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HOUSE BILL NO. 230

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on January 26, 1996)

(Patron Prior to Substitute—Delegate Nixon)

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

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-278.5, as it is currently effective and as it 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 including suspension of the child's driver's license upon terms and conditions which may include the issuance of a restricted license for those purposes set forth in subsection E of § 18.2-271.1;

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

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

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

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

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61 *including suspension of the child's driver's license upon terms and conditions which may include the*
62 *issuance of a restricted license for those purposes set forth in subsection E of § 18.2-271.1;*
63 3. Order the child and/or his parent to participate in such programs, cooperate in such treatment or
64 be subject to such conditions and limitations as the court may order and as are designed for the
65 rehabilitation of the child;
66 4. Require the child to participate in a public service project under such conditions as the court may
67 prescribe; or
68 5. a. In the case of any child subject to compulsory school attendance as provided in § 22.1-254,
69 where the court finds that the child's parent is in violation of §§ 22.1-254, 22.1-255, 22.1-265, or
70 § 22.1-267, in addition to any penalties provided in § 22.1-263 or § 22.1-265, the court may order the
71 parent with whom the child is living to participate in such programs, cooperate in such treatment, or be
72 subject to such conditions and limitations as the court may order and as are designed for the
73 rehabilitation of the child and/or the parent. Upon the failure of the parent to so participate or cooperate,
74 or to comply with the conditions and limitations that the court orders, the court may impose a fine of
75 not more than \$100 for each day in which the person fails to comply with the court order.
76 b. If the court finds that the parent has willfully disobeyed a lawful process, judgment, decree, or
77 court order requiring such person to comply with the compulsory school attendance law, in addition to
78 any conditions or limitations that the court may order or any penalties provided by §§ 16.1-278.2
79 through 16.1-278.19, § 22.1-263 or § 22.1-265, the court may impose the penalty authorized by
80 § 18.2-371C. Any order entered pursuant to this section shall be provided in writing to the child, his
81 parent or legal custodian, and to the child's attorney and shall contain adequate notice of the provisions
82 of § 16.1-292 regarding willful violation of such order.