

LD1172384

HOUSE BILL NO. 1766

Offered January 18, 1995

A BILL to amend and reenact §§ 16.1-278.5, as is currently effective and as may become effective, of the Code of Virginia, relating to suspension of driver's licenses of certain children.

Patrons—Nixon, Albo, Cox, Hamilton and Wardrup

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-278.5, as is currently effective and as may become effective, is amended and reenacted as follows:

§ 16.1-278.5. (For effective date - See note) Children in need of supervision.

A. If a child is found to be in need of supervision, the court shall, before final disposition of the case, direct the appropriate public agency to evaluate the child's service needs using an interdisciplinary team approach. The team shall consist of qualified personnel who are reasonably available from the appropriate department of social services, community services board, local school division, court service unit and other appropriate and available public and private agencies and may be the family assessment and planning team established pursuant to § 2.1-753. A report of the evaluation shall be filed as provided in § 16.1-274 A.

B. The court may make any of the following orders of disposition for the supervision, care and rehabilitation of the child:

1. Enter any order of disposition authorized by § 16.1-278.4 for a child found to be in need of services;

2. Place the child on probation under such conditions and limitations as the court may prescribe;

3. Order the child and/or his parent to participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as the court may order and as are designed for the rehabilitation of the child;

4. Require the child to participate in a public service project under such conditions as the court may prescribe; or

5. a. Beginning July 1, 1992, in the case of any child subject to compulsory school attendance as provided in § 22.1-254, where the court finds that the child's parent is in violation of §§ 22.1-254, 22.1-255, 22.1-265, or § 22.1-267, in addition to any penalties provided in § 22.1-263 or § 22.1-265, the court may order the parent with whom the child is living to participate in such programs, cooperate in such treatment, or be subject to such conditions and limitations as the court may order and as are designed for the rehabilitation of the child and/or the parent. Upon the failure of the parent to so participate or cooperate, or to comply with the conditions and limitations that the court orders, the court may impose a fine of not more than \$100 for each day in which the person fails to comply with the court order.

b. If the court finds that the parent has willfully disobeyed a lawful process, judgment, decree, or court order requiring such person to comply with the compulsory school attendance law, in addition to any conditions or limitations that the court may order or any penalties provided by §§ 16.1-278.2 through 16.1-278.19, § 22.1-263 or § 22.1-265, the court may impose the penalty authorized by § 18.2-371; or

6. Suspend, restrict, or deny the issuance of a driver's license of or to any child found to have five or more unexcused absences from school in any one school year. Any suspension shall be for a period of no less than 120 days and no more than one year from the date of the court order or, in the case of the denial of a driver's license, from the date the child would otherwise be eligible for such driver's license.

The court may authorize the use by the child of a restricted permit to operate a motor vehicle for travel to and from school upon a demonstration that school bus transportation is unavailable. Only an abstract of the court order which identifies the child and the conditions under which the restricted license is to be issued shall be sent to the Department of Motor Vehicles, which shall preserve a record thereof. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1 or the provisions of Title 46.2, this record shall be available only to all law-enforcement officers, attorneys for the Commonwealth, and courts. A copy of the court order, upon which shall be noted all restrictions, shall be provided to the child and shall contain such information regarding the child as is reasonably necessary to identify him. The child may operate a motor vehicle under the terms of the court order.

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60 *The driver's license of any child who operates a motor vehicle while his license is suspended or in*
61 *violation of any restrictions imposed pursuant to this section shall be suspended for an additional twelve*
62 *months. Subsequent violations shall result in revocation of the child's driver's license.*

63 *The Department of Motor Vehicles shall refuse to issue a driver's license to any child denied a*
64 *driver's license pursuant to this section until such time as is stipulated in the court order or until*
65 *notification by the court of withdrawal of the order imposing the restriction.*

66 C. Any order entered pursuant to this section shall be provided in writing to the child, his parent or
67 legal custodian, and to the child's attorney and shall contain adequate notice of the provisions of
68 § 16.1-292 regarding willful violation of such order.

69 § 16.1-278.5. (Delayed effective date - See notes) Children in need of supervision.

70 A. If a child is found to be in need of supervision, the court shall, before final disposition of the
71 case, direct the appropriate public agency to evaluate the child's service needs using an interdisciplinary
72 team approach. The team shall consist of qualified personnel who are reasonably available from the
73 appropriate department of social services, community services board, local school division, court service
74 unit and other appropriate and available public and private agencies and may be the family assessment
75 and planning team established pursuant to § 2.1-753. A report of the evaluation shall be filed as
76 provided in § 16.1-274 A.

77 B. The court may make any of the following orders of disposition for the supervision, care and
78 rehabilitation of the child:

79 1. Enter any order of disposition authorized by § 16.1-278.4 for a child found to be in need of
80 services;

81 2. Place the child on probation under such conditions and limitations as the court may prescribe;

82 3. Order the child and/or his parent to participate in such programs, cooperate in such treatment or
83 be subject to such conditions and limitations as the court may order and as are designed for the
84 rehabilitation of the child;

85 4. Require the child to participate in a public service project under such conditions as the court may
86 prescribe; or

87 5. a. In the case of any child subject to compulsory school attendance as provided in § 22.1-254,
88 where the court finds that the child's parent is in violation of §§ 22.1-254, 22.1-255, 22.1-265, or
89 § 22.1-267, in addition to any penalties provided in § 22.1-263 or § 22.1-265, the court may order the
90 parent with whom the child is living to participate in such programs, cooperate in such treatment, or be
91 subject to such conditions and limitations as the court may order and as are designed for the
92 rehabilitation of the child and/or the parent. Upon the failure of the parent to so participate or cooperate,
93 or to comply with the conditions and limitations that the court orders, the court may impose a fine of
94 not more than \$100 for each day in which the person fails to comply with the court order.

95 b. If the court finds that the parent has willfully disobeyed a lawful process, judgment, decree, or
96 court order requiring such person to comply with the compulsory school attendance law, in addition to
97 any conditions or limitations that the court may order or any penalties provided by §§ 16.1-278.2
98 through 16.1-278.19, § 22.1-263 or § 22.1-265, the court may impose the penalty authorized by
99 § 18.2-371; or

100 6. *Suspend, restrict, or deny the issuance of a driver's license of or to any child found to have five*
101 *or more unexcused absences from school in any one school year. Any suspension shall be for a period*
102 *of no less than 120 days and no more than one year from the date of the court order or, in the case of*
103 *the denial of a driver's license, from the date the child would otherwise be eligible for such driver's*
104 *license.*

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106 *travel to and from school upon a demonstration that school bus transportation is unavailable. Only an*
107 *abstract of the court order which identifies the child and the conditions under which the restricted*
108 *license is to be issued shall be sent to the Department of Motor Vehicles, which shall preserve a record*
109 *thereof. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1 or*
110 *the provisions of Title 46.2, this record shall be available only to all law-enforcement officers, attorneys*
111 *for the Commonwealth, and courts. A copy of the court order, upon which shall be noted all*
112 *restrictions, shall be provided to the child and shall contain such information regarding the child as is*
113 *reasonably necessary to identify him. The child may operate a motor vehicle under the terms of the*
114 *court order.*

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