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DRAFT

REVISIONS TO STANDARDS FOR JUVENILE RESIDENTIAL FACILITIES
TO ACCOMMODATE STATUTORY REQUIREMENTS
FOR POST-DISPOSITIONAL DETENTION
AND TO INCORPORATE NATIONALLY-RECOGNIZED JUVENILE
CORRECTIONAL STANDARDS INTO THE VIRGINIA REGULATION

CHAPTER 140
STANDARDS FOR JUVENILE RESIDENTIAL FACILITIES

Part I
General Provisions

6VAC35-140-10. Definitions.

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

"Board" means Board of Juvenile Justice.

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

"Community-based program" means a program or service, not including paid employment, that serves children from the general community as well as residents of a facility. Depending on the program, residents may receive these services either in the facility or at a location in the community.

"Department" means the Department of Juvenile Justice.

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

"Facility-based program" means a program or service that is provided at a juvenile residential facility and that does not also serve children from the general community.

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

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

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

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

~~"Major rule violation" means any action that is illegal or any action expressly prohibited by those legally responsible for administration and operation of the facility which threatens the life, safety or security of persons or property and requires due process for resolution. a rule infraction involving a grievous loss and requiring imposition of due process procedures. Major infractions include (1) violations that may result in disciplinary detention or administrative segregation; (2) violations for which punishment may tend to increase an inmate's sentence, such as extending parole eligibility; (3) violations that may result in a forfeiture, such a loss of good-time or work time; and (4) violations that may be referred for criminal prosecution.~~

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

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

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

"Disciplinary detention" means the confinement of a resident in a locked room for a specified period of time, imposed as a result of a due process hearing as a sanction for an institutional offense.

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

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

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

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

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

"Paid employment" means paid work by a juvenile in a setting that has been determined to be appropriate by the facility administrator.

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

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

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

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

"Segregation" means the placement of a resident, after proper administrative process, in a special housing unit or individual cell reserved for special management of residents for purposes of protective care or custodial management. that is separated from the general population. There are three forms of segregation: administrative segregation, disciplinary detention and protective custody.

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

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

"Volunteer" means any individual or group who of their own free will and without any financial gain provides goods or services to the program without compensation.

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

6VAC35-140-20. Other applicable standards.

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

To the greatest extent practicable, this regulation and revisions hereto will be developed in consideration of nationally recognized standards, including but not limited to Standards for Health Services in Juvenile Detention and Confinement Facilities issued by the National Commission on Correctional Health Care and standards adopted by the American Correctional Association for the accreditation of various classes of juvenile residential facilities.

6VAC35-140-30. Applicability.

- A. All residential programs must meet the applicable standards in Parts I (6VAC35-140-10 et seq.) and II (6VAC35-140-50 et seq.) of this chapter.
- B. Detention homes, juvenile correctional centers, wilderness work camps and boot camps operated as secure facilities must also meet the applicable standards in Part III (6VAC35-140-430 et seq.) of this chapter.

6VAC35-140-40. Previous regulations terminated.

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

Part II Standards for all Juvenile Residential Facilities

Article 1 Program Operation

6VAC35-140-50. Nondiscrimination.

Written policy, procedure and practice shall provide that:

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

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

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

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

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

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

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

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

Written policy, procedure and practice shall provide that residents are oriented to and have continuing access to a grievance procedure which provides for:

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

6VAC35-140-75. Residents' mail.

Written policy, procedure and practice shall provide that:

1. In the presence of a witness, staff may open and inspect incoming and outgoing mail for contraband, but shall not read it; and
2. Based on legitimate interests of facility order and security, staff may read, censor or reject residents' mail and shall notify residents when incoming or outgoing letters are withheld in part or in full;
3. Staff shall not open or read correspondence and mail:
 - a. From a court, legal counsel, administrators of the grievance system or administrators of the department; or
 - b. Addressed to parents, family, legal guardian, guardian ad litem, counsel, courts, officials of the committing authority, public officials or grievance administrators unless permission has been obtained from a court of competent jurisdiction or when there is a reasonable belief that the security of a facility is threatened as provided for by written procedures;
4. Incoming and outgoing letters shall be held for no more than 24 hours and packages for no more than 48 hours, excluding weekends and holidays;
5. Cash, stamps and other specified items may be held for the resident;
6. Upon request, each resident shall be given postage and writing materials for all legal correspondence and to mail at least two letters per week; and
7. Residents shall be permitted to correspond at their own expense with any person or organization provided such correspondence does not pose a threat to facility order and security and is not being used to violate or to conspire to violate the law.
8. First class letters and packages received at the juvenile correctional center for wards who have been transferred or released shall be forwarded to the ward's new address.
9. Written policy and procedure governing correspondence of youth shall be made available to all staff and youth and shall be reviewed annually and updated as needed.

6VAC35-140-80. Telephone calls.

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

6VAC35-140-90. Visitation.

- A. Residents shall be permitted to have visitors, consistent with written policies and procedures that take into account the need for facility security and order and the behavior of individual residents and visitors.
- B. The facility shall have a designated visiting area.

6VAC35-140-100. School classrooms.

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

6VAC35-140-110. Residents' funds.

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

6VAC35-140-120. Contraband.

Written policy, procedure and practice shall provide for the control, detection and disposition of contraband.

6VAC35-140-130. Criminal activity.

Written policy, procedure and practice shall require that:

1. All criminal activity by residents is reported to the program administrator for appropriate action; and
2. Any felony committed on or off the premises by residents or staff is reported to the program administrator and the appropriate state or local law-enforcement agency.

6VAC35-140-140. Transportation.

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

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

Any nonresidential services offered shall comply with all applicable laws and regulations.

6VAC35-140-160. Insurance.

A. Each residential program shall have:

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

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

6VAC35-140-170. Computer security.

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

6VAC35-140-180. Release procedures.

Residents shall be released only in accord with written policy and procedure.

Article 2 Health Care

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

Written policy, procedure and practice shall require that:

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

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

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

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

Written policy, procedure and practice shall provide that:

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

6VAC35-140-220. Residents' medical record.

A. Written policy, procedure and practice shall provide that residents' active medical records shall be:

1. Kept confidential from unauthorized persons and in a file separate from the case record;
2. Readily accessible in case of emergency; and
3. Made available to authorized staff consistent with applicable state and federal laws.

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

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

When a resident needs hospital care or other medical treatment outside the facility,

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

6VAC35-140-240. [Reserved]

6VAC35-140-250. Suicide prevention.

Written policy, procedure and practice shall provide that there is a suicide prevention and intervention program developed in consultation with a local or state mental health authority, and all direct care staff are trained in it.

Article 3 Personnel

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

A. Except as provided in paragraph B, All persons selected for employment after January 1, 1998, all family group home parents, all persons who teach in the facility or provide professional services on a regular basis, and all volunteers and interns who work one-on-one with residents shall , prior to assuming their duties, immediately undergo a check, as specified in department procedures, of references, criminal records, central registry and, if appropriate, driving record. background investigation that shall include at least the following elements:

- Fingerprint checks through the Central Criminal Records Exchange and the FBI;
- Child Protective Services registry check;
- Verification of professional license or driver's license where relevant to employment.

- B. ~~If~~ To minimize position vacancy time, direct care staff ~~are~~ may be hired pending the completion of background checks, results of the fingerprint checks, provided:
1. all other elements of the background check have been completed; and
 2. the applicant is given written notice that continued employment is contingent on the fingerprint check results; and
 3. they staff hired under this exception shall always work with staff whose background checks have been completed.

6VAC35-140-270. Physical examination.

A. When the qualifications for a position require a given level of health or physical ability, all persons selected for such positions shall be examined by a physician at the time of employment to ensure that they have the level of medical health or physical ability required to perform assigned duties.

B. Employees of juvenile correctional centers who have direct contact with youth shall receive a physical examination prior to employment or appointment to ensure their medical health and their ability to perform assigned duties, and to protect the health and well-being of youth. These employees shall receive reexaminations according to a defined need or schedule.

6VAC35-140-280. Training.

A. Initial orientation and annual training shall be provided to all staff, relief staff, volunteers, interns and family group home parents, in accord with each position's job description and annual training plan.

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

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

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

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

1. The Standards for the Interdepartmental Regulation of Residential Facilities for Children; and

2. The standards in this regulation dealing with:
- a. Suicide prevention (6VAC35-140-250);
 - b. Special medical needs of residents (6VAC35-140-200);
 - c. Health screenings at admission (6VAC35-140-190); and
 - d. Mechanical restraints (6VAC35-140-680).

6VAC35-140-285. Staff reference resources.

Library and reference services shall be readily accessible to employees to complement the training and staff development program.

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

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

Service personnel other than facility staff shall perform work in the facility only under direct and continuous supervision of facility staff in those areas permitting contact with youth.

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

Article 4 Safety and Physical Environment

6VAC35-140-300. Showers.

Residents shall have the opportunity to shower daily. Residents shall have the opportunity to shower after strenuous exercise.

6VAC35-140-310. Inspections.

All safety, emergency and communications systems shall be inspected by designated staff according to a schedule which is approved by the facility administrator and which meets all applicable regulations.

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

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

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

A. Sleeping and activity areas shall provide natural lighting.

B. There shall be night lighting sufficient to observe residents.

6VAC35-140-340. Fire prevention.

A. There shall be a fire prevention plan that provides for an adequate fire protection service.

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

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

D. Flame retardant and nontoxic materials shall be used in construction and furnishings.

Article 5 Independent Living Programs

6VAC35-140-350. Independent living programs.

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

Article 6 Standards for Family Group Homes

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

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

1. Setting the number of youth to be housed in each home and room of the home, and prohibiting youth and adults from sharing sleeping rooms without specific approval from the program administrator;
2. Providing supervision of and guidance for the family group home parents and relief staff;
3. Admitting and orienting residents;
4. Preparing a treatment plan for each resident within 30 days of admission, or 72 hours in the case of a temporary care facility, and reviewing the plan quarterly;
5. Providing appropriate programs and services from intake through release;
6. Providing residents with spending money;
7. Managing resident records and releasing information;
8. Providing medical and dental care to residents;
9. Notifying parents, guardians, the placing agency and the regulatory authority of any serious incident as specified in department policy;
10. Making a program supervisor or designated staff person available to residents and house parents 24 hours a day;
11. Ensuring the secure control of any firearms and ammunition in the home.

6VAC35-140-370. Examination by physician.

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

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

Each family group home shall have:

1. A fire extinguisher, inspected annually;
2. Smoke alarm devices in working condition;
3. Alternative methods of escape from second story;
4. Modern sanitation facilities;
5. Freedom from physical hazards;
6. A written emergency plan that is communicated to all new residents at orientation;
7. An up-to-date listing of medical and other emergency resources in the community;
8. A separate bed for each resident, with clean sheets and linens weekly;
9. A bedroom that is well illuminated and ventilated; that is in good repair; that is not a hallway, unfinished basement or attic; and that provides conditions for privacy through the use of dividers or furniture arrangements;
10. A place to store residents' clothing and personal items;
11. Sanitary toilet and bath facilities that are adequate for the number of residents;
12. A safe and clean place for indoor and outdoor recreation;
13. Adequate and comfortable furniture;
14. Adequate laundry facilities or laundry services;
15. A clean and pleasant dining area;
16. Adequate and nutritionally balanced meals; and
17. Daily provision of clean clothing and articles necessary for maintaining proper personal hygiene.

Article 7 Boot Camps

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

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

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

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

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

1. Admission, including a required written statement from a physician that the juvenile meets the American Pediatric Council's guidelines to participate in contact sports and

from a licensed mental health professional that the juvenile is an appropriate candidate for a boot camp program; and

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

6VAC35-140-410. Residents' nonparticipation.

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

6VAC35-140-420. Program description.

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

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

Part III
Standards for all Secure Facilities
Article 1
General Requirements of Secure Facilities

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

Written policy, procedure and practice shall provide that:

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

6VAC35-140-440. Classification plan.

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

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

A. Within five days of admission, all residents who are not directly transferred from another secure juvenile residential facility shall be medically examined by a physician or

a qualified health care practitioner operating under the supervision of a physician to determine if the resident requires medical attention or poses a threat to the health of staff or other residents. A full medical examination is not required if the juvenile was a resident in the facility within the previous 60 days; in such cases, a physician or qualified health care practitioner shall review the juvenile's medical file and update as necessary.

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

6VAC35-140-460. Health authority.

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

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

There shall be a central medical room with medical examination facilities equipped in consultation with the health authority.

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

Residents' personal possessions shall be inventoried and documented in the case file upon admission and either:

1. Securely stored and returned upon release;
2. Given to the resident's parents or guardians; or
3. ~~Shipped to the resident's last known address.~~ The facility shall make reasonable documented efforts to return the property to the resident, parent or legal guardian.
4. The facility shall have a written policy for the disposal of personal property that remains unclaimed 90 days after a documented attempt to return the property.

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

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

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

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

6VAC35-140-500. Reading materials.

Reading materials that are appropriate to residents' ages and levels of competency shall be available to all residents and shall be coordinated by a designated person.

6VAC 325-140-502. Approval of Post-dispositional detention programs.

A detention home that accepts post-dispositional placements exceeding thirty consecutive calendar days pursuant to Code of Virginia Section 16.1-284.1 must be approved by the Board to operate a post-dispositional program. The certificate issued by the Board pursuant to 22 VAC 42-10-40 (“Licenses/certificates” in Standards for Interdepartmental Regulation of Children’s Residential Facilities) shall state that the facility is approved to operate a post-dispositional program and the maximum number of residents that may be included in the post-dispositional program. The Board will base its approval of the post-dispositional program on the program’s compliance with Standards 6 VAC 35-140-506 through 6 VAC 35-140-515.

6VAC 35-140-503. Agreement with Court Services Unit.

There shall be a written agreement between the detention home and the court services unit of the committing court, defining working relationships and responsibilities in the implementation and utilization of the post-dispositional program.

6 VAC 35-140-504. Program Description.

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

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

6 VAC 35-140-505. Paid employment of post-dispositionally detained juveniles.

A. Paid employment may be part of the rehabilitation and treatment plan for a post-dispositionally detained juvenile, but employers shall not be responsible for complying with the requirements established by this regulation for community-based programs.

B. Paid employment for any juvenile serving thirty days or more in a secure detention facility must be in accordance with 22 VAC 42-10-910 (Work and Employment).

6 VAC 35-140-506. Background checks for community-based service providers.

A. The following background checks are required of all personnel in community-based programs who provide direct one-on-one services to post-dispositionally detained juveniles, to ascertain whether there are criminal acts or other circumstances that would be detrimental to the safety of juveniles in the program:

1. A reference check;
2. A fingerprint check with the Virginia State Police and FBI if the State Police determine that the requesting agency is a qualified entity, or a criminal history request or a noncriminal justice interface with the Virginia State Police if the State Police determine that the requesting agency is not a qualified entity to receive fingerprint-based criminal information;
3. A central registry check with Child Protective Services; and
4. A driving record check if applicable to the individual's job duties.

The requirements of this paragraph do not apply to programs that merely supervise juveniles in community service or paid employment, nor to persons licensed by the Commonwealth of Virginia who are providing professional services to juveniles within the scope of such license.

B. When a post-dispositional detention program refers a juvenile to a licensed professional in private practice, the referring agency shall check with the appropriate licensing authority's internet web page or by other appropriate means to ascertain whether there are criminal acts or other circumstances that would be detrimental to the safety of juveniles.

6 VAC 35-140-507. Limitation of contact with juveniles

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

6VAC35-140-510. Postdispositional placements.

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

B. ~~When a juvenile is ordered by a court orders a juvenile detained postdispositionally for a period exceeding thirty consecutive calendar days, pursuant to §16.1-284.1 B of the Code of Virginia, into a facility that houses postdispositionally detained youth,~~ the facility shall:

1. Obtain from the supervising agency a copy of the court order, the resident's most recent social history, and any other written information considered by the court during the sentencing hearing; and
2. ~~Have~~ Develop a written plan with the court service unit within five business days to enable such youth to take part in one or more locally available treatment programs appropriate for their rehabilitation which may be provided in the community or at the facility. The written plan developed with the court service unit, or the treatment program, or both, shall state how satisfactory progress will be determined and how completion of rehabilitation goals will affect the juvenile's discharge from the post-dispositional program.

C. When a facility accepts post postdispositional placements for longer than thirty consecutive days pursuant to Code of Virginia Section 16.1-284, the facility shall:

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

D. Upon the referral of the probation officer or the order of the court, the facility shall conduct the statutorily required assessment as to whether a juvenile is an appropriate candidate for placement in a post-dispositional program exceeding thirty days. The assessment shall assess the juvenile's need for services using a process that is outlined in writing, approved by the Department, and agreed to by both the detention home

superintendent and the director of the court service unit. Based on these identified needs the assessment shall indicate the appropriateness of the available post-dispositional programs or services for the juvenile's rehabilitation.

E. If any post-dispositional programs or services are available in the community, which would require a juvenile to be released from the secure facility to access such services, the suitability of the juvenile to be released from the facility to receive such services shall be determined using a process that is agreed to in writing by both the detention home and the court service unit. Juveniles who present a significant risk to themselves or others shall not be considered suitable candidates for paid employment outside the facility nor for programs or services offered outside the facility; they may, however, participate in programs or services within the facility, if appropriate programs or services are available.

6 VAC 325-140-511. Delivery of medication.

A. The post-dispositional detention program shall have and follow written policy and procedure that either (i) permits or (ii) prohibits self-medication by juveniles who are detained for longer than 30 days and who receive post-dispositional services entirely within the confines of the secure detention facility. All procedures established shall conform to the specific requirements of the Drug Control Act, Section 54.1-3400, Code of Virginia.

B. The post-dispositional detention program will have and follow written policy and procedure that either (i) permit or (ii) prohibit self-medication by juveniles who are detained for longer than 30 days and who receive post-dispositional services outside the secure detention facility. All procedures established shall conform to the specific requirements of the Drug Control Act, Section 54.1-3400, Code of Virginia.

6 VAC 35-140-515. Other applicable standards.

In addition to the requirements for post-dispositional programs established by 6 VAC 35-140-510, facilities that provide post-dispositional programs and services for juveniles who are detained for longer than thirty days must also comply with all applicable requirements established by the Standards for the Interdepartmental Regulation of Residential Facilities for Children (22 VAC 42-10), including at least the following standards:

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

22 VAC 42-10-630. Service Plan.

22 VAC 42-10-670. Social Services.

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

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

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

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

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

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

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

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

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

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

There shall be an appropriate indoor and outdoor area in which residents are permitted to recreation areas to facilitate daily large muscle exercise daily unless prevented by documented adverse weather conditions or threat to facility security. Daily exercise shall be provided. Outdoor recreation will be available according to the facility's recreation plan, which must provide at least one hour of planned outdoor recreation at least three times per week.

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

A. Staff shall provide 24-hour awake supervision seven days a week.

B. When both males and females are housed in the same living unit, at least one male and one female staff member shall be actively supervising at all times.

C. Staff shall always be in plain view of another staff person of the opposite sex when entering an area occupied by residents of the opposite sex.

6VAC35-140-550. Due process.

A. In each secure detention facility, when a rule violation occurs which is punishable by confinement for 48 hours or less that will result in a youth being locked down in their room beyond the following morning at normal wake-up time, written policy, procedure and practice shall provide for:

1. Reporting ~~major~~ rule violations requiring 24 hours or less room confinement to supervisory personnel;
2. Creating an in-house written report for review and approval by supervisory personnel;
3. Presenting and explaining the Report to the resident;
4. Permitting the resident to appeal/grieve the sanction;
5. Expunging all reference to the charges if:

- a) Staff presenting the report. to resident (with dialogue occurring) determines that a sanction requiring confinement is not indicated;

- b) Supervisory staff hearing a requested appeal determines that the resident is innocent of the charges.

~~2. Conducting a timely, impartial investigation and hearing including provisions for the youth to participate in and to be represented at the hearing;~~
~~3. Recording and notifying the parties of the hearing's findings and any action taken;~~
~~4. Expunging all reference to the charges if the youth is found innocent;~~
~~5. Reviewing the hearing record to ensure conformity with policy and regulations; and~~
~~6. Permitting the juvenile to appeal the decision.~~

B. In each secure detention facility, when a rule violation occurs which is punishable by confinement ~~for more than 48 hours~~ that would extend beyond normal wake up the following day, and in all other secure custody facilities when a major ~~or moderate~~ rule violation occurs, written policy, procedure and practice shall provide the following:

1. Staff shall prepare a disciplinary report when a resident has committed a major or moderate violation of facility rules.
2. The facility's policies and procedures for administrative segregation shall provide that, When necessary to protect the facility's security or the safety of the resident or others, a resident who is charged with a ~~rule~~ violation may be confined pending a due process hearing for up to 24 hours; an administrator who was not involved in the incident must approve any longer confinement.
3. A resident who is charged with a major or moderate rule violation shall be:
 - a. Given a written copy of the charge within 24 hours of the infraction;
 - b. Scheduled for a hearing no later than 48 hours after the infraction, excluding weekends and holidays; and
 - c. Given 24 hours notice of the time and place of the hearing, but the hearing may be held within 24 hours with the resident's written consent.
4. Disciplinary hearings on rule violations shall be conducted by an impartial person or panel of persons; a record of the proceedings shall be made and shall be kept for six months.
5. Residents charged with rule violations shall be present ~~at~~ throughout the entire hearing unless they waive that right in writing or through their behavior but may be excluded during the testimony of any resident whose testimony must be given in confidence. The reason for the resident's absence or exclusion shall be documented.
6. Residents shall be permitted to make a statement and present evidence at the hearing and to request witnesses on their behalf. The reasons for denying such requests shall be documented.
7. At the resident's request, a staff member shall represent the resident at the hearing and question witnesses. A staff member shall be appointed to help the resident when it is apparent that the resident is not capable of effectively collecting and presenting evidence on his own behalf.
8. A written record shall be made of the hearing decision and given to the resident. The hearing record shall be kept in the resident's file and in the disciplinary committee's records.

9. The disciplinary report shall be removed from the file of a resident who is found not guilty.
10. The facility administrator or designee shall review all disciplinary hearings and dispositions to ensure conformity with policy and regulations.
11. The resident shall have the right to appeal the disciplinary hearing decision to the facility administrator or designee within 24 hours of receiving the decision. The appeal shall be decided within 24 hours of its receipt, and the resident shall be notified in writing of the results within three days. These time frames do not include weekends and holidays.

6VAC35-140-560. Room confinement ~~and isolation~~.

A. Written policy, procedures and practice shall govern how and when residents may be confined to a room. ~~and shall provide for: Whenever a resident is confined to a locked room for any reason:~~

1. Staff ~~checks~~ shall visually check the resident at least every ~~30~~ 15 minutes and more often if indicated by the circumstances;
2. ~~Staff checks at least every 15 minutes~~ when the resident is on suicide watch staff shall keep the resident under constant visual observation, and whenever the visual observation is inconclusive, staff shall make verbal contact or check the resident's breathing or pulse, as appropriate to the circumstances; and
3. Residents who are confined to a room for any reason shall be afforded the opportunity for At least one hour of physical exercise daily outside the room to which they are otherwise confined. When the weather permits, residents who are confined to a room for any reason shall be afforded the opportunity to take this physical exercise period out of doors, unless there is a valid security reason for keeping the resident indoors.

B. If a resident in secure detention is confined to his room for more than 24 hours, the superintendent or designee shall be notified. If the confinement extends to more than 72 hours, the confinement shall be immediately reported to the regional manager along with the steps being taken or planned by the facility to resolve the situation and followed immediately with a faxed copy of the report to the regional manager.

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

D. Disciplinary detention, or Room confinement as a sanction, ~~or isolation,~~ shall not exceed five days.

E. ~~The director or designee~~ An administrator of the facility shall make personal contact with the resident each day of confinement the resident is in administrative segregation, disciplinary detention or protective custody.

6VAC35-140-570. Questioning of residents.

The facility shall have written policy, procedure and practice governing the permission required to be obtained from the committing agency, attorney, parent or guardian or other person standing in loco parentis before permitting any local, state or federal authority to question a resident.

6VAC35-140-580. Facility area searches.

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

6VAC35-140-590. Searches of residents.

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

1. The resident shall not be touched any more than is necessary to conduct a comprehensive search.
2. Only qualified medical personnel conduct body cavity searches and only when specifically authorized by the facility director or a court. Inspections are to be fully documented in the resident's medical file.
3. Strip searches are performed visually by staff of the same sex as the resident in an area that ensures privacy.
4. Any witness to a body cavity search or strip search is of the same gender as the resident.

6VAC35-140-600. Control center.

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

6VAC35-140-610. Communications systems.

- A. There shall be a means for communicating between the control center and living areas.
- B. The facility shall be able to provide communications in an emergency.
- C. A secure custody facility shall have a communications system linked to the community, and written procedures governing its use.

6VAC35-140-620. Keys.

- A. The facility shall have a written key control plan to keep keys secure at all times.
- B. Fire and emergency keys shall be instantly identifiable by sight and touch.
- C. There shall be different masters for the interior security and outer areas.

6VAC35-140-630. Control of perimeter.

~~There shall be a written plan to control the perimeter to contain residents and to prevent unauthorized access by the public.~~

A. The facility's perimeter shall be controlled by appropriate means to ensure that residents remain within the perimeter and to prevent access by the general public without proper authorization.

B. Pedestrians and vehicles shall enter and leave at designated points in the perimeter; posted signs shall clearly mark designated points.

6VAC35-140-640. Escapes.

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

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

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

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

6VAC35-140-660. Chemical agents.

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

6VAC35-140-670. Mechanical restraints.

Written policy, procedure and practice shall govern the use of mechanical restraints in each secure custody facility. Such policies and procedures shall be approved by the regulatory authority and shall specify:

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

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

If a facility uses mechanical restraints, written policy, procedure and practice shall provide that all staff who are authorized to use restraints shall receive department-approved training in their use, including how to check the resident's circulation and how to check for injuries; only properly trained staff shall use restraints.

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

Written policy, procedure, and practice shall govern the use of restraints for medical and mental health purposes. Written policy should identify the authorization needed; when, where, and how restraints may be used; and for how long. The use of restraints for medical and mental health purposes shall be consistent with accepted standards of care for the general public.

6VAC35-140-690. Monitoring restrained residents.

Written policy, procedure and practice shall provide that when a resident is mechanically restrained, staff shall:

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

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

Written policy and procedure developed in consultation with a mental health authority, and facility practice shall provide that:

1. When a resident is restrained for more than two hours cumulatively in any 24-hour period, except when being transported, trained staff shall make and document a determination, arrived at in accordance with those policies and procedures, as to whether a mental health problem is indicated; and
2. If a mental health problem is indicated, staff shall immediately consult with and document that they have consulted with a licensed mental health professional or the local community services board.

Article 2 Wilderness Work Camps

6VAC35-140-710. Wilderness work camps.

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

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

Article 3 Juvenile Correctional Centers

6VAC35-140-711. Institution's mission and organization.

A. Each juvenile correctional center shall have a written document delineating the institution's mission within the context of the total direct care system. The document shall be reviewed at least annually and updated as needed.

B. There shall be a written document describing the facility's organization. The description shall include an organizational chart that groups similar functions, services, and activities. The document shall be reviewed annually and updated as needed.

6VAC35-140-712. Service needs of resident population.

The staff of each juvenile correctional center, including but not limited to personnel of the Behavioral Services Unit, shall identify the collective service needs of the youth population at least annually. Special programs shall be provided to meet the needs of youth with specific types of problems

6VAC35-140-713. Community-facility advisory committee.

Each juvenile correctional center shall have a community advisory committee, representative of the community, that serves as a link between the program and the community. The committee shall have established by-laws that include provisions for quarterly meetings.

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

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

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

6VAC35-140-725. Administrative Requirements.

A. The Director of the Department of Juvenile Justice shall hold meetings at least annually with the superintendent of the juvenile correctional center.

B. Quarterly Reports Required.

The superintendent of the juvenile correctional center shall submit a written report of the facility's activities at least quarterly to the Department's central administration. These reports shall include major developments in each department or administrative unit, major incidents, population data, assessment of staff and youth morale, and major problems and plans for solving them.

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

D. The superintendent of the juvenile correctional center shall meet at least monthly with all department heads. All department heads shall meet at least monthly with their staff.

E. The health authority of the juvenile correctional center shall meet with the facility superintendent at least quarterly and submit annual statistical summaries and quarterly reports on the health care delivery system and health environment

F. There shall be a system of two-way communication between all levels of staff and youth.

6VAC35-140-726. Financial practices.

A. All monies shall be collected, safeguarded and disbursed in accordance with applicable state laws and regulations and consistent with procedures established by the Department. Institutional procedures for handling money shall be reviewed annually and updated as needed.

B. The facility's accounting system shall be designed to show the current status of income and expenditures.

C. All monies collected at the facility shall be placed in an officially designated and secure location daily.

D. Written policy, procedure, and practice shall provide that the superintendent of the juvenile correctional center is responsible for fiscal management and control. The superintendent may delegate management of fiscal operations to a designated staff person.

E. Reports of all monies collected and disbursed shall be distributed to the Department's central budget and accounting units and to other entities designated in Department procedures.

F. The juvenile correctional center shall provide for ongoing monitoring of the facility's fiscal activities. The results shall be reported in writing at least quarterly to central office personnel designated by Department procedures.

G. An independent financial audit of each juvenile correctional center shall be conducted at least once every three years.

H. The facility shall have and follow procedures to control property, supplies, and other assets, including but not limited to an inventory of property, supplies and other assets at least once every two years.

I. The juvenile correctional center shall process requisitions for and purchases of supplies and equipment in accordance with Department procedures that embody applicable requirements established by the appropriate agency or agencies of the Commonwealth.

J. The juvenile correctional center shall operate in accordance with Department policies and procedures governing the following fiscal areas: internal controls, petty cash, signature control on checks, and the issuing or use of vouchers.

6VAC35-140-730. ~~Isolation~~ Disciplinary detention and administrative segregation.

A. Residents placed in ~~isolation~~ disciplinary detention shall be housed no more than one to a room.

B. Residents placed in ~~personal control units or~~ administrative segregation units shall be housed no more than two to a room.

C. In juvenile correctional centers, single occupancy rooms shall be available for residents who meet one or more of the following criteria, as determined by the classification system, medical diagnosis, or other professional conclusion:

- juveniles with severe medical disabilities

- juveniles suffering from serious mental illness
- sexual predators
- juveniles likely to be exploited or victimized by others
- juveniles who have other special needs for single housing

D. Youth who are placed in room confinement for any reason, whether disciplinary or administrative, shall be afforded living conditions and privileges approximating those available to the facility's general population. Exceptions shall be justified by clear and substantiated evidence.

E. When a resident of a juvenile correctional center is placed in disciplinary segregation or administrative segregation, including protective custody, the health authority shall be notified immediately. Upon notification, the health authority shall ensure that the resident's health record is reviewed by a qualified health care professional to determine if any known contra-indications to segregation exist. Each resident of a juvenile correctional center who is placed in administrative or disciplinary segregation shall be evaluated daily by qualified health care professional.

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

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

B. Juvenile correctional center personnel shall read, sign and date the appropriate shift assignment each time they assume a new position.

6VAC35-140-750. Population count.

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

6VAC35-140-751. Supervision and control when youth are being moved.

- A. Staff shall control and supervise all movement of youth from location to another within the facility, in accordance with written procedures.
- B. Youth who are transported outside the facility perimeter shall be supervised by appropriately trained staff in accordance with written procedures that address safety and security, including when and how mechanical restraints shall be used.

6VAC35-140-752. Youth shall not supervise other youth.

No individual youth or group of youths shall be permitted to exercise control or authority over other youths except when practicing leadership skills as part of an approved program under the direct and immediate supervision of staff.

6VAC35-140-755. Proximity of staff offices and duty stations to living areas.

Juvenile correctional officers, counselors and other juvenile care workers shall be located in or immediately adjacent to juvenile living areas so as to be readily accessible to youth and to permit staff to hear and respond promptly to emergency situations.

6VAC35-140-756. Dayroom furnishings.

In each dayroom there shall be sufficient seating and writing surfaces for every youth using the dayroom at one time. Dayroom furnishings are consistent with the security needs of the youth assigned.

6VAC35-140-758. Counseling.

- A. Counseling personnel shall be available at a ratio of at least one staff member to every 25 youth to provide counseling and social services to youth.
- B. Staff members shall be available to counsel youth at their request; provision shall be made for counseling youth on an emergency basis.
- C. Comprehensive counseling and assistance shall be provided to pregnant females in keeping with their expressed desires in planning for their unborn child.

6VAC35-140-760. Institutional operating procedures.

- A. The policies and procedures for operating and maintaining the juvenile correctional center and its satellites shall be specified in a manual that is accessible to all employees and the public. This manual is reviewed at least annually, and updated as needed.
- B. When variations in institutional design, construction or programming require that the facility make adaptations to standard operating procedures, Institutional operating procedures shall be in place that are consistent with standard operating procedures. The institutional operating procedures shall be approved by the ~~Chief of Operations for Juvenile Correctional Centers~~ Deputy for Institutions.

6VAC35-140-761. New or Revised Policies.

- A. New or revised policies and procedures shall be disseminated to designated staff and volunteers and, when appropriate, to youth prior to implementation.
- B. Written policy, procedure, and practice shall demonstrate that employees participate in the formulation of policies, procedures, and programs.

6VAC35-140-765. Annual evaluation of information system.

At least annually, the superintendent of the juvenile correctional center shall submit to the Department's central administration an evaluation of the effectiveness of the information system as it relates to overall facility management, along with suggestions or recommendations for improving the system's usefulness.

6VAC35-140-765. Media access to facility.

Representatives of the media access shall be granted access to the juvenile correctional center in accordance with Department policies and procedures protecting juveniles' rights to privacy and maintaining order and security.

6VAC35-140-766. Public information program.

A. Consistent with directives issued by the Department's central administration, the juvenile correctional center shall implement a public information program that encourages interaction with the public and the media.

B. Facility procedures shall address emergency and non-emergency responses to the media and, at a minimum, include the following:

- the identification of areas in the facility that are accessible to media representatives
- the contact person for routine requests for information
- identification of data and information protected by federal or state privacy laws, or federal and state freedom of information laws
- special events coverage
- news release policy
- the designation of individuals or position within the facility authorized to speak with the media on behalf of the facility

6VAC35-140-770. Transfer file.

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

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

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

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

1. House only juveniles who have been committed to the department and who have been properly transferred to the facility by the department, unless otherwise specified by contract with the department; and

2. Follow the department's case management procedures and practices.

6VAC35-140-790. Junior ROTC program.

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

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

6VAC35-140-791. Day leave into the community.

The Department shall have, and juvenile correctional centers shall implement, procedures permitting wards to leave the facility under supervision of trained facility staff for needed medical and dental care, to visit ill family members or to attend funerals.

6VAC35-140-795. Employment, restitution and school release programs.

A. The juvenile correctional center shall implement Department procedures, as applicable to the wards residing in the facility, that allow for wards to participate in employment, restitution, or school release programs.

B. The Department's procedures for work and employment release programs shall include:

- screening and selection criteria;
- rules of conduct;
- methods of supervision;
- record keeping system;
- evaluation.

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

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

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

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

1. The application and selection process;
2. The qualifications required of residents hired;

3. A requirement that there be a job description for each resident's position;
4. Evaluation of each resident's job related behaviors and attitudes, attendance and quality of work; and
5. Whether and how either party may terminate a resident's participation.

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

1. Whether residents are to be paid directly by the outside entity or through the department; and
2. If applicable, whether any deductions shall be made from the residents' compensation for subsistence payments, restitution to victims, etc.

D. As applicable, the agreement shall specify:

1. That accurate records be kept of the work program's finances, materials inventories, and residents' hours of work, and that such records be subject to inspection by either party and by an independent auditor;
2. How the project's goods or services will be marketed;
3. How proceeds from the project will be collected and distributed to the parties;
4. Which party is responsible for providing:
 - a. The materials to be worked on;
 - b. The machinery to be used;
 - c. Technical training and supervision in the use of equipment or processes;
 - d. Utilities;
 - e. Transportation of raw materials and finished goods;
 - f. Disposal of waste generated in the work project; and
 - g. Safety and other special equipment and clothing.

6VAC35-140-803. Hospital Services.

The superintendent of the juvenile correctional center shall have a written agreement with a nearby hospital for all medical services that cannot be provided within the facility.

6VAC35-140-804. Access to health care.

A. Written policy, procedure, and practice shall provide for unimpeded access to health care and for a system for processing complaints regarding health care. These policies shall be communicated orally and in writing to youth upon arrival at the facility, in a form and language they understand.

B. In juvenile correctional centers housing females, obstetrical, gynecological, family planning, and health education services are provided as needed.

6VAC35-140-805. Sick Call.

A physician or other qualified medical personnel shall conduct sick call for nonemergency medical service as follows:

1. at least once per week in juvenile correctional centers housing fewer than 25 youth;
2. at least three times per week in juvenile correctional centers housing 25 to 100 youth ;
and
3. at least five times per week in juvenile correctional centers housing more than 100 youth.

6VAC35-140-806. Provision of medical care.

Treatment by health care personnel other than a physician, dentist, psychologist, optometrist, podiatrist, or other independent providers shall be performed pursuant to written standing or direct orders by personnel authorized by law to give such orders. Nurse practitioners and physician's assistants may practice within the limits of applicable laws and regulations.

6 VAC 35-140-807. Prostheses and related medical devices.

Medical and dental orthoses and prostheses shall be provided to residents of juvenile correctional centers when the health of the youth would otherwise be adversely affected, as determined by the responsible physician.

6 VAC 35-140-810. Religious Programs.

A. In addition to meeting the requirements of 22 VAC 42-10-860, each juvenile correctional center shall have a qualified staff person who coordinates the facility's religious programs. This position may be full-time or part-time and may be filled by volunteer or contract personnel. If the person is not trained in religious programs, he or she shall receive appropriate training.

B. There shall be a systematic approach to determine the personnel requirements for the religious programs to ensure all youth access to staff and services.

C. Residents shall be permitted to participate in religious services and religious counseling on a voluntary basis. Religious counseling between clergy and youth shall be confidential.

D. Juveniles shall be given the opportunity to participate in the practices of their religious faith that are deemed essential by the faith judicatory, limited only by documentation showing threat to the safety of persons involved in such activity or that the activity itself disrupts order in the facility.

E. The juvenile correctional center shall make space available for religious services.

6 VAC 35-140-815. Informal communication and Physical Contact during visitation.

Written policy, procedure, and practice shall provide that youth visiting facilities permit informal communication, including opportunity for physical contact.

6 VAC 35-140-820. Recreation staff and equipment.

A. In addition to meeting the requirements of 22 VAC 42-10-870, each juvenile correctional center housing 50 or more youth shall have a full-time, qualified recreation director who plans and supervises all recreation programs. Facilities of less than 50 youth shall have a staff member trained in recreation or a related field.

B. A variety of fixed and movable equipment shall be provided for each indoor and outdoor recreation period. Equipment, materials, and supplies shall be safe, age appropriate, durable, and well-maintained.

6 VAC 35-140-822. Program to reinforce positive behavior.

Consistent with Department policies and procedures, the juvenile correctional center shall implement a system of rewarding the positive behavior of individual youth.

6 VAC 35-140-825. Youth access to publications.

Written policy, procedure, and practice shall govern youth access to publications and shall include, but not be limited to: guidelines for determining which publications are allowed in the facility and how they shall be inspected. Restrictions to access shall be directly related to maintenance of facility order and security.

6 VAC 35-140-830. Code of Ethics.

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

6 VAC 35-140-831. Staff training.

A. All staff responsible for supervision of residents and all professional specialists employed by the juvenile correctional center who have contact with youth shall receive 120 hours of training during their first year of employment in addition to orientation training, and an additional 40 hours of training each subsequent year of employment.

B. All administrative and managerial staff and all support employees of the juvenile correctional center who have regular or daily contact with youth shall receive 40 hours of training in addition to orientation training during their first year of employment and 40 hours of training each year thereafter.

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

6 VAC 35-140-832. Performance review.

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

6 VAC 35-140-834. Reimbursement of approved expenses.

Consistent with established policies of the Commonwealth and Department procedures, the juvenile correctional center shall reimburse employees for all approved expenses incurred in the performance of their duties.

6 VAC 35-140-840. Legal assistance for staff.

Staff of the juvenile correctional center shall have access to Department procedures that indicate when and how the superintendent and other staff may obtain legal assistance from the Office of the Attorney General as needed in the performance of their duties.

6 VAC 35-140-842. Political Activity.

The juvenile correctional center shall make available to all employees the Department's written policy governing campaigning, lobbying, and political practices of facility personnel.

6 VAC 35-140-843. Firearms.

In addition to the general restrictions on firearms on the premises of the facility as provided in 22 VAC 42-10-150, the juvenile correctional center shall not permit firearms within the confines of the facility except by law enforcement officers who are responding to an emergency situation.

6 VAC 35-140-844. Inspection and Maintenance of Security Devices.

The juvenile correctional center shall provide for the inspection of all security devices at least weekly, and for the maintenance and repair of all security devices as needed.

6 VAC 35-140-845. Daily Inspections.

Supervisory staff of the juvenile correctional center shall conduct a daily inspection, including holidays and weekends, of all areas occupied by youth and submit a daily written report to their supervisor. Unoccupied areas shall be inspected weekly.

6 VAC 35-140-846. Housekeeping plan.

There shall be a written housekeeping plan for the juvenile correctional center's physical plant.

6 VAC 35-140-847. Sanitation inspections.

In addition to inspections by government officials, designated staff of the juvenile correctional center shall conduct weekly sanitation and safety inspections of all areas of the facility, and shall submit a written report to the facility director documenting any deficiencies found. Corrective action shall be taken as necessary and appropriately documented.

6 VAC 35-140-848. Alternate power source.

The juvenile correctional center shall have access to an alternate power source to maintain essential services, in an emergency.

6 VAC 35-140-850. Canteen.

There shall be a canteen available where residents can purchase approved items that are not furnished by the facility. The canteen operations shall be governed in accordance with accepted accounting principles.

6 VAC 35-140-855. Hair care services.

The juvenile correctional center shall make hair care services available to youth.

6 VAC 35-140-857. Coordination of counseling, clinical and other services.

The juvenile correctional center shall have and implement case management and other appropriate procedures to ensure and facilitate the exchange of relevant information among counselors, Behavioral Services personnel, teachers and vocational instructors and staff who supervise residents.

6 VAC 35-140-858. Transitional placements.

Staff of the juvenile correctional center, in collaboration with the youth's parole officer, shall assess each individual resident's suitability for transitional placement in a community residential center, foster home, group home or other program for youth needing transitional assistance, and shall recommend . If a ward is determined to need or be a suitable candidate for transitional placement, efforts to arrange such transitional placement shall be documented in the ward's case file.

6 VAC 35-140-860. Superintendent's review of personnel policies.

The superintendent of the juvenile correctional center shall annually review the facility's internal personnel policies annually and submit to the Department's central administration any recommended changes that are relevant to the Department's policies.

6 VAC 35-140-865. Documentation of vacancy rate.

The juvenile correctional center superintendent shall be able to document the facility's overall vacancy rate among staff positions authorized to work directly with youth for the previous 18-month period. Excluding vacancies that are frozen by legislative or fiscal controls, whenever unusual conditions cause an excessive number of vacancies, the superintendent should notify the Department's central administration in writing about the disparity between positions authorized and filled, documenting the reasons if known.

6 VAC 35-140-870. Review of research proposals.

The superintendent of the juvenile correctional center shall review and approve all research projects proposed to be conducted at the facility prior to implementation to ensure that they conform with Department policies and procedures and will not unduly burden facility staff or disrupt operations.

6 VAC 35-140-880. Requirements of Food Services.

A. Financial.

Written policy, procedure, and practice shall specify the food service budgeting, purchasing, and accounting practices, including but not limited to the following systems:

- Food expenditure cost accounting designed to determine cost per meal per youth;
- Estimation of food service requirements;
- Purchase of supplies at wholesale and other favorable price conditions, when possible;
- Determination of and responsiveness to youth eating preferences;
- Refrigeration of food, with specific storage periods.

B. Records.

Written policy, procedure, and practice shall require that accurate records are maintained of all meals served.

C. Nutrition.

There shall be documentation that the facility's system of dietary allowance is reviewed at least annually by a dietitian to ensure compliance with nationally recommended food allowances.

D. Menus.

Food service staff shall develop planned menus and substantially follow the schedule. Food flavor, texture, temperature, appearance, and palatability shall be taken into consideration in the planning and preparation of all meals.

E. Sanitary, temperature-controlled storage facilities shall be provided for all foods.

F. Administrative, medical or dietary personnel shall inspect all food service areas weekly, including dining and food preparation areas and equipment; and shall check refrigerator and water temperatures daily.

G. Shelf goods shall be maintained at 45 degrees to 80 degrees Fahrenheit, refrigerated goods at 35 degrees to 40 degrees Fahrenheit, and frozen foods at 0 degrees Fahrenheit or below.

H. All food handlers shall be instructed to wash their hands on reporting to duty and after using toilet facilities.

I. The person responsible for managing the food services at the juvenile correctional center (or designee) will monitor all persons working in food service daily for health and cleanliness.

J. When the facility's food services are provided by an outside agency or individual, the facility has written verification that the outside provider complies with the state and local regulations regarding food service.

6 VAC 35-140-890. Detainers.

When a juvenile is being considered for release from a juvenile correctional center, the presence of a detainer shall not serve as an automatic bar to release. Department staff shall pursue the basis of any such detainer and, when appropriate, release the youth to the detainer.

6 VAC 35-140-900. Release consideration.

When Department staff are reviewing a ward's care for release consideration, they shall have available written information about the youth's prior history; the ward's current situation; events in the case since any previous review for release consideration; the youth's future plans; and relevant conditions in the community.

6 VAC 35-140-910. Scheduling of Release Consideration.

A tentative release date shall be set for indeterminately committed wards in accordance with Length of Stay Guidelines issued by the Board, and each ward's case shall be reviewed for release consideration in advance of the tentative release date in accordance with Department case management procedures.

6 VAC 35-140-920. Program of Release Preparation.

All wards shall have access to a program of release preparation prior to their release to the community.

6 VAC 35-140-930. Progressive preparation for release.

The Department's classification program and case management system shall provide that, as justified by a ward's behavior, the ward may be prepared for release through a graduated decrease in supervision and a corresponding increase in responsibility.

6 VAC 35-140-940. Pre-parole transitional graduated release.

A. When authorized by Department procedures, staff of the juvenile correctional center shall recommend individual juveniles for pre-parole transitional graduated release consideration in accordance with established case management procedures.

B. Any Department procedures authorizing pre-parole transitional graduated release shall provide for:

- careful screening and selection of wards for the program;
- written rules of conduct during all periods of pre-parole transitional graduated release, and sanctions for violations of such rules;
- a system of supervision including involvement of the ward's parole officer to minimize abuse of program privileges;
- a complete record keeping system;
- a system for evaluating program effectiveness;
- involvement of the court service unit and other community agencies in tailoring a pre-parole transitional graduated release program to its community

DOCUMENTS INCORPORATED BY REFERENCE

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