

FINAL REVISIONS

Adopted by the Board of Juvenile Justice July 10, 2002.

BOARD OF JUVENILE JUSTICE

Title of Regulation: 6 VAC 35-150-10 et seq. Standards for Nonresidential Services Available to Juvenile and Domestic Relations District Courts.

Statutory Authority: §§ 16.1-233, 16.1-309.9 and 66-10 of the Code of Virginia.

Effective Date: {to be determined}

CHAPTER 150.

**STANDARDS FOR NONRESIDENTIAL SERVICES AVAILABLE TO JUVENILE AND DOMESTIC
RELATIONS DISTRICT COURTS.**

PART I.

GENERAL PROVISIONS.

6 VAC 35-150-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Agency" means any governmental entity of the Commonwealth or any unit of local government including counties, cities, towns and regional governments and the departments thereof, and including any entity, whether public or private, with which any of the foregoing has entered into a contractual relationship for the provision of services as described in this chapter.

"Alternative day services" or "structured day treatment" means nonresidential programs that provide services, which may include counseling, supervision, recreation, and education, to juveniles at a central facility.

"Approved procedures" means (i) standard procedures issued by the Department of Juvenile Justice, which apply to all state operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) variants to the standard procedures approved by the Director or his designee for individual state operated court service units; or (iii) procedures for locally operated court service units approved in accordance with local policies [and reviewed by the Director or his designee].

"Behavior management" means the planned and systematic use of various techniques selected according to group and individual differences of juveniles and designed to teach awareness of situationally appropriate behavior, strengthen desirable behavior, and reduce or eliminate undesirable behavior.

"Board" means the Board of Juvenile Justice.

"Case record" means written or electronic information regarding one person, and the person's family if applicable.

"Counseling" means the planned use of interpersonal relationships to promote behavioral change or social adjustment.

"Counselor" means an individual who provides counseling.

"Department" means the Department of Juvenile Justice.

"Diversion" means the provision of programs and services, consistent with the protection of the public safety, to youth who can be cared for or treated through alternatives to the juvenile justice system as provided for in § 16.1-227 of the Code of Virginia.

"Electronic monitoring" means the use of electronic devices to verify a person's compliance with certain

judicial orders or conditions of release from incarceration, or short term sanction for noncompliance with rules of probation or parole.

"Human research" means any medical or psychological investigation designed to develop or contribute to general knowledge by using human subjects who may be exposed to possible physical or psychological injury as a consequence of participation as subjects and which departs from the application of established and accepted methods appropriate to meet the subjects' needs.

"Individual service plan" means a written plan of action developed, and modified at intervals, to meet the needs of each juvenile. It specifies short-term and long-term goals, the methods and times frames for reaching the goals and the individuals responsible for carrying out the plan.

"Intake" means the process for screening complaints and requests alleged to be within the jurisdiction of the juvenile and domestic relations district court.

"Intake officer" means the probation officer who is authorized to perform the intake function.

"Intensive supervision" means frequent contacts, strict monitoring of behavior, and counseling provided to predispositional or postdispositional youth who are at high risk of committing new offenses.

"Juvenile," "youth" or "child" means a person less than 18 years of age.

"Local plan" means a document or set of documents prepared by one or more localities pursuant to § 16.1-309 3 D of the Code of Virginia, describing a range of community-based sanctions and services addressing individual juvenile offenders' needs and local juvenile crime trends.

"Mechanical restraint" means equipment used to physically restrain or control a person's behavior, such as handcuffs, shackles or straightjackets.

"Nonresidential services" means services that are not part of a residential program, including those provided by a residential program to nonresidents.

"Outreach detention" means intensive supervision of youth who might otherwise be in secure detention.

"Parole" means supervision of an individual released from commitment to the department as provided for by § 16.1-293 of the Code of Virginia.

"Physical restraint" means the application of approved techniques by trained program staff to control the actions of juveniles by means of physical contact.

"Probation" means a court-ordered disposition placing an individual under the supervision of a probation officer.

"Program" means the planned application of staff and resources to achieve the stated mission for working with juveniles identified in Article 12.1 (§ 16.1-309.2 et seq.) of Chapter 11 of Title 16.1 of the Code of Virginia.

"Provider" means an agency, organization or association that runs a program or service.

"Shall" means an obligation to act is imposed.

"Substance abuse assessment and testing" means a qualified professional's assessment and evaluation of the nature of, and the factors that contribute to, individual or family problems associated with substance abuse, and recommendations for treatment and related services.

"Supervision" means visiting or making other contact with, or providing treatment, rehabilitation or services to a juvenile as required by the court or an intake officer.

"Supervision plan" means a written plan of action, updated as needed, to provide supervision and treatment for a specific individual. It specifies needs, goals, methods, time frames, and who is responsible for each step. A single supervision plan may include, as appropriate, specific plans for supervision during probation and parole, and for treatment of a youth and services for the youth's family during commitment.

"Surveillance officer" means a person, other than a probation or parole officer, who makes contact with a juvenile under supervision to verify the juvenile's presence at work, school, home, etc. A surveillance officer may be an employee of a court service unit or other service provider, or a properly trained and supervised volunteer.

"Tamper" means any accidental or purposeful alteration to electronic monitoring equipment that interferes with or weakens the monitoring system.

"Time-out" means a systematic behavior management technique designed to reduce or eliminate inappropriate behavior by temporarily removing a juvenile from contact with people or other reinforcing stimuli.

"Unit" or "CSU" means court service unit.

"Volunteer" means any individual or group who of their own free will and without any financial gain provides goods or services to the program without compensation.

6 VAC 35-150-35. Standards establish policy.

The standards embodied in this regulation pursuant to Code of Virginia § 16.1-233.C. also establish, individually and collectively, "programmatic and fiscal policies" that the Board is directed to develop pursuant to § 66-10 of the Code of Virginia. Nothing in this regulation shall be construed to limit the Board's authority to establish additional or separate programmatic and fiscal policies for court service units or other non-residential programs in accordance with Code of Virginia § 66-10.

PART II.

OPERATING STANDARDS FOR COURT SERVICE UNITS.

Article 1.

Administration.

6 VAC 35-150-55. Probation officers' caseload.

~~The average caseload for probation officers in the unit shall not exceed 30 cases. be determined in accordance with approved procedures, [which may provide for weighting taking into account the relative weight] of cases based on the frequency and intensity of contacts indicated by an assessment of the juvenile's risk of reoffending, case complexity, [geographical dispersion of cases] and other factors.~~

6 VAC 35-150-70. Court service unit director and staff.

~~Consistent with policies and procedures of the department or the locality, as applicable, the court service unit director shall:~~

- ~~1. Plan, coordinate, and direct all services, programs, and personnel of the unit;~~
 - ~~2. With involvement of the staff, set specific written unit goals and objectives and communicate these to all staff;~~
 - ~~3. Request and manage the spending of state and local budget allocations;~~
 - ~~4. Provide required financial, managerial and programmatic reports;~~
 - ~~5. Coordinate the unit's relations with the court, the public, other agencies and the press;~~
 - ~~6. Ensure that there is supervision for all staff, as provided for in job descriptions and consistent with performance evaluations;~~
 - ~~7. Ensure availability of appropriate staff to respond to emergencies; and~~
 - ~~8. Ensure that there are unit procedures for processing complaints about staff or services.~~
- A. For every employee and volunteer in the unit there shall be a current position description indicating the minimum qualifications required and the incumbent's duties and responsibilities.
- B. [Unless otherwise provided by local or state policy,] a performance plan and a performance evaluation

~~shall be completed annually for each employee in accordance with approved procedures.~~

~~[C. The Court Service Unit Director shall provide financial, managerial and programmatic reports as required by department and local policy.]~~

6 VAC 35-150-80. Background checks.

~~Written policy, procedure and practice shall provide that~~ All new unit employees and auxiliary personnel, including volunteers, shall undergo a preemployment check of references; criminal history checks with the automated Virginia Criminal Information Network (VCIN), the National Criminal Information Center (NCIC), and the Department of Motor Vehicles (DMV); and fingerprint checks by the State Police and the FBI; those who have direct contact with youth shall also undergo a child protective services registry check.

6 VAC 35-150-90. Training.

~~Written policy, procedure and practice shall provide that:~~

- ~~1. A. All staff employees, volunteers and interns shall receive documented orientation and annual training appropriate to their duties and to address any needs identified by the individual and the supervisor; .~~
- ~~2. B. All full-time employees who provide direct services to juveniles and their families shall receive 40 hours of [juvenile justice – related] training annually; .~~
- ~~3. C. All clerical staff shall receive at least 20 hours of training annually [to upgrade skills] ; and .~~
- ~~4. All volunteers and interns shall receive documented orientation and training appropriate to their duties.~~

6 VAC 35-150-100. Personnel policies and operating procedures.

~~All court service units shall have and make available to all staff shall have access to policies and approved~~

procedures approved by their parent governmental authority in the following areas governing:

1. Recruitment and selection;
2. Grievance and appeal;
3. ~~Annual employee evaluation;~~
4. 3. Confidential individual employee personnel records;
5. ~~4.~~ Discipline;
6. 5. Equal employment opportunity;
7. 6. Leave and benefits;
8. 7. Resignations and terminations;
9. 8. Orientation;
10. ~~Position qualifications;~~
11. ~~Job descriptions;~~
12. 9. Promotion;
13. 10. Probationary period; and
14. 11. Competitive salary.

6 VAC 35-150-110. Volunteers.

~~If volunteers are used, written policy, procedure and practice shall provide that:~~

1. ~~They~~ A. Volunteers shall comply with all applicable ~~board regulations, policies and department~~
~~and unit approved~~ procedures; ~~and~~
2. B. One or more designated persons shall coordinate volunteer services; ~~and~~

3: ~~C.~~ Volunteers shall be registered with the department for liability insurance purposes.

6 VAC 35-150-120. Reportable incidents.

~~Written policy, procedure and practice shall provide that~~ When an event or incident occurs ~~which that~~ is required by department procedures to be reported, staff shall report the event or incident as required by and in accordance with department procedures.

6 VAC 35-150-130. Research.

~~Written policy, procedure and practice shall provide that:~~

1: ~~A.~~ Youth shall not be used as subjects of human research ~~unless the unit specifically permits except~~ ~~when approved procedures permit~~ human research in accord with Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1 of the Code of Virginia ~~and department policy.~~

2: ~~B.~~ The testing of medicines or drugs for experimentation or research is prohibited.

6 VAC 35-150-140. Records management.

~~Written policy, procedure and practice shall provide that:~~

~~1. The unit shall have a system for indexing all case records; .~~

2: ~~A.~~ Case records shall be ~~indexed and~~ kept up to date; ~~and~~ uniform in content and arrangement ~~within the unit in accordance with approved procedures .~~

3: ~~B.~~ Juvenile case records shall be kept in a secure location accessible only to authorized staff; .

4: ~~C.~~ All records shall be maintained and disposed of in accordance with The Library of Virginia requirements ~~as provided for in department regulations and [record retention schedules, and with]~~ ~~approved procedures; .~~

5: ~~D.~~ Any disclosure or release of information shall be in accordance with the Code of Virginia ~~and~~

~~applicable Federal Regulations (i.e., 42 CFR governing substance abuse records) and approved procedures; and .~~

6. E. The case records of youth placed in any postdispositional residential care shall contain:

- a. 1. Social history;
- b. 2. Order or agreement concerning the placement;
- c. 3. Dates of acceptance and placement;
- d. 4. Reason for placement;
- e. 5. Financial and tuition arrangements, if appropriate; and
- f. 6. Supervision and visitation agreements.

6 VAC 35-150-150. Reports for the court.

~~Written policy, procedure and practice shall provide that~~ All reports prepared for the court shall be prepared and reviewed in accordance with ~~unit approved~~ procedures and, except for transfer reports and addenda to previously submitted reports, shall contain the following identifying information:

- 1. Full name of subject;
- 2. Social Security Number;
- 3. Address;
- 4. Race;
- 5. Date of birth (must be verified);
- 6. Sex;
- 7. Parents or guardians (for juveniles only);

8. Author; and

9. Date of report.

6 VAC 35-150-160. Social history.

A. A social history shall be prepared for each juvenile placed on probation supervision with the court service unit or committed to the department within timelines established by approved procedures.

~~B. Written policy, procedure and practice shall provide that when a juvenile is placed on probation without benefit of a predisposition report, the social history shall be completed within 60 days of receiving the case following disposition.~~

~~C. Written policy, procedure and practice shall require that~~ B. A current social history shall be prepared upon written request from other units when accompanied by a court order. An existing social history that is not more than 12 months old may be used provided an addendum is prepared updating all changed information.

~~D. Written policy, procedure and practice shall provide that~~ C. Social history reports shall be in written form and include at least the following information:

1. Identifying information as listed in 6 VAC 35-150-150.
2. Court history - specific description of past, present and pending petitions and dispositions.
3. Police or prosecutor's version of the instant offense, when available, for all juveniles who are committed to the department.
4. Victim impact information, when ordered by the court.
5. An accurate and up-to-date offense history.
6. Previous contacts with the unit, including diversion and informal resolution at intake, and known

contacts with other agencies or treatment services in the community.

7. Subject: physical description; behavioral description; medical, educational, psychological information (as applicable); educational and other known handicaps or disabilities (if applicable); peer relationships, including gang affiliation; response to authority; employment status; and whether the subject has a driver's license.

8. Family: parents/custodians/guardians - ages, marital status, court record, employment status, economic status, level of education, health, interpersonal relationships. Siblings - ages, court record, level of education.

9. Home and neighborhood: Physical description of home and neighborhood, family's and officer's view of neighborhood impact on subject, and length of residence.

10. Assessment of the subject's strengths and weaknesses and, if applicable, the subject's family.

11. Recommendations may be included if permitted by the court.

~~E. Written policy, procedure and practice shall provide that~~ D. Adults' social history reports, if ordered by the court, may be in a modified format as provided for in ~~unit~~ procedures approved by the court service unit director after consultation with the judge or judges of the court.

6 VAC 35-150-165. Custody investigations.

If the unit performs custody investigations upon order of the court, ~~written policy, procedure and practice shall provide that~~ such investigations shall be completed in conformance with "Guidelines for Custody Investigations" (1995) jointly promulgated by the State Board of Juvenile Justice and the State Board of Social Services.

[~~6 VAC 35-150-170. Services to cases in which the court has ordered support payments. (Repealed)~~

~~If the unit provides services to cases in which the court has ordered support payments, unit procedures developed in consultation with the judge or judges of the court shall set forth the criteria for returning persons to court for the nonpayment of court ordered support.]~~

Article 2.

Budget and Finance.

6 VAC 35-150-175. Suitable quarters.

A. The CSU director annually shall review the unit's needs for suitable quarters, utilities and furnishings and request from the appropriate governing body the resources to meet these needs.

B. ~~Written policy, procedure and practice shall provide that~~ Intake, probation and parole officers shall have access to private office space so equipped that conversations may not be overheard from outside the office.

6 VAC 35-150-180. Prohibited financial transactions.

~~Written policy, procedure and practice shall provide that~~ The unit shall not collect or disburse support payments, fines, or restitution.

6 VAC 35-150-190. Procedures for handling funds.

The court service unit director shall establish written policies, procedures and practice for handling funds within the unit. [All court service units shall adhere to all Commonwealth of Virginia purchasing and fiscal requirements when expending state funds.]

Article 3.

Security and Safety.

6 VAC 35-150-200. Security and emergency procedures.

~~Written unit policy, procedure and practice shall provide for:~~ In accordance with approved procedures, the

unit shall implement:

1. Safety and security precautions for the office environment, to include at least fire, bomb threat, hostage and medical emergency situations; and
2. Safety and security precautions for staff making field visits to juveniles and their families.

6 VAC 35-150-210. Physical force.

~~Written policy, procedure and practice shall provide that:~~

1. Physical force shall be used only to protect self or others; and
2. Each use of physical force shall be reported in writing to the CSU director [~~, who shall ensure that all reportable incidents are further reported in accordance with the department's policies for reporting serious incidents.~~]

6 VAC 35-150-220. Searches of youth.

~~Written policy, procedure and practice shall provide that:~~

- ~~1. Only staff who have received training in the conduct of searches, as approved by the department, may search juveniles; and~~
- ~~2. Searches of juveniles may be conducted only when permitted by and in accordance with the unit's written guidelines.~~

Searches of individuals may be conducted only in accordance with approved procedures and only by staff who have received training approved by the Department.

6 VAC 35-150-230. Weapons.

~~Written policy, procedure and practice shall provide that:~~

1. ~~If A.A. probation officer carries may obtain authorization to carry a weapon in the performance~~

~~of his duties, he may do so only when he is authorized as provided by § 16.1-237 H of the Code of Virginia and when he is in compliance with a written policy promulgated by the department concerning the training, carrying and use of weapons, and which shall include requirements for only in accordance with approved procedures that require at least: firearms safety training, a psychological or mental health assessment, the successful completion of department approved training with annual department approved training thereafter, and written notification to the department that the probation officer will carry a weapon; and approval by the court service unit director and the [individual to whom the director reports director's supervisor.]~~

2. B. All court service unit staff authorized to carry weapons shall have received training approved by the department regarding the limited circumstances when weapons may be carried and used as required by law and liability insurance coverage.

6 VAC 35-150-240. Arrest of youth by staff.

~~The court service unit director shall develop a written policy either prohibiting or permitting the arrest of juveniles by probation officers. If arrests are permitted, written policy, procedure and practice shall require that:~~

- ~~1. When possible, any arrest action should be preceded by conference between the probation officer and the supervisor; and~~
- ~~2. If an arrest is necessary, probation officers trained in proper arrest procedures should make the arrest only when law-enforcement personnel are not available and when the safety of staff, the juvenile or the public may be in danger.~~

Probation officers shall exercise their arrest powers only in accordance with approved procedures.

6 VAC 35-150-250. Absconders.

~~Written policy, procedure and practice shall require that Unit staff shall~~ cooperate with department personnel and state and local law-enforcement authorities to help locate and recover juveniles who fail to report for probation or parole supervision or who escape or run away from a juvenile correctional center, detention home or other juvenile placement.

6 VAC 35-150-260. Transportation of detained juveniles.

~~Written policy, procedure and practice shall provide that:~~

- ~~1.~~ A. Detained juveniles shall be transported in accord with "Guidelines for Transporting Juveniles in Detention" (June 13, 1991) issued by the board in accord with § 16.1-254 of the Code of Virginia.
- ~~2.~~ B. When the CSU is responsible for the transportation of youth to special placements, staff shall make transportation arrangements appropriate to the security risk posed by the juvenile.
- ~~3.~~ C. Routine transportation of juveniles in postdispositional detention shall be the responsibility of the parents or the program providing service to the juvenile.

Article 4.

Intake.

6 VAC 35-150-270. Intake duties.

~~Written policy, procedure and practice shall provide that [A.]~~ When making an intake determination as provided for by the Code of Virginia, whether in person or by telephone or interactive video conferencing, the intake officer shall, in accordance with approved procedures :

1. Explain the steps and options in the intake process to each person present, including their constitutional and statutory rights ;
2. Make all required entries into the Department's Juvenile Tracking System

~~2.~~ 3. Consult with available parents, guardians, legal custodian or other person standing in loco parentis to determine the appropriate placement, unless a court has ordered detention; and

3. ~~4.~~ Notify the juvenile's parents, guardians, legal custodian or other person standing in loco parentis in cases involving the juvenile's detention.

~~[B. When making a detention decision pursuant to § 16.1-248.1 and when making recommendations to the court at a detention hearing pursuant to § 16.1-250, court service unit personnel shall make use of the uniform risk assessment instrument and related procedure mandated by Chapter 648 of the 2002 Acts of Assembly.]~~

6 VAC 35-150-280. Medical and psychiatric emergencies at intake.

~~Written policy, procedure and practice shall provide that~~ If during the intake interview the intake officer suspects that the youth requires emergency medical or psychiatric care, the intake officer shall:

1. Immediately contact the youth's parents or legal guardians to advise them of the emergency and any responsibilities they may have; and
2. Before placing a youth in a more restrictive setting, the intake officer shall arrange for the youth to receive the needed emergency care.

6 VAC 35-150-290. Intake communication with detention.

~~Written policy, procedure and practice shall provide that~~ When CSU staff facilitate the detention process, they shall:

1. ~~Query the Juvenile Tracking System to ascertain all pertinent information on the juvenile who is being detained, and complete the Juvenile Alert Screen on the Juvenile Tracking System; and~~
2. Give detention staff, by telephone or in writing ~~or by entry into the Juvenile Tracking System~~, no later

than the time the juvenile arrives at the detention facility, the reason for detention and the instant offenses, and the following information when available and applicable: medical information; parents' names, addresses and phone numbers; prior record as regards sexual offenses, violence against persons or arson; suicide attempts; and gang affiliation.

Article 5.

Out-of-Home Placements.

6 VAC 35-150-300. Predispositionally placed youth.

A. ~~Written policy, procedure and practice shall provide that~~ In accordance with approved procedures, a representative of the court service unit shall make ~~[face-to-face]~~ contact ~~[, either face-to-face or via videoconferencing,]~~ with each youth placed in predispositional detention, jail or shelter care within five days of the placement and shall make contact with the youth at least once every 10 days thereafter, either face-to-face or by telephone or videoconferencing.

B. ~~Written policy, procedure and practice shall provide that at least every 10 days, the CSU director or designee shall make and document a review~~ The case of each predispositionally placed youth shall be reviewed at least every 10 days in accordance with approved procedures to determine whether there has been a material change sufficient to warrant recommending a change in placement.

C. ~~Written policy, procedure and practice shall provide that~~ When the unit has placed or is supervising a youth in a residential facility, designated staff ~~[of the court service unit]~~ shall be available to the facility's staff 24 hours a day in case of emergency.

6 VAC 35-150-310. Postdispositional detention.

~~Written policy, procedure and practice shall provide that~~ When a court orders a juvenile is ordered by a court, pursuant to ~~§ 16.1-248.1 B~~ § 16.1-284.1 B of the Code of Virginia, into a facility that houses to be

~~detained postdispositionally detained youth, the court service unit shall within for more than 30 days ,the court service unit shall develop of the court order~~ have a written plan with the facility to enable such youth to take part in one or more community treatment programs appropriate for their rehabilitation ~~and available to youth in the community. The postdispositionally detained youth may receive the services which may be provided~~ at the facility or while on temporary release status, as determined by their risk to public safety and other relevant factors. ~~[The court service unit shall provide a copy of the juvenile's social history to the postdispositional detention program upon request.]~~

6 VAC 35-150-320. Notice of youth's transfer.

~~Written policy, procedure and practice shall provide that~~ When court service unit staff have knowledge that a youth has been moved from one facility or program to another, they shall notify the youth's parents or guardians within 24 hours and document the notification in the youth's case record.

6 VAC 35-150-330. Removal of youth from home.

~~Written policy, procedure and practice shall provide that~~ When considering whether to remove a youth from his home for any reason other than to detain the youth, the youth's parents or guardians, if available, shall be included in making that decision.

Article 6.

Probation, Parole and Other Supervision.

6 VAC 35-150-335. Informal supervision.

~~Written policy, procedure and practice shall provide~~ When unit personnel are supervising a juvenile in the absence of a court order, such supervision shall not exceed 90 days. Court service unit personnel shall not supervise any person absent a court order except as provided for in approved procedures.

6 VAC 35-150-340. Beginning supervision.

~~Written policy, procedure and practice shall provide that no later than five working days after (i) receiving the court order of probation or (ii) the juvenile's release from direct state care; Within the timeframes established by approved procedures for beginning supervision, a probation or parole officer shall:~~

1. See the subject face-to-face;
2. Give the subject the written rules of supervision, including any special conditions, and explain these to the subject and, when appropriate, to the subject's parents or guardians; and
3. Document ~~that the rules and conditions of supervision have been given to the subject and parents, if applicable;~~ these actions in the case record.

6 VAC 35-150-350. Supervision ~~plan plans.~~

A. ~~Written policy, procedure and practice shall require that~~ To provide for the public safety and address the needs of subjects and their families, subjects shall be supervised according to a written supervision plan, developed in accordance with approved procedures and timeframes, that describes the range and nature of field and office contact with the subject, with the parents or guardians of a juvenile subject, and with other agencies providing treatment or services.

~~B. Written policy, procedure and practice shall provide that the supervision plan for juvenile probation shall be written and approved, in accordance with unit procedures within 30 days after disposition, after consulting with the youth and, when appropriate, the youth's family.~~

~~C. Written policy, procedure and practice shall provide that~~ B. When the youth resides in or is expected to return to the family home, the probation officer shall write, in accordance with approved procedures, develop and implement a family involvement plan within 30 days of a committed youth's arrival at the reception and diagnostic center, after consulting with the youth's family, to involve the family with the youth during the youth's commitment, to prepare for the youth's release and, when appropriate, to work to change family

members' behaviors. ~~D. Written policy, procedure and practice shall provide that a~~

~~[C. When the youth is in direct state care, the probation officer shall, in accordance with approved procedures and 6 VAC 35-150-420, send a and periodically] report on the family's progress toward planned goals shall be sent to the facility at which the juvenile is housed [in direct state care at least once every 90 days].~~

~~E. Written policy, procedure and practice shall provide that a written supervision plan for parole shall be prepared for all committed juveniles [E. D.] At least 60 days before prior to a juvenile's their anticipated release after consulting with the subject and the juvenile correctional center staff and, when appropriate, staff of the Virginia Department of Rehabilitative Services, the Department of Correctional Education, the local school division in which the youth will be enrolled, and the youth's family. from commitment, a written parole supervision plan shall be prepared in accordance with approved procedures.~~

~~F. Written policy, procedure and practice shall provide that [D. E.] A supervision plan for parole shall be prepared for all judicial review hearings for serious juvenile offenders as required by law and in accordance with the department's internal review process approved procedures.~~

~~G. Written policy, procedure and practice shall provide that [E. E.] If the court has not ordered specific conditions of supervision, a supervision plan for an adult probation subject shall be prepared within 30 days of receiving the case after disposition, after consulting with the adult and, if appropriate, his family.~~

~~[F. G.] At least once every 90 days, in accordance with approved procedures, each written supervision plan or family involvement plan shall be (i) reviewed with the subject individual or family and (ii) reviewed by a supervisor from both a treatment and a case management perspective to confirm the appropriateness of the plan.~~

~~6 VAC 35-150-360. Periodic review. (Repealed.)~~

~~A. Written policy, procedure and practice shall provide that each written supervision plan or family~~

~~involvement plan shall be reviewed at least every 90 days with the subject and the subject's family, as applicable.~~

~~B. Written policy, procedure and practice shall provide that a supervisor shall review each subject's case at least once every 90 days from both a treatment and case management perspective to determine the appropriateness of the supervision plan or family involvement plan.~~

6 VAC 35-150-370. Placements in the community.

~~Written policy, procedure and practice shall provide that~~ When the unit (i) is supervising and (ii) has placed a subject in a community facility or program, unit staff shall advise the facility or program of the subject's service needs and shall maintain contact with the subject and the facility or program staff in accordance with the supervision plan.

6 VAC 35-150-380. Violation of probation or parole.

~~Written policy, procedure and practice shall provide for actions to be taken~~ When a subject violates probation or parole, unit personnel shall take action in accordance with approved procedures.

6 VAC 35-150-390. Transfer of case supervision to another unit.

~~A.~~ When a subject's legal residence is not within the jurisdiction of the original court service unit, supervision cases may be transferred to another unit providing similar services in Virginia in accordance with approved procedures. ~~Written policy, procedure and practice shall provide that within 30 days of receiving a written request to transfer supervision, the receiving unit shall respond in writing to the initiating unit either accepting or, if the subject does not reside in the jurisdiction or the proposed placement is unacceptable, refusing the transfer.~~

~~B.~~ Written policy, procedure and practice shall provide that the receiving unit shall provide supervision services for cases that are properly transferred unless exceptional circumstances exist.

~~C. Written policy, procedure and practice shall provide that the sending unit shall be responsible for supervising the case, in accord with written procedures governing such circumstances, until supervision is accepted by the receiving unit.~~

~~D. The sending unit shall send the receiving unit:~~

- ~~1. A copy of the petition or warrant;~~
- ~~2. Complete social history, if applicable, or as otherwise agreed by the units involved;~~
- ~~3. Copy of the court order placing the subject under supervision, including any court-ordered special rules or conditions, and the length of time that the subject is to remain under supervision, if specified;~~
- ~~4. Signed copy of conditions of supervision or contract, or as otherwise agreed by the units;~~
- ~~5. Summary of supervision, if applicable;~~
- ~~6. For juveniles, the most recent known address of parent or guardian; and~~
- ~~7. A current copy of the juvenile's offense history.~~

6 VAC 35-150-400. Notice of release from supervision.

~~Written policy, procedure and practice shall provide that subjects, and the parents or guardians of juvenile subjects, shall be notified when they are released from probation or other supervision. Notice shall be by letter, copy of the court order, or an appearance in court and shall be documented in the case record. Notice of release from supervision shall be given to subjects, and to the parents or guardians of juvenile subjects, and appropriately documented in the case record, in accordance with approved procedures.~~

Article 7.

Juvenile in Direct Care.

6 VAC 35-150-410. Commitment information.

A. ~~Written policy, procedure and practice shall provide that~~ When a youth is transferred into direct state care, the following items either accompany or precede the youth to the reception and diagnostic center: the order of commitment, copies of clinical reports, predisposition studies, record of immunizations when available, and any other information required by the Code of Virginia [~~or~~]department policy [~~, or approved procedures~~].

B. ~~Written policy, procedure and practice shall provide that~~ If a juvenile is transferred to the department directly from the court, in addition to ensuring the delivery of the items required in subsection A of this section, unit staff shall immediately notify the reception and diagnostic center by telephone of the youth's impending arrival.

6 VAC 35-150-420. Contacts during youth's commitment.

~~Written policy, procedure and practice shall provide that~~ During the period of a youth's commitment, a designated staff person shall : ~~make contact with the committed youth, the youth's parents, guardians or other custodians, and the treatment staff at the youth' direct care placement as required by approved procedures. The procedures shall specify when such contact must be in-person face-to-face contact and when contacts may be made by video conferencing or by telephone.~~

- ~~1. Contact the juvenile correctional center treatment staff at least every 30 days;~~
- ~~2. Meet with the youth at least every 90 days; and~~
- ~~3. Contact the youth's family or custodians at least monthly to provide services and support consistent with the family involvement plan unless prevented by documented exceptional circumstances.~~

PART III.

STANDARDS FOR PROGRAMS AND SERVICES.

Article 1.

General Requirements of Programs and Services.

~~[6 VAC 35-150-427. Written policies and procedures required.~~

~~Each program shall be responsible for adopting written policies and procedures necessary to implement all applicable requirements of sections 6 VAC 35-150-430 through- 6 VAC 35-140-740 of this regulation.]~~

6 VAC 35-150-430. Written statements required.

A. Each nonresidential program or service shall have a written statement of its:

1. Purpose;
2. Supervision and treatment objectives, including criteria for admission and for measuring a juvenile's progress;
3. General rules of juvenile conduct and the behavior management system with specific expectations for behavior and appropriate ~~consequences~~ incentives and sanctions which shall be made available to juveniles and parents upon acceptance into the program;
4. Criteria and procedures for terminating services, including terminations prior to the juvenile's successful completion of the program;
5. Methods and criteria for evaluating program effectiveness;
6. Drug-free workplace policy; and
7. Policy regarding contacts with the news media.

B. ~~[Written policy, procedure and practice shall provide that]~~ The department administration shall be notified in writing of any plan to change any of the elements listed in subsection A of this section.

6 VAC 35-150-435. Contracted services.

A. When a program contracts for services with public or private providers, it shall follow written procedures

that govern the recruitment, screening and selection of providers.

B. Contracts with public or private sector [service] providers shall identify the case coordinator.

C. Designated program staff shall monitor the delivery of services under the terms of the contract.

D. Contracts with public or private service providers shall require the provider to:

1. Develop a plan for the scope of services to the individual served;
2. Document receipt of the referral, services provided, and termination of services;
3. Make available to the purchasing agency all information specified in the contract;
4. Conduct the records checks required by 6 VAC 35-150-440 on all staff who provide services to individuals under the contract;
5. Participate in program evaluation as required by the Department of Juvenile Justice; and
6. Provide appropriate evidence of fiscal accountability and responsibility.

E. The standard of services provided by contractual vendors shall not be less than those required by this chapter.

6 VAC 35-150-440. Employee and volunteer background check.

~~Written policy, procedure and practice shall provide that no person shall provide services or conduct programs in direct contact with juveniles who has not had A. [When] An agency or program [that] provides direct services or supervision to juveniles [= shall conduct the following background checks on] all employees and volunteers who provide such direct service or supervision [shall undergo a reference check, criminal history checks with the automated Virginia Criminal Information Network (VCIN) and the National Criminal Information Center (NCIC), and fingerprint checks by the State Police and the FBI, a central registry check, and a driving record check if applicable to the person's job duties,]to ascertain whether there~~

are criminal acts or other circumstances that would be detrimental to the safety of juveniles in the program.

[1. A reference check;]

[2. A fingerprint check with the Virginia State Police and FBI if the State Police determine that the requesting agency is a qualified entity, or a criminal history request or a noncriminal justice interface with the Virginia State Police if the State Police determine that the requesting agency is not a qualified entity to receive fingerprint-based criminal information;]

[3. A central registry check with Child Protective Services; and]

[4. A driving record check if applicable to the individual's job duties.]

[The requirements of this paragraph do not apply to programs that merely supervise juveniles in community service, nor to persons licensed by the Commonwealth of Virginia who are providing professional services to juveniles within the scope of such license.]

B. When an agency or program refers juveniles to other service providers, [excluding community service programs and licensed professionals in private practice,] the referring agency shall require the service provider to document that at all persons who provide services or supervision through substantial one-on-one contact with juveniles have undergone a background check required in subsection A of this section.

[C. An agency that refers juveniles to a licensed professional in private practice shall check with the appropriate licensing authority's internet web page or by other appropriate means to ascertain whether there are notations of criminal acts or other circumstances that would be detrimental to the safety of juveniles.]

6 VAC 35-150-450. Limitation of contact with juveniles.

~~Written policy, procedure and practice shall provide that~~ When there are indications that an individual who is providing programs or services has a physical, mental or emotional condition that might jeopardize the safety of juveniles, the program administrator or department personnel may immediately require that the

individual be removed from contact with juveniles until the situation is resolved.

6 VAC 35-150-460. Personnel qualifications.

A. ~~Written policy, procedure and practice shall provide that~~ Staff and volunteers shall be qualified and trained for the positions and duties to which they are assigned.

B. ~~Written policy, procedure and practice shall require that~~ Staff and volunteers who provide professional services shall be appropriately licensed or certified or be supervised by an appropriately licensed or certified person as required by law.

6 VAC 35-150-490. Juveniles' rights.

A. ~~Written policy, procedure and practice shall provide that~~ Juveniles shall not be excluded from a program nor be denied access to services on the basis of race, national origin, color, creed, gender, physical handicap or sexual orientation.

B. ~~Written policy, procedure and practice shall provide that~~ Juveniles shall not be subjected to:

1. Deprivation of drinking water or food necessary to meet daily nutritional needs except as ordered by a licensed physician for a legitimate medical purpose and documented in the juvenile's record;
2. Any action which is humiliating, degrading or abusive;
3. Corporal punishment;
4. Unsanitary conditions;
5. Deprivation of access to toilet facilities;
6. Confinement in a room with the door so secured that the juvenile cannot open it.

6 VAC 35-150-500. Juvenile participation in research.

A. ~~Written policy, procedure and practice shall prohibit~~ Medical or pharmaceutical testing for

experimentation or research is prohibited.

B. The program or service shall have either (i) a written policy prohibiting juveniles' participation in research or (ii) written policy, procedure and practice ensuring that juvenile's participation as subjects in human research shall be consistent with Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1 of the Code of Virginia, with § 16.1-305 of the Code of Virginia regarding confidentiality of juvenile records, with department policy regarding juveniles' participation in research, and with such regulations as may be promulgated by the state board regarding human research.

6 VAC 35-150-510. Case management requirements.

A. ~~Written policy, procedure and practice shall provide that~~ For each juvenile, a separate case record shall be kept up to date and in a uniform manner.

B. ~~Written policy, procedure and practice shall provide that~~ The juvenile case record shall always contain:

1. Identifying and demographic information on the juvenile;
2. Court order, placement agreement or service agreement;
3. Rules imposed by judge or probation officer, if applicable; and
4. Date of acceptance and release.

6 VAC 35-150-520. Confidentiality of records.

~~Written policy, procedure and practice shall provide that~~ Juveniles' records shall be kept confidential in accordance with applicable laws and regulations.

6 VAC 35-150-530. Incident documentation and reporting.

~~Written policy, procedure and practice shall require that~~ When an event or incident occurs which is required by department procedures to be reported, the program or service shall document and report the event or

incident as required by and in accordance with department procedures.

6 VAC 35-150-540. Child abuse and neglect.

~~Written policy, procedure and practice shall provide that~~ Any case of suspected child abuse or neglect shall be reported immediately to the local department of public welfare or social services as required by § 63.1-248.3 of the Code of Virginia and documented in the juvenile's record.

Article 3.

Alternative Day Treatment and Structured Day Programs.

6 VAC 35-150-620. Supervision of juveniles.

A. ~~Written policy, procedure and practice shall provide that~~ At all times that juveniles are on any premises where alternative day treatment or structured day programs are provided, there shall be at least one qualified person actively supervising who has a current first aid and CPR certification.

B. ~~Written policy, procedure and practice shall provide that~~ Program staff are responsible for managing juveniles' behavior, and shall not delegate this responsibility to other juveniles except as part of an approved leadership training program under the supervision of qualified staff.

6 VAC 35-150-630. Meals.

~~Written policy, procedure and practice shall provide that~~ If the program spans traditional meal times, juveniles shall be provided nutritionally balanced meals.

6 VAC 35-150-640. Fire safety.

A. ~~Written policy, procedure and practice shall provide that~~ Each site to which juveniles report shall have a written fire plan developed with the consultation and approval of the appropriate local fire authority and reviewed with the local fire authority at least annually and updated if necessary.

~~B. Written policy, procedure and practice shall provide that~~ At each site to which juveniles report, there shall be at least one documented fire drill each month.

~~C. Written policy, procedure and practice shall provide that~~ Each new staff member shall be trained in fire safety and emergency procedures before assuming supervision of juveniles.

6 VAC 35-150-650. First-aid kits.

~~Written policy, procedure and practice shall provide that~~ A well stocked first-aid kit shall be available at each site to which juveniles report and in any vehicle used to transport juveniles and shall be readily accessible for minor injuries and medical emergencies.

6 VAC 35-150-670. Juveniles' medical needs.

~~Written policy, procedure and practice shall provide that~~ When necessary, program staff shall be notified of individual juveniles' medical needs or restrictions and given specific instructions for meeting these needs.

6 VAC 35-150-680. Physical and mechanical restraint.

A. ~~Written policy, procedure and practice shall provide that~~ Only staff who have received department-sanctioned training may apply physical restraint, and only when a juvenile's uncontrolled behavior could result in harm to self or others and when less restrictive interventions have failed.

B. ~~Written policy, procedure and practice shall provide that~~ The use of physical restraint shall be only that which is minimally necessary to protect the juvenile or others.

C. ~~Written policy, procedure and practice shall provide that~~ Any application of physical restraint shall be fully documented in the juvenile's record as to date, time, staff involved, circumstances, reasons for use of physical restraint and extent of physical restraint used.

D. Except in electronic monitoring and outreach detention programs serving juveniles who would otherwise

be placed in secure detention or when a juvenile resists being taken into lawful custody, ~~written policy, procedure and practice shall provide that~~ the use of mechanical devices to restrain a juvenile's behavior is prohibited.

E. The use of chemical substances to restrain a juvenile's behavior is prohibited.

6 VAC 35-150-690. Procedural requirements for time-out.

A. A program that uses time-out shall have written policy, procedure and practice to provide that juveniles in time-out shall:

1. Be able to communicate with staff;
2. Have bathroom privileges according to need; and
3. Be served any meal scheduled during the time-out period.

B. ~~Written policy, procedure and practice shall provide that~~ A time-out room shall not be locked nor the door secured in any way that will prohibit the juvenile from opening it.

C. ~~Written policy, procedure and practice shall provide that~~ Time-out shall not be used for periods longer than 30 consecutive minutes.

Article 4.

Electronic Monitoring.

6 VAC 35-150-700. Not an automatic condition of supervision.

~~Written policy, procedure and practice shall provide that~~ Electronic monitoring shall not be an automatic condition of probation, parole or predispositional supervision.

6 VAC 35-150-710. Conditions of home and parents.

~~Written policy, procedure and practice shall provide that:~~

1: ~~A.~~ Juveniles in an electronic monitoring program must reside in their own home or a surrogate home;

2: ~~B.~~ Before a juvenile is placed on electronic monitoring, parents or guardians must:

a: 1. Give written consent, unless the electronic monitoring is ordered by a court of competent jurisdiction; and

b: 2. Be fully oriented to the operation of the electronic monitoring device and program rules.

6 VAC 35-150-720. Required contacts.

~~Written policy, procedure and practice shall provide that~~ As often as required by the written supervision or service plan, designated staff or volunteers shall:

1. See each juvenile face-to-face; and

2. Contact the juvenile's parents or guardians in person or by telephone.

I certify that this regulation is full, true, and correctly dated.

Donald R. Carignan
Department of Juvenile Justice

Date: July 23, 2002