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Wes Nance, Vice Chairperson  
Penny Schultz, Secretary  
Lisa Cason  
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COMMONWEALTH of VIRGINIA  
*Board of Juvenile Justice*

**DRAFT BOARD MINUTES**

October 27, 2025

Virginia Public Safety Training Center – Knox Hall

**Board Members Present:** Mike Crawley, Wes Nance, Kayla Robinson, Penny Schulz, Laura O'Quinn, and Marsha Tsiptsis

**Board Members Absent:** Lisa Cason, David Mick, and C. Andrew Rice

**Department of Juvenile Justice (Department) Staff:** Ken Bailey, Ken Davis, Wendy Hoffman, Andrea McMahan, Linda McWilliams, Guillermo Novo, Kristen Peterson, Lara Todd, James Towey, Rachel Wentworth

**Guests:** Nicole Deyo

**CALL TO ORDER**

Vice Chair Wes Nance called the meeting to order at 9:35 a.m.

**CONSIDERATION OF REMOTE PARTICIPATION**

The Board was notified that Board Member Kayla Robinson requested to participate in the meeting remotely because of illness and lack of transportation. This reason is authorized by the board policy governing remote participation, and she participated at her residence. The Board had no objections.

On motion duly made by Mike Crawley and seconded by Penny Schultz, the Board of Juvenile Justice approved (1) the Chair's proposal to allow Board Member Kayla Robinson to participate from a remote location on the grounds of illness, and (2) affirmed that her voice could be heard by all persons at the primary meeting location. All Board members present declared "aye," and the motion carried.

**PUBLIC COMMENT**

Nicole Deyo, CEO and Executive Director of Bending the Bars located in Richmond, said she was attending the Board meeting to learn about the juvenile justice process. Ms. Deyo talked about her experience visiting the Chesterfield Juvenile Detention Center and the human side of placing kids in a facility versus potentially looking for preventive or alternative measures. Ms. Deyo encouraged the Board to think of other ways besides incarceration to help and support these children.

## NEW BUSINESS

### **Presentation on Executive Order 51**

*Kristen Peterson, Regulatory Affairs Coordinator, Department*

Ms. Peterson explained that the Board will be impacted by Executive Order (EO) 51 and offered a brief presentation to help them understand the new process. In July 2025, the current administration issued EO 51 with the idea to leverage available artificial intelligence (AI) to help state agencies and boards perform reviews of their regulations and guidance documents. AI has become an issue in terms of the number of people using it, and it has been utilized as a resource for several entities..

At the start of this administration, state agencies and boards were directed to reduce their regulatory requirements by 25% collectively by December 31, 2025. In July, the administration announced that agencies collectively have reached that goal and are on pace to accomplish even more reduction. As a result, the administration increased the regulatory reduction requirement from 25% to 35%. State agencies are now required to continue looking for more areas of regulatory reduction.

The EO imposes three separate requirements. One deals specifically with the AI-generated Regulatory Reduction Report. The Commonwealth entered into an agreement with a third-party AI producer to help generate this AI Regulatory Reduction Report. The idea behind the report is to identify areas for additional regulatory and guidance document reduction. The report identifies potentially unnecessary regulatory requirements and highlights language in the regulations and guidance documents that might be streamlined and simplified. It is an extremely dense report. The Department has about 14 regulatory chapters and each of those have numerous regulatory provisions, which have numerous subsets for each of those subsections. There are tools to conduct an analysis on whether the requirements imposed by each chapter are discretionary or mandated. The tool then recommends changes to simplify the language and in some cases to accomplish additional regulatory reduction. State agencies were given four weeks from the date the report was received to indicate their intended actions to the Office of Regulatory Management, and four weeks from that date to initiate whatever actions were proposed in response to the AI reduction report. State agencies were directed to use the Fast-Track Regulatory Process whenever possible to implement the regulatory changes.

The second component requires agencies to use AI for their periodic regulatory review process. State agencies are required to conduct a review of their regulations at least once every four years in accordance with statute. Beginning after December 31, 2025, agencies are required to utilize AI as a tool to assist with the periodic review process. In addition to the analysis that is required under current law, when agencies are conducting the periodic review, the EO requires them to consider whether surrounding states impose similar requirements and to look for ways to eliminate excess verbiage. This will help eliminate some of the burdens on regulated entities by reducing word counts and simplifying language.

The Order's final requirement is that agencies establish guidance document review processes that utilize AI and human review. There is a periodic review process statutorily mandated for

regulations, but there is not a similar process in place, currently, for guidance documents. Agencies are supposed to establish a schedule to review all guidance documents at least once every four years. Under the Order, they should utilize AI to conduct an analysis and take into consideration whether the requirements exceed those in state or federal statutes, regulations, or other binding authority, whether the requirements are consistent with state or federal statutes, and opportunities to streamline the text. This is to reduce words and the numerous requirements that are part of the existing guidance documents. Based on this analysis, agencies are directed to remove provisions that create binding legal requirements not already established in existing statutes and regulations, and to ensure that documents reflect relevant legal provisions while minimizing word counts.

Ms. Peterson noted one flaw the department identified with the Regulatory Reduction Report. For several years, the department has moved many regulatory actions through the process. The Department has always been a proponent of regulatory reduction, and when the regulations are reviewed, there has been a focus on areas that can be reduced, even before the administration mandated reduction. The regulatory actions currently underway propose amendments, many of which are intended to reduce the regulatory requirements, but the current reduction report did not consider any of those proposed amendments. That created a challenge for the Department as this meant it had three separate items to analyze. In several cases where recommendations were made, the Department had already changed the language, so the recommendations no longer made sense.

As another challenge created by the report, Ms. Peterson addressed the regulatory actions currently undergoing executive branch review and noted the department's desire not to disrupt or delay the process currently underway, given how arduous and lengthy the process is.

Ms. Peterson ended her presentation and no questions were asked.

### **Reconsideration of Request to Initiate a Notice of Intended Regulatory Action to Amend Regulation Governing Juvenile Record Information and the Virginia Juvenile Justice Information System (6VAC35-160)**

*Kristen Peterson, Regulatory Affairs Coordinator, Department*

Ms. Peterson explained this reconsideration of a request initially presented at the August 18<sup>th</sup> Board meeting and requested the Board to authorize a Notice of Intended Regulatory Action (NOIRA) to amend 6VAC35-160 Regulation Governing Juvenile Record Information and the Virginia Juvenile Justice Information System (VJJIS).

The VJJIS was established within the Department in accordance with § 16.1-222 of the Code, and § 16.1-223 provides that the system is tasked with receiving, classifying, and filing certain data reported to it and maintained by the Department. There is an expansive definition of the VJJIS in the regulation, which includes the equipment, facilities, agreements, and procedures used to collect, process, preserve, or disseminate juvenile record information in accordance with § 16.1-224 or § 16.1-300 of the Code. Historically, the Department has interpreted the VJJIS to include the Balanced Approach Data Gathering Environment, which the agency calls BADGE. However, the expansive definition encompasses other information systems that are used to collect and maintain juvenile record information. Section 16.1-222, in addition to establishing and describing the VJJIS, also

directs the Board to promulgate regulations that govern the security and confidentiality of data submitted into the VJIS. In accordance with those statutory requirements, the regulation currently sets up a system that allows for certain entities, called participating entities, to directly access the VJIS. In addition to addressing the requirements imposed on these participating entities, the regulatory chapter also addresses how juvenile records should be disclosed to other entities authorized to inspect juvenile records under § 16.1-300 of the Code.

Ms. Peterson reminded the Board that at its August meeting, the Department presented these conceptual proposed amendments to initiate the first stage of the regulatory process, the Notice of Intended Regulatory Action. It seemed the Board was mostly in agreement with the conceptual amendments, but a question was raised as to whether the Department had contemplated in its proposed amendments recently enacted legislation that will create a mechanism for certain criminal records to be sealed under Chapter 23.2 of Title 19.2 (specifically § 19.2-392.5) of the Code of Virginia. Because the Department had not included or acknowledged that particular statutory section in its review of the VJIS regulation, the Board asked the Department to go back, review, and analyze that statutory provision and bring the action back to the Board. Thus, the Department is now seeking to initiate the Notice of Intended Regulatory Action with additional conceptual amendments to incorporate some of the requirements included in Chapter 23.2 of Title 19.2 of the Code. The Department has referred to this act as the Sealed Records Act, although this is not the official title.

The Sealed Records Act was originally enacted during the 2021 General Assembly Special session. It had a delayed effective date scheduled for July 1, 2025, or when the automated systems that were supposed to help carry out the statutory provisions were developed, whichever occurred first. During the 2025 legislative session, the General Assembly extended the effective date to July 2026. The Sealed Records Act has not yet taken effect, but when it does, it will allow for the sealing of certain records related to an arrest, charge, or conviction and ancillary matters as defined by the statute. The statute has clear definitions for each of those terms. The statute applies to records that are held by the Central Criminal Records Exchange and any court, police department, campus police, sheriff's department, or DMV. The statute does not specifically name DJJ as an entity holding these records; however, it does indicate that the state police must electronically notify any other agencies and individuals known to maintain or have obtained such record that the record has been ordered sealed and may only be disseminated in accordance with the statutory exceptions available.

The Act also provides that state and local agencies that disseminate sealed records in violation of the statute may be subject to criminal penalties. With respect to juvenile records specifically, the statute applies to adults who have been charged, arrested, or convicted, and it also applies to juveniles who have been tried in Circuit Court in accordance with § 16.1-269.1. The Department believes there may be instances where it maintains some records that might end up being sealed. Thus, for purposes of ensuring that our VJIS regulation aligns with the statute, the Department is anticipating adopting some additional amendments to the regulatory text in order to address some of these issues.

Ms. Peterson shared the department's goal of expanding the definitions section to capture some of the relevant terms used in the statute. Adding language to prohibit disclosure of juvenile record

information when disclosure would violate the provisions of the Sealed Records Act, spelling out various provisions to ensure that the VJIS regulations comply with the statute, and imposing certain requirements on participating entities that are notified of sealed records.

Ms. Peterson then reminded the board that the standard regulatory process involves three separate stages, and for the first, Notice of Intended Regulatory Action stage, which puts the public on notice that the chapter will be amended, the Department typically does not provide the Board with proposed text.

Ms. Peterson concluded her presentation and the Board had no questions.

On motion duly made by Michael Crawley and seconded by Penny Schultz, the Board of Juvenile Justice authorized the Department of Juvenile Justice to proceed with the filing of a Notice of Intended Regulatory Action pursuant to § 2.2-4007.01 of the Code of Virginia to initiate the process for amending 6VAC35-160, Regulation Governing Juvenile Record Information and the Virginia Juvenile Justice Information System (6VAC35-160). All Board members present declared “aye,” and the motion carried.

**Consideration of Request to Initiate the Proposed Stage for the Comprehensive Review of 6VAC35-20 (Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities) and to initiate a Fast-Track Action for 6VAC35-20-61**

*Ken Davis, Regulatory Affairs Coordinator, Department*

In December 2024, the Board authorized the initiation of the Notice of Intended Regulatory Action for the comprehensive review of 6VAC 35-20, Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities. The Department submitted the action for executive branch review in December, and it was approved by the Governor in April and published in the Virginia Register on April 21, 2025. The public comment period ended on May 21, and there were no public comments related to this action. The work group completed their work on the amendments this summer and are pleased to say the changes being made create some reduction in the length of the regulation.

The work group changed almost every section in the regulation, but many of those changes were minor changes of grammar and syntax. The definitions are in Section 10 on page 9 of the Board packet. The work group decided to add a definition for “administrative probation,” which is not a new term, but will allow for a common understanding of what the term means. Administrative probation means that the director places a program or facility on probationary certification status for up to six months, pending review by the Board pursuant to 6VAC35-20-115.

Another definition that changed was for “audit team leader.” The work group wanted to clarify that findings of noncompliance can happen in circumstances other than certification audits, particularly in regulatory inquiries.

The definitions also propose to change language in the definition of ‘certification’ or certified “for a specified time” to “under specified conditions.” This allows for flexibility and acknowledges that

certifications include not only a specified period of time, but also such things as maximum capacity and whether or not a juvenile detention center is allowed to have youth in a community placement program.

The work group removed from the definition of “certification audit,” the requirement that the audit include an on-site visit. Since the pandemic, the Certification Unit has been using electronic means to conduct portions of these audits, and that has worked well. The work group wanted to allow in the regulation for that use of electronic means to continue.

The work group changed the definition of “compliance” by changing the word “standard” to “regulation.” Standard is a former term for regulation; since regulation is the current term, the work group wanted to make sure that the current terminology is used.

The term “monitoring visit” was replaced with the term “regulatory inquiry” throughout the text. The work group determined that the new term is more accurate and less likely to cause confusion. Regulatory inquiry means a review of applicable regulations conducted on-site or by electronic means following the report for potential regulatory violation.

The definition for “preliminary summary suspension order” was removed throughout the text. The term is not used in the sections of the Code of Virginia referencing summary suspension orders, and the work group deemed the term unnecessary and potentially confusing.

The work group removed the definition of “VJCCCA program or Office on Youth Audit report” because the term is not used anywhere else in the regulation.

There was a purpose statement in Section 30 that was removed on advice from the Office of the Registrar of Regulations. Instead, Section 31 was created, called Department Responsibility; this made minor modifications to some of the information that was in the previous statement and moved it into a section that includes actual requirements.

Mr. Davis drew the Board’s attention to Page 11, Section 37, Director’s Authority to take immediate administrative action. This is the section with the biggest change. As it currently exists, it is lengthy and describes the process the director must follow in issuing a summary suspension order. Many of the provisions that currently exist are procedural in nature and not appropriate for regulations. Additionally, it uses the term “preliminary summary suspension order,” which is not included in the Code and therefore, is not a term that has any defined meaning. The work group ultimately wound up removing most of the procedural language and replacing it with references to the summary suspension order process as defined in the Code of Virginia, § 66-24 E and F.

Those Code sections include a lot of what the removed language talked about, particularly notification requirements for the director to make, if she has decided on a summary suspension order, as well as a hearing process and an appeal process. This makes that section briefer.

Section 30 discusses the pre-audit process for certification audits. The section was deemed to be procedural in nature and therefore, the recommendation is to remove the entire section.

Several changes have been made to Section 100 Certification Action. In subsection A, the work group recommended adding language to allow a program or facility administrator to appear via video conference at a certification action meeting. It also clarified that the administrator may be represented by counsel at the meeting.

In that same section, in B 3, the work group recommended revising the language pertaining to unresolved health, welfare, or safety violations to be more specific and more consistent with language included elsewhere in the chapter.

In that same section, C 5 subdivision b, the work group recommended replacing the requirement that a program or facility be decertified upon a status report finding of less than 100% compliance with critical regulatory requirements, or less than 90% compliance for noncritical regulatory requirements, with language that says they may be placed on probationary certification status or decertified. This gives the Department more discretion in deciding what to do in those cases.

The work group recommended in D 1 that the improper incorporation by reference of Department procedures be removed. Referring to Department documents is not allowed and to imply they need to be adhered to is known as an improper incorporation by reference. Instead, any mention of Department procedures, Department guidance documents, or any other documents the Department has written need to be removed from the regulation. The work group has done that in this section and several other sections throughout this chapter.

Mr. Davis asked the Board to authorize the Department to move the amendments to this regulation to the Proposed Stage of the standard regulatory process

On motion duly made by Wes Nance and seconded by Marsha Tsiptsis, the Board of Juvenile Justice approved the proposed amendments to 6VAC35-20, Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities, including any modifications agreed upon at the October 27, 2025, meeting, and authorized the department to proceed with filing the Proposed Stage of the standard regulatory process. All Board members present declared "aye," and the motion carried.

Mr. Davis said this regulation will go through the standard regulatory process, but in light of the increased percentage for regulatory reduction, the agency is under pressure to make further reductions. The Department decided that Section 61 would be appropriate for a Fast-Track action because it offered greater reduction than other places in the chapter. The work group recommended the removal of the document incorporated by reference entitled Guidance Document Self-Audits, Evaluations, September 2013. The document needs to be removed because it constitutes an improper reference and also, at 12 years old, the document is outdated. Finally, the document is no longer required because the Certification Unit provides forms to programs and facilities for their use in completing self-audits. The work group also made recommendations for various changes for style and clarity.

On motion duly made by Wes Nance and seconded by Michael Crawley, the Board of Juvenile Justice approves the proposed amendments to 6VAC35-20-61 in the Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities, including any modifications agreed upon at the October 27, 2025, meeting, and authorizes the department to proceed with filing the amendments in accordance with the Fast-Track regulatory process pursuant to § 2.2-4012.1 of the Code of Virginia. All Board members present declared “aye,” and the motion carried.

### **Consideration of Request for Omnibus Fast-Track Action for Additional Regulatory Reduction and Other Amendments**

*Kristen Peterson, Regulatory Affairs Coordinator, Department*

Ms. Peterson opened the presentation by requesting authorization to amend multiple regulatory chapters through the Fast-Track regulatory process to accomplish additional regulatory reductions before the December 31, 2025, deadline. She described the department’s use of the regulatory reduction tool to assist in conducting reviews and identifying additional areas for regulatory reduction in guidance documents and explained that some of the proposed amendments before the Board align with some of the tool’s recommendations, while others are included in comprehensive regulatory actions already underway that the Department feels can be expedited. These proposed amendments can be accomplished through the Fast-Track regulatory process.

Fast-Track regulatory actions are those that are not anticipated to be controversial. If there is a provision in a chapter or an amendment the Department thinks might generate some controversy, the standard regulatory process would be used.

Ms. Peterson summarized the Department’s request to make minor amendments to four chapters of the Board’s regulations: the Regulation Governing Juvenile Group Homes and Halfway Houses, the Regulation Governing Juvenile Correctional Centers, the Regulation Governing Juvenile Secure Detention Centers, and the Regulation for Non-residential Services. The AI report did not account for proposed regulatory or guidance document amendments already underway. Given the compressed time frame for identifying the various regulatory provisions and the need to ensure the process was not delayed for actions already underway, the Department took a different strategy in its analysis of the AI reduction report. The Department looked for provisions that were not part of an actions already underway or were part of an existing action that had not moved past the Notice of Intended Regulatory Action stage. Typically, there is more flexibility when the proposal has not reached the Proposed Stage of the regulatory process. Provisions with governing statutes that require consultation with external entities in order to amend the chapter also were excluded, as this would involve bringing together work groups, conducting an analysis of regulatory provisions, and ensuring stakeholders are not impacted in a negative way. There simply was not enough time to do all those things in an expedient manner. The Department also omitted regulatory provisions that would require review, analysis, or feedback by internal Department units.

The first proposed change is to the provision involving Internet access for group home residents in Section 30 of the regulation. The proposed text is on page 54 of the Board packet. Currently, the regulation directs juvenile group home facilities that allow residents access to the Internet to have

procedures in place governing Internet usage. The AI reduction report recommended amendments to this provision so that the facilities would be authorized, but not required, to maintain such procedures. The proposal would allow facilities that provide residents access to the Internet to have procedures in place that govern Internet usage. This change is consistent with The Office of Regulatory Management's directive to eliminate regulatory requirements not necessary to interpret the law or protect public health or safety. One indicator that the requirement is not necessary to protect public health or safety is that the regulations governing juvenile correctional centers and detention centers do not contain similar provisions. Thus, the Department is asking the Board to allow the language to be amended in accordance with the AI reduction tool recommendation so that the procedures are no longer a requirement, but are permissible. The Department is also seeking to adopt additional changes to add a reasonableness standard to the provision. This was also language recommended by the AI reduction tool.

The second area for regulatory change is the provision regarding reading materials. Currently, there is a provision in both the juvenile correctional centers and the juvenile detention centers regulations that requires facilities to have reading materials appropriate to the residents, ages, and levels of competency and made available to residents. The detention center regulation goes a step further. Section 750 requires the development and implementation of written procedures governing residents' access to publications. These written procedures, while potentially beneficial to residents, are not necessary to protect public health or to interpret the law. The Department believes that simply because an entity adopts procedures, it does not mean that the requirements in them would necessarily serve to protect the residents in the facility. The AI report recommends amendments to the juvenile detention center provision in Section 750 that would make these written procedures permissible but not required, and that would ensure that these procedures are reasonable and are authorized for adoption by appropriate facility staff.

The Department proposes additional nonsubstantive changes to the juvenile correctional center provision for simplification and word reduction.

With respect to outside workers, both in group homes and juvenile detention centers, there is language in Section 940 of the group home regulation and 910 of the juvenile detention center regulation that directs staff in the facilities to monitor situations in which personnel from outside the relevant facility work in the presence of facility residents; both of those provisions indicate that adult inmates shall not work in the immediate presence of residents. The Department follows the Virginia Register of Regulations, Form, Style and Procedure Manual for Publication of Virginia Regulations in the development of regulations. The manual indicates that "may not" is the more appropriate terminology to use when imposing a prohibition or ban; "shall not" negates the obligation, but not the permission to act. The intent of the provision is for facilities to prohibit adult inmates from working in the immediate presence of residents in those facilities. The Department recommends amending this language utilizing the stronger "may not" language. Although this was not a recommendation of the AI tool, the department thought it was an appropriate time to make the change.

At the last Board meeting, the Department proposed amendments to the regulation for non residential services, 6VAC35-150, for the first stage of the standard regulatory process. At the time,

the Department identified conceptual amendments for removal that were operational in nature and not necessary to public health and safety. The Department is now seeking to expedite two provisions specifically flagged for repeal as part of that comprehensive action, by pulling them out of the comprehensive action and instead utilizing the Fast-Track process to accomplish reduction more quickly.

The first provision is Section 60, Organizational Structure. The current regulation requires state and locally operated court service units to maintain a written description and organizational chart of their units that show current lines of authority, responsibility, and accountability. The Department thinks this provision is operational in nature and does not require regulation.

The second provision is Section 320, concerning notice when juveniles are transferred from one residential facility to another. Currently, the regulation requires state and local court service unit staff to notify the juvenile's parent or legal guardian within 24 hours of becoming aware of a juvenile being transferred to another residential facility, unless they know the juvenile parent or legal guardian has already been advised of the transfer. Ms. Peterson listed several concerns with the existing regulatory provision. First, the work group reviewing the provision felt the onus for notifying the parent should fall on the residential facility conducting the transfer and not the court service unit. The residential facility likely would have more information about the details surrounding the transfer. Second, was the concern around assessing the provision for compliance. The workgroup questioned how to determine whether the court service unit had knowledge that the parent did or did not know of the transfer. That information might not be readily available in BADGE or elsewhere.. Nothing prevents a court service unit from including such language in a procedure or having it as practice as a courtesy to residential facilities; but ownership should fall on those entities.

Board Member Schultz asked for clarification on Internet access and whether the word "usage," means setting rules on the ability and time of juveniles to access the internet, or on governing what they are accessing. Ms. Peterson responded, stating her belief that usage describes the entire process, including the timing, how frequently, and what information residents are accessing. She cautioned the board that the proposal would not prevent facilities from having procedures; it just indicates that the procedures do not need to be a regulatory requirement.

#### **Group Home Regulation Motion (6VAC35-41)**

On motion duly made by Laura O'Quinn and seconded by Wes Nance, the Board of Juvenile Justice approves the proposed amendments to 6VAC35-41-530 and 6VAC35-41-940 in the Regulation Governing Juvenile Group Homes and Halfway Houses, including any modifications agreed upon at the October 27, 2025, meeting, and authorizes the department to proceed with the filing through the fast-track regulatory process pursuant to § 2.2-4012.1 of the *Code of Virginia*. All Board members present declared "aye," and the motion carried.

#### **JCC Regulation Motion (6VAC35-71)**

On motion duly made by Laura O'Quinn and seconded by Penny Schultz, the Board of Juvenile Justice approves the proposed amendment to 6VAC35-71-640 in the Regulation Governing Juvenile Correctional Centers, including any modifications agreed upon at the October 27, 2025, meeting,

and authorizes the department to proceed with filing the amendments in accordance with the fast-track regulatory process pursuant to § 2.2-4012.1 of the *Code of Virginia*. All Board members present declared “aye,” and the motion carried.

#### **JDC Regulation Motion (6VAC35-101)**

On motion duly made by Wes Nance and seconded by Michael Crawley, the Board of Juvenile Justice approves the proposed amendments to 6VAC35-101-750 and 6VAC35-101-910 in the Regulation Governing Juvenile Secure Detention Centers, including any modifications agreed upon at the October 27, 2025, meeting, and authorizes the department to proceed with filing the amendments in accordance with the fast-track regulatory process pursuant to § 2.2-4012.1 of the *Code of Virginia*. All Board members present declared “aye,” and the motion carried.

#### **Nonresidential Services Regulation Motion (6VAC35-150)**

On motion duly made by Laura O’Quinn and seconded by Wes Nance, the Board of Juvenile Justice approves the proposed amendments to 6VAC35-150-60 and 6VAC35-150-320 in the Regulation for Nonresidential Services, including any modifications agreed upon at the October 27, 2025, meeting, and authorizes the department to proceed with filing the amendments in accordance with the fast-track regulatory process pursuant to § 2.2-4012.1 of the *Code of Virginia*. All Board members present declared “aye,” and the motion carried.

#### **DIRECTOR’S CERTIFICATION ACTIONS**

*Ken Bailey, Certification Manager, Department*

Mr. Bailey directed the Board to the packet, which contained the individual audit reports and a summary of the Director’s certification action completed up to October 6, 2025.

The audit of Chesterfield Juvenile Detention Home and Post-dispositional Detention Program was completed on August 19, 2025, with 100% compliance and a letter of congratulations. This was their second consecutive 100% compliance. The Director certified the facility to October 27, 2028. In addition, the Director approved a new age range of 11 to 17 for the facility. They had an age range of 7 to 17, which is not consistent with the Code, and the changes were made to bring it back in line.

The audit for the Richmond Juvenile Detention Center was completed July 23, 2025, with 100% compliance and a letter of congratulations. Their previous audit only had two deficiencies. It is interesting to note that Richmond has been able to maintain a good compliance level through at least three superintendents in the past several years. The Director certified the facility until June 12, 2028.

The Virginia Beach Crisis Intervention Home is a shelter care facility. They have redesigned their structure and better used available space to increase their ability to have a couple more residents in their program. They only had 12 residents, and this increase moved them to 16 residents. The Director authorized this increased capacity and issued a new certificate for that facility.

The audit for Bon Air Juvenile Correctional Center dates to September 18, 2025, and found several deficiencies. The Certification Team conducted a monitoring visit on August 1, 2024, and it was

determined there was one area of noncompliance that dealt with not documenting the actions taken by staff when medications were used. The recent review of that one particular regulation found Bon Air to be in compliance with their corrective action plan. The Director certified the facility to April 12, 2027. The Certification Unit will continue to conduct monitoring visits in the area of medical compliance.

#### **DIRECTOR AND BOARD COMMENTS**

Mr. Towey noted that Director Floriano could not attend the meeting and had no comments. Mr. Towey remarked on how nice it was to meet the Board members in person, given that the only previous meeting with the new members was virtual. and expressed that the Department looks forward to working with the Board in the years to come.

#### **NEXT MEETING**

The next meeting is scheduled for December 2, 2025, and will be an all-virtual public meeting.

#### **ADJOURNMENT**

Vice Chair Nance adjourned the meeting at 10:48 a.m.