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SENATE BILL NO. 272

Offered January 8, 2014

Prefiled January 5, 2014

A BILL to amend and reenact § 66-20 of the Code of Virginia, relating to Department of Juvenile Justice; use of isolation and restraint.

Patron—Favola

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That § 66-20 of the Code of Virginia is amended and reenacted as follows:

§ 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. *The Department, state hospital, training center, or treatment facility shall not isolate or physically restrain any child unless it is necessary to protect the child's health or the health of other children.*

INTRODUCED

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