



Final Regulation Agency Background Document

Agency Name:	Department (Board) of Juvenile Justice
VAC Chapter Number:	6 VAC 35
Regulation Title:	Minimum Standards for Virginia Delinquency Prevention and Youth Development Act Grant Programs
Action Title:	Amend
Date:	July 16, 2002

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

As mandated by the 2000 Appropriations Act, the amendments to this regulation address the establishment of goals, quantifiable objectives and measures for evaluation of program effectiveness for each Office on Youth receiving funding from the Commonwealth through Delinquency Prevention and Youth Development Act Grants (Chapter 3 (§ 66-16 *et seq.*) of Title 66 of the Code of Virginia).

Also, the amendments implement the new emphasis on the planning and coordination role of the Offices on Youth, as set forth in Chapter 277 of the 2000 Acts of the General Assembly.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

The State Board of Juvenile Justice adopted the final revisions to the **Minimum Standards for Virginia Delinquency Prevention and Youth Development Act Grant Programs** on July 10, 2002.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

Code of Virginia § 66-10 (6) gives the State Board of Juvenile Justice the power and duty "[t]o promulgate such regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth administered by the Director or the Department."

The specific authority of the Board to promulgate regulations governing Delinquency Prevention And Youth Development Act Grant Programs is found in Code of Virginia § 66-28: "The Board shall prescribe policies governing applications for grants pursuant to this chapter **and standards** for the operation of programs developed and implemented under the grants."

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

This regulation establishes operating standards for Virginia's Offices on Youth. Consistent with Code of Virginia Sections 66-27 and 66-28, the goal of the regulation is "to promote efficiency and economy in the delivery of youth services and to provide

support to localities seeking to respond positively to the growing rate of juvenile delinquency."

The purpose of the proposed revisions is, first, to provide evaluation measures of the operations of offices on youth, as directed in item 475.B of the 2000 Appropriations Act: "The Department shall develop standards for the operations of Offices on Youth. Included in these standards shall be the establishment of goals, quantifiable objectives and measures for evaluation of program effectiveness for each Office on Youth receiving funding from the Commonwealth."

At the same time, the regulation implements a change in emphasis for offices on youth adopted by Chapter 277 of the 2000 Acts of the General Assembly. The amendments introduced in Chapter 277 emphasized the office on youth's planning and coordination role in its community.

The regulation is essential to protect the safety of the public by providing standards for programs designed to reduce juvenile delinquency.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.

The amendments repeal standards that merely restate requirements set out in the Delinquency Prevention and Youth Development Act (Chapter 3 (§ 66-16 et seq.) of Title 66 of the Code of Virginia). That Act includes detailed requirements for localities that apply for youth development grants and for their youth services citizens boards, and also includes instructions governing the grant application and funding processes.

In addition, in keeping with the instructions in item 475.B of the 2000 Appropriations Act, various requirements are spelled out more fully to increase accountability and to provide a more comprehensive basis for evaluating the effectiveness of programs.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

The primary advantages to the Commonwealth (and its localities) in adopting the revisions will be an enhanced level of accountability of offices on youth, using structured assessments and evaluations to identify the more effective strategies, programs and services.

The primary advantages to Offices on Youth is a clearer focus and mission, enabling the offices to concentrate on their primary responsibility of coordinating, planning and assessing various prevention strategies.

There are no known significant disadvantages to the Department, the Offices on Youth, or the localities of the Commonwealth in adopting the proposed revisions, although offices on youth that provide direct services will have to meet a number of new standards. The new requirements closely track existing standards that apply to non-residential programs and services available to Juvenile and Domestic Relations District Courts, thus encouraging consistent high quality services across the entire juvenile justice system and across the Commonwealth.

It should be noted, however, that funding for Delinquency Prevention and Youth Development Act Grant funded programs (Offices on Youth) was eliminated in the 2003-2004 biennial budget. Thus, although the statutory provisions remain in effect establishing the Delinquency Prevention and Youth Development Act Grants, as a practical matter it is uncertain at the time this regulatory action is taken as to whether any localities will opt to operate an office on youth as such. An office on youth that is funded by any means other than Delinquency Prevention and Youth Development Act Grants would not fall within the purview of this regulation. Thus, while the regulation continues to be mandated by statute, there may or may not be programs that will be subject to its provisions for the foreseeable future.

Statement of Changes Made Since the Proposed Stage

Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.

Changes were made to 6 VAC 35-60-40 regarding youth membership on the Youth Services Citizen Board.

6 VAC 35-65-10, 6VAC35-60-410, and 6 VAC 35-65-500 were changed to delete reference to the position of “prevention specialist” at the Department, and to substitute the term “designated department personnel.”

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

No comments were received from the general public. Comments from Office on Youth personnel were directed to department staff, who also offered their own comments as well. Most comments received during the public comment period were either technical in nature or echoed comments that had been during the drafting phase, and so did not result in changes from the proposed regulation apart from the terminology changes noted below.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

6 VAC 35-60-40 maintains the current regulatory requirement that at least one member of the Youth Services Citizen Board be a person under the age of 18 when appointed.

At 6 VAC 35-65-10, in the definition of “monitoring review”, 6VAC35-60-410, describing the monitoring review, and 6VAC35-60-500, requiring annual reports, terminology was changed to reflect changes in personnel at the Department. The position of “prevention specialist” has been eliminated due to budget cuts. Functions performed by the incumbent in that position will now be performed by “designated department personnel.”

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Although the purpose of this regulation is to support the efforts of localities to reduce juvenile delinquency and promote healthy youth development, there are no provisions in the regulation itself that directly impact family life. Many of the programs and services coordinated by offices on youth are intended to have a positive influence on families, but the nature and scope of the impact will vary from program to program and is not related to the provisions of this regulation.
