegate Shin made a motion to nominate Delegate Delaney as Vice Chair of the Commission on Youth. The Commission members voted unanimously to elect Delegate Delaney as Vice Chair.

## **VII. Adjourn**

The meeting adjourned at 12:33 p.m.