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SENATE BILL NO. 588

Offered January 24, 2000

A BILL to amend and reenact §§ 16.1-309.3, 16.1-309.4, 16.1-309.5, 16.1-309.6, 16.1-309.7, 16.1-309.9, 16.1-309.10 and 66-10 of the Code of Virginia, relating to community-based system of services.

Patrons—Norment, Stolle and Stosch

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-309.3, 16.1-309.4, 16.1-309.5, 16.1-309.6, 16.1-309.7, 16.1-309.9, 16.1-309.10 and 66-10 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-309.3. Establishment of a community-based system of services; biennial local plan; quarterly report.

A. Any county, city or combination thereof may establish a community-based system pursuant to this article, which shall provide, or arrange to have accessible, a variety of predispositional and postdispositional services. These services may include, but are not limited to, diversion, community service, restitution, house arrest, intensive juvenile supervision, substance abuse assessment and testing, first-time offender programs, intensive individual and family treatment, structured day treatment and structured residential programs, aftercare/parole community supervision and residential and nonresidential services for juvenile offenders who are before intake on complaints or the court on petitions alleging that the juvenile is delinquent, in need of services or in need of supervision but shall not include secure detention for the purposes of this article. Such community-based systems shall be developed after consultation with the judge or judges of the juvenile and domestic relations district court, the director of the court services unit and the community policy and management team established under § 2.1-751.

B. Community-based services instituted pursuant to this article shall be administered by a county, city or combination thereof, and may be administered through a community policy and management team established under § 2.1-750 or a commission established under § 16.1-315 or a community criminal justice board under § 53.1-183. Such programs and services may be provided by qualified public or private agencies, pursuant to appropriate contracts. Any commission established under § 16.1-315 providing predispositional and postdispositional services prior to the enactment of this article which serves a member jurisdiction that is a city having a population between 135,000 and 165,000 shall directly receive, during the period fiscal year 1995 through fiscal year 2000, the proportion of funds calculated under § 16.1-309.7 on behalf of the owner localities. During the period fiscal year 1995 through fiscal year 2000, the funds received shall be allocated directly to the member localities. Any member locality which elects to withdraw from the commission shall be entitled to its full allocation as provided in §§ 16.1-309.6 and 16.1-309.7. The Department of Juvenile Justice Criminal Justice Services shall provide technical assistance to localities, upon request, for establishing or expanding programs or services pursuant to this article.

C. Funds provided to implement the provisions of this article shall not be used to supplant funds established as the state pool of funds under § 2.1-757.

D. Any county, city or combination thereof which establishes a community-based system pursuant to this article shall biennially submit to the State Criminal Justice Services Board for approval a local plan for the development, implementation and operation of such services, programs and facilities pursuant to this article. The State Criminal Justice Services Board shall solicit written comments on the plan from the judge or judges of the juvenile and domestic relations court and the director of the court services unit. Prior to the initiation of any new services, the plan shall also include a cost comparison for the private operation of such services.

E. Each locality shall report quarterly to the Director of Criminal Justice Services the number of child-care days service units registered during the preceding quarter by each juvenile correctional program or facility operated within such locality's plan from funds appropriated pursuant to this article.

§ 16.1-309.4. Statewide plan for juvenile services.

It shall be the duty of the Department of Juvenile Justice Criminal Justice Services, to devise, develop and promulgate a statewide plan for the establishment and maintenance of a range of institutional and community-based, diversion, predispositional and postdispositional services to be reasonably accessible to each court. The Department of Juvenile Justice's local court service units shall be responsible for the collection and dissemination of the required court data necessary for the development of the plan. The plan shall utilize the information provided by local plans submitted under

59 § 16.1-309.3. The plan shall be submitted to the Board of *Criminal Justice Services* on or before July 1
60 in odd-numbered years. The plan shall include a biennial forecast with appropriate annual updates as
61 may be required of future juvenile correctional center and detention home needs.

62 § 16.1-309.5. Construction, etc., of detention homes and other facilities; reimbursement in part by
63 Commonwealth.

64 A. The Commonwealth shall reimburse any county, city or any combination thereof for up to
65 one-half the cost of construction, enlargement, renovation, purchase or rental of a detention home or
66 other facilities upon a basis approved by the *State Board of Juvenile Justice* in accordance with the
67 provisions of this section.

68 B. The construction, renovation, purchase, rental, maintenance and operation of a detention home or
69 other facilities established by a county, city or any combination thereof and the necessary expenses
70 incurred in operating such facilities shall be the responsibility of the county, city or any combination
71 thereof.

72 C. The *State Board of Juvenile Justice* shall promulgate regulations to include criteria to serve as
73 guidelines in evaluating requests for such reimbursements and to ensure the geographically equitable
74 distribution of state funds provided for such purpose. Priority funding shall be given to
75 multijurisdictional initiatives. No such reimbursement for costs of construction shall be made, however,
76 unless the plans and specifications, including the need for additional personnel therefor, have been
77 submitted to the Governor and the construction has been approved by him. Such reimbursement shall be
78 paid by the State Treasurer out of funds appropriated to the Department of *Juvenile Justice*. In the event
79 that a county or city requests and receives financial assistance from other public fund sources outside
80 the provisions of this law, the total financial assistance and reimbursement shall not exceed the total
81 construction cost of the project exclusive of land and site improvement costs, and such funds shall not
82 be considered state funds.

83 § 16.1-309.6. How state appropriations for operating costs of Juvenile Community Crime Control Act
84 programs determined; notice of financial aid.

85 The Governor's proposed biennial budget shall include, for each fiscal year, an appropriation for
86 operating costs for Juvenile Community Crime Control Act programs. The proposed appropriation shall
87 include amounts for compensating counties, cities and combinations thereof which elect to establish a
88 system of community-based services pursuant to this article. Upon approval pursuant to the provisions of
89 this article, any county, city or combination thereof which utilized predispositional or postdispositional
90 block grant services or programs in fiscal year 1995 shall contribute an amount not less than the sum of
91 its fiscal year 1995 expenditures for child care day placements in predispositional and postdispositional
92 block grant alternatives to secure detention for implementation of its local plan. Such amount shall not
93 include any expenditures in fiscal year 1995 for secure detention and placements made pursuant to
94 § 2.1-757.

95 The Department of *Criminal Justice Services* shall review annually the costs of operating services,
96 programs and facilities pursuant to this article and recommend adjustments to maintain the
97 Commonwealth's proportionate share. The Department shall no later than the fifteenth day following
98 adjournment sine die of the General Assembly provide each county and city an estimate of funds
99 appropriated pursuant to this article. *The Department of Criminal Justice Services shall determine the*
100 *amount for each locality based on a needs assessment, establishment of program goals and objectives,*
101 *and a plan for evaluating the program submitted annually by each locality.*

102 § 16.1-309.7. Determination of payment.

103 A. The Commonwealth shall provide financial assistance to localities whose plans have been
104 approved pursuant to subsection D of § 16.1-309.3 in quarterly payments based on the annual calculated
105 costs which shall be determined as follows:

106 1. For community diversion services, one-half of the calculated costs as determined by the following
107 factors: (i) the statewide daily average costs for predispositional nonresidential services and (ii) the total
108 number of children in need of services and children in need of supervision complaints diverted at intake
109 by the locality in the previous year.

110 2. For predispositional community-based services, three-quarters of the calculated costs as determined
111 by the following factors: (i) the statewide daily average cost evenly divided for predispositional
112 community-based residential and nonresidential services and (ii) the number of arrests of juveniles based
113 on the locality's most recent year available Uniform Crime Reports for (a) one-third of all Part 1 crimes
114 against property, (b) one-third of all drug offenses and (c) all remaining Part 2 arrests.

115 4. For postdispositional community-based services for juveniles adjudicated delinquent for a second
116 or subsequent offense, one-half of the calculated costs as determined by the following factors: (i) the
117 statewide average daily costs evenly divided for postdispositional community-based residential and
118 nonresidential services and (ii) the locality's total number of court dispositions which, in the previous
119 year, adjudicated juveniles as (a) delinquent for a second or subsequent offense, (b) children in need of
120 services, or (c) children in need of supervision, less those juveniles receiving services under the

provisions of §§ 16.1-285.1 and 16.1-286.

B. Any moneys distributed by the Commonwealth under this article which are unexpended at the end of each fiscal year within a biennium shall be retained by the county, city or combination thereof and subsequently expended for operating expenses of Juvenile Community Crime Control Act programs. Any surplus funds remaining at the end of a biennium shall be returned to the state treasury.

§ 16.1-309.9. Establishment of standards; determination of compliance.

A. The ~~State Board of Juvenile Justice~~ *Criminal Justice Services Board* shall develop, promulgate and approve standards for the development, implementation, operation and evaluation of the range of community-based programs ~~funded through the Virginia Juvenile Community Crime Control Act~~, services and facilities authorized by this article. ~~The State Board shall also approve minimum standards for the construction and equipment of detention homes or other facilities and for food, clothing, medical attention, and supervision of juveniles to be housed in these facilities and programs.~~

B. ~~The State Board may prohibit, by its order, the placement of juveniles in any place of residence which does not comply with the minimum standards. It may limit the number of juveniles to be detained or housed in a detention home or other facility and may designate some other place of detention or housing for juveniles who would otherwise be held therein.~~

~~C. B.~~ The Department of Juvenile Justice and the Department of Criminal Justice Services shall periodically review all services established and annually review expenditures made under this article to determine compliance with the approved local plans and operating standards. ~~If the Department determines it is determined that a program is not in substantial compliance with the approved plan or standards, the Department may suspend all or any portion of financial aid made available to the locality may be suspended until there is compliance.~~

~~D. C.~~ Orders of the ~~State Board of Juvenile Justice~~ *Criminal Justice Services Board* shall be enforced by circuit courts as is provided for the enforcement of orders of the State Board of Corrections under § 53.1-70.

§ 16.1-309.10. Visitation and management of detention homes; other facilities; reports of superintendent.

In the event that a detention home, group home or other residential care facility for children in need of services or delinquent or alleged delinquent youth is established by a county, city, or any combination thereof, it shall be subject to visitation, inspection and regulation by the State Board of Juvenile Justice or its agents, and shall be furnished and operated so far as possible as a family home under the management of a superintendent. It shall be the duty of the superintendent to furnish the Department of Juvenile Justice such reports and other statistical data relating to the operation of such detention homes, group homes or other residential care facilities for children in need of services or delinquent or alleged delinquent youth as may be required by the Director of the Department of Juvenile Justice.

§ 66-10. Powers and duties of Board.

The Board shall have the following powers and duties:

1. To develop and establish programmatic and fiscal policies governing the operation of programs and facilities for which the Department is responsible under this law.

2. To ensure the development and implementation of a long-range youth services policy.

3. To review and comment on all budgets and requests for appropriations for the Department prior to their submission to the Governor and on all applications for federal funds.

4. To monitor the activities of the Department and its effectiveness in implementing the policies of the Board.

5. To advise the Governor, Director and the General Assembly on matters relating to youth services.

6. To promulgate such regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth administered by the Director or the Department. The Board of Juvenile Justice may adopt such Board of Corrections' regulations and standards as it may deem appropriate. If regulations and standards so adopted are not amended substantively by the Board of Juvenile Justice, such Board need not comply with the provisions of Article 2 (§ 9-6.14:7.1 et seq.) of Chapter 1.1:1 of Title 9.

7. To ensure the development of programs to educate citizens and elicit public support for the activities of the Department.

8. To establish length-of-stay guidelines for juveniles indeterminately committed to the Department and to make such guidelines available for public comment.

9. *To approve a biennial plan with appropriate annual updates for state and local secure facilities to be reasonably accessible to each court. The plan shall include a biennial forecast with appropriate annual updates as may be required of future juvenile correctional center and detention home needs.*

10. *To approve minimum standards for programs funded through the Department of Juvenile Justice and for the construction and equipment of detention homes or other facilities and for food, clothing, medical attention, and supervision of juveniles to be housed in these facilities and programs.*

182 11. To prohibit, in its discretion and by its order, the placement of juveniles in any place of
183 residence which does not comply with the minimum standards. It may limit the number of juveniles to be
184 detained or housed in a detention home or other facility and may designate some other place of
185 detention or housing for juveniles who would otherwise be held therein.

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