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## SENATE BILL NO. 215

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rehabilitation and Social Services  
on February 5, 2016)

(Patron Prior to Substitute—Senator Favola)

A *BILL to amend the Code of Virginia by adding in Article 13 of Chapter 11 of Title 16.1 a section numbered 16.1-322.01 and by adding a section numbered 66-13.2, relating to juvenile facilities; room segregation; regulations.*

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 13 of Chapter 11 of Title 16.1 a section numbered 16.1-322.01 and by adding a section numbered 66-13.2 as follows:**

**§ 16.1-322.01. Juvenile detention homes; room segregation.**

A. As used in this section, "room segregation" means the involuntary restriction of a resident alone in a room or other area, including the resident's own room, except during normal sleeping hours.

B. The Board shall, in consultation with experts in the fields of mental health and juvenile justice and child-rights advocates, promulgate regulations on the use of room segregation in juvenile detention homes. Such regulations shall:

1. Include relevant definitions, criteria for use of room segregation, frequency of required room checks, training requirements for staff, and follow-up requirements after using room segregation to ensure positive resident outcomes, as applicable;

2. Allow the use of room segregation only when other less restrictive options have been exhausted and only for the purpose of (i) modifying the resident's negative behavior; (ii) holding the resident accountable for a violation of a rule of the facility; (iii) ensuring the safety of the resident, staff, or others; or (iv) ensuring the security of the facility;

3. Allow the use of room segregation only for the minimum amount of time required to address the resident's negative behavior, rule violation, or threat and require that the resident be returned to the general population as soon as reasonably possible;

4. Provide to the resident a means of communication with staff during room segregation;

5. Specify, if a resident in room segregation exhibits self-injurious behavior, when and under what conditions staff shall consult with a mental health professional and monitor the resident as directed by the mental health professional; and

6. Detail the circumstances under which the director of the juvenile detention home or his designee shall develop a plan for improved behavioral outcomes for the resident.

**§ 66-13.2. Juvenile correctional facilities; room segregation.**

A. As used in this section, "room segregation" means the involuntary restriction of a resident alone in a room or other area, including the resident's own room, except during normal sleeping hours.

B. The Board shall, in consultation with experts in the fields of mental health and juvenile justice and child-rights advocates, promulgate regulations on the use of room segregation in juvenile correctional facilities. Such regulations shall:

1. Include relevant definitions, criteria for use of room segregation, frequency of required room checks, training requirements for staff, and follow-up requirements after using room segregation to ensure positive resident outcomes, as applicable;

2. Allow the use of room segregation only when other less restrictive options have been exhausted and only for the purpose of (i) modifying the resident's negative behavior; (ii) holding the resident accountable for a violation of a rule of the facility; (iii) ensuring the safety of the resident, staff, or others; or (iv) ensuring the security of the facility;

3. Allow the use of room segregation only for the minimum amount of time required to address the resident's negative behavior, rule violation, or threat and require that the resident be returned to the general population as soon as reasonably possible;

4. Provide to the resident a means of communication with staff during room segregation;

5. Specify, if a resident in room segregation exhibits self-injurious behavior, when and under what conditions staff shall consult with a mental health professional and monitor the resident as directed by the mental health professional; and

6. Detail the circumstances under which the director of the juvenile correctional facility or his designee shall develop a plan for improved behavioral outcomes for the resident.

**2. That the Board of Juvenile Justice shall publish proposed regulations pursuant to §§ 16.1-322.01 and 66-13.2 of the Code of Virginia, as created by this act, and clarification of regulations on the use of room segregation in juvenile correctional facilities and juvenile detention homes existing prior to the effective date of this act by July 1, 2017.**