

COMPLIANCE MANUAL
6VAC35-150 - REGULATION FOR NONRESIDENTIAL SERVICES

This compliance manual for the Regulation for Nonresidential Services shall govern all compliance audits of state and locally operated court service units, established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*, conducted by the Department of Juvenile Justice.

Part I General Provisions

6VAC35-150-40. Variances.

6VAC35-150-40. Variances.

A variance may be requested by a program administrator or service provider when conditions exist where the program or service provider is not able to comply with a section or subsection of this chapter. Any such request must meet the criteria and comply with the procedural requirements provided in the Regulations Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs, 6VAC35-20 et seq. and in accordance with written procedures.

Interpretation:

Goal: To ensure that (1) any programmatic changes approved for implementation outside the scope of the applicable regulatory requirement meet specific requirements and (2) all programs (including CSUs) follow the same procedure for seeking a variance.

Additional information:

- The variance requests will be reviewed for compliance with this section and the Regulations Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs (specifically, the requirements of 6VAC35-20-92).
- Program administrator means the CSU director.
- Applicable DJJ CSU procedure: 9019

Compliance Determination:

Interview CSU director:

- Inquire whether the CSU has any practices in noncompliance with applicable regulatory requirements.
- Inquire whether the CSU has requested or been issued a variance by the Board.

Examine documentation: If a variance has been requested or issued, review documentation for compliance with the applicable regulatory requirements.

Applicable definitions:

- ✓ "Provider" means a person, corporation, partnership, association, organization, or public agency that is legally responsible for compliance with regulatory and statutory requirements relating to the provision of services or the functioning of a program.
- ✓ "Variance" means a Board action that relieves a program from having to meet or develop a plan of action for the requirements of a section or subsection of this chapter.
- ✓ "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-150-50. Licensure by other agencies.

6VAC35-150-50. Licensure by other agencies.

A current license or certificate issued by the Commonwealth shall be accepted as evidence of a program's compliance with one or more specific standards of this chapter when the requirements for licensure or certification are substantially the same as, or exceed, the requirements set out in this chapter.

Interpretation:

Goal: To avoid duplicative licensing/certification processes.

Additional information: The Department may inquire into the licensure/certification requirements and auditing processes.

Compliance Determination:

Interview CSU director: Inquire whether the unit or a program is licensed/certified by another agency.

Examine documentation: If the unit/program is licensed/certified by another agency, review license/certificate and any other applicable documentation for compliance with applicable regulatory requirements.

Applicable definitions:

None.

Part II Operating Standards for Court Service Units
Article 1
Administration

6VAC35-150-60. Organizational structure.

6VAC35-150-60. Organizational structure.

There shall be a written description and organizational chart of the unit showing current lines of authority, responsibility, and accountability, including the unit director's reporting responsibility.

Interpretation:

Goal: To ensure the current lines of authority, responsibility, and accountability are formalized.

Additional information:

- There is no standardized format for the design of the "organizational chart." The chart must be of sufficient detail so that the reviewer can follow the lines of authority.
- The "unit director's reporting responsibility" means the individual to whom the CSU reports.
- The "written description" is inclusive of the titles provided in the organizational chart.

Compliance Determination:

Examine documentation: Review organizational chart.

Applicable definitions:

- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.

6VAC35-150-62 (A) & (B). Suitable quarters.

6VAC35-150-62 (A). Suitable quarters.

A. The CSU director annually shall review the unit's needs for suitable quarters, utilities, and furnishings and shall request from the appropriate governing body the resources to meet these needs.

Interpretation:

Goal: To ensure that CSU has sufficient work space and materials.

Additional information: There is no standardized format for the review and request process. The CSU must be able to show that, annually, the needs are reviewed and, if needs are identified, a request for resources was made.

Compliance Determination:

Interview CSU director: Inquire whether and how the unit's needs for suitable quarters, utilities, and furnishings were reviewed and regarding the outcome of the review.

Examine documentation: If the review indicated a need for additional resources, examine the unit's request to the appropriate governing body (i.e., annual budget request).

Applicable definitions:

✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.

6VAC35-150-62 (B). Suitable quarters.

B. Intake, probation, and parole officers shall have access to private office space.

Interpretation:

Goal: To ensure that CSU personnel have access to private office space to protect confidential communications and information.

Additional information: None.

Compliance Determination:

Interview staff: Inquire regarding access to private office space.

Applicable definitions:

✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.

✓ "Intake officer" means the probation officer who is authorized to perform the intake function as provided in § 16.1-260 of the *Code of Virginia*.

✓ "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-150-64. Prohibited financial transactions.

6VAC35-150-64. Prohibited financial transactions.

The unit shall not collect or disburse support payments, fines, restitution, court fees, or court costs.

Interpretation:

Goal: To ensure the CSU does not collect or disburse funds.

Additional information: None.

Compliance Determination:

Interview staff: Inquire regarding any practices related to the collection and disbursement of support payments, fines, restitution, court fees, and court costs.

Applicable definitions:

- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.

6VAC35-150-66. Procedures for handling funds.

6VAC35-150-66. Procedures for handling funds.

The unit director shall establish written procedures for handling any ongoing unit employee fund established and maintained by the employees that is derived from employee contributions, the operation of vending machines, special fundraising projects, or other employee canteen services, that utilizes the name of the unit or the Department, or that the unit approves the obtaining of or obtains a tax identification number for such funds. Any such funds are not state funds and shall not be commingled in any way with state funds. The Department's tax identification number shall not be used for such funds.

Interpretation:

Goal: To (1) ensure the unit has procedures for handling funds and (2) maintain the fiscal integrity of state funds.

Additional information: Employee funds include those such as a flower fund, drink machine fund, etc.

Compliance Determination:

Interview CSU director: Inquire whether the unit has any employee funds that utilize the name of the unit or the Department or that use the unit's or Department's tax identification number.

Review procedures: If the unit has or had, within the audit period, an applicable employee fund, the unit's procedure shall be reviewed.

Examine documentation: If the unit has or had, within the audit period, an applicable employee fund, the account statement or other relevant documents may be reviewed to determine compliance with this section.

Applicable definitions:

- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.
- ✓ "Department" means the Department of Juvenile Justice.
- ✓ "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-150-80 (A), (B), (C), & (D). Background checks.

6VAC35-150-80 (A). Background checks.

A. Except as provided in subsection C of this section, all persons who (i) accept a position of employment, (ii) volunteer on a regular basis or are interns and will be alone with a juvenile in the performance of their duties, or (iii) provide contractual services directly to a juvenile on a regular basis and will be alone with a juvenile in the performance of their duties in a CSU, or as required by 6VAC35-150-430 C, shall undergo the following background checks to ascertain whether there are criminal acts or other circumstances that would be detrimental to the safety of juveniles:

1. A reference check;
2. A criminal history record check;
3. A fingerprint check with (i) the Virginia State Police (VSP) and (ii) the Federal Bureau of Investigation (FBI);
4. A central registry check with Child Protective Services (CPS); and
5. A driving record check, if applicable to the individual's job duties.

Interpretation:

Goal: To standardize screening and hiring procedures to determine suitability of employees, volunteers, interns, and contractual service providers. To protect the safety of juveniles, who are receiving services, under the court's or unit's supervision by ensuring that all required background checks are completed on staff and applicable volunteers, interns, and contract service providers.

Additional information:

- Each CSU must maintain a record of background checks completed since the last audit.
 - For state-operated CSUs, the audit team will review the presence of documentation that the investigation was conducted by the Department's background unit. A statement from the Background Unit is satisfactory documentation.
 - Review CPS registry check.
 - For locally operated CSUs, the auditor will review information on file for each of the required elements. A statement from human resource personnel is satisfactory documentation if it shows that all required elements were completed.
- "In a CSU" means the duties are conducted or services are provided on-site, at the CSU office.

Compliance Determination:

Examine documentation: Review new staff, volunteer or intern, or contractual service provider information for each requirement. (The audit team will not review the content of the information on file.)

Applicable definitions:

- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.
- ✓ "Volunteer" or "intern" means any individual or group who of their own free will and without any financial gain provides services without competitive compensation.

6VAC35-150-80 (B). Background checks.

B. To minimize vacancy time when the fingerprint checks, required by subdivision A (3), have been requested, unit staff may be hired pending the results of the fingerprint checks, provided:

1. All of the other applicable components of subsection A of this section have been completed;
2. The applicant is given written notice that continued employment is contingent on the fingerprint check results, as required by subdivision A (3); and
3. Staff hired under this exception shall not be allowed to be alone with juveniles and may work with juveniles only when under the direct supervision of staff whose background checks have been completed until such time as all background checks are completed.

Interpretation:

Goal: To minimize vacancy in employee positions while protecting the safety of juveniles under the court's or unit's supervision or receiving services from the unit.

Additional information: None.

Compliance Determination:

Examine documentation: Review new staff information for each requirement. Review documentation to ensure written notice is provided to applicants of requirements of this section.

Interview CSU director: Inquire regarding whether the unit's hiring and supervision practices meet the requirements of this section.

Interview staff: Inquire whether new staff, subject to this exception, were left alone with juveniles.

Applicable definitions:

- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.

6VAC35-150-80 (C). Background checks.

C. The unit, program, or service provider shall have procedures for supervising nonstaff persons, who are not subject to the provisions of subsection A, who have contact with juveniles.

Interpretation:

Goal: To ensure juveniles are not left alone with individuals not subject to the background check requirements.

Additional information: This applies to a contract worker or to a service contract provider, such as a maintenance person, who is not alone with a juvenile (and thus has not completed a background check) but may have incidental contact with juveniles just because the worker is present in the office. Applicable DJJ CSU procedure: 9461

Compliance Determination:

Review procedures: Review procedures to ensure compliance with the requirements of this section.

Applicable definitions:

- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.
- ✓ "Provider" means a person, corporation, partnership, association, organization, or public agency that is legally responsible for compliance with regulatory and statutory requirements relating to the provision of services or the functioning of a program.

6VAC35-150-80 (D). Background checks.

D. Subsection A of this section shall apply to programs to which the CSU refers juveniles who are before the court or before an intake officer, including, but not limited to, programs included in a local Virginia Juvenile Community Crime Control Act plan. When an agency or program refers juveniles to other service providers, excluding community service programs and licensed professionals or programs licensed or regulated by other state agencies, the referring agency shall require the service provider to document that all persons who provide services or supervision through substantial one-on-one contact with juveniles have undergone a background check as required in subsection A of this section.

Interpretation:

Goal: To ensure programs to which the CSU refers juveniles comply with the background check requirements.

Additional information: This section applies to programs to which the CSU refers juveniles if (1) the program is not licensed or regulated by another state agency or (2) the service provider is not a licensed professional.

Compliance Determination:

Interview CSU director: Inquire regarding processes of approving service providers and referring juveniles to service providers.

Examine documentation: Review the documentation of the CSU's notice that requires programs to which it refers juveniles to document that all persons who provide services have undergone applicable background checks. Review list of programs used by CSU.

- Review notice to programs by CSU.
- Review response from programs confirming compliance.

Applicable definitions:

- ✓ "Agency" means any governmental entity of the Commonwealth or any unit of local government including counties, cities, towns, and regional governments and the Departments thereof, and including any entity, whether public or private, with which any of the foregoing has entered into a contractual relationship for the provision of services as described in this chapter.
- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.
- ✓ "Intake officer" means the probation officer who is authorized to perform the intake function as provided in § 16.1-260 of the *Code of Virginia*.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.
- ✓ "Provider" means a person, corporation, partnership, association, organization, or public agency that is legally responsible for compliance with regulatory and statutory requirements relating to the provision of services or the functioning of a program.

6VAC35-150-90 (A) & (B). Training.

6VAC35-150-90 (A). Training.

A. All employees, volunteers, and interns shall receive documented orientation appropriate to their duties and to address any needs identified by the individual and the supervisor.

Interpretation:

Goal: To ensure employee, volunteers, and interns receive appropriate orientation.

Additional information: None.

Compliance Determination:

Examine documentation: Review records of employees, volunteers, and interns for documentation of applicable orientations.

Applicable definitions:

- ✓ "Volunteer" or "intern" means any individual or group who of their own free will and without any financial gain provides services without competitive compensation.

6VAC35-150-90 (B). Training.

B. All employees shall receive on-going training and development appropriate to their duties and to address any needs identified by the individual and the supervisor, if applicable.

Interpretation:

Goal: To ensure employees receive appropriate on-going training and development.

Additional information:

- This is a new regulatory requirement, replacing the 40-hour per year standing requirement. CSU personnel should closely monitor and skill deficiencies and training expectations detailed in employee work profiles (EWP). The audit team will review the EWP and compared with the training logs and records to ensure that any needed and identified trainings have been completed as indicated in the EWP.
- Trainings can be formal training classes related to the position or informational training through staff meetings if attendance and topics covered are documented.
- Such training shall include training as required by 6VAC35-150-200 (safety and security procedures). If such training is not completed, the unit shall be found in noncompliance with only one regulatory requirement and such noncompliance shall be attributed to section 200.
- Best practice is for the CSU to maintain individual training logs for each staff either through LMS or on-site in the employee's training or personnel file.

Compliance Determination:

Examine documentation: Review the following:

- The Department's or unit's training plan or procedure for training requirements; or
- If a training plan or procedure is not in place, review the employee work profile or employee performance evaluations for (1) performance deficiencies or (2) recommended training requirements that are appropriate to their duties; and
- Documentation of applicable trainings.

Interview staff and supervisor: Inquire whether there are adequate and appropriate trainings or any unaddressed training needs.

Applicable definitions:

None.

6VAC35-150-100. Personnel and operating procedures.

6VAC35-150-100. Personnel and operating procedures.

All staff shall have access to approved procedures governing:

1. Recruitment and selection;
2. Grievance and appeal;
3. Confidential individual employee personnel records;
4. Discipline;
5. Equal employment opportunity;
6. Leave and benefits;
7. Resignations and terminations;
8. Orientation;
9. Promotion;
10. Probationary period; and
11. Competitive salary.

Interpretation:

Goal: To ensure staff have access to procedures governing their performance and work environment.

Additional information: Procedures may be issued by the Division of Operations, the agency human resources department, the Department of Human Resources Management, or the local equivalents.

Compliance Determination:

Examine procedures: Review procedures to ensure that required components are covered. Observe location and availability of the documents.

Interview staff: Inquire regarding access to and availability of applicable procedures.

Applicable definitions:

- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.

6VAC35-150-110 (A), (B), (C), & (D). Volunteers and interns.

6VAC35-150-110 (A). Volunteers and interns.

A. For every volunteer and intern, the unit shall maintain a current description of duties and responsibilities and a list of the minimum required qualifications;

Interpretation:

Goal: To ensure every volunteer and intern is qualified for the applicable assignment and has a description of the duties and responsibilities so that expectations are known.

Additional information: None.

Compliance Determination:

Examine documentation: Review position descriptions for duties and required qualifications.

Additional information: If qualifications are not included on the volunteer position descriptions, the audit team may examine additional documentation of required qualifications (i.e., correspondence with volunteer or intern).

Applicable definitions:

- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.
- ✓ "Volunteer" or "intern" means any individual or group who of their own free will and without any financial gain provides services without competitive compensation.

6VAC35-150-110 (B). Volunteers and interns.

B. Volunteers and interns shall comply with all applicable regulations, policies, and approved procedures;

Interpretation:

Goal: To ensure that volunteers and interns comply with legal and Department requirements.

Additional information: Applicable DJJ Administrative Directive: 15-001.

Compliance Determination:

Interview CSU director and/or volunteer coordinator: Inquire regarding compliance with this section.

Examine documentation: Review documentation if there are instances of noncompliance.

Applicable definitions:

- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.
- ✓ "Volunteer" or "intern" means any individual or group who of their own free will and without any financial gain provides services without competitive compensation.

6VAC35-150-110 (C). Volunteers and interns.

C. One or more designated persons shall coordinate volunteer services; and

Interpretation:

Goal: To ensure volunteer services are coordinated.

Additional information: None.

Compliance Determination:

Interview CSU director and/or volunteer coordinator: Inquire regarding compliance with this section.

Applicable definitions:

- ✓ "Volunteer" or "intern" means any individual or group who of their own free will and without any financial gain provides services without competitive compensation.

6VAC35-150-110 (D). Volunteers and interns.

D. Volunteers and interns shall be registered with the Department.

Interpretation:

Goal: To ensure that volunteers and interns are registered with the Department.

Additional information: The Department's primary purpose in requiring registration is for liability insurance purposes, as applicable.

Compliance Determination:

Examine documentation: Review the volunteer roster and documentation of it having been sent to the Department on a periodic basis. Compare sample from the active roster of volunteers with the volunteers in the Department's volunteer database.

Additional information: The regulation does not indicate a time frame for when the volunteers and interns are registered.

Applicable definitions:

- ✓ "Department" means the Department of Juvenile Justice.
- ✓ "Volunteer" or "intern" means any individual or group who of their own free will and without any financial gain provides services without competitive compensation.

6VAC35-150-130 (A) & (B). Research.

6VAC35-150-130 (A). Research.

A. Juveniles shall not be used as subjects of human research, except as provided in 6VAC35-170 and in accord with Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1 of the Code of Virginia.

Interpretation:

Goal: To ensure research involving juveniles is conducted in compliance with applicable statutes and regulations.

Additional information: Applicable DJJ Administrative Directive: 07-006.3.

Compliance Determination:

Examine documentation: Review any research project for approval (from the Department's Research and Evaluation Unit or as required by the locality).

Applicable definitions:

- ✓ "Human research" means any systematic investigation using human subjects as defined by § 32.1-162.16 of the *Code of Virginia* and 6VAC35-170, et seq. Human research shall not include research prohibited by state and federal statutes or regulations or research exempt from federal regulations or mandated by any applicable statutes or regulations.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.

6VAC35-150-130 (B). Research.

B. The testing of medicines or drugs for experimentation or research is prohibited.

Interpretation:

Goal: To ensure testing of medicines or drugs for experimentation or research does not occur.

Additional information: None.

Compliance Determination:

Interview CSU director: Inquire regarding compliance with this section.

Examine documentation: Review approved research projects.

Applicable definitions:

None.

6VAC35-150-140 (A), (B), (C), & (D). Records management.

6VAC35-150-140 (A). Records management.

A. Case records shall be indexed and kept up to date and uniformly in content and arrangement in accordance with approved procedures.

Interpretation:

Goal: To ensure case records are maintained uniformly and in accordance with approved procedures.

Additional information: The CSU director should have procedures that map and describe the case management process. Applicable DJJ CSU procedure: 9450.

Compliance Determination:

Review procedure: Examine requirements of applicable procedures.

Examine case records: Review case records and the file management system to ensure they are maintained uniformly and are in accordance with the procedural requirements.

Applicable definitions:

- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.
- ✓ "Case record" or "record" means written or electronic information regarding an individual and the individual's family, if applicable, that is maintained in accordance with approved procedures.

6VAC35-150-140 (B). Records management.

B. Case records shall be kept in a secure location accessible only to authorized staff.

Interpretation:

Goal: To ensure case records are maintained securely and information is kept confidential.

Additional information: Case records are not considered secure if they are left in an area where persons other than CSU staff may have access to them (i.e., cleaning personnel).

- "Secure locations" include, but are not limited to, locked cabinets, rooms, or desk drawers. Case records should be kept in a secure location when not in use.
- The key should not be available to non-CSU staff (except individuals who may require access in case of an emergency).

Compliance Determination:

Interview CSU director and staff: Inquire regarding compliance with this section.

Applicable definitions:

- ✓ "Case record" or "record" means written or electronic information regarding an individual and the individual's family, if applicable, that is maintained in accordance with approved procedures.

6VAC35-150-140 (C). Records management.

C. All case records shall be maintained and disposed of in accordance with The Library of Virginia regulations and record retention schedules and with approved procedures.

Interpretation:

Goal: To ensure proper maintenance and disposal of case records.

Additional information: None.

Compliance Determination:

Review procedure: Review requirements of applicable procedures.

Interview CSU director and staff: Inquire regarding compliance with this section.

Applicable definitions:

- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.
- ✓ "Case record" or "record" means written or electronic information regarding an individual and the individual's family, if applicable, that is maintained in accordance with approved procedures.

6VAC35-150-140 (D). Records management.

D. Any disclosure or release of information shall be in accordance with the Code of Virginia and applicable federal statutes and regulations and approved procedures.

Interpretation:

Goal: To ensure records are disclosed only in accordance with applicable statutes, regulations, and procedures.

Additional information: The approved procedure should include the applicable statutory restrictions and requirements (i.e., §§ 16.1-300 and 16.1-309.1 of the *Code of Virginia*). Applicable DJJ CSU procedure: 9451.

Compliance Determination:

Review procedure: Review requirements of applicable procedures.

Interview CSU director and staff: Inquire regarding compliance with this section.

Examine documentation: Review case files for documentation of appropriate release of information (i.e., release of information forms).

Applicable definitions:

- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.

Article 2
Security and Safety

6VAC35-150-200. Safety and security procedures.

6VAC35-150-200. Safety and security procedures.

In accordance with approved procedures, the unit shall implement:

1. Safety and security practices for the office environment to include at least fire, bomb threat, natural disasters, and hostage and medical emergency situations;
2. Safety and security practices for staff making field visits to juveniles and their families; and
3. Training on appropriate crisis prevention and intervention techniques for the office and the field that staff may use to respond to behavior that poses a risk to the safety of themselves or others.

Interpretation:

Goals:

1. To ensure CSU implements procedures for safety and security of staff, juveniles, families, and visitors to the CSU and in the field.
2. To establish that unit staff are trained in safety and security practices in the office environment and for field visits.

Additional information:

- Applicable DJJ CSU procedure: 9461.
- Training requirements are referenced in 6VAC35-150-90 (B). If safety and security and crisis intervention training is not completed, the unit will be found in noncompliance with only the section 200 regulatory requirement (and not section 90).

Compliance Determination:

Interview staff: Inquire regarding staff knowledge of procedures and implementation of procedures.

Examine documentation: Review orientation records for new staff.

Applicable definitions:

- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.
- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.

6VAC35-150-210 (A) & (B). Physical force.

6VAC35-150-210 (A). Physical force.

A. Physical force shall be used only as a last resort and shall never be used as punishment. Staff shall use only the minimum force deemed reasonable and necessary to eliminate the imminent risk to the safety of themselves or others.

Interpretation:

Goal: To ensure physical force is used only as required by this section.

Additional information: None.

Compliance Determination:

Interview staff: Inquire regarding use of physical force.

Examine documentation: Review documentation of any instances involving physical force for compliance with this section.

Applicable definitions:

None.

6VAC35-150-210 (B). Physical force.

B. Each use of physical force shall be reported in writing to the CSU director, who shall ensure that all reportable incidents are further reported in accordance with the Department's procedures for reporting serious incidents.

Interpretation:

Goal: To ensure use of physical force is reported in compliance with this section.

Additional information: Applicable DJJ CSU procedure: 9462

Compliance Determination:

Interview staff: Inquire regarding use of physical force.

Examine documentation: Review documentation of any instances involving physical force for compliance with this section.

Applicable definitions:

- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.
- ✓ "Department" means the Department of Juvenile Justice.

6VAC35-150-220. Searches.

6VAC35-150-220. Searches.

Searches of an individual's person and immediate area may be conducted only in accordance with approved procedures, with all applicable state and federal statutes and regulations, and with the Virginia and United States constitutions. Only staff who have received training approved by the Department shall conduct searches.

Interpretation:

Goal: To ensure searches are conducted by trained staff in accordance with the Constitution and applicable statutes, regulations, and procedures.

Additional information: Applicable DJJ CSU procedure: 9469.

Compliance Determination:

Review procedure: Review procedure.

Interview CSU director or staff: Inquire whether CSU personnel conduct searches. If searches are performed, inquire whether search practices are conducted in compliance with this section.

Examine documentation: If staff are approved to conduct searches, (1) ensure training has been approved by the Department and (2) examine training records for compliance with this section.

Applicable definitions:

- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.
- ✓ "Department" means the Department of Juvenile Justice.

6VAC35-150-230 (A) & (B). Weapons.

6VAC35-150-230 (A). Weapons.

A. A probation officer may obtain authorization to carry a weapon as provided by § 16.1-237 of the Code of Virginia only in accordance with approved procedures that require at least: (i) firearms safety training, (ii) a psychological or mental health assessment, (iii) approval by the CSU director, and (iv) approval by the unit director's supervisor.

Interpretation:

Goal: To ensure that (1) probation officers obtain authorization to carry a weapon in accordance with the applicable statute and procedures and (2) procedures contain components required by this section.
Applicable DJJ Administrative Directive: 18-004.1.

Additional information: "Weapon" means a firearm.

Compliance Determination:

Interview CSU director and staff: Inquire whether probation officers have been authorized to carry a weapon.

Examine documentation: If probation officers have been authorized to carry a weapon, examine (1) procedure to ensure compliance with this section and (2) records of staff authorized to carry a weapon for elements required by this section and the procedure.

Applicable definitions:

- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.
- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.
- ✓ "Probation" means a court-ordered disposition of a juvenile or an adult as provided by §§ 16.1-278.5 (B)(2), 16.1-278.8 (A)(5), 16.1-278.8 (A)(7), and 16.1-278.8 (A)(7a).

6VAC35-150-230 (B). Weapons.

B. All CSU staff authorized to carry weapons shall have received training and retraining, in accordance with approved procedures, which shall include the limited circumstances when weapons may be carried and used as required by law and liability insurance coverage.

Interpretation:

Goal: To ensure that CSU staff authorized to carry weapons receive appropriate training and retraining.

Additional information: Applicable DJJ Administrative Directive: 18-004.1

Compliance Determination:

Examine documentation: If CSU staff are authorized to carry weapons, review (1) procedure for required training elements; (2) documentation for training approval by the Department; and (3) the authorized staff's training records.

Applicable definitions:

- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.
- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.

6VAC35-150-240. Arrest of juvenile by staff.

6VAC35-150-240. Arrest of juvenile by staff.

Probation officers shall exercise their arrest powers in accordance with approved procedures.

Interpretation:

Goal: To ensure probation officers exercise their arrest powers in accordance with approved procedures.

Additional information: Applicable DJJ CSU procedure: 9463.

Compliance Determination:

Interview CSU director and staff: Inquire whether arrests have been made by probation officers.

Examine procedure: Review components of the procedure.

Examine documentation: If probation officers have made arrests, review documentation to ensure compliance with the requirements of the procedure (i.e., training).

Additional information: If probation officers have made arrests and documentation of the arrests are not maintained, the audit team may interview staff for compliance with the procedure.

Applicable definitions:

- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.
- ✓ "Probation" means a court-ordered disposition of a juvenile or an adult as provided by §§ 16.1-278.5 (B)(2), 16.1-278.8 (A)(5), 16.1-278.8 (A)(7), and 16.1-278.8 (A)(7a).

6VAC35-150-250. Absconders.

6VAC35-150-250. Absconders.

Unit staff shall cooperate with Department personnel and state and local law-enforcement authorities to help locate and recover juveniles who violate the conditions of their probation or parole supervision and upon whom a detention order has been issued or who escape or run away from a juvenile correctional center, detention home, or other juvenile placement.

Interpretation:

Goal: To ensure cooperation between the Department and law-enforcement personnel.

Additional information: CSUs are also subject to the requirements of § 16.1-309.1 of the *Code of Virginia*.

Compliance Determination:

Interview CSU director and staff: Inquire whether any juveniles have absconded.

Examine documentation: If juveniles have absconded, examine case records for compliance with this section.

Additional information: The audit team may also interview staff who liaised with law enforcement to determine compliance with this section.

Applicable definitions:

- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.
- ✓ "Department" means the Department of Juvenile Justice.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.
- ✓ "Parole" means supervision of a juvenile released from commitment to the Department as provided for by §§ 16.1-285, 16.1-285.1, and 16.1-285.2 of the *Code of Virginia*.
- ✓ "Probation" means a court-ordered disposition of a juvenile or an adult as provided by §§ 16.1-278.5 (B)(2), 16.1-278.8 (A)(5), 16.1-278.8 (A)(7), and 16.1-278.8 (A)(7a).
- ✓ "Supervision" means visiting or making other contact with or providing treatment, rehabilitation, or services to a juvenile as required by the court, by an intake officer, or for probation or parole purposes.

6VAC35-150-260. Transportation of detained juveniles.

6VAC35-150-260 . Transportation of detained juveniles.

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

Interpretation:

Goal: To ensure transportation of detained juveniles is conducted in accordance with the guidelines issued by the Board of Juvenile Justice.

Additional information: None.

Compliance Determination:

Interview CSU director and staff: Inquire regarding procedures for transporting detained juveniles.

Examine documentation: Observe guideline availability if transportation is conducted by CSU staff. Compare practices ascertained in the interviews with the requirements of the guidelines.

Applicable definitions:

- ✓ "Board" means the Board of Juvenile Justice.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.

Article 3
Intake

6VAC35-150-270 (A), (B), & (C). Intake duties.

6VAC35-150-270 (A). Intake duties.

A. When making an intake determination as provided for by § 16.1-260 of the Code of Virginia, whether in person or by telephone or interactive video conferencing, the intake officer shall, in accordance with approved procedures:

1. Explain the steps and options in the intake process to each person present as provided for in approved procedures;
2. Make all required data entries into the Department's electronic data collection system in accordance with § 16.1-224 of the Code of Virginia and approved procedures;
3. Consult with available parents, guardians, legal custodian, or other person standing in loco parentis to determine the appropriate placement; and
4. Notify the juvenile's parents, guardians, legal custodian, or other person standing in loco parentis in cases involving the juvenile's detention.

Interpretation:

Goal: To ensure that intake determinations comply with this section and procedures.

Additional information: Applicable DJJ CSU procedure: 9115.

Compliance Determination:

Review procedure: Review procedural requirements to ensure compliance with this section.

Interview intake officers: Inquire whether the requirements of this section and procedures are followed.

Examine documentation: Examine electronic data system and/or case records for required entries.

Applicable definitions:

- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.
- ✓ "Department" means the Department of Juvenile Justice.
- ✓ "Intake" means the process for screening complaints and requests alleged to be within the jurisdiction of the juvenile and domestic relations district court pursuant to § 16.1-260 of the *Code of Virginia*.
- ✓ "Intake officer" means the probation officer who is authorized to perform the intake function as provided in § 16.1-260 of the *Code of Virginia*.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.

6VAC35-150-270 (B). Intake duties.

B. When making a detention decision pursuant to § 16.1-248.1 of the Code of Virginia and when making recommendations to the court at a detention hearing pursuant to § 16.1-250 of the Code of Virginia, CSU personnel shall make use of the uniform risk assessment instrument and related procedure mandated by Chapter 648 of the 2002 Acts of Assembly.

Interpretation:

Goal: To ensure detention decisions are made using the uniform risk assessment instrument and related procedure.

Additional information: Applicable DJJ CSU procedures: 9115, 9131, and 9135.

Compliance Determination:

Interview intake officers: Inquire whether detention decisions are made in accordance with this section.

Examine documentation: Review case records of detained juveniles or electronic data system entries for compliance with this section. Such review will examine whether use of the risk assessment instrument comported with the requirements of the procedures.

Applicable definitions:

- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.

6VAC35-150-270 (C). Intake duties.

C. When the chief judge in a jurisdiction requests the provision of a replacement intake officer pursuant to § 16.1-235.1 of the Code of Virginia, the CSU shall enter into a written agreement with the requesting court that shall address, at a minimum, the scope of the intake duties, the location where intake cases will be processed, and the protocol for arranging any required face-to-face contact between the intake officer and juvenile.

Interpretation:

Goal: To ensure the provision of replacement intake officers is provided as required by statute.

Additional information: None.

Compliance Determination:

Interview CSU director: Inquire whether the chief judge requested the provision of replacement intake officers.

Examine documentation: If a chief judge requested replacement intake officers, review agreement for compliance with this section and § 16.1-235.1 of the *Code of Virginia*.

Applicable definitions:

- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.
- ✓ "Intake" means the process for screening complaints and requests alleged to be within the jurisdiction of the juvenile and domestic relations district court pursuant to § 16.1-260 of the *Code of Virginia*.
- ✓ "Intake officer" means the probation officer who is authorized to perform the intake function as provided in § 16.1-260 of the *Code of Virginia*.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.
- ✓ "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-150-280. Medical and psychiatric emergencies at intake.

6VAC35-150-280. Medical and psychiatric emergencies at intake.

If during the intake interview, the intake officer suspects that the juvenile requires emergency medical or psychiatric care, the intake officer shall:

1. Immediately contact the juvenile's parents or legal guardians to advise them of the emergency and any responsibilities they may have; and
2. Before placing a juvenile in a more restrictive setting, the intake officer shall arrange for the juvenile to receive the needed emergency care.

Interpretation:

Goal: To ensure the intake officer complies with this section when, during the intake interview, the officer suspects a juvenile requires emergency medical or psychiatric care.

Additional information: Applicable DJJ CSU procedure: 9125.

Compliance Determination:

Interview CSU director and intake officer: Inquire whether any intake officers have suspected a medical or psychiatric emergency during an intake interview.

Examine documentation: If an intake officer dealt with a medical or psychiatric emergency during the intake interview, examine case record or electronic data system for compliance with this section.

Applicable definitions:

- ✓ "Intake" means the process for screening complaints and requests alleged to be within the jurisdiction of the juvenile and domestic relations district court pursuant to § 16.1-260 of the *Code of Virginia*.
- ✓ "Intake officer" means the probation officer who is authorized to perform the intake function as provided in § 16.1-260 of the *Code of Virginia*.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.

6VAC35-150-290. Intake communication with detention.

6VAC35-150-290. Intake communication with detention.

When CSU staff facilitate the placement of a juvenile in detention, they shall give detention staff, by telephone, in writing, or by electronic means, no later than the time the juvenile arrives at the detention facility, the reason for detention and the offenses for which the juvenile is being detained including any ancillary offenses. CSU staff shall also give detention staff the following information when available and applicable: medical information; parents' or guardians' names, addresses and phone numbers; prior record as regards sexual offenses, violence against persons, or arson; suicide attempts or self-injurious behaviors; gang membership and affiliation; and any other information as required by approved procedure.

Interpretation:

Goal: To ensure CSU staff share necessary information in facilitating the placement of a juvenile in detention.

Additional information: Applicable DJJ CSU procedure: 9132.

Compliance Determination:

Examine procedure: Review procedure for required components.

Interview CSU staff: Inquire regarding CSU contacts with detention center when facilitating the placement of a juvenile in detention.

Interview detention center staff: Contact the most frequently used detention center; inquire regarding compliance with the section and the applicable procedure.

Examine documentation: Review case record or electronic data system to ensure information (if available) is shared with the detention center in compliance with this section and applicable procedures.

Applicable definitions:

- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.
- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.
- ✓ "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

Article 4
Out-of-Home Placements

6VAC35-150-300 (A), (B), & (C). Predispositionally placed juvenile.

6VAC35-150-300 (A). Predispositionally placed juvenile.

A. In accordance with approved procedures, a representative of the CSU shall make contact, either face-to-face or via videoconferencing, with each juvenile placed in predispositional detention, jail, or shelter care pursuant to § 16.1-248.1 of the Code of Virginia, within five days of the placement. A representative of the CSU shall make contact with the juvenile at least once every 10 days thereafter either face-to-face or by telephone or videoconferencing. All such contacts shall include direct communication between the CSU staff and the juvenile.

Interpretation:

Goal: To ensure that a representative of the CSU maintains contact with juveniles placed predispositionally in detention, jail, or shelter care as required by this section.

Additional information:

- A representative of the CSU should inquire regarding the adjustment and safety of, answer any questions posed by, and provide any necessary information to the detained juvenile. This visit can be a private meeting away from the courtroom prior to transport to detention home. Applicable DJJ CSU procedure: 9134.
- This requirement applies to juveniles whose cases have been transferred to circuit court for trial as an adult who are confined in a jail pending trial.

Compliance Determination:

Examine procedure: Review components of the procedure.

Examine documentation: Review case records or other documentation of the contact with predispositionally detained juveniles to determine compliance with this section and the procedure.

Applicable definitions:

- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.
- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.

6VAC35-150-300 (B). Predispositionally placed juvenile.

B. The case of each predispositionally placed juvenile shall be reviewed at least every 10 days in accordance with approved procedures to determine whether there has been a material change sufficient to warrant recommending a change in placement.

Interpretation:

Goal: To ensure the case of each predispositionally placed juvenile is reviewed as required by this section.

Additional information: The CSU staff should take all efforts to ensure the continued detention of juveniles is appropriate. Applicable DJJ CSU procedure: 9134.

Compliance Determination:

Examine procedure: Review procedural requirements.

Examine documentation: Review case records or other documentation of the review of predispositionally detained juveniles for compliance with this section and the procedure.

Applicable definitions:

- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.

6VAC35-150-300 (C). Predispositionally placed juvenile.

C. When the unit is the placing agency and is supervising a juvenile in a residential facility, designated staff of the CSU shall be available to the facility's staff 24 hours a day in case of emergency.

Interpretation:

Goal: To ensure that the residential facility has access to CSU personnel in case of emergency.

Additional information: None.

Compliance Determination:

Interview staff: Inquire regarding on-call/24-hour coverage practices.

Examine documentation: Review on-call/24-hour schedule for coverage.

Applicable definitions:

- ✓ "Agency" means any governmental entity of the Commonwealth or any unit of local government including counties, cities, towns, and regional governments and the Departments thereof, and including any entity, whether public or private, with which any of the foregoing has entered into a contractual relationship for the provision of services as described in this chapter.
- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.
- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.

6VAC35-150-310 (A) & (B). Postdispositional detention.

6VAC35-150-310 (A). Postdispositional detention.

A. When a court orders a juvenile to be detained postdispositionally for more than 30 days pursuant to subsection B of § 16.1-284.1 of the Code of Virginia, the CSU staff shall develop a written plan with the facility to enable such juvenile to take part in one or more community treatment programs appropriate for that juvenile's rehabilitation, which may be provided at the facility or while the juvenile is on temporary release status, as determined by that juvenile's risk to public safety and other relevant factors. The CSU shall provide a copy of the juvenile's social history to the postdispositional detention program upon request.

Interpretation:

Goal: To ensure collaboration between the CSU staff and postdispositional detention program staff in accordance with this section.

Additional information: None.

Compliance Determination:

Examine documentation: Review case records of postdispositionally placed juveniles for compliance with this section including CSU development of the plan and documentation that, if requested, a copy of the social history was sent.

Applicable definitions:

- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.
- ✓ "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-150-310 (B). Postdispositional detention.

B. The case record of a juvenile placed in a postdispositional detention program pursuant to subsection B of § 16.1-284.1 of the Code of Virginia shall contain:

1. Social history;
2. Court order;
3. Reason for placement; and
4. Current supervision plan, if applicable.

Interpretation:

Goal: To ensure case records of postdispositionally placed juveniles are maintained in accordance with this section.

Additional information: None.

Compliance Determination:

Examine documentation: Review case records of postdispositionally placed juveniles for compliance with this section.

Applicable definitions:

- ✓ "Case record" or "record" means written or electronic information regarding an individual and the individual's family, if applicable, that is maintained in accordance with approved procedures.
- ✓ "Individual supervision plan" means a written plan developed, updated as needed, and modified at intervals to meet the needs of a juvenile or adult. It specifies measurable short-term and long-term goals, the objectives, strategies, and time frames for reaching the goals, and the individuals responsible for carrying out the plan. Individual supervision plans are applicable during probation and parole and for treatment of a juvenile or an adult and the services for the juvenile's family for the time during which a juvenile is committed to the Department.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.

6VAC35-150-320. Notice of juvenile's transfer.

6VAC35-150-320. Notice of juvenile's transfer.

When CSU staff have knowledge that a juvenile has been moved from one residential facility to another residential facility and do not have knowledge that the juvenile's parents or legal guardians have been advised of the transfer, CSU staff shall notify the juvenile's parents or legal guardians within 24 hours and shall document the notification in the juvenile's case record.

Interpretation:

Goal: To ensure parents or legal guardians are advised of juveniles' transfer from one residential facility to another while avoiding duplicative work for CSU personnel.

Additional information: None.

Compliance Determination:

Examine documentation: Review a sample of case records for knowledge of move. If knowledge of move, review for knowledge of parental notification. Examine record for documentation of notice having been sent to the parent or legal guardian in compliance with this section.

Applicable definitions:

- ✓ "Case record" or "record" means written or electronic information regarding an individual and the individual's family, if applicable, that is maintained in accordance with approved procedures.
- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.

Article 5
Probation, Parole, and Other Supervision

6VAC35-150-335 (A), (B), & (C). Diversion.

6VAC35-150-335 (A). Diversion.

A. When an intake officer proceeds with diversion in accordance with subsection B of § 16.1-260 of the Code of Virginia, such supervision shall not exceed 120 days. For a juvenile alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 of the Code of Virginia, such supervision shall be limited to 90 days.

Interpretation:

Goal: To ensure diversions are processed in accordance with this section and the *Code of Virginia*.

Additional information: Applicable DJJ CSU procedure: 9123.

Compliance Determination:

Examine documentation: Review a sample of case records of diverted juveniles for compliance with this section.

Applicable definitions:

- ✓ "Diversion" means the provision of counseling, informal supervision, programs, or services, or a combination thereof, which is consistent with the protection of the public safety and the welfare of the juvenile as provided for in §§ 16.1-227 and 16.1-260 of the *Code of Virginia*.
- ✓ "Intake officer" means the probation officer who is authorized to perform the intake function as provided in § 16.1-260 of the *Code of Virginia*.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.
- ✓ "Supervision" means visiting or making other contact with or providing treatment, rehabilitation, or services to a juvenile as required by the court, by an intake officer, or for probation or parole purposes.

6VAC35-150-335 (B). Diversion.

B. When a new complaint is filed against a juvenile who is currently under supervision in accordance with subsection A of this section, and the juvenile qualifies for diversion in accordance with subsection B of § 16.1-260 of the Code of Virginia, then the intake officer may proceed with diversion for an additional 120 days from the date of the subsequent complaint.

Interpretation:

Goal: To ensure subsequent diversions are processed in accordance with this section and the *Code of Virginia*.

Additional information: This section is permissive. The second or subsequent offense does not have to be diverted. However, if it is diverted, the diversion must not exceed 120 days.

Compliance Determination:

Examine documentation: Review a sample of case records of juveniles with a second or subsequent diversion for compliance with this section.

Applicable definitions:

- ✓ "Diversion" means the provision of counseling, informal supervision, programs, or services, or a combination thereof, which is consistent with the protection of the public safety and the welfare of the juvenile as provided for in §§ 16.1-227 and 16.1-260 of the *Code of Virginia*.
- ✓ "Intake officer" means the probation officer who is authorized to perform the intake function as provided in § 16.1-260 of the *Code of Virginia*.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.
- ✓ "Supervision" means visiting or making other contact with or providing treatment, rehabilitation, or services to a juvenile as required by the court, by an intake officer, or for probation or parole purposes.

6VAC35-150-335 (C). Diversion.

C. In no case shall a petition be filed by the CSU based on acts or offenses in the original complaint after 120 days from the date of the initial referral on the original complaint.

Interpretation:

Goal: To ensure diversion cases are processed in accordance with this section.

Additional information: None.

Compliance Determination:

Examine documentation: Review a sample of case records of diverted juveniles for compliance with this section (whether petitions are filed more than 120 days from the date of the original complaint).

Applicable definitions:

- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.

6VAC35-150-336 (A), (B), &(C). Social histories.

6VAC35-150-336 (A). Social histories.

A. A social history shall be prepared in accordance with approved procedures (i) when ordered by the court, (ii) for each juvenile placed on probation supervision with the unit, (iii) for each juvenile committed to the Department, (iv) for each juvenile placed in a postdispositional detention program for more than 30 days pursuant to § 16.1-284.1 of the Code of Virginia, or (v) upon written request from another unit when accompanied by a court order. Social history reports shall include the following information:

1. Identifying and demographic information on the juvenile;
2. Current offense and prior court involvement;
3. Social, medical, psychological, and educational information about the juvenile;
4. Information about the family; and
5. Dispositional recommendations, if permitted by the court.

Interpretation:

Goal: To ensure social history reports are completed in accordance with the *Code of Virginia*, this section, and the procedures.

Additional information: Internal procedures and format should be developed by the CSU Director. Applicable DJJ CSU procedure: 9230.

Compliance Determination:

Review procedure: Examine the procedure for required components and compliance with this section.

Examine documentation: Review a sample of case records for compliance with this section and the procedure.

Applicable definitions:

- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.
- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.
- ✓ "Probation" means a court-ordered disposition of a juvenile or an adult as provided by §§ 16.1-278.5 (B)(2), 16.1-278.8 (A)(5), 16.1-278.8 (A)(7), and 16.1-278.8 (A)(7a).
- ✓ "Supervision" means visiting or making other contact with or providing treatment, rehabilitation, or services to a juvenile as required by the court, by an intake officer, or for probation or parole purposes.

6VAC35-150-336 (B). Social histories.

B. An existing social history that is less than 12 months old may be used provided an addendum is prepared updating all changed information. A new social history shall be prepared as required in subsection A of this section or when ordered by the court if the existing social history is more than 12 months old.

Interpretation:

Goal: To ensure social history information is up-to-date and that judicial/service referral decisions are not based on information that is not current.

Additional information: Format of the addendum may be provided in unit procedures.

Compliance Determination:

Interview CSU director and staff: Inquire regarding social histories and addendum practices.

Examine documentation: Review case files for compliance with this section.

Applicable definitions:

None.

6VAC35-150-336 (C). Social histories.

C. Social history reports on adults may be modified as provided for in procedures approved by the CSU director after consultation with the judge or judges of the court.

Interpretation:

Goal: To ensure social histories on adults are in a format provided for in approved procedures or in a format approved by the CSU director after consultation with the judge or judges of the court.

Additional information: Internal procedures and format should be developed by the CSU director.
Applicable DJJ CSU procedure: 9230.

Compliance Determination:

Interview CSU director: Inquire whether the CSU utilizes the format (1) provided for in section 336 and approved procedures or (2) approved by the CSU director after consultation with the judge or judges of the court.

Review procedure: If modified format is used, review procedure for required components.

Examine documentation: Examine adult case records for compliance with applicable format and content requirements.

Applicable definitions:

- ✓ "Adult" means a person 18 years of age or older who is not a delinquent child as defined in § 16.1-228 of the *Code of Virginia*.
- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.

6VAC35-150-340. Beginning supervision.

6VAC35-150-340. Beginning supervision.

Within the timeframes established by approved procedures for beginning supervision, a probation or parole officer shall:

1. See the juvenile face-to-face;
2. Give the juvenile the written rules of supervision, including any special conditions, and explain these to the juvenile and, when appropriate, to the juvenile's parents or guardians; and
3. Document these actions in the case record.

Interpretation:

Goal: To ensure probation and parole officers follow approved procedures and the requirements of this section when beginning supervision.

Additional information: The required time frames begin to run when the court order placing the individual under the supervision of the unit is received by the unit. Best practice is for the court order to be date stamped. If the court order is not date stamped, the time frames will begin to run on the date the court order was issued. Applicable DJJ CSU procedure: 9323.

Compliance Determination:

Review procedure: Examine procedure to determine applicable time frames.

Examine documentation: Review a sample of case records for compliance with the section and the procedure.

Applicable definitions:

- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.
- ✓ "Case record" or "record" means written or electronic information regarding an individual and the individual's family, if applicable, that is maintained in accordance with approved procedures.
- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.
- ✓ "Parole" means supervision of a juvenile released from commitment to the Department as provided for by §§ 16.1-285, 16.1-285.1, and 16.1-285.2 of the *Code of Virginia*.
- ✓ "Probation" means a court-ordered disposition of a juvenile or an adult as provided by §§ 16.1-278.5 (B)(2), 16.1-278.8 (A)(5), 16.1-278.8 (A)(7), and 16.1-278.8 (A)(7a).
- ✓ "Supervision" means visiting or making other contact with or providing treatment, rehabilitation, or services to a juvenile as required by the court, by an intake officer, or for probation or parole purposes.
- ✓ "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-150-350 (A) & (B). Supervision plans for juveniles.

6VAC35-150-350 (A). Supervision plans for juveniles.

A. To provide for the public safety and address the needs of a juvenile and that juvenile's family, a juvenile shall be supervised according to a written individual supervision plan, developed in accordance with approved procedures and timeframes, that describes the range and nature of field and office contact with the juvenile, with the parents or guardians of the juvenile, and with other agencies or providers providing treatment or services.

Interpretation:

Goal: To ensure the supervision of juveniles is provided in accordance with the individual supervision plan in accordance with procedures.

Additional information:

- The unit may develop supervision plans, specific to the unit, which do not conflict with approved procedures. Juveniles are to be supervised according to the established procedures.
- Applicable DJJ CSU procedures: 9324 and 9338.
- CSU will need to provide list of levels to audit team prior to the audit to establish frequency of contacts for different levels of supervision.

Compliance Determination:

Review procedure: Examine procedure to determine applicable requirements and time frames.

Examine documentation: Review a sample of case records for compliance with the section and the procedure.

Applicable definitions:

- ✓ "Agency" means any governmental entity of the Commonwealth or any unit of local government including counties, cities, towns, and regional governments and the Departments thereof, and including any entity, whether public or private, with which any of the foregoing has entered into a contractual relationship for the provision of services as described in this chapter.
- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.
- ✓ "Individual supervision plan" means a written plan developed, updated as needed, and modified at intervals to meet the needs of a juvenile or adult. It specifies measurable short-term and long-term goals, the objectives, strategies, and time frames for reaching the goals, and the individuals responsible for carrying out the plan. Individual supervision plans are applicable during probation and parole and for treatment of a juvenile or an adult and the services for the juvenile's family for the time during which a juvenile is committed to the Department.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.
- ✓ "Provider" means a person, corporation, partnership, association, organization, or public agency that is legally responsible for compliance with regulatory and statutory requirements relating to the provision of services or the functioning of a program.
- ✓ "Supervision" means visiting or making other contact with or providing treatment, rehabilitation, or services to a juvenile as required by the court, by an intake officer, or for probation or parole purposes.
- ✓ "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-150-350 (B). Supervision plans for juveniles.

B. In accordance with approved procedures, each written individual supervision plan shall be reviewed (i) with the juvenile and the juvenile's family, and (ii) by a supervisor from both a treatment and a case management perspective to confirm the appropriateness of the plan.

Interpretation:

Goal: To ensure that the supervision plan is reviewed in accordance with this section.

Additional information: Applicable DJJ CSU procedures: 9260, 9324, 9325, 9334, 9338, and 9339.

Compliance Determination:

Review procedure: Examine procedure to determine applicable requirements.

Examine documentation: Review a sample of case records or alternative documentation for compliance with the section and the procedure.

Applicable definitions:

- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.
- ✓ "Individual supervision plan" means a written plan developed, updated as needed, and modified at intervals to meet the needs of a juvenile or adult. It specifies measurable short-term and long-term goals, the objectives, strategies, and time frames for reaching the goals, and the individuals responsible for carrying out the plan. Individual supervision plans are applicable during probation and parole and for treatment of a juvenile or an adult and the services for the juvenile's family for the time during which a juvenile is committed to the Department.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.
- ✓ "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-150-355. Supervision of juvenile on electronic monitoring.

6VAC35-150-355. Supervision of juvenile on electronic monitoring.

When a unit places a juvenile in an electronic monitoring program, use of the program shall be governed by approved procedures that shall provide for criteria for placement in the program, parental involvement, required contacts, consequences for tampering with and violating program requirements, and time limits.

Interpretation:

Goal: To ensure electronic monitoring programs are governed by the requirements of approved procedures governing the components of this section.

Additional information: Applicable DJJ CSU procedure: 9467.

Compliance Determination:

Review procedure: Examine procedure or description of the Electronic Monitoring Program used by the Unit to determine that the Unit and Program have agreed to the regulatory requirements.

Applicable definitions:

- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.
- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.
- ✓ "Electronic monitoring" means the use of electronic devices, including, but not limited to, voice recognition and global positioning systems, to verify a juvenile's or adult's compliance with certain judicial orders or conditions of release from incarceration, as an alternative to detention, or as a short-term sanction for noncompliance with rules of probation or parole.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.
- ✓ "Tamper" means any purposeful alteration to electronic monitoring equipment that interferes with or weakens the monitoring system.

6VAC35-150-365. Supervision of adult on probation.

6VAC35-150-365. Supervision of adult on probation.

For an adult convicted of a criminal act for which the juvenile court retained jurisdiction pursuant to § 16.1-241 of the Code of Virginia and the juvenile court does not order specific conditions of supervision, a supervision plan for the adult probationer shall be prepared within 30 days of the disposition. The adult and that adult's family, if appropriate, must be consulted in development of the supervision plan.

Interpretation:

Goal: To ensure supervision plans are developed for adult probationers in accordance with this section.

Additional information: None.

Compliance Determination:

Review procedure: Examine procedure to determine applicable requirements.

Examine documentation: Review a sample of adult case records for compliance with the section and the procedure.

Applicable definitions:

- ✓ "Adult" means a person 18 years of age or older who is not a delinquent child as defined in § 16.1-228 of the *Code of Virginia*.
- ✓ "Individual supervision plan" means a written plan developed, updated as needed, and modified at intervals to meet the needs of a juvenile or adult. It specifies measurable short-term and long-term goals, the objectives, strategies, and time frames for reaching the goals, and the individuals responsible for carrying out the plan. Individual supervision plans are applicable during probation and parole and for treatment of a juvenile or an adult and the services for the juvenile's family for the time during which a juvenile is committed to the Department.
- ✓ "Probation" means a court-ordered disposition of a juvenile or an adult as provided by §§ 16.1-278.5 (B)(2), 16.1-278.8 (A)(5), 16.1-278.8 (A)(7), and 16.1-278.8 (A)(7a).
- ✓ "Supervision" means visiting or making other contact with or providing treatment, rehabilitation, or services to a juvenile as required by the court, by an intake officer, or for probation or parole purposes.

6VAC35-150-380. Violation of probation or parole.

6VAC35-150-380. Violation of probation or parole.

When a probationer or parolee violates the conditions of the individual's probation or parole, unit personnel shall take action in accordance with approved procedures.

Interpretation:

Goal: To ensure violations of probation and parole are managed in accordance with approved procedures.

Additional information: Applicable DJJ CSU procedure: 9326.

Compliance Determination:

Review procedure: Examine procedure to determine applicable requirements.

Examine documentation: Review a sample of case records for compliance with the section and the procedure (i.e., if formal action is taken, ensure that the required discussion with the supervisor occurred).

Applicable definitions:

- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.
- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.
- ✓ "Parole" means supervision of a juvenile released from commitment to the Department as provided for by §§ 16.1-285, 16.1-285.1, and 16.1-285.2 of the *Code of Virginia*.
- ✓ "Probation" means a court-ordered disposition of a juvenile or an adult as provided by §§ 16.1-278.5 (B)(2), 16.1-278.8 (A)(5), 16.1-278.8 (A)(7), and 16.1-278.8 (A)(7a).

6VAC35-150-390 (A) & (B). Transfer of case supervision.

6VAC35-150-390 (A). Transfer of case supervision.

A. When the legal residence of an individual under the supervision of a CSU is not within the jurisdiction of the original CSU, the supervision of the case may be transferred to another unit in Virginia in accordance with § 16.1-295 of the Code of Virginia and approved procedures.

Interpretation:

Goal: To ensure supervision of cases within Virginia is transferred in accordance with this section, the statute, and the procedure.

Additional information: Applicable DJJ CSU procedure: 9351. This does not include transfers between branch offices in the same CSU

Compliance Determination:

Interview CSU director: Inquire whether supervision was transferred on any cases.

Review procedure: Examine procedure to determine applicable requirements.

Examine documentation: Review a sample of case records for compliance with the statute, this section, and the procedure.

Applicable definitions:

- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.
- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.
- ✓ "Supervision" means visiting or making other contact with or providing treatment, rehabilitation, or services to a juvenile as required by the court, by an intake officer, or for probation or parole purposes.

6VAC35-150-390 (B). Transfer of case supervision.

B. When transferring or receiving supervision of a juvenile on probation or parole to or from another state CSU staff shall do so in accordance with the Interstate Compact Relating to Juveniles, Article 14 (§ 16.1-323 et seq.) of Chapter 11 of Title 16.1 of the Code of Virginia.

Interpretation:

Goal: To ensure the supervision of cases to and from another state is transferred in accordance with the applicable statutes.

Additional information: None.

Compliance Determination:

Interview CSU director: Inquire whether supervision was transferred to or from another state on any cases.

Examine documentation: Review a sample of case records for compliance with the statutes and this section.

Applicable definitions:

- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.
- ✓ "Parole" means supervision of a juvenile released from commitment to the Department as provided for by §§ 16.1-285, 16.1-285.1, and 16.1-285.2 of the *Code of Virginia*.
- ✓ "Probation" means a court-ordered disposition of a juvenile or an adult as provided by §§ 16.1-278.5 (B)(2), 16.1-278.8 (A)(5), 16.1-278.8 (A)(7), and 16.1-278.8 (A)(7a).
- ✓ "Supervision" means visiting or making other contact with or providing treatment, rehabilitation, or services to a juvenile as required by the court, by an intake officer, or for probation or parole purposes.

6VAC35-150-400. Notice of release from supervision.

6VAC35-150-400. Notice of release from supervision.

Notice of release from supervision shall be given in writing to the individual under the supervision of a CSU and to the parents or guardians of juveniles. Such notification shall be appropriately documented in the case record in accordance with approved procedures.

Interpretation:

Goal: To ensure the individual being released from supervision and the juvenile's parents are notified in writing of release from supervision.

Additional information: Applicable DJJ CSU procedure: 9327. Copies of written notification and or court orders releasing a probationer shall be placed in the case file and the probation officer shall document the release in the case narrative.

Compliance Determination:

Review procedure: Examine procedure to determine applicable documentation requirements.

Examine documentation: Review a sample of closed supervision case records for compliance with this section and the procedure.

Applicable definitions:

- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.
- ✓ "Case record" or "record" means written or electronic information regarding an individual and the individual's family, if applicable, that is maintained in accordance with approved procedures.
- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.
- ✓ "Supervision" means visiting or making other contact with or providing treatment, rehabilitation, or services to a juvenile as required by the court, by an intake officer, or for probation or parole purposes.
- ✓ "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

Article 6
Juvenile in Direct Care

6VAC35-150-410 (A) & (B). Commitment information.

6VAC35-150-410 (A). Commitment information.

A. When a juvenile is committed to the Department, the juvenile may not be transported to the Reception and Diagnostic Center (RDC) until (i) the items and information required by the Code of Virginia and approved procedures have been received by RDC and (ii) the case is accepted by RDC.

Interpretation:

Goal: To ensure that the appropriate information is provided to RDC prior to the resident being transported to RDC.

Additional information: Applicable DJJ CSU procedure: 9332.

Compliance Determination:

Review procedure: Examine procedure to determine applicable requirements.

Interview director: Inquire whether there are any "drop offs"

Examine documentation: Review a sample of case records for compliance with the statute, this section, and the procedure.

Applicable definitions:

- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.
- ✓ "Department" means the Department of Juvenile Justice.
- ✓ "Direct care" means the time during which a resident, who is committed to the Department pursuant to §§ 16.1-272, 16.1-285.1, or subdivision A 14 or A 17 of § 16.1-278.8 of the *Code of Virginia*, is under the supervision of staff in a juvenile correctional center or other juvenile residential facility operated by or under contract with the Department.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.

6VAC35-150-410 (B). Commitment information.

B. If a juvenile is transported to the Department directly from the court, in addition to ensuring the immediate delivery of the items required in subsection A of this section, unit staff shall immediately notify RDC by telephone of the juvenile's impending arrival.

Interpretation:

Goal: To ensure RDC immediately receives notice of a juvenile's impending arrival and the appropriate information when transported to RDC directly from court.

Additional information: Applicable DJJ CSU procedure: 9351.

Compliance Determination:

Interview CSU director: Inquire whether any juveniles were transported to RDC directly from court.

Review procedure: Examine procedure to determine applicable requirements (i.e., information to be provided to RDC).

Examine documentation: Review a sample of case records of juveniles committed to the Department who are transported directly from court for compliance with this section and the procedure.

Applicable definitions:

- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.
- ✓ "Department" means the Department of Juvenile Justice.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.

6VAC35-150-415. Supervision of juvenile in direct care.

6VAC35-150-415. Supervision of juvenile in direct care.

For a juvenile placed in direct care, the probation or parole officer shall, in accordance with approved procedures, do the following:

1. Develop and implement a family involvement plan.
2. Develop a parole supervision plan.
 - a. For a juvenile indeterminately committed to the Department pursuant to subsection A (14) of § 16.1-278.8 and § 16.1-272 of the Code of Virginia, CSU staff shall complete a parole supervision plan in accordance with approved procedure.
 - b. For a juvenile determinately committed to the Department pursuant to subdivision A (17) of § 16.1-278.8 or §§ 16.1-285.1 or 16.1-272 of the Code of Virginia, a parole supervision plan shall be prepared for all serious offender judicial review hearings as required by law and in accordance with approved procedures.
3. Send a report on the family's progress toward planned goals of the family involvement plan to the facility at which the juvenile is housed.

Interpretation:

Goal: To ensure family involvement plans, supervision plans, and progress reports are completed in accordance with applicable statutes, this section, and the procedures.

Additional information: Quarterly means every 90 days after the development of the plan. Applicable DJJ CSU procedures: 9332, 9334, and 9338.

Compliance Determination:

Review procedure: Examine procedure to determine applicable requirements.

Examine documentation: Review a sample of case records of commitments for compliance with the statute, this section, and the procedure.

Applicable definitions:

- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.
- ✓ "Court service unit," "CSU," or "unit" means a state or locally operated court service unit established pursuant to §§ 16.1-233 and 16.1-235 of the *Code of Virginia*.
- ✓ "Department" means the Department of Juvenile Justice.
- ✓ "Direct care" means the time during which a resident, who is committed to the Department pursuant to §§ 16.1-272, 16.1-285.1, or subdivision A 14 or A 17 of § 16.1-278.8 of the *Code of Virginia*, is under the supervision of staff in a juvenile correctional center or other juvenile residential facility operated by or under contract with the Department.
- ✓ "Individual supervision plan" means a written plan developed, updated as needed, and modified at intervals to meet the needs of a juvenile or adult. It specifies measurable short-term and long-term goals, the objectives, strategies, and time frames for reaching the goals, and the individuals responsible for carrying out the plan. Individual supervision plans are applicable during probation and parole and for treatment of a juvenile or an adult and the services for the juvenile's family for the time during which a juvenile is committed to the Department.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before

the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.

- ✓ "Parole" means supervision of a juvenile released from commitment to the Department as provided for by §§ 16.1-285, 16.1-285.1, and 16.1-285.2 of the *Code of Virginia*.
- ✓ "Probation" means a court-ordered disposition of a juvenile or an adult as provided by §§ 16.1-278.5 (B)(2), 16.1-278.8 (A)(5), 16.1-278.8 (A)(7), and 16.1-278.8 (A)(7a).
- ✓ "Supervision" means visiting or making other contact with or providing treatment, rehabilitation, or services to a juvenile as required by the court, by an intake officer, or for probation or parole purposes.
- ✓ "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-150-420. Contacts during juvenile's commitment.

6VAC35-150-420. Contacts during juvenile's commitment.

During the period of a juvenile's commitment, a designated staff person shall make contact with the committed juvenile, the juvenile's parents, guardians, or other custodians, and the treatment staff at the juvenile's direct care placement as required by approved procedures. The procedures shall specify when contact must be face-to-face contact and when contacts may be made by video conferencing or by telephone.

Interpretation:

Goal: To ensure CSU personnel have contact with (1) the juvenile, (2) the juvenile's parents or guardians, and (3) treatment staff at the residential facility during the juvenile's period of commitment in accordance with this section and the procedure.

Additional information: Applicable DJJ CSU procedures: 9332 and 9334.

Compliance Determination:

Review procedure: Examine procedure to determine applicable requirements.

Examine documentation: Review a sample of case records of committed juveniles for compliance with this section and the procedure.

Applicable definitions:

- ✓ "Approved procedures" means (i) procedures issued by the Department of Juvenile Justice, which apply to all state-operated court service units and which may be voluntarily observed by locally operated court service units; or (ii) modifications to the procedures approved by the director or his designee; or (iii) procedures for locally operated court service units approved in accordance with local procedures.
- ✓ "Direct care" means the time during which a resident, who is committed to the Department pursuant to §§ 16.1-272, 16.1-285.1, or subdivision A 14 or A 17 of § 16.1-278.8 of the *Code of Virginia*, is under the supervision of staff in a juvenile correctional center or other juvenile residential facility operated by or under contract with the Department.
- ✓ "Juvenile" means an individual less than 18 years of age, a delinquent child, a child in need of supervision, or a child in need of services as defined in § 16.1-228 of the *Code of Virginia*. For the purpose of this regulation, "juvenile" includes an individual, regardless of age, who is or has been before the court, who was under the age of 18 at the time of the offense or act, who is under supervision or receiving services from a court service unit or a program under contract with or monitored by the unit, or who is committed to the Department.

DOCUMENTS INCORPORATED BY REFERENCE (6VAC35-150)

"Guidelines for Transporting Juveniles in Detention," State Board of Juvenile Justice, September 2004.