

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 16.1-278.5, as it is currently effective and as it may become effective,*  
3 *of the Code of Virginia, relating to suspension of driver's licenses of certain children.*

4 [H 230]

5 Approved

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

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

9 § 16.1-278.5. Children in need of supervision.

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

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

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

21 2. Place the child on probation under such conditions and limitations as the court may prescribe  
22 *including suspension of the child's driver's license upon terms and conditions which may include the*  
23 *issuance of a restricted license for those purposes set forth in subsection E of § 18.2-271.1;*

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

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

29 5. a. Beginning July 1, 1992, in the case of any child subject to compulsory school attendance as  
30 provided in § 22.1-254, where the court finds that the child's parent is in violation of §§ 22.1-254,  
31 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  
32 court may order the parent with whom the child is living to participate in such programs, cooperate in  
33 such treatment, or be subject to such conditions and limitations as the court may order and as are  
34 designed for the rehabilitation of the child and/or the parent. Upon the failure of the parent to so  
35 participate or cooperate, or to comply with the conditions and limitations that the court orders, the court  
36 may impose a fine of not more than \$100 for each day in which the person fails to comply with the  
37 court order.

38 b. If the court finds that the parent has willfully disobeyed a lawful process, judgment, decree, or  
39 court order requiring such person to comply with the compulsory school attendance law, in addition to  
40 any conditions or limitations that the court may order or any penalties provided by §§ 16.1-278.2  
41 through 16.1-278.19, § 22.1-263 or § 22.1-265, the court may impose the penalty authorized by  
42 § 18.2-371.

43 C. Any order entered pursuant to this section shall be provided in writing to the child, his parent or  
44 legal custodian, and to the child's attorney and shall contain adequate notice of the provisions of  
45 § 16.1-292 regarding willful violation of such order.

46 § 16.1-278.5. (Delayed effective date) Children in need of supervision.

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

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

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

57 services;

58 2. Place the child on probation under such conditions and limitations as the court may prescribe  
59 *including suspension of the child's driver's license upon terms and conditions which may include the*  
60 *issuance of a restricted license for those purposes set forth in subsection E of § 18.2-271.1;*

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

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

66 5. a. In the case of any child subject to compulsory school attendance as provided in § 22.1-254,  
67 where the court finds that the child's parent is in violation of §§ 22.1-254, 22.1-255, 22.1-265, or  
68 § 22.1-267, in addition to any penalties provided in § 22.1-263 or § 22.1-265, the court may order the  
69 parent with whom the child is living to participate in such programs, cooperate in such treatment, or be  
70 subject to such conditions and limitations as the court may order and as are designed for the  
71 rehabilitation of the child and/or the parent. Upon the failure of the parent to so participate or cooperate,  
72 or to comply with the conditions and limitations that the court orders, the court may impose a fine of  
73 not more than \$100 for each day in which the person fails to comply with the court order.

74 b. If the court finds that the parent has willfully disobeyed a lawful process, judgment, decree, or  
75 court order requiring such person to comply with the compulsory school attendance law, in addition to  
76 any conditions or limitations that the court may order or any penalties provided by §§ 16.1-278.2  
77 through 16.1-278.19, § 22.1-263 or § 22.1-265, the court may impose the penalty authorized by  
78 § 18.2-371 C. Any order entered pursuant to this section shall be provided in writing to the child, his  
79 parent or legal custodian, and to the child's attorney and shall contain adequate notice of the provisions  
80 of § 16.1-292 regarding willful violation of such order.