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HOUSE BILL NO. 2518

Offered January 8, 2003

Prefiled January 8, 2003

A BILL to amend and reenact §§ 16.1-233, 16.1-235, and 16.1-236 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 16.1-236.1, relating to court services units; personnel.

Patron—McDonnell

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-233, 16.1-235, and 16.1-236 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 16.1-236.1 as follows:

§ 16.1-233. Department to develop court services; court services units; appointment and removal of employees; salaries.

A. Within funds appropriated for the purpose, it shall be a function of the Department to develop and operate, except as hereinafter provided, probation, parole and other court services for juvenile and domestic relations district courts in order that all children coming within the jurisdiction of such courts throughout the Commonwealth shall receive the fullest protection of the court. To this end the Director is empowered to may establish court services units in his the department. The Director shall appoint such employees as he may find to be necessary to carry out properly the responsibilities of the Department relative to the development, supervision and operation of probation, parole and other court services throughout the Commonwealth as set forth in this chapter.

B. The salaries of the persons employed pursuant to this section shall be paid out of funds appropriated for such purpose to the Department of Juvenile Justice. The Director and such employees as he may find necessary to carry out properly the responsibilities of the Department pursuant to subsection A of this section shall have access to all probation offices, other social services and to their records.

C. The State Board shall establish minimum standards for court service staffs and related supportive personnel and promulgate regulations pertaining to their appointment and function to the end that uniform services, insofar as is practical, will be available to juvenile and domestic relations district courts throughout the Commonwealth. In counties or cities now served by regional juvenile and domestic relations courts or where specialized court service units are not provided, and in any county or city which provided specialized services on June 30, 1973, that requests the development of a court service unit, appointment to positions in such units shall be based on merit as provided in Chapter 29 the Virginia Personnel Act (§ 2.2-2900 et seq.) of Title 2-2.

D. No person shall be assigned to or discharged from the state-operated court service staff of a juvenile and domestic relations district court except as provided in Chapter 29 of Title 2-2, nor without the prior mutual approval of the judge thereof and the Director. However, the chief judge of any such court the Virginia Personnel Act (§ 2.2-2900 et seq.). The Director shall be empowered, have the authority, for good cause, after consulting with the judge or judges of that juvenile and domestic relations district court and after due notice and opportunity to be heard, to order the transfer, demotion or separation of any person from the court service staff of his court, and the Director shall likewise be empowered to order such transfer or separation subject only to the limitations of Chapter 29 of Title 2-2 the Virginia Personnel Act.

§ 16.1-235. How probation, parole and related court services provided.

Probation, parole and related court services shall be provided through the following means:

A. State court service units. - The Department shall develop and operate probation, parole and related court services in counties or cities heretofore served by regional juvenile and domestic relations district courts and where specialized probation, parole and related court services were not provided as of July 1, 1973, and make such services available to juvenile and domestic relations district courts, as required by this chapter and by regulations established by the Board. All other counties or cities may request the development of a state-operated court service unit with the approval of their governing bodies after consultation with the chief judge of the juvenile and domestic relations district court of such jurisdiction. In counties or cities now served by regional juvenile and domestic relations district courts and where specialized probation, parole and related court services were not provided as of July 1, 1973, the judge or judges of the juvenile and domestic relations district court may from a list of eligibles certified by the Director appoint one or more suitable persons as probation and parole officers and related court service

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59 personnel in accordance with established qualifications and regulations.

60 B. Local units. - In counties and cities providing specialized court services as of July 1, 1973, who
61 do not request the development of a state-operated court service unit, ~~the chief judge or judges of the~~
62 ~~juvenile and domestic relations district court may, from a list of eligibles certified by the Director or by~~
63 the governing body or bodies of the district *shall* appoint one or more suitable persons as probation and
64 parole officers and related court service personnel in accordance with established qualifications and
65 regulations and shall develop and operate probation, parole, detention and related court services.

66 *The transfer, demotion, or separation of probation officers and related court service personnel*
67 *appointed pursuant to this subsection shall be under the authority of the governing body or bodies of*
68 *the district and shall be only for good cause shown, after consulting with the judge or judges of that*
69 *juvenile and domestic relations district court, and after due notice and opportunity to be heard.*

70 C. A county or city that is providing court services through a state-operated court services unit, with
71 the approval of its governing body after consultation with the chief judge of the juvenile and domestic
72 relations district court of the jurisdiction, may cease providing services through a state-operated court
73 services unit and commence operation as a local unit, subject to all laws, regulations, policies and
74 procedures applicable to a local unit.

75 § 16.1-236. Supervisory officers.

76 In any court where more than one probation or parole officer or other court services staff has been
77 appointed under the provisions of this law, one or more probation or parole officers may be designated
78 to serve in a supervisory position, *other than court services unit director*, by the ~~chief judge of the~~
79 ~~juvenile and domestic relations district court~~ Director, if it is a state-operated court services unit, or by
80 the local governing body, if it is a locally operated court services unit.

81 The transfer ~~or~~, demotion, or separation of supervisory officers, *other than court services unit*
82 *directors*, of state court service units shall be ~~made~~ under the authority of the Director and shall be only
83 for good cause shown, *after consulting with the judge or judges of that juvenile and domestic relations*
84 *district court, and in accordance with Chapter 29 the Virginia Personnel Act, (§ 2.2-2900 et seq.) of*
85 ~~Title 2-2~~. The transfer ~~or~~, demotion or separation of supervisory officers of local court service units
86 shall be ~~made~~ under the authority of the local governing body and shall be only for good cause shown,
87 after consulting with the judge or judges of that juvenile and domestic relations district court and after
88 due notice and opportunity to be heard.

89 § 16.1-236.1. Court services unit directors.

90 A. State-operated court services units. A court services unit director shall be designated for each
91 state-operated court services unit. The judge or judges of the juvenile and domestic relations district
92 court shall, from a list of eligible persons submitted by the Director appoint one court services unit
93 director for the state-operated court services unit serving that district court. The list of eligible persons
94 shall be developed in accordance with state personnel laws and regulations, and Department policies
95 and procedures.

96 If any list of eligible persons submitted by the Director is unsatisfactory to the judge or judges, the
97 judge or judges may request the Director to submit a new list containing the names of additional
98 eligible persons. Upon such request by the judge or judges, the Director shall develop and submit a new
99 list of eligible persons in accordance with state personnel laws and regulations, and Department
100 policies and procedures.

101 The transfer, demotion, or separation of a court services unit director, appointed pursuant to this
102 subsection shall be under the authority of the Director and shall be only for good cause shown, after
103 consulting with the judge or judges of that juvenile and domestic relations district court, and in
104 accordance with the Virginia Personnel Act (§ 2.2-2900 et seq.).

105 B. Locally operated court services units. A court services unit director shall be designated for each
106 locally operated court services unit. The judge or judges of the juvenile and domestic relations district
107 court shall, from a list of eligible persons submitted by the governing body or bodies of the district,
108 appoint one court services unit director for the locally operated court services unit serving that district
109 court. The list of eligible persons shall be in accordance with locally established qualifications that are
110 consistent with state personnel laws and regulations, and Department policies and procedures.

111 If any list of eligible persons submitted by the governing body or bodies of the district is
112 unsatisfactory to the judge or judges, the judge or judges may request the governing body or bodies to
113 submit a new list containing the names of additional eligible persons. Upon such request by the judge
114 or judges, the governing body or bodies shall develop and submit a new list of eligible persons in
115 accordance with locally established qualifications that are consistent with state personnel laws and
116 regulations, and Department policies and procedures.

117 The transfer, demotion, or separation of a court services unit director appointed pursuant to this
118 subsection shall be under the authority of the local governing body or bodies and shall be only for good
119 cause shown after consulting with the judge or judges of that juvenile and domestic relations district
120 court.