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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Department (Board) of Juvenile Justice
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	6 VAC35-160
<b>VAC Chapter title(s)</b>	Regulations Governing Juvenile Record Information and the Virginia Juvenile Justice Information System (VJJIS)
<b>Action title</b>	Comprehensive amendments to Regulation Governing Juvenile Record Information and the Virginia Juvenile Justice Information System (VJJIS)
<b>Date this document prepared</b>	May 8, 2026

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).*

This regulatory chapter establishes the required processes and rules for participating agencies that are authorized to utilize the Virginia Juvenile Justice Information System (VJJIS). The VJJIS is tasked with receiving, classifying, and filing certain data reported to it and maintained by the department or other related entities. Among its current provisions, the chapter establishes the procedures a participating agency must follow when it receives a request for juvenile records, the process for challenging the accuracy of a juvenile record, the method for expunging and disposing of records, and the department's authority to assess compliance with these regulatory requirements.

This action seeks to amend the existing chapter to simplify its provisions, remove requirements that are unnecessary to protect public health and safety, eliminate language that duplicates state law, and provide

clarity to participating agencies, department staff, and individuals authorized to inspect juvenile records in accordance with § 16.1-300 of the Code of Virginia.

## Acronyms and Definitions

*Define all acronyms or technical definitions used in this form.*

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“VJCCCA” means the Virginia Juvenile Community Crime Control Act set out in Article 12.1 (§ 16.1-309.2 et seq.) of Chapter 11 of Title 16.1 of the Code of Virginia, which authorizes localities to establish a variety of predispositional and postdispositional services for juveniles who have been screened for needing community diversion or community-based services or are before intake on complaints or the court on petitions alleging the juvenile is delinquent, in need of services, or in need of supervision.

“VJJIS” means the “Virginia Juvenile Justice Information System, currently defined in 6VAC35-160-10 as “the equipment, facilities, agreements, and procedures used to collect, process, preserve, or disseminate juvenile record information in accordance with § 16.1-224 or 16.1-300 of the Code of Virginia. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

## Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation, (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”*

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These regulatory amendments were prompted in large part by the department’s need to comply with the periodic review requirements, authorized pursuant to § 2.2-4017 and set out in § 2.2-4007.01 of the Code. In addition, the proposed amendments were advanced to assist the department in its efforts to comply with the previous administration’s directive requiring agencies and boards to reduce their regulatory requirements by 25%, as set forth in Executive Order 19 (June 30, 2022). The Board of Juvenile Justice approved the department’s request to initiate the Notice of Intended Regulatory Action on October 27, 2025.

## Legal Basis

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.*

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The promulgating agency is the Board of Juvenile Justice.

The board is authorized to promulgate and amend this regulation pursuant to Code of Virginia § 16.1-233, which directs the board to promulgate regulations governing the security and confidentiality of data submitted into the VJJIS. Section 16.1-222 establishes the VJJIS within the department and authorizes the department’s director to employ personnel, establish offices, acquire equipment and use available equipment necessary to carry out the requirements of this chapter and to enter into agreements with other

state agencies for services performed for the VJJIS by employees of such other agencies. In keeping with these governing statutes, the regulation establishes a process for ensuring the security and confidentiality of information submitted into the VJJIS.

In addition to these statutes, the Board of Juvenile Justice is empowered with general authority to promulgate such regulations “as may be necessary to carry out the requirements of [Title 16.1] and other laws of the Commonwealth.”

## Purpose

*Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.*

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The department believes the current regulatory chapter is essential to protect the health, safety, or welfare of citizens. The current provisions apply to the juvenile record information of juveniles supervised by or in the care or custody of the department, or who have otherwise interacted with the juvenile justice system. The existing provisions help maintain the confidentiality requirements of § 16.1-300 of the Code of Virginia, as well as ensuring that relevant juvenile records are sealed or expunged in accordance with state law. In so doing, these provisions ensure the protection, health, and safety of all such juveniles.

## Substance

*Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.*

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The department is considering the following substantive changes to existing sections of the chapter:

- Amend the definitions section to define unclear terms and modify terms to reflect industry use;
- Add programs approved under the VJCCCA to the list of participating agencies that need not apply to DJJ for such status;
- Eliminate provisions not needed to protect public health, safety, or welfare, including those: 1) addressing timelines for submitting data into the VJJIS; 2) establishing requirements for correcting errors in data submissions; and 3) addressing the process for challenging juvenile record information or appealing the outcome of such challenge;
- Amend various provisions to specify which entities must sign the relevant agreements and to require other documents for confidentiality;
- Change language to allow more flexibility when implementing logical access controls;
- Amend the background check provisions to reduce the department’s control over the checks and specify the required types of checks;
- Modify the expungement and recordkeeping provisions to control the number of required additional notifications and documentation and eliminate unnecessarily burdensome or impractical expungement provisions for participating entities;
- Add provisions to address the sealing of criminal records, as set out in Chapter 23.2 of Title 19.2 (§ 19.2-392.5 et seq);
- Amend references to incorporated documents to ensure the most recent version is cited;
- Eliminate provisions in the chapter that are objectively impossible or impractical for participating entities to achieve;
- Align the process for requesting, responding to requests for, and documenting requests for juvenile record information more closely with the process for responding to FOIA requests;
- Modify the scope of the department’s permissible audits;
- Remove language that conflicts with or violates the governing statute; and

- Remove or replace provisions that, due to evolving programming and changes in industry practices, have become obsolete.

## Alternatives to Regulation

*Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.*

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The department considered other alternatives to amending the regulation in the manner described in this form but ultimately determined that reviewing and amending the current regulation is the most efficient means of accomplishing the department's objectives. While the anticipated changes, clarifications, and updates could be accomplished through administrative documents, training, or other alternatives beyond modifying the regulation, these alternatives would be inadequate given the scope of the regulatory chapter and its application to external entities that may apply for participating agency access to the VJJIS. Furthermore, the department believes amending the regulation will help fulfill its goals of removing unnecessary regulatory requirements while continuing to enforce those requirements that are vital to the protection of juveniles who interact with the court system.

The existing and proposed provisions establish the required process and rules for participating agencies authorized to use the VJJIS, as well as setting out requirements for requesting, accessing, sharing, storing, challenging, sealing, and expunging juvenile record information. To the extent a small business gains participating agency status pursuant to this chapter, the proposed amendments will alleviate many of the potential burdens associated with the existing requirements, as the proposed changes seek to remove several existing regulatory requirements. For example, the proposal seeks to simplify the process for responding to challenges to juvenile record information, eliminate some of the documentation requirements for participating entities that charge fees for search and copying time when fulfilling requests for juvenile record information, and relax the timeframes for responding to these requests. The department believes amending the regulation in this manner will make compliance less costly and less burdensome for small businesses that gain status as a participating agency.

## Periodic Review and Small Business Impact Review Announcement

*If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and the ORM procedures), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify it as necessary for your agency. Otherwise, delete the paragraph below and insert "This NOIRA is not being used to announce a periodic review or a small business impact review."*

In addition, pursuant to the ORM procedures and § 2.2-4007.1 of the *Code of Virginia*, the agency is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

## Public Participation

*Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.*

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The Board of Juvenile Justice] is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to [Kristen Peterson; Post Office Box 1110, Richmond, Virginia 23218-1110; (804) 773-0180 (ph.); (804) 371-6497 (fax); Kristen.Peterson@djj.virginia.gov). In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of the proposed stage of this regulatory action.