



## **Economic Impact Analysis Virginia Department of Planning and Budget**

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### **6 VAC 35-150 – Standards for Nonresidential Services Available to Juvenile and Domestic Relations District Courts**

#### **Department (Board) of Juvenile Justice**

August 28, 2001

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The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 9-6.14:7.1.G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1.G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

### **Summary of the Proposed Regulation**

The Board of Juvenile Justice proposes (i) to remove the phrase "written policy, procedure and practice shall provide" from the regulations, (ii) to require the intake officer to make entries into the juvenile tracking system, (iii) to clarify that the supervision plan for juveniles must be completed within 30 days after disposition, (iv) to repeal the requirement to develop and implement a family involvement plan for a juvenile within 30 days of arrival at the facility, (v) to repeal the requirement to prepare a report on the family's progress toward planned goals at least quarterly, (vi) to remove the time requirements for a probation officer's contact with juvenile and the family, and (vii) to clarify the requirements for background checks.

### **Estimated Economic Impact**

In accordance with the code of Virginia § 16.1-233.C. and § 16.1-309.9.A., these regulations set minimum standards for court service staff and related support personnel to

provide uniform services to juvenile and domestic relations district courts and also establish standards for the development, implementation, operation and evaluation of the nonresidential community-based programs and services.

Court service unit practices have been surveyed since 1997, and a manual of operating procedures has been developed. The proposed amendments update the standards to these new procedures to achieve uniform services across court service units.

The current language include the phrase “written policy, procedure and practice shall provide” in many standards throughout the regulation. This language has been interpreted by some citizens and regulated entities in such a way that the Board of Juvenile Justice, the Department of Juvenile Justice (the agency), or the individual court service units must adopt a separate policy statement for each standard while in practice the language in the regulation was itself the agency’s policy and repeated verbatim in order to meet this requirement. In other words, a separate policy statement was expected to be developed on the same subject as the regulation while the regulation itself was the agency’s policy. The proposed language clarifies that the language on the standards in the regulation individually and collectively establishes policies governing the operation of court service units and non-residential programs. Thus, it will be clarified that the regulation itself establishes policies for the standards, and a separate policy statement is redundant.

However, the proposed amendment will remove the requirement to develop a policy for the programs and services under part III of the regulation which cover programs and services contracted by the court service units, or to which juveniles are referred before the court or before an intake officer. There are about 200 nonresidential programs in 27 different categories, which include various outreach and recreational programs. The agency’s audit team is required to make two monitoring visits each year and a periodic review on a biennial basis to these programs. The policies developed by these programs are separate, vary from program to program, and serve as a benchmark to compare with the actual practice. Without these policies the audit team will not have a benchmark to assess the practices of these programs. This may reduce the accountability of these programs.

While it may be appropriate to remove the phrase "written policy, procedure and practice shall provide" from the standards that are court service unit specific, it would potentially create

an array of oversight problems for locally operated programs. Program policies, procedures, and practices are what the agency uses to determine if local programs are in compliance with the standards. Without them, the agency will have no way of knowing what the local program intends to do to meet a standard, or how they intend to accomplish it. The proposed amendment to repeal this phrase throughout the regulation will introduce ambiguity on what these programs would be practicing, and how the certification inspector could tell if it was accurate since it has not been stated in writing. Having the policy and procedures in writing is likely to improve compliance if these programs are monitored based on what they state they will do. Therefore, DPB believes that retaining this rule for locally operated programs regulated under part III of the regulation is likely to provide some economic benefits.

Another proposed amendment will require the intake officer to make all required entries into the agency's juvenile tracking system, and the court service unit staff to ascertain the pertinent information on the system and enter additional information into the system. The required information includes the identification number, name, address, social security number, information on the charge, and related demographic data. The objective of this amendment is to incorporate the current practice into regulations. The proposed system was implemented five years ago and has been being used since then. Approximately 200 computers used by the probation officers were upgraded to meet the new network standards. The staff has been entering this information into the system. Thus, the proposed changes will not introduce additional costs associated with establishing a new system to meet this requirement. However, there is likely to be some additional system upgrade and maintenance costs associated with this proposed change. The ongoing benefits of the system are that it serves as an efficient tool to identify the criminal history of a juvenile and to provide background information both of which are critical to make a decision on a case. Prior to using juvenile tracking system, entering the data was taking about 45 minutes to three hours and data entry had to be repeated for each offense by the same juvenile. The tracking system is more efficient because it takes less time to enter the data, it preserves the old information preventing the entry of the same information repeatedly, it is more accurate, and allows information retrieval statewide. Statewide tracking of juveniles is likely to improve public safety efforts. Moreover, the system provides a monitoring mechanism to track the actions of staff personnel, which may help improve employee efficiency.

Overall productivity gains from the proposed system are expected to outweigh the costs associated with system upgrade and maintenance.

Another proposed amendment will clarify that a supervision plan for juveniles must be completed within 30 days following disposition which is the time the court makes a finding and orders probation. According to the agency, some court service units have been interpreting the current language as “after receiving the case” to refer to the case’s assignment to a probation officer, and have been arguing that the time requirement did not apply until the case was assigned. The result of this interpretation of the language was that some juveniles were not placed under supervision until some time past the 30 days after disposition referenced in the regulation. The proposed amendment will clarify that the 30-day requirement begins when the court makes a finding and orders probation. This will affirm that the juveniles are timely placed under supervision and a plan is developed. Supervision plan is a necessary tool to assist the juvenile. Without a supervision plan what will happen to the juvenile and what is expected are not known. For example, youths who have not met with their probation officers and have not signed rules of probation are in the community unsupervised by probation staff. Probation rules typically address curfews, school attendance, employment issues, and prohibitions regarding contact with victims. Contact with a probation officer is critical, because reporting schedules family meetings, and the expectations of parental cooperation, the development of restitution schedules and other court ordered services such as counseling and drug testing have to be established and monitored by Court Service Unit staff. Thus, ensuring that a supervision plan will be present in 30 days after disposition is likely to accelerate and enhance the expected benefits from probation.

In addition, the current time requirement to develop and implement a family involvement plan within 30 days of committed youth’s arrival at the facility will be deleted. A family involvement plan is prepared and implemented by a probation officer for juveniles when the youth resides or is expected to return to the family home. This plan allows the family to understand what the juvenile has been going through, and helps integrate the juvenile back to community. The agency indicated that the current requirement to develop and implement a family involvement plan immediately after the commitment is not suitable for juveniles with long term sentences. For example, the current language may require the development and implementation of family involvement plan for a juvenile who will return home seven years later

when the sentence is served. The proposed amendment will leave the timing of the development and implementation plan to the discretion of the probation officer who will follow the approved procedures of the agency. The proposed amendment is likely to save some additional staff time from not implementing the plan very early in the process and probably avoiding significant updates over the course of the juveniles commitment. No significant costs are expected from this proposed change.

Similarly, the proposed amendment will remove the time requirement to prepare a report on the family's progress toward planned goals at least once every 90 days during the time when juvenile is housed under the direct state care. The planned goals are those that would be developed under the family involvement plan. According to the agency, updating the goals every 90 days is not necessary for juveniles with long sentences. Besides, with the proposed changes to the timing of the family involvement plan there will be no plan and goals to report during the early stages of the sentence. This may represent additional staff time saving from eliminating the reporting requirements for the juveniles who are at the beginning of their long sentences.

The time requirements of a probation officer's contact with a juvenile and the family during the youth's commitment will be removed from the regulations. The current language requires that the staff contact the correctional center treatment staff at least every 30 days, meet with the juvenile at least every 90 days, and contact the youth's family at least monthly to provide services and support consistent with the family involvement plan. The proposed amendment will remove the time requirements for the contact with the juvenile and the family from the regulations. However, the proposed change is not expected to have a significant impact because the guidelines included in the court services manual contain the same timelines as the current regulations and the current practice is likely to continue. A direct result of this amendment is that the agency will have more flexibility in changing the current policy established in guideline documents for a probation officer's contact with a juvenile and the family.

Finally, another proposed amendment clarifies that when an agency or program provides direct services or supervision to juveniles, all employees and volunteers who provide such direct service or supervision shall undergo a thorough background check; when an agency or program

refers juveniles to other service providers, the referring agency shall require the service provider to document that all persons who provide services or supervision through one-to-one contact with juveniles have undergone a background check. When the juveniles were referred to programs whose main focus was other than juvenile treatment such as agencies providing community service, the requirement for background checks on persons in these programs who might have incidental but direct contact with juveniles was jeopardizing the referral process. According to the agency, the proposed amendments are clarifications and do not depart from the current practice. The new language assigns the responsibility to court service units when a juvenile is referred to service providers and allows the court service units to accept a letter verifying the background check.

### **Businesses and Entities Affected**

There are 32 state and 3 locally operated court service units, and approximately 1,341 programs that provides services to youth including group homes, shelter homes, crisis homes, and non-residential programs throughout the Commonwealth. Currently, these programs serve about 20,742 youth.

### **Localities Particularly Affected**

The proposed regulations apply throughout Virginia.

### **Projected Impact on Employment**

There is not sufficient information to project the net impact on employment.

### **Effects on the Use and Value of Private Property**

The proposed regulations are not expected to have significant impact on the use and value of private property.