

FINAL

REVISIONS TO ACCOMMODATE STATUTORY REQUIREMENTS

FOR POST-DISPOSITIONAL DETENTION

AND TO INCORPORATE NATIONALLY-RECOGNIZED JUVENILE CORRECTIONAL

STANDARDS INTO THE VIRGINIA REGULATION

CHAPTER 140

STANDARDS FOR JUVENILE RESIDENTIAL FACILITIES

Part I

General Provisions

6VAC35-140-10. Definitions.

Unless the context clearly indicates otherwise, terms that are defined in Standards for the Interdepartmental Regulation of Residential Facilities for Children shall have the same meaning when used in this chapter, and the following words and terms have the following meanings:

"Board" means Board of Juvenile Justice.

"Boot camp" means a short-term secure or nonsecure juvenile residential program that includes aspects of basic military training, such as drill and ceremony.

"Department" means the Department of Juvenile Justice.

"Detention home" means a secure facility which houses juveniles who are ordered detained pursuant to the Code of Virginia.

"Family ~~operated~~ oriented group home" means a private home in which juveniles may reside upon placement by a lawful child-placing agency.

“Halfway House” means a residential facility housing juveniles in transition from direct care.

“Health authority” means a physician, health administrator or health agency designated responsible for arranging all levels of health care in a facility, consistent with law and medical ethics.

"Health-trained staff person" means a staff person [who is] trained by a licensed health care provider to ~~provide assistance to a physician, physician's assistant, or other professional medical staff by performing such~~ perform duties such as preparing or reviewing screening forms for needed follow up, preparing residents and their records for sick call, and assisting in the implementation of medical orders regarding diets, housing and work assignments.

“Informed consent” means the agreement by a patient to a treatment, examination, or procedure after the patient receives the material facts regarding the nature, consequences and risks of the proposed treatment, examination, or procedure, and the alternatives to it. For an invasive procedure where there is some risk to the patient, informed consent is documented on a written form containing the juvenile’s signature or that of the legal guardian if required.

"Independent living program" means a residential program designed to help residents obtain skills which will allow them to become self-sufficient adults and which provides limited supervision by adults and encourages independent decision making.

"Infraction" or "rule violation" means a violation of the program's rules of conduct, in one of the following degrees of severity:

"Major rule violation" means any action ~~which~~ that threatens the life, safety or security of persons or property and requires due process for resolution.

"Moderate infraction" or "intermediate infraction" means a violation of the program's rules of conduct requiring use of due process procedures for resolution.

~~"Minor infraction" means a violation of the program's rules of conduct that staff may resolve informally.~~

"Isolation" means the confinement of a resident, after due process, in a single self-contained cell for a specified period of time as a disciplinary sanction for rule infractions. During isolation, all activities with the exception of eating, sleeping, personal hygiene, reading and writing are restricted and the resident is not permitted to participate in activities with other residents.

"Juvenile correctional center" means a secure facility operated by, ~~or under contract with,~~ the Department of Juvenile Justice to house and treat persons committed to the department. Unless the context clearly indicates otherwise, the term includes the reception and diagnostic center.

"Juvenile residential facility" means a publicly or privately operated facility where 24 hour per day care is provided to children within Virginia's juvenile justice system. As used in this regulation the term includes, but is not necessarily limited to, group homes, family oriented group homes, halfway houses, secure detention facilities, boot camps, wilderness work camps and juvenile correctional centers.

"Legal correspondence ["] and ["legal] mail" means that which is sent to or received from a designated class of correspondents, as defined in the particular standard, such as a

court, legal counsel, administrators of the grievance system, or administrators of the department.

~~"Main control center" means the central point within a secure facility where security activities are monitored and controlled 24 hours a day.~~

"Master file" means the complete record of a committed resident which is retained at the reception and diagnostic center.

~~"Medical~~ Health record" means the complete record of medical screening and examination information and ongoing records of medical and ancillary service delivery including all findings, diagnoses, treatments, dispositions, prescriptions and their administration.

"Military style discipline" means a system whereby staff in a ~~boot camp, Junior ROTC program or other~~ military-style program are authorized to respond to minor infractions at the moment they notice the infraction being committed by imposing immediate sanctions. The offender may be directed immediately to perform some physical feat, such as pushups or some other sanction as provided for in the facility's written policies and procedures.

~~"Personal control room" means a sleeping room with locked doors, where residents are housed who have serious behavior problems which threaten self, others or facility security.~~

"Resident" means a juvenile or other person who is legally placed in or formally admitted to the facility. In some facilities, residents may be referred to as wards, cadets, inmates or detainees.

"Room confinement" means restricting a resident to his room.

"Secure facility" means a local, regional or state publicly or privately operated residential facility for children ~~which~~ that has construction fixtures designed to prevent escape and to restrict the movement and activities of juveniles held in lawful custody.

"Segregation" means the placement of a resident, after proper administrative process, in a special housing unit or designated individual cell that is reserved for special management of residents for purposes of protective care or custodial management.

"Shall" means that an obligation to act is imposed.

"Transfer file" means the complete record of a committed resident ~~which~~ that accompanies the resident to whatever facility the resident is transferred to while in direct state care.

"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.

"Wilderness work camp" means a secure residential facility in a remote wilderness setting providing a program of therapeutic hard work to increase vocational skills.

6VAC35-140-20. Other applicable standards.

A. These standards will be applied in conjunction with Standards for the Interdepartmental Regulation of Residential Facilities for Children, jointly issued by the Board of Juvenile Justice, the State Board of Education, the State Mental Health, Mental Retardation and Substance Abuse Services Board, and the Board of Social Services.

B. This regulation and revisions hereto will be developed in consideration of standards adopted by the American Correctional Association for the accreditation of various classes of juvenile residential facilities.

6 VAC 35-140-22. National Accreditation is Deemed Compliance with these Standards.

The Board will accept a juvenile residential facility's accreditation by the American Correctional Association as evidence of compliance with the substantial requirements of this regulation, and will grant certification pursuant to 6 VAC 35-20 for a period of time consistent with the term of the facility's accreditation. Where Virginia has established standards for which the ACA has no parallel standard, the Board retains its statutory right and responsibility to monitor compliance with the Virginia regulations, and will publish a list of such standards.

6 VAC 35-140-23. Outcome-based and performance-based standards authorized.

The board may, in its discretion on a case-by-case basis and for a specified time, exempt individual facilities from specific standards set out in this chapter and authorize the facility to implement on an experimental basis one or more substitute standards that measure performance or outcomes. [Such substitute standards may be modeled on standards adopted or being considered by nationally recognized bodies such as the ACA, or may be developed by a facility to meet specific circumstances.]

6 VAC 35-140-24. Regulation establishes policy.

The standards embodied in this regulation 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 residential facilities or programs in accordance with Code of Virginia § 66-10.

6VAC35-140-30. Applicability.

A. ~~All residential programs must meet the applicable standards in Parts I (6VAC35-140-10 et seq.) and II (6VAC35-140-50 et seq.) of this chapter.~~

~~B. Detention homes, juvenile correctional centers, wilderness work camps and boot camps operated as secure facilities must also meet the applicable standards in Part III (6VAC35-140-430 et seq.) of this chapter.~~

The applicability of each standard to various types of juvenile residential facilities is indicated in the section title or in the body of the standard.

6VAC35-140-40. Previous regulations terminated.

This chapter replaces the following: Standards for Juvenile Correctional Centers (6VAC35-70-10 et seq.); Standards for Secure Detention (6VAC35-100-10 et seq.), Standards for Family Group Homes (6VAC35-120-10 et seq.), Standards for Post Dispositional Confinement for Secure Detention and Court Service Units (6VAC35-90-10 et seq.), and Predispositional and Postdispositional Group Home Standards (6VAC35-40-10 et seq.).

Part II

Standards for all Juvenile Residential Facilities

Article 1

Program Operation

6 VAC 35-140-45. General requirement.

All juvenile residential facilities shall comply with all applicable laws and regulations.

6VAC35-140-50. Nondiscrimination.

Written policy, procedure and practice in all juvenile residential facilities shall provide that:

1. Youth are not discriminated against based on race, national origin, color, creed, religion, sex or sexual orientation, or disability;

2. Males and females in coeducational programs have equal access to all programs and activities; they may be housed in the same unit, but not the same sleeping room;
3. Reasonable accommodation is made to integrate residents with disabilities ~~with~~ into the general population and grant them access to program and service areas, provided such accommodation is consistent with facility security and is unlikely to place the resident or others into situations of direct threat to health or safety; and
4. Youth are not subjected to corporal or unusual punishment, humiliation, mental abuse, or punitive interference with the daily functions of living, such as eating or sleeping.

6VAC35-140-60. ~~Residents' admission~~ Admission and orientation.

Written policy, procedure and practice governing the admission and orientation of residents to the juvenile residential facility shall provide for:

1. Verification of legal authority for placement;
2. Search of the resident and the resident's possessions, including inventory and storage or disposition of property, as appropriate;
3. ~~Medical~~ Health screening;
4. Notification of family including admission, visitation, and general information [, including how the resident's parent or legal guardian may request information and register concerns and complaints with the facility];
5. Interview with resident to answer questions and obtain information;
6. Explanation to resident of program services and schedules; and
7. Assignment of resident to a housing unit or room.

6VAC35-140-65. Orientation to facility rules and disciplinary procedures.

- A. During the orientation to the juvenile residential facility, residents shall be given written information describing facility rules, the punishments for rule violations, and the facility's disciplinary procedures. These shall be explained to the resident and documented by the dated signature of resident and staff.
- B. Where a language or literacy problem exists ~~which~~ that can lead to a resident misunderstanding the juvenile residential facility rules and regulations, staff or a qualified person under the supervision of staff shall assist the resident.

6VAC35-140-70. ~~Resident's grievance~~ Grievance procedure.

Written policy, procedure and practice shall provide that residents of the juvenile residential facility are oriented to and have continuing access to a grievance procedure ~~which~~ that provides for:

1. Resident participation in the grievance process, with assistance from staff upon request;
2. Documented, timely responses to all grievances with the reasons for the decision;
3. At least one level of appeal;
4. Administrative review of grievances;
5. Protection of residents from reprisal for filing a grievance;
6. Retention of all documentation related to grievances for three years from the date of the filing of the grievance and
7. Hearing of an emergency grievance within eight hours.

6VAC35-140-75. Residents' mail.

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

1. A. In the presence of a witness and in accordance with written procedures, staff may open and inspect incoming and outgoing non-legal mail for contraband, but shall not read it; ~~and~~ .

2. B. ~~Based on legitimate interests of facility order and security~~ In accordance with written procedures , staff may ~~read, censor or reject~~ open and inspect residents' incoming and outgoing mail ~~and shall notify residents~~ for contraband. When based on legitimate facility interests of order and security, mail may be read, censored, or rejected. [In accordance with written procedures, The the] juvenile shall be notified when incoming or outgoing letters are withheld in part or in full; ~~or~~ .

3. C. In the presence of the recipient and in accordance with written procedures, ~~Staff~~ staff ~~shall not~~ may open to inspect for contraband, but shall not ~~or~~ read legal correspondence and mail: ~~a. to or From~~ from a court, legal counsel, administrators of the grievance system or administrators of the department; ~~or~~ .

b. D. ~~[In accordance with written procedures, when permission has been obtained from a court of competent jurisdiction or from the juvenile, staff may, in the presence of a witness, read correspondence or mail~~ Staff shall not read mail] ~~Addressed~~ addressed to parents, family, legal guardian, guardian ad litem, counsel, courts, officials of the committing authority, public official or grievance administrators [unless permission has been obtained from a court of competent jurisdiction or] ~~when~~ [the Director or his designee has determined that there is a reasonable belief that the security of a facility is threatened. When so authorized, staff may read such mail in the presence of a witness, in accordance with] ~~as provided for by~~ [written procedures;]

4. E. Incoming and outgoing letters shall be held for no more than 24 hours and packages for no more than 48 hours, excluding weekends and holidays; .

5. F. Cash, stamps and other specified items may be held for the resident; .

6. G. Upon request, each resident shall be given postage and writing materials for all legal correspondence and to mail at least two letters per week; ~~and~~ .

7. H. Residents shall be permitted to correspond at their own expense with any person or organization provided such correspondence does not pose a threat to facility order and security and is not being used to violate or to conspire to violate the law.

I. First class letters and packages received for juveniles who have been transferred or released shall be forwarded.

K. Written policy and procedure governing correspondence of juveniles shall be made available to all staff and juveniles and shall be reviewed annually and updated as needed.

6VAC35-140-80. Telephone calls.

Residents in all juvenile residential facilities shall be permitted reasonable access to a telephone in accordance with policies and procedures that take into account the need for facility security and order, resident behavior, and program objectives.

6VAC35-140-90. Visitation.

A. Residents in all juvenile residential programs shall be permitted to have visitors, consistent with written policies and procedures that take into account the need for facility security and order ~~and~~ , the behavior of individual residents and visitors [, and the importance of helping the resident maintain strong family and community ties].

B. ~~The~~ Each juvenile residential facility shall have a designated visiting area.

C. Visiting facilities in each juvenile residential facility permit informal communication between residents and visitors, including opportunity for physical contact [in accordance with written procedures].

6VAC35-140-100. School classrooms.

In facilities that operate school programs at the facility, school classrooms shall be designed in consultation with the appropriate education authorities to comply with applicable state or local requirements.

6VAC35-140-110. Residents' funds.

In all juvenile residential facilities, ~~Written policy, procedure and practice shall provide that residents' funds are~~ shall be used only for their benefit; for payments ordered by a court of competent jurisdiction; or to pay restitution for damaged property or personal injury as determined by disciplinary procedures.

6VAC35-140-120. Contraband.

In all juvenile residential facilities, ~~Written~~ written policy, procedure and practice shall provide for the control, detection and disposition of contraband.

6VAC35-140-130. Criminal activity.

In all juvenile residential facilities, ~~Written~~ written policy, procedure and practice shall require that:

~~1. Staff report~~ All all known criminal activity by residents or staff is reported to the program administrator for appropriate action. ~~;~~ and

~~2. Any felony committed on or off the premises by residents or staff is reported to the program administrator and the appropriate state or local law enforcement agency.~~

6VAC35-140-140. Transportation.

It shall be the responsibility of the juvenile residential facility to have transportation available or to make the necessary arrangements for routine and emergency transportation.

6VAC35-140-150. Nonresidential programs and services.

Any nonresidential services offered by the juvenile residential facility shall comply with all applicable laws and regulations.

6VAC35-140-160. Insurance.

A. Each residential program shall have:

1. Liability insurance for all employees;
2. Insurance to protect volunteers, if the program uses volunteers;
3. Premises liability insurance;
4. Vehicle insurance for facility vehicles.

B. Staff shall be informed when hired of the requirements to provide insurance coverage while using personal vehicles for official business.

6VAC35-140-170. Computer security.

If the juvenile residential facility records log book type information ~~is recorded~~ on computer, all entries shall post the date, time and name of the person making an entry; the computer shall ~~be so equipped as to~~ prevent previous entries from being overwritten.

6VAC35-140-180. Release procedures.

Residents shall be released from a juvenile residential facility only in ~~accord~~ accordance with written policy and procedure.

Article 2

Health Care

6VAC35-140-190. Health screening at admission.

Written policy, procedure and practice of the juvenile residential facility shall require that:

1. To prevent newly-arrived residents who pose a health or safety threat to themselves or others from being admitted to the general population, all residents shall immediately upon admission undergo a preliminary health screening consisting of a structured interview and observation by health care personnel or health-trained staff, using a health screening form that has been approved by the facility's health authority.
2. Youth admitted to the juvenile residential facility who pose a health or safety threat to themselves or others are not admitted to the facility's general population but provision shall be made for them to receive comparable services.
3. Immediate health care is provided to residents who need it.

6VAC35-140-192. Provision of health care

Written policy and defined procedure require, and actual practice evidences, that treatment is performed by nursing personnel pursuant to written or verbal orders signed by personnel authorized by law to give such orders.

6VAC35-140-200. Training regarding special medical needs of residents.

Written policy, procedure and practice shall provide that staff of the juvenile residential facility shall be trained in universal precautions regarding HIV and shall follow procedures for dealing with residents who have infectious or communicable diseases.

6VAC35-140-210. Informed consent as to health care.

Written policy, procedure and practice of the juvenile residential facility shall provide that:

1. The informed consent to health care shall be obtained from the resident, parent, guardian or legal custodian as required by law.
2. Residents may refuse, in writing, medical treatment and care.
3. When health care is rendered against the resident's will, it shall be in accordance with applicable laws and regulations.

6VAC35-140-220. ~~Residents' medical record~~ Health records.

A. Written policy, procedure and practice of the juvenile residential facility shall provide that residents' active ~~medical~~ health records shall be:

1. Kept confidential from unauthorized persons and in a file separate from the case record;
2. Readily accessible in case of emergency; and

Made available to authorized staff consistent with applicable state and federal laws.

B. Residents' inactive ~~medical~~ health records shall be retained and disposed of as required by The Library of Virginia.

6VAC35-140-230. Hospitalization and other outside medical treatment of residents.

[A.] When a resident of a juvenile residential facility needs hospital care or other medical treatment outside the facility,

1. the resident shall be transported safely and in a timely manner, and
2. a parent or legal guardian, a staff member, or a law-enforcement officer, as appropriate, shall accompany the resident and stay at least during admission and, in the case of securely detained or committed residents, until appropriate security arrangements are made.

[B. If a parent or legal guardian does not accompany the resident to the hospital or other medical treatment outside the facility, the parent or legal guardian shall be informed that the resident was taken outside the facility for medical attention as soon as is practicable.]

6VAC35-140-240. [Reserved]

6VAC35-140-250. Suicide prevention.

Written policy, procedure and practice of the juvenile residential facility shall provide that there is a suicide prevention and intervention program developed in consultation with a ~~local or state~~ qualified medical or mental health authority professional , and all direct care staff are trained in ~~the~~ the implementation of the program.

Article 3

Personnel

6VAC35-140-260. Background checks on personnel.

A. Except as provided in paragraph C, All ~~all~~ persons selected for employment in a juvenile residential facility after January 1, 1998, all family oriented group home ~~parents~~ staff, all persons who teach in the facility ~~or provide professional services on a regular basis~~, and all ~~volunteers and interns~~ [persons] who work one-on-one with residents shall prior to assuming their duties, immediately undergo a check, ~~as specified in department procedures,~~ of references, criminal records, central registry and, if appropriate, driving record to ascertain whether there are criminal acts or other circumstances that would be detrimental to the safety of juveniles in the program The background check shall include 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;

B. The facility shall have procedures for supervising non-staff persons who have contact with residents.

~~A.~~ C. If To minimize vacancy time when a fingerprint check has been requested, direct care staff are may be hired pending the completion of background checks, results of the fingerprint checks, provided:

1. the CPS check and criminal background check have been completed; and
2. the applicant is given written notice that continued employment is contingent on the fingerprint check results; and
3. they staff hired under this exception shall always work with staff whose background checks have been completed.

6VAC35-140-270. Physical examination.

When the qualifications for a position in a juvenile residential facility require a given ~~level of health or set of physical ability~~ abilities, all persons selected for such positions shall be examined by a physician at the time of employment to ensure that they have the level of medical health or physical ability required to perform assigned duties. Persons hired after (the effective date of this regulation) into positions that require a given set of physical abilities may be re-examined annually in accordance with written procedures.

6 VAC 35-140-275. Code of Ethics.

A written code of ethics that is available to all employees shall prohibit employees of the juvenile residential facility from using their official positions to secure privileges for themselves or others and from engaging in activities that constitute a conflict of interest.

6VAC35-140-280. Training.

~~A.~~ Initial orientation and annual training shall be provided to all staff, relief staff, volunteers,~~—and~~ interns of juvenile residential facilities, and family -oriented group home ~~parents staff,~~ in ~~accord~~ accordance with each position's job description and annual training plan.

B. Prior to assuming their duties, juvenile residential facility staff who are responsible for supervising residents shall receive an orientation that addresses at least the following items:

1. The facility's program philosophy and services;
2. Residents' rules and the facility's behavior management program;
3. Residents' rights and responsibilities;
4. Residents' disciplinary and grievance procedures;
5. Security and emergency procedures; and
6. Documentation requirements.

C. In addition to the orientation required by paragraph B, juvenile residential facility staff who work with juveniles shall receive sufficient training so that they are thoroughly familiar with the rules of juvenile conduct, the rationale for the rules, and the sanctions available.

~~C.~~ D All full-time staff of juvenile residential facilities who provide direct services or supervision to residents or families shall receive at least 40 hours of training annually, ~~not including~~ [in addition to initial orientation]. As applicable to the individual's position, this training shall include the training required by:

1. The Standards for the Interdepartmental Regulation of [Children's] Residential Facilities [~~for Children~~] ; and

2. The standards in this regulation dealing with:

a. Suicide prevention (6VAC35-140-250);

b. Special medical needs of residents (6VAC35-140-200);

c. Health screenings at admission (6VAC35-140-190); and

d. Mechanical restraints (6VAC35-140-680).

6VAC35-140-290. Outside personnel working in the facility.

A. Juvenile residential Facility facility staff shall monitor all situations in which outside personnel perform any kind of work in the immediate presence of youth in the facility.

B. Adult inmates or persons assigned to perform services as a result of a conviction in an adult court shall not work in areas of ~~the~~ any juvenile residential facility where youth are present.

6 VAC 35-140-295. Political Activity.

The juvenile residential facility shall have written policy regarding campaigning, lobbying and political activities by employees, consistent with applicable statutes and state or local policies. The policy shall be known by and made available to all employees.

Article 4

Safety and Physical Environment

6VAC35-140-300. Showers.

Residents of the juvenile residential facility shall have the opportunity to shower daily.

6VAC35-140-310. Inspections.

A. All safety, emergency and communications systems of the juvenile residential facility shall be inspected by designated staff according to a schedule which is approved by the facility administrator, and ~~which meets all applicable regulations~~ tested at least quarterly and more often if indicated by the manufacturer's recommendations or instruction manuals.

6VAC35-140-320. Repair or replacement of defective equipment.

Whenever equipment of the juvenile residential facility is found to be defective, immediate steps shall be taken to rectify the situation and to repair or replace the defective equipment.

6VAC35-140-330. Lighting in housing and activity areas.

A. Sleeping and activity areas in the juvenile residential facility shall provide natural lighting.

B. In all juvenile residential facilities There shall be night lighting sufficient to observe residents.

6VAC35-140-340. Fire prevention.

A. There shall be a fire prevention plan in each juvenile residential facility that provides for an adequate fire protection service.

B. The juvenile residential facility shall have receptacles for disposing of flammable materials.

C. All flammable, toxic and caustic materials within the juvenile residential facility shall be stored and used in accord with federal, state and local requirements.

D. Flame retardant and nontoxic materials shall be used in construction and furnishings of the juvenile residential facility.

Article 5

Independent Living Programs

6VAC35-140-350. Independent living programs.

Independent living programs shall have a written description of the curriculum and methods used to teach living skills, which shall include finding and keeping a job, managing personal finances, household budgeting, hygiene, nutrition, and other life skills.

Article 6

Standards for Family Group Homes

6VAC35-140-360. Requirements of family group home systems.

Family group home systems shall have written policies and procedures for:

1. Setting the number of youth to be housed in each home and room of the home, and prohibiting youth and adults from sharing sleeping rooms without specific approval from the program administrator;
2. Providing supervision of and guidance for the family group home parents and relief staff;
3. Admitting and orienting residents;
4. Preparing a treatment plan for each resident within 30 days of admission, or 72 hours in the case of a temporary care facility, and reviewing the plan quarterly;
5. Providing appropriate programs and services from intake through release;
6. Providing residents with spending money;

7. Managing resident records and releasing information;
8. Providing medical and dental care to residents;
9. Notifying parents, guardians, the placing agency and the regulatory authority of any serious incident as specified in department policy;
10. Making a program supervisor or designated staff person available to residents and house parents 24 hours a day;
11. Ensuring the secure control of any firearms and ammunition in the home.

6VAC35-140-370. Examination by physician.

Each resident admitted to a family group home shall have a physical examination including tuberculosis screening within 30 days of admission, unless the resident was examined within six months prior to admission to the program.

6VAC35-140-380. Requirements of family group homes.

Each family group home shall have:

1. A fire extinguisher, inspected annually;
2. Smoke alarm devices in working condition;
3. Alternative methods of escape from second story;
4. Modern sanitation facilities;
5. Freedom from physical hazards;
6. A written emergency plan that is communicated to all new residents at orientation;
7. An up-to-date listing of medical and other emergency resources in the community;
8. A separate bed for each resident, with clean sheets and linens weekly;

9. A bedroom that is well illuminated and ventilated; that is in good repair; that is not a hallway, unfinished basement or attic; and that provides conditions for privacy through the use of dividers or furniture arrangements;
10. A place to store residents' clothing and personal items;
11. Sanitary toilet and bath facilities that are adequate for the number of residents;
12. A safe and clean place for indoor and outdoor recreation;
13. Adequate and comfortable furniture;
14. Adequate laundry facilities or laundry services;
15. A clean and pleasant dining area;
16. Adequate and nutritionally balanced meals; and
17. Daily provision of clean clothing and articles necessary for maintaining proper personal hygiene.

Article 6.1

Standards for Halfway houses

6VAC35-140-385. Administration and organization.

Each halfway house shall have a document describing its mission and role within the context of the total direct care system. Each halfway house shall demonstrate that its programs and services are consistent with the described mission and role, or document approval by the appropriate authority for any variance from the stated mission and role.

6VAC35-140-386. Review of collective service needs

At least once every three years, the halfway house shall review the collective service needs of its juvenile population, evaluate the effectiveness of existing programs and

services in meeting the needs of its population, and implement special programs to meet the needs of youth with specific types of problems identified through the process.

6 VAC 35-140-387. Program to reinforce positive behavior.

Consistent with Department policies and procedures, each halfway house shall implement a system of rewarding the positive behavior of individual youth.

6VAC35-140-388. Organizational Communications.

The halfway house shall demonstrate compliance with Department procedures requiring reports concerning major incidents, population data, employee vacancies and other information determined by the central administration.

6VAC35-140-389. Financial practices.

Each halfway house shall demonstrate compliance with department procedures and state policy concerning procurement, control of property, accounting practices, petty cash, signature control on checks, and reimbursement of employees for approved expenses incurred in the performance of their duties.

Article 7

Boot Camps

6VAC35-140-390. Staff physical and psychological qualifications.

The boot camp shall include in the qualifications for staff positions a statement of:

1. The physical fitness level requirements for each staff position; and
2. Any psychological assessment or evaluation required prior to employment.

6VAC35-140-400. Residents' physical qualifications.

The boot camp shall have written policies and procedures that govern:

1. Admission, including a required written statement from a physician that the juvenile meets the American Pediatric ~~Council's~~ Society's guidelines to participate in contact sports and from a licensed mental health professional that the juvenile is an appropriate candidate for a boot camp program; and

2. Discharge, should a resident be physically unable to keep up with the program.

6VAC35-140-410. Residents' nonparticipation.

The boot camp shall have written procedures approved by the department for dealing with residents who are not complying with boot camp program requirements.

6VAC35-140-420. Program description.

The boot camp shall have a written program description that states:

1. How residents' physical training, work assignment, education and vocational training and treatment program participation will be interrelated;
2. The length of the boot camp program and the kind and duration of treatment and supervision that will be provided upon the resident's release from the residential program;
3. Whether residents will be cycled through the program individually or in platoons; and
4. The program's incentives and sanctions, including whether military or correctional discipline will be used; if military style discipline is used, written procedures shall specify what summary punishments are permitted.

Part III

Standards for all Secure Facilities

Article 1

General Requirements of Secure Facilities

6VAC35-140-430. Mental health assessment in secure detention.

Written policy, procedure and practice shall provide that:

1. As part of the intake process in each secure detention facility, staff trained in the application of an approved [~~assessment~~ screening] tool shall ascertain the resident's need for a mental health assessment; and
2. If staff determine that a mental health assessment is needed, it shall take place within 24 hours of such determination.

6VAC35-140-440. Classification plan.

[A.]Residents of the secure facility shall be assigned to sleeping rooms and living units according to a written plan that takes into consideration facility design, staffing levels, and the behavior and characteristics of individual residents.

[**B. When the Department places wards in residential facilities according to custody or security level, Department procedure and practice shall provide for a systematic decrease in supervision and a corresponding increase in juvenile responsibility as the ward moves to a less secure placement in preparation for the ward's ultimate release from direct care.**]

6VAC35-140-450. Resident's physical examination; responsibility for preexisting conditions.

A. Within five days of admission to the secure facility, all residents who are not directly transferred from another secure juvenile residential facility shall be medically examined by a physician or a qualified health care practitioner operating under the supervision of a physician to determine if the resident requires medical attention or poses a threat to the health of staff or other residents. A full medical examination is not required if there is documented evidence of a complete health appraisal within the previous 90 days; in

such cases, a physician or qualified health care practitioner shall review the juvenile's health record and update as necessary.

B. ~~The secure custody facility~~ A detention home shall not accept financial responsibility for preexisting medical, dental, psychological or psychiatric conditions except on an emergency basis.

6VAC35-140-460. Health authority.

A physician, health administrator or health agency shall be designated the health authority responsible for arranging all levels of health care in the secure facility, consistent with law and medical ethics.

6VAC35-140-470. Medical space and equipment.

~~There~~ The secure facility shall be have a central medical room with medical examination facilities equipped in consultation with the health authority.

6VAC35-140-480. Residents' personal possessions.

A. Each detention home and juvenile correctional center shall inventory Residents' residents' personal possessions shall be inventoried and documented in the case file upon admission and document such in the case file, and either: When a juvenile arrives at a secure facility with items that the juvenile is not permitted to possess in the secure facility:

1. Staff of the facility shall dispose of contraband items in accordance with written procedures;

~~2.~~ 2. If the items are non perishable property that the juvenile may otherwise legally posses, staff of the facility shall

a. Securely ~~stored and returned~~ store the property and return it to the resident upon release; or

~~2. Given to the resident's parents or guardians; or~~

b. make reasonable documented efforts to return the property to the resident, parent or legal guardian.

~~3. Shipped to the resident's last known address.~~

B. Personal property that remains unclaimed 90 days after a documented attempt to return the property may be disposed of in accordance with written policies and procedures.

6VAC35-140-490. Area and equipment restrictions.

A. Written procedures shall govern access to all areas in the secure facility where food or utensils are stored.

B. All security, maintenance, educational, recreational, culinary, and medical equipment of the secure facility shall be inventoried and controlled.

C. Residents of a secure detention home shall not be permitted to work in the detention home food service.

6VAC35-140-500. Reading materials.

A. Reading materials that are appropriate to residents' ages and levels of competency shall be available to all residents of the secure facility [, including new arrivals,] and shall be coordinated by a designated person.

B. Each detention home and juvenile correctional center shall have and follow written policy and procedure governing youth access to publications.

6VAC35-140-510. ~~Postdispositional placements.~~ [reserved](this is moved to 707)

~~A. If a detention home accepts postdispositional placements, it shall have written policies, procedure and practice governing the postdispositional program which shall have regard for reasonable utilization of the facility.~~

~~B. When a juvenile is ordered by a court, pursuant to §16.1-284.1 B of the Code of Virginia, into a facility that houses postdispositionally detained youth, the facility shall:~~

- ~~1. Obtain from the supervising agency a copy of the court order, the resident's most recent social history, and any other written information considered by the court during the sentencing hearing; and~~
- ~~2. Have a written plan with the court service unit within five days to enable such youth to take part in one or more locally available treatment programs appropriate for their rehabilitation which may be provided in the community or at the facility.~~

6VAC35-140-520. Housing and activity areas.

In all secure detention facilities and in juvenile correctional centers constructed after January 1, 1998, sleeping and activity areas shall provide fresh drinking water and toilet facilities.

6VAC35-140-530. ~~Outdoor~~ recreation.

A. Each detention home and juvenile correctional center ~~There shall be an~~ have appropriate indoor and outdoor area in which residents are permitted to recreation areas. An opportunity for large muscle exercise shall be provided daily. Outdoor recreation will be available [according to whenever practicable, in accordance with] the secure facility's recreation plan [.] [, which must provide at least one hour of planned outdoor recreation at least three times per week — unless prevented by documented . Staff shall document any] adverse weather conditions [or ,] threat to facility security [or other circumstances preventing outdoor recreation] .

B. Each detention home and juvenile correctional center shall provide a variety of fixed and movable equipment for each indoor and outdoor recreation period.

6VAC35-140-540. Supervision of residents by staff.

- A. Staff of the secure facility shall provide 24-hour awake supervision seven days a week.
- B. When both males and females are housed in the same living unit of a secure facility, at least one male and one female staff member shall be actively supervising at all times.
- C. Staff shall always be in plain view of another staff person ~~of the opposite sex~~ when entering an area of the secure facility occupied by residents of the opposite sex.
- D. Staff shall regulate the movement of juveniles within the secure facility in accordance with written procedures.
- E. Each detention home and juvenile correctional center shall have and shall follow written policies and procedures governing the transportation of juveniles outside the facility and from one jurisdiction to another.
- F. Service personnel shall not perform work in any area of the secure facility that permits contact with residents, except under the direct and continuous supervision of facility staff.
- G. No detention home or juvenile correctional center shall permit an individual youth or group of youths to exercise control or authority over other youths except when practicing leadership skills as part of an approved program under the direct and immediate supervision of staff.

6 VAC 35-140-545. Staffing pattern.

- A. During the hours that residents are scheduled to be awake, there shall be at least one child care staff member awake, on duty and responsible for supervision of every 10 residents, or portion thereof, on the premises or participating in off campus, facility sponsored activities except that independent living programs shall have at least one child

care staff member awake, on duty and responsible for supervision of every 15 children on the premises or participating in off campus, facility sponsored activities.

B. During the hours that residents are scheduled to sleep there shall be no less than one child care staff member on duty and responsible for supervision of every 16 residents, or portion thereof, on the premises.

C. There shall be at least one child care staff member on duty and responsible for the supervision of residents in each building where residents are sleeping. This requirement does not apply to approved independent living programs.

D. On each floor where children are sleeping, there shall be at least one child care staff member awake and on duty for every 30 children or portion thereof.

6VAC35-140-550. ~~Due~~ Disciplinary process.

A. ~~In each~~ Each secure detention facility [~~and juvenile correctional center~~] shall have , ~~when a rule violation occurs which is punishable by confinement for 48 hours or less,~~ written policy, procedure and practice shall provide for: guidelines for resolving minor juvenile misbehavior. Before room restriction or privilege restriction is imposed as a sanction, the reason for the restriction shall be explained to the juvenile and the juvenile shall be given an opportunity to explain the behavior that led to the restriction. Room restriction for minor misbehavior shall serve only as a “cooling off” period and shall not exceed 60 minutes.

- ~~1. Reporting major rule violations to supervisory personnel;~~
- ~~2. Conducting a timely, impartial investigation and hearing including provisions for the youth to participate in and to be represented at the hearing;~~
- ~~3. Recording and notifying the parties of the hearing's findings and any action taken;~~

4. ~~Expunging all reference to the charges if the youth is found innocent;~~
5. ~~Reviewing the hearing record to ensure conformity with policy and regulations; and~~
6. ~~Permitting the juvenile to appeal the decision.~~

~~B. In each~~ Each secure detention facility and juvenile correctional center, ~~when~~ shall have and follow a written process for handling instances when a resident is charged with a major rule violation ~~occurs which is punishable by confinement for more than 48 hours, and in all other secure custody facilities when a major or moderate rule violation occurs, written policy, procedure and practice shall provide the following:~~

1. ~~Staff shall prepare a disciplinary report when a resident has committed a major or moderate violation of facility rules.~~

C. A resident may admit to the charge to a facility administrator or designee who was not involved in the incident, accept the sanction prescribed for the offense, and waive his right to a formal process. If the resident denies the charge or there is reason to believe that the resident's admission is coerced or that the resident does not understand the charge or the implication of the admission, the formal process for resolving the matter shall be followed.

~~2. D. When~~ it is necessary to place the juvenile in confinement to protect the facility's security or the safety of the resident or others, a resident who is charged with a rule violation the charged juvenile may be confined pending a due process hearing for up to 24 hours; Confinement for longer than 24 hours must be reviewed at least once every 24 hours by an administrator or designee who was not involved in the incident ~~must~~ approve any longer confinement.

3.E. In each secure detention facility and juvenile correctional center, when staff have reason to believe a resident has committed a rule violation that cannot be resolved through the facility's informal process:

1. Staff shall prepare a disciplinary report;

~~2. A~~ The resident who is charged with a major or moderate rule violation shall be:

~~a. Given~~ given a written copy of the charge within 24 hours of the infraction;

~~b. Scheduled for a~~ 3. If a hearing is required under paragraph C, above, the hearing shall be scheduled to occur no later than 48 hours after the infraction in a detention facility, and no later than seven days after the infraction in a juvenile correctional center. These timeframes do not include excluding weekends and holidays; and

~~e. Given~~ 4. The charged resident shall be given at least 24 hours notice of the time and place of the hearing, but the hearing may be held within 24 hours with the resident's written consent.

~~4.~~ 5. Disciplinary hearings on rule violations shall be conducted by an impartial person or panel of persons; a record of the proceedings shall be made and shall be kept for six months.

~~5.~~ 6. Residents charged with rule violations shall be present at throughout the hearing unless they waive that right in writing or through their behavior but may be excluded during the testimony of any resident whose testimony must be given in confidence. The reason for the resident's absence or exclusion shall be documented.

~~6.~~ 7. Residents shall be permitted to make a statement and present evidence at the hearing and to request witnesses on their behalf. The reasons for denying such requests shall be documented.

7. ~~8.~~ At the resident's request, a staff member shall represent the resident at the hearing and question witnesses. A staff member shall be appointed to help the resident when it is apparent that the resident is not capable of effectively collecting and presenting evidence on his own behalf.

8. ~~9.~~ A written record shall be made of the hearing decision and given to the resident. The hearing record shall be kept in the resident's file and in the disciplinary committee's records.

9. ~~10.~~ The disciplinary report shall be removed from the file of a resident who is found not guilty.

10. ~~11.~~ The facility administrator or designee shall review all disciplinary hearings and dispositions to ensure conformity with policy and regulations.

11. ~~12.~~ The resident shall have the right to appeal the disciplinary hearing decision to the facility administrator or designee within 24 hours of receiving the decision. The appeal shall be decided within 24 hours of its receipt, and the resident shall be notified in writing of the results within three days. These time frames do not include weekends and holidays.
6VAC35-140-560. Room confinement and isolation.

A. Written policy, procedures and practice shall govern how and when residents of a secure facility may be confined to a room. ~~and shall provide for:~~

1. ~~B. Whenever a resident of a secure facility is confined to a locked room, including but not limited to being placed in isolation, Staff checks shall check the resident visually at least every [30 ~~15~~] minutes and more often if indicated by the circumstances;~~

[~~2. Staff shall checks conduct a check at least every 15 minutes , in accordance with approved procedures, when the resident is on suicide watch]~~

~~3.~~ C. Residents of a secure facility who are confined to a room , including but not limited to being placed in isolation, shall be afforded the opportunity for At least one hour of physical exercise [daily every 24 hours] .

~~B.~~ D. If a resident in secure detention or a juvenile correctional center is confined to his room for more than 24 hours, the superintendent or designee shall be notified. If the confinement extends to more than 72 hours, the confinement shall be immediately reported to the regional manager designated department staff person who has oversight responsibility for the facility, along with the steps being taken or planned by the facility to resolve the situation , and followed immediately with a written, faxed , or secure e-mail copy of the report to the regional manager in accordance with established Department procedures.

~~C. If a resident in a juvenile correctional center is confined for more than 24 hours, the superintendent or designee shall be notified. If the confinement extends to 72 hours the Chief of Operations for Juvenile Correctional Centers, or designee, must approve the continued confinement. Residents who are confined to their rooms shall be given an opportunity to exercise daily.~~

~~D.~~ E. Room confinement as a sanction in a secure facility, or isolation, shall not exceed five days.

~~E.~~ F. [The director or designee An administrator of the secure facility] shall make personal contact with the each resident who is confined to a locked room, including being placed in isolation, each day of confinement.

G. Residents of detention homes and juvenile correctional centers who are placed in administrative [confinement or in isolation segregation] shall be afforded [basic] living

conditions [and privileges] approximating those available to the facility's general population [, and, as provided for in approved procedures, shall be afforded privileges similar to those of the general population.] Exceptions may be made in accordance with established procedures when justified by clear and substantiated evidence.

6VAC35-140-570. Questioning of residents.

[The No] secure [~~detention~~ residential] facility [or employee of a secure residential facility may play any role in allowing contacts with law enforcement to which a resident does not consent. The secure residential facility] shall have [~~written policy, procedure and practice governing the requiring permission required to be obtained from the committing agency;~~ procedures for establishing a resident's consent to any given contact and for documenting the resident's decision. The procedures may provide for opportunities, at the resident's request, to confer with an] attorney, parent or guardian or other person [standing] in [loco parentis before permitting any local, state or federal authority to question a resident making the decision] .

6VAC35-140-580. Facility area searches.

Written policy, procedure and practice shall provide for regular searches of the secure facility and shall provide for respecting residents' rights to their own property.

6VAC35-140-590. Searches of residents.

Each secure facility's ~~Written~~ written policy, procedure and practice shall provide for searches of residents' persons to maintain facility security and control contraband and shall specify that:

1. The resident shall not be touched any more than is necessary to conduct a comprehensive search.

2. Only qualified medical personnel conduct body cavity searches and only when specifically authorized by the facility director or a court. Inspections are to be fully documented in the resident's medical file.
3. Strip searches are performed visually by staff of the same sex as the resident in an area that ensures privacy.
4. Any witness to a body cavity search or strip search is of the same gender as the resident.

6VAC35-140-600. Control center.

To maintain the internal security of the secure facility, a control center that is secured from residents' access shall be staffed 24 hours a day to integrate all external and internal security functions and communications networks.

6VAC35-140-610. Communications systems.

A. In each secure facility, ~~There~~ there shall be a means for communicating between the control center and living areas.

B. The secure facility shall be able to provide communications in an emergency.

C. A secure ~~custody~~ facility shall have a communications system linked to the community, and written procedures governing its use.

6 VAC 35-140-615. Alternate power source for secure facilities.

Each detention home and juvenile correctional center shall have access to an alternate power source to maintain essential services, in an emergency.

6VAC35-140-620. Keys.

A. The secure facility shall have a written key control plan to keep keys secure at all times.

B. Fire and emergency keys shall be instantly identifiable by sight and touch.

C. There shall be different masters for the interior security and outer areas.

6VAC35-140-630. Control of perimeter.

~~There shall be~~ A. In accordance with a written plan, each detention home and juvenile correctional center shall to control the its perimeter, by appropriate means to contain provide that residents remain within the perimeter and to prevent unauthorized access by the public.

B. Pedestrians and vehicles shall enter and leave at designated points in the perimeter of the detention home or juvenile correctional center.

6VAC35-140-640. Escapes.

Written policies, procedure and practice shall govern staff actions to be taken regarding escapes and AWOLS.

6VAC35-140-650. Transportation of detained juveniles; transfer to department.

A. Detained juveniles shall be transported in accord with "Guidelines for Transporting Juveniles in Detention" issued by the board in accord with §16.1-254 of the Code of Virginia.

B. When a juvenile is transported to the department from a detention home, all information pertaining to the juvenile's medical, educational, behavioral and family circumstances during the resident's stay in detention shall be sent to the department (i) with the juvenile, if the home is given at least 24 hours notice; or (ii) within 24 hours after the juvenile is transported, if such notice is not given.

6VAC35-140-660. Chemical agents.

~~Tear gas, mace, pepper~~ Pepper spray and related chemical agents for security may be used by staff only when the board has approved the use of a specific chemical agent in an individual facility based on a demonstrated compelling security need and the establishment of adequate safeguards in accordance with guidelines issued by the board.

6VAC35-140-670. Mechanical restraints.

Written policy, procedure and practice shall govern the use of mechanical restraints in each secure custody facility. Such policies and procedures shall be approved by the ~~regulatory authority~~ Department administrator who has oversight responsibility for the facility and shall specify:

1. The conditions under which handcuffs, waist chains, leg irons, disposable plastic cuffs, ~~and~~ leather restraints and mobile restraint chair may and may not be used;
2. That the ~~approval of the~~ facility director or designee shall be ~~obtained~~ notified immediately upon using restraints in an emergency situation.
3. That restraints shall never be applied as punishment.
4. That residents shall not be restrained to a fixed object or restrained in an unnatural position.
5. That each use of mechanical restraints, except when used to transport a resident, shall be recorded in the resident's case file or in a central log book.
6. That the facility maintains a written record of routine and emergency distribution of restraint equipment.

6VAC35-140-680. Training required to use mechanical restraints.

If a secure facility uses mechanical restraints, written policy, procedure and practice shall provide that all staff who are authorized to use restraints shall receive department-

approved training in their use, including how to check the resident's circulation and how to check for injuries; only properly trained staff shall use restraints.

6VAC35-140-685. Restraints for medical and mental health purposes.

In each detention home and juvenile correctional center, written policy, procedure, and practice shall govern the use of restraints for medical and mental health purposes. Written policy should identify the authorization needed; when, where, and how restraints may be used; for how long; and what type of restraint may be used.

6VAC35-140-690. Monitoring restrained residents.

Written policy, procedure and practice shall provide that when a resident of a secure facility is ~~mechanically restrained~~ placed in restraints staff shall:

1. Provide for the resident's reasonable comfort and ensure the resident's access to water, meals and toilet, and;
2. Make a direct personal check on the resident at least every 15 minutes and more often if the resident's behavior warrants; and
3. If the resident exhibits self-injurious behavior keep the youth under constant visual supervision along an uninterrupted line of sight, either directly, or through windows, or via video monitoring.

6VAC35-140-700. Consultation with mental health professional.

In each secure facility, ~~Written~~ written policy and procedure developed in consultation with a mental health ~~authority~~ professional, and facility practice shall provide that:

1. When a resident is restrained for more than two hours cumulatively in any 24-hour period, except when being transported, trained staff shall make and document a

determination, arrived at in accordance with those policies and procedures, as to whether a mental health problem is indicated; and

2. If a mental health problem is indicated, staff shall immediately consult with _____ and document that they have consulted with _____ a licensed mental health professional or the local community services board.

Article 2,

Post-Dispositional Detention Programs

6VAC 325-140-701. Approval of Post-dispositional detention programs.

A detention home that accepts post-dispositional placements exceeding thirty consecutive calendar days pursuant to Code of Virginia § 16.1-284.1 must be approved by the Board to operate a post-dispositional program. The certificate issued by the Board pursuant to 22 VAC 42-10-40 (“Licenses/certificates” in Standards for Interdepartmental Regulation of Children’s Residential Facilities) shall state that the facility is approved to operate a post-dispositional program and the maximum number of residents that may be included in the post-dispositional program. The Board will base its approval of the post-dispositional program on the program’s compliance with Standards 6 VAC 35-140-701 through 6 VAC 35-140-709.

6VAC 35-140-702. Agreement with Court Services Unit.

The post-dispositional program shall request a written agreement with the court services unit of the committing court, defining working relationships and responsibilities in the implementation and utilization of the post-dispositional program.

6 VAC 35-140-703. Program Description.

The post-dispositional detention program or service shall have a written statement of its:

1. purpose and philosophy;
2. treatment objectives;
3. criteria and requirements for accepting juveniles into the post-dispositional program;
4. criteria for measuring a juvenile's progress;
5. general rules of juvenile conduct and the behavior management program within the post-dispositional program, with specific expectations for behavior and appropriate consequences;
6. criteria and procedures for terminating services, including terminations prior to to the juvenile's successful completion of the program;
7. methods and criteria for evaluating program effectiveness;
8. provisions for appropriate custody, supervision and security when programs or services are delivered outside the facility.

6 VAC 35-140-704. Paid employment of post-dispositional residents.

A. Paid employment may be part of the rehabilitation and treatment plan for a post-dispositional resident. Such work must be in a setting that the facility administrator has determined to be appropriate.

B. Paid employment for any juvenile whose ordered period of confinement in a secure detention facility exceeds thirty consecutive days must be in accordance with 22 VAC 42-10-910 (Work and Employment).

6 VAC 35-140-705. Services by Licensed Professionals.

When a post-dispositional detention program refers a juvenile to a licensed professional in private practice, the program shall check with the appropriate licensing authority's internet

web page or by other appropriate means to verify that the individual is appropriately licensed.

6 VAC 35-140-706. Limitation of contact with juveniles

When there are indications that an individual who is providing post-dispositional programs or services has a physical, mental or emotional condition that might jeopardize the safety of juveniles, the administrator of the post-dispositional program or department personnel may immediately require that the individual be removed from contact with juveniles until the situation is resolved.

6VAC35-140-707. Post-dispositional placements.

A. A detention home that accepts post-dispositional placements exceeding thirty consecutive calendar days shall have written policies, procedure and practice ensuring reasonable utilization of the facility for both pre-dispositional detention and the post-dispositional program.

B. When a court orders a juvenile detained post-dispositionally for a period exceeding thirty consecutive days, pursuant to §16.1-284.1 B of the Code of Virginia, the facility shall:

1. Obtain from the court service unit a copy of the court order, the resident's most recent social history, and any other written information considered by the court during the sentencing hearing; and
2. Develop a written plan with the court service unit within five business days to enable such youth to take part in one or more locally available treatment programs appropriate for their rehabilitation which may be provided in the community or at the facility.

C. When a detention facility accepts post-dispositional placements exceeding thirty consecutive days pursuant to Code of Virginia § 16.1-284, the facility shall:

1. provide programs or services for such post-dispositional residents that are not routinely available to detained youth who are awaiting disposition. This requirement for separate programs or services does not prohibit post-dispositional residents from participating in pre-dispositional services or programs in addition to post-dispositional services or programs.
2. Establish a schedule clearly identifying the times and locations of programs and services available to post-dispositional residents.

D. Upon the referral of the probation officer or the order of the court, the detention facility shall conduct the statutorily required assessment as to whether a juvenile is an appropriate candidate for placement in a post-dispositional program exceeding thirty consecutive days. The assessment shall assess the juvenile's need for services using a process that is outlined in writing, approved by the Department, and agreed to by both the detention home superintendent and the director of the court service unit. Based on these identified needs the assessment shall indicate the appropriateness of the available post-dispositional programs or services for the juvenile's rehabilitation.

E. When a post-dispositional resident would have to be released from the secure facility to access programs or services in the community, both the detention home and the court service unit shall agree in writing as to the suitability of the juvenile to be temporarily released for this purpose. Juveniles who present a significant risk to themselves or others shall not be considered suitable candidates for paid employment outside the facility nor for programs or services offered outside the facility; they may,

however, participate in programs or services within the facility, if appropriate programs or services are available.

6 VAC 325-140-708. Delivery of medication.

A detention facility that accepts post-dispositional placements exceeding thirty consecutive days pursuant to Code of Virginia § 16.1-284 shall have and follow written policy and procedure, approved by the facility's health authority, that either permits or prohibits self-medication by post-dispositional residents. The procedures may distinguish between juveniles who receive post-dispositional services entirely within the confines of the secure detention facility and those who receive any post-dispositional services outside the secure detention facility. The procedures shall conform to the specific requirements of the Drug Control Act, § 54.1-3400, Code of Virginia.

6 VAC 35-140-709. Other applicable standards.

Detention facilities that provide post-dispositional programs and services for juveniles whose ordered period of confinement exceeds thirty consecutive days must comply with all applicable requirements established by the Standards for the Interdepartmental Regulation of Residential Facilities for Children (22 VAC 42-10), including at least the following standards:

22 VAC 42-10-620. Initial Objectives and Strategies.

22 VAC 42-10-630. Service Plan.

22 VAC 42-10-670. Social Services.

22 VAC 42-10-690. Structured Program of Care.

22 VAC 42-10-700. Health Care Procedures.

22 VAC 42-10-710. Medical Examinations and Treatment.

22 VAC 42-10-780. Management of Resident Behavior.

22 VAC 42-10-880. B. Community Relationships.

22 VAC 42-10-910. Work and Employment.

22 VAC 42-10-920. Visitation at the Facility and to the Resident's Home.

Article ~~2~~3

Wilderness Work Camps

6VAC35-140-710. Wilderness work camps.

The wilderness work camp shall have a written program description including:

1. Its intended juvenile offender population;
2. How a resident's work assignment, education and vocational training and treatment program participation will be interrelated;
3. The length of the wilderness work camp program and the kind and duration of treatment and supervision that will be provided upon the resident's release from the residential program; and
4. The program's incentives and sanctions.

Article ~~3~~4

Juvenile Correctional Centers

6 VAC 35-140-711. Staff training in juvenile correctional centers.

A. All staff of juvenile correctional centers who supervise residents shall receive at least 120 hours of training during their first year of employment [~~in addition to orientation training~~], and at least an additional 40 hours of training each subsequent year.

B. Professional specialists employed by the juvenile correctional center (including but not limited to case managers, counselors, social workers, psychologists, medical personnel and recreation specialists) who have contact with youth shall receive at least 120 hours of

training during their first year of employment [~~in addition to orientation training~~], and at least an additional 40 hours of training each subsequent year.

C. All administrative and managerial staff, and all support employees of the juvenile correctional center who have regular or daily contact with juveniles, shall receive at least 40 hours of training [~~in addition to orientation training~~] during their first year of employment and at least 40 hours of training each year thereafter, in areas relevant to their positions.

D. All clerical and support employees of the juvenile correctional center who have no contact or only minimal contact with juveniles shall receive [~~, in addition to their first year orientation,~~] at least 16 hours of training during the first year of employment and at least 16 hours of training each year thereafter.

E. Library and reference services shall be available [at the Department's central training facility] to complement the training and staff development program.

6 VAC 35-140-712. Performance review.

Consistent with state personnel policies and procedures, the juvenile correctional center shall provide for an annual written performance review of each employee. The review shall be based on defined criteria, and the results discussed with the employee.

6VAC35-140-713. Administration and organization.

Each juvenile correctional center shall have a written document describing its organization. The description shall include an organizational chart that groups similar functions, services, and activities in administrative subunits. This document shall be reviewed and updated as needed [, as determined by the facility administrator or designee].

6VAC35-140-714. Community-facility advisory committee.

Each juvenile correctional center shall have a community advisory committee, representative of the community, that serves as a link between the program and the community.

6VAC35-140-715. Organizational Communications.

A. The juvenile correctional center shall comply with Department procedures requiring reports concerning major incidents, population data, employee vacancies and other information determined by the central administration.

B. The superintendent of the juvenile correctional center, or designee, shall meet at least monthly with all department heads and key staff members.

C. The juvenile correctional center superintendent or designee, assistant facility superintendent, and designated department heads shall visit the facility's living and activity areas at least weekly to encourage informal contact with staff and juveniles and to observe informally living and working conditions.

6VAC35-140-720. Coordination with court service unit staff.

A. Treatment staff at the reception and diagnostic center shall notify each resident's probation or parole officer of the scheduled staffing.

B. The juvenile correctional center's treatment staff shall notify the resident's probation or parole officer of the scheduled treatment team meeting.

6VAC35-140-730. Isolation and segregation.

A. Residents of juvenile correctional centers who are placed in isolation shall be housed no more than one to a room.

B. Residents of juvenile correctional centers who are placed in personal control units or segregation units shall be housed no more than two to a room.

C. In juvenile correctional centers, single occupancy rooms shall be available when indicated for wards with severe medical disabilities, wards suffering from serious mental illness, sexual predators, wards who are likely to be exploited or victimized by others, and wards who have other special needs for single housing

6VAC35-140-740. Post orders or shift duties.

A. For each security post in the facility- juvenile correctional center, there shall be post orders or shift duties that provide details for carrying out daily operations. These instructions shall be reviewed at least annually and updated if necessary.

B. Juvenile correctional center personnel who are permanently assigned to security posts shall read, sign and date the appropriate shift assignment each time they assume a new position.

6VAC35-140-750. Population count.

In each juvenile correctional center, There shall be a system for each shift to count residents and notify designated staff of any changes in resident population. All housing moves, school and work assignments, admissions and releases shall be reflected on a daily master count sheet.

6VAC35-140-760. Institutional operating procedures.

[When it is necessary to provide institution-specific guidance for implementing standard operating procedures,] Institutional operating procedures shall be in place that are consistent with standard operating procedures. [The institutional operating procedures

~~shall be approved by the Chief of Operations for Juvenile Correctional Centers Deputy
for Institutions.]~~

6VAC35-140-770. Transfer file.

A. In each juvenile correctional center, A separate transfer file shall be kept for each resident, documenting all treatment and significant events. All transfer files shall be kept current and in a uniform manner.

B. An exact copy of all material added to the transfer file shall be sent to the reception and diagnostic center for inclusion in the resident's master file.

6VAC35-140-780. Privately operated juvenile correctional centers.

In addition to the other requirements of juvenile correctional centers, privately operated juvenile correctional centers shall:

1. House only juveniles who have been committed to the department and who have been properly transferred to the facility by the department, unless otherwise specified by contract with the department; and
2. Follow the department's case management procedures and practices.

6VAC35-140-790. Junior ROTC program.

Each Junior ROTC program shall have a written description of the program that states:

1. Criteria residents must meet to enter and remain in the program;
2. How military style discipline, including immediate sanctions, will be applied; and
3. Criteria and procedures for terminating a resident's participation in the program.

6VAC35-140-800. Agreements governing juvenile industries work programs.

A. If the department enters into an agreement with a public or private entity for the operation of a work program pursuant to §66-25.1 of the Code of Virginia, the agreement shall:

1. Comply with all applicable federal and state laws and regulations, including but not limited to the Fair Labor Standards Act (29 USC §201 et seq.), child labor laws, workers' compensation insurance laws, and the Standards for the Interdepartmental Regulation of Residential Facilities for Children relating to work and employment;
2. State the length of the agreement and the criteria by which it may be extended or terminated;
3. Specify where residents will work and, if not at a juvenile correctional center, the security arrangements at the work site;
4. Summarize the educational, vocational or job training benefits to residents.

B. The agreement shall address how residents will be hired and supervised, including:

1. The application and selection process;
2. The qualifications required of residents hired;
3. A requirement that there be a job description for each resident's position;
4. Evaluation of each resident's job related behaviors and attitudes, attendance and quality of work; and
5. Whether and how either party may terminate a resident's participation.

C. The agreement shall address resident's compensation including:

1. Whether residents are to be paid directly by the outside entity or through the department; and

2. If applicable, whether any deductions shall be made from the residents' compensation for subsistence payments, restitution to victims, etc.

D. As applicable, the agreement shall specify:

1. That accurate records be kept of the work program's finances, materials inventories, and residents' hours of work, and that such records be subject to inspection by either party and by an independent auditor;

2. How the project's goods or services will be marketed;

3. How proceeds from the project will be collected and distributed to the parties;

4. Which party is responsible for providing:

a. The materials to be worked on;

b. The machinery to be used;

c. Technical training and supervision in the use of equipment or processes;

d. Utilities;

e. Transportation of raw materials and finished goods;

f. Disposal of waste generated in the work project; and

g. Safety and other special equipment and clothing.

~~[6 VAC 35-140-805. Compliance with central administration guidance.~~

~~As part of the certification audit, an assessment will be made of the juvenile correctional center's compliance with policies, procedures, directives or other official guidance from the Department's central administration. A summary of the findings will be included in the certification audit report to the Board.]~~

DOCUMENTS INCORPORATED BY REFERENCE

~~"Guidelines for Transporting Juveniles in Detention," Board of Youth and Family Services, June 13, 1991.~~