



Economic Impact Analysis Virginia Department of Planning and Budget

6 VAC 35-41 – Regulation Governing Juvenile Group Homes and Halfway Houses
Department of Juvenile Justice
November 6, 2009

Summary of the Proposed Amendments to Regulation

The Board of Juvenile Justice (Board) proposes to consolidate the provisions of two current regulations (6 VAC 35-51 and 6 VAC 35-140) into one new regulation that will govern juvenile group homes and halfway houses. Most provisions in this new regulation will not vary in any substantive way from those mandated by current regulation, current Board policy and current law. There are, however, several new requirements in the new regulation. Specifically, the Board proposes to:

- Require copies of facilities' visitation procedures to be mailed to parents of new residents by the end of the business day immediately following the resident's admission,
- Allow greater flexibility in the timing of yearly fire inspections,
- Eliminate the requirements that staff write an initial plan that outlines a structured program of care and a daily routine within three days and a behavior support plan with 30 days of a resident's commitment,
- Allow an exception to daily shower requirements for times when there are draught conditions,
- Require facility staff to enrolled new residents in school within five days of admission,
- Require approval from a parent, placing agency and facility administrator before a resident can visit the home of a facility employee and
- Require each facility to formulate an internet usage policy for residents.

Result of Analysis

The benefits likely exceed the costs for all proposed changes. The costs and benefits of these changes are discussed below.

Estimated Economic Impact

Current regulations require that copies of facilities' visitation procedures to be mailed to parents of new residents within 24 hours of the resident's admission. The Board proposes to change this requirement so that facility staff have until the end of the business day following an admission to mail this information. Facility staff will benefit from having slightly more flexibility to mail out information to parents on days when mail is picked up and as it fits into staff duties.

Current regulations require group homes and halfway houses to undergo a fire inspection at least every 13 months. Since fire inspectors, rather than facility staff, conduct these inspections, this puts staff in an untenable position of guaranteeing the timing of someone else's work. The Board proposes to change the regulation so that staff must attempt to arrange a fire inspection within 13 months of the previous inspection, maintain documentation of current certification and document attempts to schedule the fire inspection should that inspection not be completed within 13 months of the last inspection. This change will benefit facility staff by only making them responsible for the actions that they can take.

Current regulations require facility staff to draft a plan that outlines a structured program of care and a daily routine for new residents within three days of their commitment. The Board proposes to replace this requirement with a provision for new residents to participate in ongoing programs upon arrival (and until release). The Board also proposes to eliminate the requirement that staff write a behavior support plan within 30 days of admission. Since all aspects of life in these facilities are already structured, and each facility has a behavior management program that is applicable to all residents, the Board believes that requiring separate written plans for each resident is duplicative and unnecessary. Staff at group homes and halfway houses are likely to benefit from this regulatory change because it allows them to eliminate a task that likely does not benefit residents.

Current regulation requires facilities to allow residents to take showers every day. The Board proposes to allow an exception to this rule if the Governor declares a state of emergency

due to draught conditions or if a locality implements water restrictions. This exception will allow facility administrators to restrict showers, after consultation with local health officials, until such time as water restrictions are lifted. Any alternate shower schedule will have to account for situations where daily showers are a medical necessity. This change will benefit group homes and halfway houses, particularly those in rural areas that rely on wells that can run dry if overused during droughts, by allowing them greater flexibility in extraordinary circumstances where it would be detrimental to follow the normal rules.

Current regulations require facility staff to enroll new residents in school within five days of admission. Because this rule does not allow flexibility in situations (summer or holiday breaks) when schools may not be open, the Board proposes to only require that staff attempt to enroll new residents in school within five days. This change will benefit facility staff by only making them responsible for the actions that they can take to ensure compliance with the law.

Current regulations require the approval of a legal guardian and placing agency before a resident can visit the home of a facility employee. The Board proposes to change this requirement so that such visits require the approval of a parent, placing agency and the facility administrator before they can occur. This change will likely benefit all parties by ensuring that anyone who has legal responsibility for a resident knows, and approves of, his or her whereabouts.

Current regulations have no rules for internet usage by residents of group homes and halfway houses. The Board proposes to require that each facility have rules if residents are allowed to access the internet. This change will benefit staff at facilities as well as residents by allowing both groups to know the rules that they will be respectively enforcing and governed by.

Businesses and Entities Affected

DJJ reports that this regulation will affect the 24 locally, privately or commission operated juvenile group homes and halfway houses.

Localities Particularly Affected

No locality will be particularly affected by this proposed regulatory action.

Projected Impact on Employment

This regulatory action will likely have no impact on employment in the Commonwealth.

Effects on the Use and Value of Private Property

This regulatory action will likely have no effect on the use or value of private property in the Commonwealth.

Small Businesses: Costs and Other Effects

Small businesses in the Commonwealth are unlikely to incur any costs on account of this regulatory action.

Small Businesses: Alternative Method that Minimizes Adverse Impact

Small businesses in the Commonwealth are unlikely to incur any costs on account of this regulatory action.

Real Estate Development Costs

This regulatory action will likely have no effect on real estate development costs in the Commonwealth.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.H of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.H 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. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the

regulation. The analysis presented above represents DPB's best estimate of these economic impacts.