

# CODE OF VIRGINIA



## Title 66 Juvenile Justice

# **Title 66 - JUVENILE JUSTICE**

## **Chapter 1 - DEPARTMENT AND STATE BOARD OF JUVENILE JUSTICE**

### **§ 66-1. Creation of Department of Juvenile Justice**

There is hereby created within the executive branch, responsible to the Governor, a Department of Juvenile Justice. The Department shall be under the immediate supervision of a Director who shall be appointed by the Governor, subject to confirmation by the General Assembly. The Director shall serve at the pleasure of the Governor or until his successor shall be appointed and qualified. Vacancies shall be filled in the same manner as original appointments.

1989, c. 733; 1990, c. 350; 1996, c. [503](#).

### **§ 66-2. Supervision of the Department**

The Director of the Department of Juvenile Justice shall, under the direction of the Governor, be responsible for the supervision of the Department and shall exercise such other powers and perform such other duties as may be conferred or imposed by law upon him. He shall perform such other duties as may be required of him by the Governor and the Secretary of Public Safety and Homeland Security.

1989, c. 733; 1990, cc. 1, 317; 2014, cc. [115](#), [490](#).

### **§ 66-3. Powers of the Director**

A. The Director of the Department shall have the following general powers:

1. To employ such personnel as may be required to carry out the purposes of this title.
2. To make and enter into all contracts and agreements necessary or incidental to the performance of his duties and the execution of his powers under this title, including, but not limited to, contracts and agreements with the United States, other states, and agencies and governmental subdivisions of the Commonwealth.
3. With the prior approval of the Governor, to enter into agreements with a public or private entity to operate a work program for children committed to the Department.
4. With the prior approval of the Governor, to acquire real property, by purchase or gift, needed for new or existing state juvenile correctional facilities and for administrative and other facilities necessary to the operations of the Department, pursuant to regulations promulgated by the Board to ensure adequate public notice and local hearing.
5. To establish and maintain schools of the appropriate grades, levels, and types in the institutions for persons committed to juvenile correctional centers.
6. To enter into such agreements with private entities, nonprofit civic organizations, school divisions, and public and private two-year and four-year institutions of higher education as it may

deem necessary to provide age-appropriate educational programs and training, including career and technical education; career development opportunities; public service projects; restricted Internet access to online courses of institutions of higher education and approved or accredited online secondary education or adult education and literacy programs leading to a diploma or achieving a passing score on a high school equivalency examination approved by the Board of Education; access to postsecondary education that includes college credit, certification through an accredited vocational training program, or other accredited continuing education program using video-conferencing technology; and other learning experiences in the furtherance of its duties and responsibilities under this chapter for persons committed to the institutions comprising the Department.

7. To designate employees of the Department with internal investigations authority to have the same power as a sheriff or a law-enforcement officer in the investigation of allegations of criminal behavior affecting the operations of the Department. Such employees shall be subject to any minimum training standards established by the Department of Criminal Justice Services under § [9.1-102](#) for law-enforcement officers prior to exercising any law-enforcement power granted under this subdivision. Nothing in this section shall be construed to grant the Department any authority over the operation and security of detention homes not specified in any other provision of law. The Department shall investigate allegations of criminal behavior in accordance with a written agreement entered into with the Department of State Police. The Department shall not investigate any action falling within the authority vested in the Office of the State Inspector General pursuant to Chapter 3.2 (§ [2.2-307](#) et seq.) of Title 2.2 unless specifically authorized by the Office of the State Inspector General.

8. To do all acts necessary or convenient to carry out the purposes of this title.

B. The Director shall comply with and require all school facilities within the Department to comply with applicable regulations and statutes, both state and federal.

1989, c. 733; 1993, cc. 460, 487; 1995, c. [701](#); 2012, cc. [803](#), [835](#); 2013, cc. [143](#), [214](#); 2014, c. [84](#).

### **§ 66-3.1. Repealed**

Repealed by Acts 2011, cc. [798](#) and [871](#), cl. 2, effective July 1, 2012.

### **§ 66-3.2. Additional duties of the Director**

A. The Director shall coordinate with the Department of Corrections the development and submission of requests for compensation from the United States Department of Justice State Criminal Alien Assistance Program for costs associated with incarcerating undocumented aliens.

B. The Director shall forward to the Commonwealth's Attorneys' Services Council, updated on a monthly basis, a list of all juveniles, 14 years of age or older, that (i) have been committed to the Department, (ii) have been found guilty of a felony offense defined as a predicate criminal act under § [18.2-46.1](#), or have been adjudicated delinquent on the basis of an act that would be a felony and a predicate criminal act under § [18.2-46.1](#) if committed by an adult, and (iii) have been

identified as belonging to a criminal gang. The list shall contain identifying information for each gang member, as well as the offense, court, and date of conviction or adjudication.

2004, c. [126](#); 2006, cc. [431](#), [500](#).

#### **§ 66-4. State Board of Juvenile Justice**

There shall be a State Board of Juvenile Justice, consisting of nine members appointed by the Governor, two of whom shall be experienced educators. In making appointments, the Governor shall endeavor to select appointees of such qualifications and experience that the membership of the Board shall include persons suitably qualified to consider and act upon the various problems that may come before the Board. The appointments shall be subject to confirmation by the General Assembly if in session and, if not, then at its next succeeding session.

1989, c. 733; 1996, c. [503](#); 2013, cc. [37](#), [232](#).

#### **§ 66-5. Term of office of members; suspension or removal**

The members of the Board shall be appointed initially as follows: three members for a term of two years each and four members for a term of four years each. Thereafter, the appointment of such members or their successors shall be for terms of four years, except that an appointment to fill a vacancy shall be for the unexpired term. No person shall be eligible to serve for or during more than two successive four-year terms. However, any person appointed to fill a vacancy may be eligible for two additional successive terms after the term of the vacancy for which he was appointed has expired. Members of the Board may be suspended or removed by the Governor at his pleasure.

1989, c. 733 .

#### **§ 66-6. Chairman, vice-chairman and secretary**

The Board shall select a chairman from its membership, and under rules adopted by itself may elect one of its members as vice-chairman. It shall elect one of its members as secretary.

1989, c. 733 .

#### **§ 66-7. Compensation and expenses**

The members of the Board shall receive no salaries. They shall be paid their necessary traveling and other expenses incurred in attendance at meetings, or while otherwise engaged in the discharge of their duties, and the sum of fifty dollars a day for each day or portion thereof in which they are engaged in the performance of their duties.

1989, c. 733 .

#### **§ 66-8. Meetings**

The Board shall meet at such times as it deems appropriate and on call of the chairman when in his opinion meetings are expedient or necessary. However, the Board shall meet at least four times each calendar year.

1989, c. 733 .

#### **§ 66-9. Quorum**

A majority of the current membership of the Board shall constitute a quorum for all purposes.

1989, c. 733 .

### **§ 66-10. Powers and duties of Board**

The Board shall have the following powers and duties:

1. To establish and monitor policies for the programs and facilities for which the Department is responsible under this law.
2. To ensure the development of a long-range youth services policy.
3. To monitor the activities of the Department and its effectiveness in implementing the policies developed by the Board.
4. To advise the Governor and Director on matters relating to youth services.
5. To promulgate such regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth.
6. To ensure the development of programs to educate citizens and elicit public support for the activities of the Department.
7. To establish length-of-stay guidelines for juveniles indeterminately committed to the Department and to make such guidelines available for public comment.
8. To adopt all necessary regulations for the management and operation of the schools in the Department except that the regulations adopted hereunder shall not conflict with regulations relating to security of the institutions in which the juveniles are committed.

1989, c. 733; 1990, c. 679; 1996, cc. [755](#), [914](#); 2012, cc. [164](#), [456](#), [803](#), [835](#).

#### **§ 66-10.01. Certified mail; subsequent mail or notices may be sent by regular mail**

Whenever in this title the Board or the Department is required to send any mail or notice by certified mail and such mail or notice is sent certified mail, return receipt requested, then any subsequent, identical mail or notice that is sent by the Board or the Department may be sent by regular mail.

2011, c. [566](#).

#### **§ 66-10.1. Board to establish regulations regarding human research**

The Board shall promulgate regulations pursuant to the Administrative Process Act (§ [2.2-4000](#) et seq.) to effectuate the provisions of Chapter 5.1 (§ [32.1-162.16](#) et seq.) of Title 32.1 for human research, as defined in § [32.1-162.16](#), to be conducted or authorized by the Department. The regulations shall require the human research committee to submit to the Governor, the General Assembly, and the Director or his designee at least annually a report on human research projects reviewed and approved by the committee and shall require the committee to report any significant deviations from the proposals as approved.

1992, c. 603 .

## **§ 66-11. Repealed**

Repealed by Acts 2012, cc. [164](#) and [456](#), cl. 2.

## **§ 66-12. Definitions**

Unless a different meaning clearly appears from the context, as used in this title:

"Board" or "State Board" means the Board of Juvenile Justice;

"Child" means any natural person under eighteen years of age;

"Department" means the Department of Juvenile Justice;

"Director" means the Director of Juvenile Justice.

1989, c. 733 .

## **Chapter 2 - CARE OF CHILDREN COMMITTED TO DEPARTMENT**

### **§ 66-13. Authority of Department as to juveniles committed to it; establishment of facilities; arrangements for temporary care**

A. The Department is authorized and empowered to receive juveniles committed to it by the courts of the Commonwealth. The Department shall establish, staff and maintain facilities for the rehabilitation, education, training and confinement of such juveniles. The Department may make arrangements with satisfactory persons, institutions or agencies, or with cities or counties maintaining places of detention for juveniles, for the temporary care of such juveniles.

B. In accordance with the Juvenile Corrections Private Management Act, Chapter 2.1 (§ [66-25.3](#) et seq.), the Department may establish, or contract with private entities, political subdivisions or commissions to establish, juvenile boot camps. The Board shall prescribe standards for the development, implementation and operation of the boot camps with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline and no less than six months of intensive aftercare. The Department of Juvenile Justice's Division of Education shall establish, staff, and maintain educational programs for such juveniles in accordance with § [66-13](#). A contract to expend state funds to establish a facility for a juvenile boot camp shall not be executed by the Department unless an appropriation has been expressly approved as is otherwise provided by law.

C. The Department may by mutual agreement with a locality or localities and, pursuant to standards promulgated pursuant to § [16.1-309.9](#), establish detention homes for use by a locality or localities for pre-trial and post-dispositional detention pursuant to §§ [16.1-248.1](#) and [16.1-284.1](#). The Department may collect by mutual agreement with a locality or localities and from any locality of this Commonwealth from which a juvenile is placed in such a detention home, the reasonable cost of maintaining such juvenile in such facility and a portion of the cost of construction of such facility. Such agreements shall be subject to approval by the General Assembly in the general appropriation act.

D. The Department shall collect data pertaining to the demographic characteristics of juveniles incarcerated in state juvenile correctional institutions, including, but not limited to, the race or ethnicity, age, and gender of such persons, and the types of and extent to which health-related problems are prevalent among such persons. Beginning July 1, 1997, such data shall be collected, tabulated quarterly, and reported by the Director to the Governor and the General Assembly at each regular session of the General Assembly thereafter.

Code 1950, §§ 53-324, 53-330, 63-291, 63-366, 63-367, 63-368, 63-369, 63.1-239, 63.1-245; 1950, p. 33; 1954, c. 262; 1956, cc. 127, 287; 1962, c. 437; 1968, c. 578; 1974, cc. 44, 45; 1975, c. 178; 1981, c. 487; 1982, c. 636, § 53.1-237; 1989, c. 733; 1991, c. 534; 1996, cc. [755](#), [914](#); 1997, c. [894](#); 2012, cc. [803](#), [835](#).

**§ 66-13.1. Division of Education; employment of Superintendent; powers and duties**

A. To assist in the performance of the duties imposed by § [66-13](#) the Department shall develop and maintain a Division of Education (Division), which shall be composed of all the educational facilities of all institutions operated by the Department. The Division shall be designated as a local education agency (LEA) but shall not be eligible to receive state funds appropriated for direct aid to public education.

B. The Department shall employ a Superintendent of the Division, who shall meet the minimum standards for division superintendents set by the Board of Education. The Superintendent shall supervise the administration of the Division. The Department shall employ teachers and place them in appropriate schools. Other powers and duties of the Superintendent shall be fixed by the Board of Education in accordance with law.

C. When the Department employs a teacher licensed by the Board of Education to provide instruction in the schools of the juvenile correctional centers, the Department of Human Resource Management shall establish salary schedules for the teachers which endeavor to be competitive with those in effect for the school division in which the correctional center is located.

2012, cc. [803](#), [835](#).

**§ 66-14. Allowance for maintenance of children placed by Commonwealth in private homes, etc**

For the maintenance of each child committed to the custody of the Department pursuant to subdivision A 14 of § [16.1-278.8](#) and placed in a private home or in a facility other than one operated by the Commonwealth, there shall be paid a per diem allowance which shall be established by the Department from funds appropriated to the Department for this purpose. The cost of such care shall not exceed that amount which would be incurred if the services required by the child were provided in a juvenile facility operated by the Department.

No child shall be placed outside the Commonwealth without first complying with the appropriate provisions of Chapters 10 (§ [63.2-1000](#) et seq.) and 11 (§ [63.2-1100](#) et seq.) of Title 63.2 or with

regulations of the State Board of Social Services relating to resident children placed out of the Commonwealth.

Code 1950, §§ 53-325, 63-293, 63.1-240; 1952, c. 644; 1962, c. 437; 1968, c. 578; 1970, c. 326; 1974, cc. 44, 45, 476; 1978, c. 309; 1981, c. 487; 1982, c. 636, § 53.1-239; 1989, c. 733; 1992, cc. 837, 880; 1993, cc. 232, 283; 1996, cc. [587](#), [597](#).

#### **§ 66-15. Schedules of per diem cost of maintenance in detention homes; reimbursements of cities and counties**

The Department shall establish schedules setting forth the per diem cost to each locality for maintaining a child in a detention home. In accordance with the schedule, the Department, in addition to all other reimbursements on account of such detention homes, shall reimburse each city or county for the cost of maintaining in such homes any children committed to the Department. The Department shall review annually and adjust, if justified, the per diem it pays to localities for the care of state wards.

Code 1950, §§ 53-326, 63.1-241, 63-293.1; 1954, c. 582; 1968, c. 578; 1974, cc. 44, 45; 1981, c. 487; 1982, c. 636, § 53.1-240; 1989, cc. 683, 733 .

#### **§ 66-16. Acceptance and expenditure of certain funds for children committed to Department**

The Department is authorized to accept and expend for the benefit of any child committed to it, or for reimbursement purposes, any funds made available from any source, solely for the current maintenance and support of any such child, whether such funds be provided by the child's parents, or other person, or by the U.S. Department of Veterans Affairs, the Railroad Retirement Act, the old age and survivor's insurance provisions of the federal Social Security Act, as amended, or from any other source. In no event shall the sums so accepted exceed an amount in excess of the cost to the Department of supporting the child.

Code 1950, §§ 53-327, 63.1-242, 63-293.2; 1956, c. 400; 1968, c. 578; 1974, cc. 44, 45; 1981, c. 487; 1982, c. 636, § 53.1-241; 1989, c. 733 .

#### **§ 66-17. Disposition of property left by child**

If any child, having been in the custody of the Department by virtue of § [16.1-278.8](#), upon being released or having escaped therefrom leaves any personal property valued at less than \$100 in the custody of the Department for six months after his release or escape, the Director may sell such personal property at public sale or otherwise dispose of the property. The proceeds of such sale shall be kept for one year from the date of the child's attaining the age of majority. Thereafter, any unclaimed proceeds shall be paid into the state treasury and credited to the Literary Fund.

Code 1950, §§ 16.1-178.1, 53-327.1; 1956, c. 555; 1974, cc. 44, 45; 1977, c. 559; 1981, c. 487; 1982, c. 636, § 53.1-242; 1989, c. 733; 1991, c. 534 .

#### **§ 66-18. Examination and placing of such children**

The Department shall make a careful physical and mental examination of every child committed to it by the courts, investigate the personal and family history of the child and his environment, and place such children at such facilities as are available. Any children committed to the Department and afterwards found to be eligible for commitment by proper proceedings to any state hospital or admission to a training center for individuals with intellectual disability shall take precedence as to admission over all others and shall in all cases be received into the state hospital or training center within 45 days.

Code 1950, §§ 53-328, 63-292, 63.1-243; 1956, c. 127; 1968, c. 578; 1974, cc. 44, 45; 1981, c. 487; 1982, c. 636, § 53.1-243; 1989, c. 733; 2012, cc. [476](#), [507](#).

#### **§ 66-19. Behavioral services unit; director and personnel; examination of children**

To assist in the performance of the duties imposed by § [66-18](#), the Department shall maintain a behavioral services unit and employ as director thereof a clinically competent person. The Department shall also employ such other medical, technical and clinical personnel skilled in the diagnosis and treatment of physical diseases or mental illnesses of children as may be desirable for the operation of such unit. The personnel of the unit, when visiting the various facilities maintained by the Department for the care of children committed to the Department, shall conduct a thorough examination of each child at such facilities not theretofore examined by the unit, and other children at the facilities for whom such examination is indicated. Such examination shall be for the purpose of determining, diagnosing and treating physical and learning ailments or impairments and mental illnesses with a view to improving the general functioning of such children and hastening their rehabilitation.

Code 1950, §§ 53-329, 63.1-244, 63-381, 63-384; 1954, c. 681; 1966, c. 354; 1968, c. 578; 1974, cc. 44, 45; 1981, c. 487; 1982, c. 636, § 53.1-244; 1989, c. 733; 2012, cc. [476](#), [507](#).

#### **§ 66-20. Observation and treatment of children with mental illness or intellectual disability**

After commitment of any child to the Department, if the Department finds, as a result of psychiatric examinations and case study, that such child has mental illness or intellectual disability, it shall be the duty of the Department to obtain treatment for the child's mental condition. If the Department determines that transfer to a state hospital, training center, or other appropriate treatment facility is required to further diagnose or treat the child's mental condition, the proceedings shall be in accordance with the provisions of § [37.2-806](#) or §§ [16.1-341](#) through [16.1-345](#), except that provisions requiring consent of the child's parent or guardian for treatment shall not apply in such cases. No child transferred to a state hospital pursuant to this section or the provisions of Title 37.2 shall, however, be held or cared for in any maximum security unit where adults determined to be criminally insane reside and such child shall be kept separate and apart from such adults.

Code 1950, § 53-329.1; 1977, c. 559; 1978, c. 739; 1981, c. 487; 1982, c. 636, § 53.1-245; 1989, c. 733; 1990, c. 975; 2012, cc. [476](#), [507](#).

#### **§ 66-21. Superintendents and agents of facilities to have powers of sheriff**

The superintendents of the facilities established by the Department pursuant to § [66-13](#) and their authorized agents shall have the powers of a sheriff for the purpose of preserving order at their facilities and for the conveyance of children committed to their care to and from such facilities.

Code 1950, §§ 53-332, 63-371, 63.1-247; 1968, c. 578; 1974, cc. 44, 45; 1981, c. 487; 1982, c. 636, § 53.1-246; 1989, c. 733 .

#### **§ 66-22. Daily and additional allowance to children**

The Director may allow every child in any facility established by the Department a daily allowance in an amount established by the Board. Additional allowance may be made by the Director to provide necessary funds for incidental needs for required activities in schools, foster care and other special placements for other special activities that such children would normally be engaged in resulting from their placement. The allowance so made may be drawn upon by the child for such purposes as may be authorized by the regulations of the Board.

Code 1950, §§ 53-333, 63.1-248, 63-369.1; 1958, c. 366; 1960, c. 395; 1968, c. 578; 1970, c. 327; 1974, cc. 44, 45; 1975, c. 638; 1981, c. 487; 1982, c. 636, § 53.1-247; 1989, c. 733 .

#### **§ 66-22.1. Establishment of stores in juvenile correctional facilities**

The Director is hereby authorized to provide for the establishment and operation of stores or commissaries in state juvenile correctional facilities to deal in such articles as he deems proper. The profits from the operation of such stores shall be used for educational, recreational, or other purposes beneficial to the juveniles committed to the Department as may be prescribed by the Director.

1997, c. [195](#).

#### **§ 66-23. Authority of superintendents with regard to application for operator's licenses and employment certificates**

The superintendents of facilities established by the Department shall have the authority, commensurate with that of a parent in like cases, to give consent for those children placed in their respective facilities to (i) application for a motor vehicle operator's license and (ii) issuance of an employment certificate.

Code 1950, § 53-334; 1977, c. 643; 1981, c. 487; 1982, c. 636, § 53.1-248; 1989, c. 733; 2012, cc. [164](#), [456](#).

#### **§ 66-24. Community group homes and other residential facilities for certain juveniles; licensure; personnel; summary suspension under certain circumstances; penalty**

A. The Department of Juvenile Justice shall cooperate with other state departments in fulfilling their respective licensing and certification responsibilities of children's residential facilities. The Board shall promulgate regulations that shall allow the Department to so assist and cooperate with other state departments. The Board's regulations shall establish the Department as the single licensing agency, with the exception of educational programs licensed by the Department of Education, for group homes or residential facilities providing care of juveniles in direct state care.

B. The Department is authorized to establish and maintain such a system of community group homes or other residential care facilities as the Department may from time to time acquire, construct, contract for or rent for the care of juveniles in direct state care, pending development of more permanent placement plans. Any community group home or other residential care facility that the Department may contract for or rent for the care of juveniles in direct state care shall be licensed or certified in accordance with the regulations of the Board.

Any more permanent placement plans shall consider adequate care and treatment, and suitable education, training and employment for such juveniles, as is appropriate.

C. The Department is further authorized to employ necessary personnel for community group homes or other residential care facilities or to contract with private entities for their operation. The Department shall conduct background checks of any individual who (i) accepts a position of employment at a community group home or other residential care facility, (ii) volunteers at a community group home or other residential care facility on a regular basis and will be alone with a juvenile in the performance of his duties, or (iii) provides contractual services directly to a juvenile in a community group home or other residential care facility on a regular basis and will be alone with a juvenile in the performance of his duties, pursuant to § [63.2-1726](#).

D. The Board shall promulgate regulations for licensure or certification of community group homes or other residential care facilities that contract with or are rented for the care of juveniles in direct state care pursuant to subsection B.

The Board's regulations shall address the services required to be provided in such facilities as it may deem appropriate to ensure the welfare and safety of the juveniles. In addition, the Board's regulations shall include, but need not be limited to (i) specifications for the structure and accommodations of such facilities according to the needs of the juveniles to be placed in the home or facility; (ii) rules concerning allowable activities, local government- and group home- or residential care facility-imposed curfews, and study, recreational, and bedtime hours; and (iii) a requirement that each home or facility have a community liaison who shall be responsible for facilitating cooperative relationships with the neighbors, the school system, local law enforcement, local government officials, and the community at large.

E. Pursuant to the procedures set forth in subsection F and in addition to any other legally authorized disciplinary actions, the Director may issue a summary order of suspension of the license or certificate of any group home or residential facility so regulated by the Department, in conjunction with any proceeding for revocation, denial, or other action, when conditions or practices exist in the home or facility that pose an immediate and substantial threat to the health, safety, and welfare of the juveniles who are residents and the Director believes the operation of the home or facility should be suspended during the pendency of such proceeding.

F. The summary order of suspension shall take effect upon its issuance and shall be served on the licensee or certificate holder or its designee as soon as practicable thereafter by personal service

and certified mail, return receipt requested, to the address of record of the licensee or certificate holder. The order shall state the time, date, and location of a hearing to determine whether the suspension is appropriate. Such hearing shall be held no later than three business days after the issuance of the summary order of suspension and shall be convened by the Director or his designee.

After such hearing, the Director may issue a final order of summary suspension or may find that such summary suspension is not warranted by the facts and circumstances presented. A final order of summary suspension shall include notice that the licensee or certificate holder may appeal the Director's decision to the appropriate circuit court no later than 10 days following issuance of the order. The sole issue before the court shall be whether the Director had reasonable grounds to require the licensee to cease operations during the pendency of the concurrent revocation, denial, or other proceeding. The concurrent revocation, denial, or other proceeding shall not be affected by the outcome of any hearing on the appropriateness of the summary suspension.

The willful and material failure to comply with the summary order of suspension or final order of summary suspension shall be punishable as a Class 2 misdemeanor. The Director may require the cooperation of any other agency or subdivision of the Commonwealth in the relocation of the juveniles who are residents of a home or facility whose license or certificate has been summarily suspended pursuant to this section and in any other actions necessary to reduce the risk of further harm to such residents.

G. In addition to the requirements set forth above, the Board's regulations shall require, as a condition of initial licensure or, if appropriate, license renewal, that the applicant shall: (i) be personally interviewed by Department personnel to determine the qualifications of the owner or operator before granting an initial license; (ii) provide evidence of having relevant prior experience before any initial license is granted; (iii) provide, as a condition of initial license or renewal licensure, evidence of staff participation in training on appropriate siting of the residential facilities for children, good neighbor policies, and community relations; and (iv) be required to screen residents prior to admission to exclude individuals with behavioral issues, such as histories of violence, that cannot be managed in the relevant residential facility.

H. In addition, the Department shall:

1. Notify relevant local governments and placing and funding agencies, including the Office of Children's Services, of multiple health and safety or human rights violations in residential facilities licensed by the Department when such violations result in the lowering of the licensure or certification status of the facility to provisional;
2. Post on the Department's website information concerning the application for initial licensure or certification of or renewal, denial, or provisional licensure or certification of any residential facility for children located in the locality;

3. Require all licensees or certificate holders to self-report lawsuits against or settlements with residential facility operators relating to the health and safety or human rights of residents and any criminal charges that may have been made relating to the health and safety or human rights of residents;
4. Require proof of contractual agreements or staff expertise to provide educational services, counseling services, psychological services, medical services, or any other services needed to serve the residents in accordance with the facility's operational plan;
5. Modify the term of the license or certificate at any time during the term of the license or certificate based on a change in compliance; and
6. Disseminate to local governments, or post on the Department's website, an accurate (updated weekly or monthly as necessary) list of licensed and operating group homes and other residential facilities for children by locality with information on services and identification of the lead licensure agency.

Code 1950, §§ 53-331, 63.1-246, 63-291.1; 1966, c. 491; 1968, c. 578; 1974, cc. 44, 45; 1975, c. 637; 1981, c. 487; 1982, c. 636, § 53.1-249; 1989, c. 733; 1996, cc. [755](#), [914](#); 2005, cc. [358](#), [471](#); 2006, cc. [168](#), [781](#); 2008, c. [873](#); 2015, c. [366](#).

### **§ 66-25. Collection of information concerning religious preferences by correctional facilities**

Notwithstanding any provision of law to the contrary, any correctional facility established pursuant to this chapter or Chapter 11 (§ [16.1-226](#) et seq.) of Title 16.1 may collect and disseminate information concerning the religious preferences and affiliations of persons committed to its custody. No person shall be required to indicate his religious preference or affiliation, and no dissemination of the information shall be made except to categories of persons designated by the person who has given his consent to such dissemination.

Code 1950, § 53-19.15:1; 1977, c. 506; 1982, c. 636, § 53.1-250; 1989, c. 733 .

#### **§ 66-25.1. Work programs**

A. The Director or his designee may enter into an agreement with a public or private entity for the operation of a work program for juveniles committed to the Department.

B. The primary purpose of such work program shall be the training of such juveniles, not the production of goods or the rendering of service by juveniles committed to the Department. Such work programs also shall not interfere with or impact a juvenile's education program where the goal is achieving a high school diploma or its equivalent. The Board shall promulgate regulations governing the form and review process for proposed agreements.

C. Articles produced or manufactured and services provided by juveniles participating in such a work program may be purchased by any county, by any district of any county, city, or town and by any nonprofit organization, including volunteer emergency medical services agencies, fire departments, sheltered workshops and community service organizations. Such articles and services may

also be bought, sold or acquired by exchange on the open market through the participating public or private entity.

D. Revenues received from the sale of articles, as provided in subsection C, shall be deposited into a special fund established in the state treasury. Such funds shall be expended to support work programs for juveniles committed to the Department.

1993, cc. 460, 487; 1997, c. [639](#); 2011, c. [551](#); 2012, cc. [803](#), [835](#); 2015, cc. [502](#), [503](#).

#### **§ 66-25.1:1. Juvenile academic and career training**

The Director or his designee shall assess, in accordance with criteria established pursuant to § [66-25.1:3](#), whether a juvenile committed to the Department is an appropriate candidate for participation in a work release program, apprenticeship program, job enterprise program, or any other work experience opportunity located at or through the juvenile correctional center where the juvenile is placed.

2005, c. [648](#).

#### **§ 66-25.1:2. Career training and technical education programs**

A. With such funds as are made available for this purpose, the Department shall provide juveniles committed to the Department with opportunities to work and to participate in career training or technical education programs operated by the Department.

B. The Department may develop appropriate interagency linkages with state and local agencies, public and private institutions of education and of higher education, labor and industry councils, the business community, rehabilitative services providers, and employment and guidance services to assist juveniles in acquiring necessary work habits, developing marketable skills, and identifying career goals through a broad range of career opportunities and mentoring and apprenticeship programs. In providing career-related programs, training, and services, the Department may consult and cooperate with the Virginia Employment Commission and the Department of Labor and Industry. Work training opportunities may include business, industrial, agricultural, highway maintenance and construction, and work release programs as hereafter specified in this article. In addition, juveniles may be employed to improve, repair, work on, or cultivate public property or buildings.

2005, c. [648](#); 2012, cc. [803](#), [835](#).

#### **§ 66-25.1:3. Extending limits of confinement of state wards for work and educational programs; disposition of wages; penalties for violations**

A. The Director is authorized to establish work release programs, subject to such rules and regulations as the Board may prescribe, whereby (i) a juvenile who is proficient in any trade or occupation and who meets the work release criteria established by the Director, may be approved for employment by private individuals, corporations, or state agencies at places of business, or (ii) a juvenile who the Director is satisfied meets the work release criteria and is capable of receiving substantial benefit from educational and other related community activity programs that are not

available within a juvenile correctional center may attend such programs outside of the juvenile correctional facility.

B. The Director may contract with the superintendent of a local detention facility or home for the temporary placement of a committed juvenile who is deemed appropriate for participation in the programs or services provided by or through a certified post-dispositional program in that local detention facility or home. A juvenile who the Director is satisfied meets the work release criteria and is capable of receiving substantial benefit from educational programs, employment or other related community activity programs available at or through the local detention facility or home is eligible for placement in such local detention facility or home.

C. The compensation for such employment shall be arranged by the Director and shall be the same as that of regular employees in similar occupations. Any wages earned shall be paid to the Director. The Director shall, in accordance with regulations promulgated by the Board, deduct from such wages, in the following order of priority, an amount to:

1. Meet the obligation of any judicial or administrative order to provide support, and such funds shall be disbursed according to the terms of such order;
2. Pay any fines, restitution, or costs as ordered by the court; and
3. Pay travel and other such expenses made necessary by his work release employment or participation in an educational or rehabilitative program.

The balance shall be credited to the juvenile's account or sent to his family in an amount the juvenile chooses.

D. Any juvenile who has been placed in any of the programs authorized herein shall, while outside the juvenile correctional center or juvenile detention facility to which he is assigned, be deemed to be in custody whether or not he is under the supervision of a juvenile correctional officer. If the juvenile, without proper authority or without just cause, leaves the area in which he has been directed to work or to attend educational or community activity programs, or the vehicle or route involved in his traveling to or from such place or program, he may be found guilty of escape as provided for in § [18.2-477](#) as though he had left the secure facility as defined in § [16.1-228](#); or, if there are mitigating circumstances or the culpability of the juvenile is minimal, he may be found guilty of a Class 2 misdemeanor.

E. The Director and any superintendent or other administrative head of any local detention facility are authorized to enter into agreements whereby persons committed to the Department, whether such persons are housed in a juvenile correctional center or a local detention facility, and who meet the Department's standards for such release, may participate in local work release programs or in educational or other rehabilitative programs operating pursuant to this section. Any person so placed shall be governed by the rules and regulations applicable to local work release programs.

F. In the event that the juvenile is committed to the Department as a serious offender pursuant to § [16.1-285.1](#), the juvenile shall not be approved for placement in a work release program located outside of the juvenile correctional facility without written approval of the committing court.

2005, c. [648](#).

**§ 66-25.1:4. Work release furlough**

The Director may, subject to rules and regulations prescribed by the Board, extend the limits of confinement of any offender participating in a work release program that is subject to the Director's authority to permit the offender a furlough for the purpose of visiting his home or family. Such furlough shall be for a period to be prescribed by the Director, not to exceed three days.

In the event that the juvenile is committed to the Department as a serious offender pursuant to § [16.1-285.1](#), the juvenile shall not be approved for a furlough for the purpose of visiting his home or family without written approval of the committing court.

Any offender who, without proper authority or without just cause, fails to remain within the limits of confinement set by the Director hereunder, or fails to return within the time prescribed to the place designated by the Director in granting such authority, is guilty of a Class 1 misdemeanor, and shall be ineligible for further participation in a work release program during his current term of confinement. In the event such offender leaves the Commonwealth, the offender may be found guilty of an escape as provided in § [18.2-477](#).

2005, c. [648](#).

**§ 66-25.2. Notice to be given prior to release of serious offenders**

Prior to the release of any juvenile committed pursuant to § [16.1-285.1](#), the Department shall have notice of the release delivered by first-class mail to the court which committed the juvenile, to the last known address of any victim of the offense for which the juvenile was committed if such victim has submitted a written request for notification to the Department, and to the sheriff, chief of police, and attorney for the Commonwealth of the jurisdiction (i) in which the offense occurred, (ii) in which the juvenile resided prior to commitment, and (iii) if different from (i) and (ii), in which the juvenile intends to reside subsequent to being released.

1994, cc. [859](#), [949](#).

**§ 66-25.2:1. Director; notice to school superintendent prior to release of certain offenders**

The Director or designee shall notify the school division superintendent in the jurisdiction in which the juvenile will be enrolled upon release from a juvenile correctional center if the Director reasonably believes that the juvenile poses any credible danger of serious bodily injury or death to one or more students, school personnel, or others on school property. Such information shall include the nature of the danger. The information provided to a school division superintendent pursuant to this section may be disclosed only as provided in § [16.1-305.2](#).

2009, c. [276](#).

## Chapter 2.1 - JUVENILE CORRECTIONS PRIVATE MANAGEMENT ACT

### § 66-25.3. Definitions

As used in this chapter unless the context requires otherwise or it is otherwise provided:

"Correctional services" means the following functions, services and activities when provided within a juvenile correctional facility or otherwise:

1. Operation of facilities, including management, custody of juveniles and provision of security;
2. Food services, commissary, medical services, transportation, sanitation or other ancillary services;
3. Development and implementation assistance for classification, management information systems or other information systems or services;
4. Education, training and employment programs;
5. Recreational, religious and other activities; and
6. Counseling, special treatment programs, or other programs for special needs.

"Juvenile correction facility" or "center" or "facility" means any institution operated by or under the authority of the Department and shall include, whether obtained by purchase, lease, lease/purchase, construction, reconstruction, restoration, improvement, alteration, repair or other means, any physical betterment or improvement related to the housing of juveniles or any preliminary plans, studies or surveys relative thereto; land or rights to land; and any furnishings, machines, vehicles, apparatus, or equipment for use in connection with any juvenile correctional facility.

"Contractor" means any entity entering into or offering or proposing to enter into a contractual agreement to provide any juvenile correctional facility for or correctional services to juveniles under the custody of the Commonwealth.

1996, cc. [795](#), [942](#).

### § 66-25.4. State juvenile correctional facilities; private contracts

The Director, subject to any applicable regulations which may be promulgated by the Board pursuant to § [66-10](#), is hereby authorized to enter into contracts for the financing, site selection, design, acquisition, construction, maintenance, leasing, leasing/purchasing, management or operation of juvenile correctional facilities or any combination of those services subject to the requirements and limitations set out below.

1. Contracts entered into under the terms of this chapter shall be with an entity submitting an acceptable response pursuant to a request for proposals. An acceptable response shall be one which meets all the requirements in the request for proposals. However, no contract for juvenile correctional facilities or correctional services may be entered into unless the private contractor demonstrates to the satisfaction of the Director that it has:

- a. The qualifications, experience and management personnel necessary to carry out the terms of this contract;
- b. The financial resources to provide indemnification for liability arising from the management of juvenile correctional projects;
- c. Evidence of past performance of similar contracts; and
- d. The ability to comply with all applicable federal and state constitutional standards; federal, state, and local laws; court orders; and juvenile correctional standards.

2. Contracts awarded under the provisions of this chapter, including contracts for the provision of juvenile correctional services, the construction of juvenile correctional facilities, or for the lease, lease/purchase or use of public or private lands or buildings for use in the operation of facilities, may be entered into for a period of up to 30 years, subject to the requirements for annual appropriation of funds by the Commonwealth.

3. Contracts awarded under the provisions of this chapter shall, at a minimum, comply with the following:

- a. Provide for appropriate security to protect the public, employees and committed juveniles;
- b. Provide juveniles with work or training opportunities while incarcerated; however, the contractor shall not benefit financially from the labor of committed juveniles;
- c. Impose discipline on committed juveniles only in accordance with applicable regulations; and
- d. Provide proper food, clothing, housing and medical care for juveniles.

4. No contract for juvenile correctional facilities or juvenile correctional services shall be entered into unless the following requirements are met:

- a. The contractor provides audited financial statements for the previous five years or for each of the years the contractor has been in operation, if fewer than five years, and provides other financial information as requested; and
- b. The contractor provides an adequate plan of indemnification, specifically including indemnity for civil rights claims. The indemnification plan shall be adequate to protect the Commonwealth and public officials from all claims and losses incurred as a result of the contract. Nothing herein is intended to deprive a contractor or the Commonwealth of the benefits of any law limiting exposure to liability or setting a limit on damages.

5. No contract for juvenile correctional facilities or correctional services shall be executed by the Director nor shall any funds be expended for the contract unless:

- a. The proposed contract complies with any applicable regulations which may be promulgated by the Board pursuant to § [66-10](#);

- b. An appropriation for the facilities or the services to be provided under the contract has been expressly approved as is otherwise provided by law;
- c. The juvenile correctional facilities or the correctional services proposed by the contract are of at least the same quality as those routinely provided by the Department to similar types of committed juveniles;
- d. An evaluation of the proposed contract demonstrates a cost benefit to the Commonwealth when compared to alternative means of providing the facilities or the services through governmental agencies;
- e. If a contract for acquiring facilities requires or otherwise contemplates that the Commonwealth, whether subject to appropriation or not, will make payments beyond the current biennium that are expected to pay debt service on any bonds or other obligations issued to finance such facilities, regardless of the issuer thereof, then (i) the Treasury Board shall approve the terms and structure of such bonds or other obligations and (ii) the appropriation for such facilities acknowledges that payments for the acquisition of such facilities are expected to be made beyond the current biennium under a capital lease, lease/purchase, or similar arrangement. Any contract that is for two years or less, or is cancelable by the Commonwealth without cause after such a period, shall not be deemed a contract as described herein; and
- f. Nothing herein shall be construed to constitute a waiver for the Department or contractor from complying with the provisions of subdivision 4 of § [66-3](#).

1996, cc. [795](#), [942](#); 2012, cc. [803](#), [835](#).

**§ 66-25.5. Powers and duties not delegable to contractor**

No contract for juvenile correctional services shall authorize, allow, or imply a delegation of authority or responsibility of the Director to a contractor for any of the following:

1. Developing and implementing procedures for calculating release and parole eligibility dates for committed juveniles;
2. Approving juveniles for furlough and work release;
3. Approving the type of work juveniles may perform and the wages which may be given the juveniles engaging in such work;
4. Classifying a committed juvenile or placing a committed juvenile in less restrictive custody or more restrictive custody;
5. Transferring a committed juvenile; however, the contractor may make written recommendations regarding the transfer of a committed juvenile;
6. Formulating rules of behavior for committed juveniles, violations of which may subject committed juveniles to sanctions; however, the contractor may propose such rules to the Director for

his review and adoption, rejection, or modification as otherwise provided by law or regulation;  
and

7. Disciplining committed juveniles in any manner which requires a discretionary application of rules of behavior for committed juveniles or a discretionary imposition of a sanction for violations of such rules.

1996, cc. [795](#), [942](#).

**§ 66-25.6. Board shall promulgate regulations; local school board exemption**

A. The Board shall make, adopt and promulgate regulations governing the following aspects of private management and operation of juvenile correctional facilities:

1. Contingency plans for state operation of a contractor-operated facility in the event of a termination of the contract;
2. Use of physical force and mechanical restraint by the contractors' security personnel;
3. Methods of monitoring a contractor-operated facility by the Department or the Board;
4. Public access to a contractor-operated facility; and
5. Such other regulations as may be necessary to carry out the provisions of this chapter.

B. Nothing in this chapter shall be construed to require local school boards to provide educational services to juveniles while committed to a state juvenile correctional facility.

1996, cc. [795](#), [942](#).

**§ 66-25.7. Fixed-price or not-to-exceed-price design-build-operate and related contracts authorized**

Notwithstanding any other provisions of law to the contrary, but in accordance with the procedures consistent with those described in the Virginia Public Procurement Act (§ [2.2-4300](#) et seq.) for procurement of nonprofessional services through competitive negotiation, the Director may enter into design-build-operate contracts for juvenile correctional facilities on a fixed-price or not-to-exceed-price basis, including related leases, lease/purchase contracts, agreements relating to the sale of securities to finance such facilities, and similar financing agreements and agreements for correctional services. For the purposes of this section, "design-build-operate contract" means a contract between the Commonwealth and another party in which the party contracting with the Commonwealth agrees to (i) design, build and operate the juvenile correctional facility or (ii) design and build the juvenile correctional facility where the facility is to be operated by a third party.

The Director shall maintain adequate records to allow post-project evaluation.

1996, cc. [795](#), [942](#).

## **Chapter 3 - DELINQUENCY PREVENTION AND YOUTH DEVELOPMENT ACT**

### **§ 66-26. Delinquency prevention and youth development programs; agents**

The Director shall develop and supervise delinquency prevention and youth development programs in order that better services and coordination of services are provided to children. The Director shall have the authority to appoint necessary agents for the carrying out of these programs as may be needed. To this end the Director shall cooperate with state and local authorities in establishing and maintaining suitable delinquency prevention and youth development programs.

Code 1950, § 53-19.22:1; 1974, c. 496; 1979, c. 700; 1982, c. 636, § 53.1-251; 1989, c. 733 .

### **§ 66-27. Authority of Director to make grants to localities**

The Director is authorized to make grants to counties and cities pursuant to the provisions of this chapter to promote efficiency and economy in the delivery of youth services and to provide support to localities seeking to respond positively to the growing rate of juvenile delinquency.

Code 1950, § 53-335; 1979, c. 698; 1982, c. 636, § 53.1-252; 1989, c. 733 .

### **§ 66-28. Policies**

The Board shall prescribe policies governing applications for grants pursuant to this chapter and standards for the operation of programs developed and implemented under the grants. The Department shall cooperate with and seek the assistance of representatives of county and city governing bodies, private nonprofit youth service agencies and private citizens having expertise in the development and any subsequent revisions of the standards required by this section.

Code 1950, § 53-336; 1979, c. 698; 1982, c. 636, § 53.1-253; 1989, c. 733; 2000, c. [277](#).

### **§ 66-29. Ordinances to be enacted by participating localities; applications by localities for grants**

Prior to applying to the Director for a grant pursuant to this chapter, each governing body of a county or city which is to participate in the grant shall enact an appropriate ordinance or resolution which provides for the creation of a youth services citizen board pursuant to § [66-34](#).

Any county or city or combination thereof may apply to the Director for a grant pursuant to this chapter. The Director shall provide consultation and technical assistance, if requested, to localities in the development of applications for such grants. The Director shall approve or disapprove applicants for grants.

Code 1950, § 53-337; 1979, c. 698; 1982, c. 636, § 53.1-254; 1989, c. 733; 2000, c. [277](#).

### **§ 66-30. Renewal of grants; suspension for failure to comply with standards; notice and hearing**

Grants approved by the Director pursuant to § [66-29](#) shall be renewed subject to approval by the Director of an annual plan update for youth services submitted by the participating counties or cities.

If the Director determines that a program operating under an approved grant is not in compliance with minimum standards promulgated by the Board, he may suspend all or any portion of the grant until the required standards of operation are met.

Code 1950, § 53-338; 1979, c. 698; 1982, c. 636, § 53.1-255; 1989, c. 733; 1990, c. 679; 2000, c. [277](#).

### **§ 66-31. Funding; records to be kept by localities; use of funds**

A. Grants made to a county or city or combination thereof pursuant to this chapter shall be of an amount up to seventy-five percent of the total program budget for the proposed program for salaries and all other operating expenses including the lease of facilities, subject to funds provided by the General Assembly.

B. Each county and city receiving moneys under this chapter shall keep records of receipts and disbursements thereof which records shall be open for audit and evaluation by the appropriate state authorities.

C. Participating counties and cities may not use funds provided under this chapter to decrease those funds allocated by the governing body for existing citizen boards as provided for in § [66-34](#) hereof with the exception of those programs being funded by federal grant moneys.

Code 1950, § 53-339; 1979, c. 698; 1982, c. 636, § 53.1-256; 1989, c. 733 .

### **§ 66-32. Withdrawal from program**

Any participating county or city may, at the beginning of any calendar quarter, by ordinance or resolution of its governing authority, notify the Director of its intention to withdraw from the grant program. Such withdrawal shall be effective the last day of the quarter in which such notice is given.

Code 1950, § 53-340; 1979, c. 698; 1982, c. 636, § 53.1-257; 1989, c. 733 .

### **§ 66-33. Unexpended funds**

In any case in which any portion of state funds obtained through a grant authorized pursuant to this chapter remains unencumbered or unexpended at the end of the fiscal year, such funds shall be returned by the locality to the State Treasurer, who shall deposit such moneys in the state general fund.

Code 1950, § 53-341; 1979, c. 698; 1982, c. 636, § 53.1-258; 1989, c. 733 .

### **§ 66-34. Youth services citizen boards; appointment and qualifications of members**

Each county and city participating in a program funded by an approved grant shall be represented on a youth services citizen board. The board shall be appointed by the county or city governing body or combination thereof and may include in its membership representative elected officials, representatives of public and private agencies serving youths, citizens not employed by government or service agencies and at least one member who is below the age of eighteen years. A majority of the board shall be citizens who are not employed by government or service agencies

and who are not elected governmental officials. The board shall actively participate with community representatives in the formulation of a comprehensive plan for the development, coordination and evaluation of the youth services program and shall make formal recommendations to the governing authority or authorities at least annually concerning the comprehensive plan and its implementation during the ensuing year.

Code 1950, § 53-342; 1979, c. 698; 1982, c. 636, § 53.1-259; 1989, c. 733; 2000, c. [277](#).

### **§ 66-35. Responsibilities of local programs**

It shall be the responsibility of the local programs to:

1. Prepare and annually update a comprehensive plan based on an objective assessment of the community's youth development and delinquency prevention needs and resources;
2. Assist the locality in establishing and modifying programs and services to youth pursuant to § [16.1-309.3](#) on the basis of an objective assessment of the community's needs and resources;
3. Collaborate with public and private entities to maintain and disseminate an annual inventory of youth and parenting related services and programs available in the locality;
4. Collaborate with public and private entities to identify gaps in program services and identify potential funding sources to assist in developing programs to respond to identified gaps; and
5. Provide assistance to other community agencies and organizations, including the community policy and management team established pursuant to § [2.2-5204](#), in establishing and modifying programs and services to youth.

Code 1950, § 53-343; 1979, c. 698; 1982, c. 636, § 53.1-260; 1989, c. 733; 1992, cc. 837, 880; 1993, cc. 232, 283; 2000, c. [277](#).