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HOUSE BILL NO. 251

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations on February 12, 1996)

(Patron Prior to Substitute—Delegate Jones, J.C.)

A BILL to amend and reenact §§ 2.1-116.08, 9-169, 16.1-227, 16.1-248.1, 16.1-249, 16.1-261, 16.1-274.1, 16.1-284, 16.1-284.1, 16.1-285, 16.1-285.1, 16.1-285.2, 16.1-290, 16.1-301, 16.1-303, 16.1-305.1, 16.1-308, 16.1-309.4, 18.2-473, 19.2-3.1, 19.2-311, 19.2-388, 19.2-389, 19.2-389.1, 19.2-390, 19.2-392.01, 22.1-209.1:2, 22.1-344, 29.1-317, 53.1-66, 66-10, 66-13 and 66.24 of the Code of Virginia, and §§ 16.1-228, 16.1-241, 16.1-255, 16.1-256, 16.1-260, 16.1-263, 16.1-269.1, 16.1-269.3, 16.1-269.4, 16.1-269.6, 16.1-272, 16.1-278.8, 16.1-293, 16.1-299, 16.1-302, 16.1-305, 16.1-307 and 16.1-309 of the Code of Virginia, as they are currently effective and as they may become effective and to amend the Code of Virginia by adding sections numbered 16.1-248.2, 16.1-299.1, 16.1-302.1, 22.1-277.3, 22.1-277.4 and 53.1-63.1, relating to juvenile offenders; trial as adults; record information concerning juveniles; powers of the Department of Youth and Family Services; mental health screening for certain juveniles; duration of commitment; notice to victims; penalty.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-116.08, 9-169, 16.1-227, 16.1-248.1, 16.1-249, 16.1-261, 16.1-274.1, 16.1-284, 16.1-284.1, 16.1-285, 16.1-285.1, 16.1-285.2, 16.1-290, 16.1-301, 16.1-303, 16.1-305.1, 16.1-308, 16.1-309.4, 18.2-473, 19.2-3.1, 19.2-311, 19.2-388, 19.2-389, 19.2-389.1, 19.2-390, 19.2-392.01, 22.1-209.1:2, 22.1-344, 29.1-317, 53.1-66, 66-10, 66-13 and 66.24 of the Code of Virginia, and §§ 16.1-228, 16.1-241, 16.1-255, 16.1-256, 16.1-260, 16.1-263, 16.1-269.1, 16.1-269.3, 16.1-269.4, 16.1-269.6, 16.1-272, 16.1-278.8, 16.1-293, 16.1-299, 16.1-302, 16.1-305, 16.1-307 and 16.1-309 of the Code of Virginia, as they are currently effective and as they may become effective are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 16.1-248.2, 16.1-299.1, 16.1-302.1, 22.1-277.3, 22.1-277.4 and 53.1-63.1 as follows:

§ 2.1-116.08. Certain employees of the Departments of Corrections and Youth and Family Services.

A. Employees of the Departments of Corrections and Youth and Family Services who work in institutions or learning juvenile correctional centers or have client, inmate, or resident contact and who are terminated on the grounds of client, inmate, or resident abuse, criminal conviction, or as a result of being placed on probation under the provisions of § 18.2-251, may appeal their termination only through the grievance resolution steps.

B. If no resolution is reached by the conclusion of the last grievance step, the employee may advance the grievance to the circuit court of the jurisdiction in which the grievance occurred for a de novo hearing on the merits. In its discretion, the court may refer the matter to a commissioner in chancery to take such evidence as may be proper and to make a report to the court. Both the grievant and the respondent may call upon appropriate witnesses and be represented by legal counsel or other representatives before the court or the commissioner in chancery. Such representatives may examine, cross-examine, question and present evidence on behalf of the grievant or respondent before the court or commissioner in chancery without being in violation of the provisions of § 54.1-3904.

C. A termination shall be upheld unless shown to have been unwarranted by the facts or contrary to law or policy. The decision of the court shall be final and binding.

§ 9-169. Definitions.

The following words, whenever used in this chapter, or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, shall have the following meanings, unless the context otherwise requires:

1. "Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

2. "Board" means the Criminal Justice Services Board.

3. "Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so and (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities employs officers appointed under § 15.1-144, or special conservators of the peace or special policemen appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers, special conservators or special policemen to meet compulsory training standards established by the Criminal

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60 Justice Services Board and submits reports of compliance with the training standards and (b) the private
 61 corporation or agency complies with the provisions of Article 3 (§ 9-184 et seq.) of Chapter 27 of Title
 62 9 but only to the extent that the private corporation or agency so designated as a "criminal justice
 63 agency" performs criminal justice activities.

64 4. "Criminal history record information" means records and data collected by criminal justice
 65 agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions,
 66 indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall
 67 not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title
 68 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional
 69 status information.

70 5. "Correctional status information" means records and data concerning each condition of a convicted
 71 person's custodial status, including probation, confinement, work release, study release, escape, or
 72 termination of custody through expiration of sentence, parole, pardon, or court decision.

73 6. "Criminal justice information system" means a system including the equipment, facilities,
 74 procedures, agreements, and organizations thereof, for the collection, processing, preservation, or
 75 dissemination of criminal history record information. The operations of the system may be performed
 76 manually or by using electronic computers or other automated data processing equipment.

77 7. "Department" means the Department of Criminal Justice Services.

78 8. "Dissemination" means any transfer of information, whether orally, in writing, or by electronic
 79 means. The term does not include access to the information by officers or employees of a criminal
 80 justice agency maintaining the information who have both a need and right to know the information.

81 9. "Law-enforcement officer" means any full-time or part-time employee of a police department or
 82 sheriff's office which is a part of or administered by the Commonwealth or any political subdivision
 83 thereof, and who is responsible for the prevention and detection of crime and the enforcement of the
 84 penal, traffic or highway laws of this Commonwealth, and shall include any special agent of the
 85 Department of Alcoholic Beverage Control, any police agent appointed under the provisions of § 56-353,
 86 any officer of the Virginia Marine Patrol, any game warden who is a full-time sworn member of the
 87 enforcement division of the Department of Game and Inland Fisheries, any agent, investigator, or
 88 inspector appointed under § 56-334 or any investigator who is a full-time sworn member of the security
 89 division of the State Lottery Department. Part-time employees are compensated officers who are not
 90 full-time employees as defined by the employing police department or sheriff's office. Full-time sworn
 91 members of the enforcement division of the Department of Motor Vehicles meeting the Department of
 92 Criminal Justice Services qualifications shall be deemed to be "law-enforcement officers" when fulfilling
 93 their duties pursuant to § 46.2-217.

94 10. "Conviction data" means information in the custody of any criminal justice agency relating to a
 95 judgment of conviction, and the consequences arising therefrom, in any court.

96 § 16.1-227. Purpose and intent.

97 This law shall be construed liberally and as remedial in character, and the powers hereby conferred
 98 are intended to be general to effect the beneficial purposes herein set forth. It is the intention of this law
 99 that in all proceedings the welfare of the child and the family is , *the safety of the community and the*
 100 *protection of the rights of victims* are the paramount ~~concern~~ *concerns* of the Commonwealth and to the
 101 end that ~~this humane purpose~~ *these purposes* may be attained, the judge shall possess all necessary and
 102 incidental powers and authority, whether legal or equitable in their nature.

103 This law shall be interpreted and construed so as to effectuate the following purposes:

104 1. To divert from or within the juvenile justice system, to the extent possible, consistent with the
 105 protection of the public safety, those children who can be cared for or treated through alternative
 106 programs;

107 2. To provide judicial procedures through which the provisions of this law are executed and enforced
 108 and in which the parties are assured a fair hearing and their constitutional and other rights are
 109 recognized and enforced;

110 3. To separate a child from such child's parents, guardian, legal custodian or other person standing in
 111 loco parentis only when the child's welfare is endangered or it is in the interest of public safety and then
 112 only after consideration of alternatives to out-of-home placement which afford effective protection to the
 113 child, his family, and the community; and

114 4. To protect the community against those acts of its citizens, *both juveniles and adults*, which are
 115 harmful to others and to reduce the incidence of delinquent behavior *and to hold offenders accountable*
 116 *for their behaviors*.

117 § 16.1-228. Definitions.

118 When used in this chapter, unless the context otherwise requires:

119 "Abused or neglected child" means any child:

120 1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or
 121 inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than

122 accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental
123 functions;

124 2. Whose parents or other person responsible for his care neglects or refuses to provide care
125 necessary for his health; however, no child who in good faith is under treatment solely by spiritual
126 means through prayer in accordance with the tenets and practices of a recognized church or religious
127 denomination shall for that reason alone be considered to be an abused or neglected child;

128 3. Whose parents or other person responsible for his care abandons such child;

129 4. Whose parents or other person responsible for his care commits or allows to be committed any
130 sexual act upon a child in violation of the law; or

131 5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or
132 physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco
133 parentis.

134 "Adoptive home" means the place of residence of any natural person in which a child resides as a
135 member of the household and in which he has been placed for the purposes of adoption or in which he
136 has been legally adopted by another member of the household.

137 "Adult" means a person eighteen years of age or older.

138 "Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part
139 of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a
140 delinquent act which would be a felony if committed by an adult.

141 "Boot camp" means a short term secure or nonsecure juvenile residential facility with highly
142 structured components including, but not limited to, military style drill and ceremony, physical labor,
143 education and rigid discipline, and no less than six months of intensive aftercare.

144 "Child," "juvenile" or "minor" means a person less than eighteen years of age.

145 "Child welfare agency" means a child-placing agency, child-caring institution or independent foster
146 home as defined in § 63.1-195.

147 "Child in need of services" means a child whose behavior, conduct or condition presents or results in
148 a serious threat to the well-being and physical safety of the child; however, no child who in good faith
149 is under treatment solely by spiritual means through prayer in accordance with the tenets and practices
150 of a recognized church or religious denomination shall for that reason alone be considered to be a child
151 in need of services, nor shall any child who habitually remains away from or habitually deserts or
152 abandons his family as a result of what the court or the local child protective services unit determines to
153 be incidents of physical, emotional or sexual abuse in the home be considered a child in need of
154 services for that reason alone.

155 However, to find that a child falls within these provisions, (i) the conduct complained of must
156 present a clear and substantial danger to the child's life or health or (ii) the child or his family is in need
157 of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court
158 is essential to provide the treatment, rehabilitation or services needed by the child or his family.

159 "Child in need of supervision" means:

160 1. A child who, while subject to compulsory school attendance, is habitually and without justification
161 absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of
162 any and all educational services and programs that are required to be provided by law and which meet
163 the child's particular educational needs, and (ii) the school system from which the child is absent or
164 other appropriate agency has made a reasonable effort to effect the child's regular attendance without
165 success; or

166 2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or
167 placement authority, remains away from or habitually deserts or abandons his family or lawful custodian
168 or escapes or remains away without proper authority from a residential care facility in which he has
169 been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life
170 or health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently
171 being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation
172 or services needed by the child or his family.

173 "The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile
174 and domestic relations district court of each county or city.

175 "Delinquent act" means (i) an act designated a crime under the law of this Commonwealth, or an
176 ordinance of any city, county, town or service district, or under federal law, (ii) a violation of
177 § 18.2-308.7 or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an
178 act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if
179 committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to
180 take a blood or breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city or
181 town.

182 "Delinquent child" means a child who has committed a delinquent act or an adult who has committed

183 a delinquent act prior to his eighteenth birthday, except where the jurisdiction of the juvenile court has
184 been terminated under the provisions of § 16.1-269.6.

185 "Department" means the Department of Youth and Family Services and "Director" means the
186 administrative head in charge thereof or such of his assistants and subordinates as are designated by him
187 to discharge the duties imposed upon him under this law.

188 "Family abuse" means any act of violence, including any forceful detention, which results in physical
189 injury or places one in reasonable apprehension of serious bodily injury and which is committed by a
190 person against such person's family or household member.

191 "Family or household member" means (i) the person's spouse, whether or not he or she resides in the
192 same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same
193 home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters,
194 grandparents and grandchildren who reside in the same home with the person, (iv) the person's
195 mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside
196 in the same home with the person, (v) any individual who has a child in common with the person,
197 whether or not the person and that individual have been married or have resided together at any time, or
198 (vi) any individual who cohabits or who, within the previous twelve months, cohabited with the person,
199 and any children of either of them then residing in the same home with the person.

200 "Foster care services" means the provision of a full range of casework, treatment and community
201 services for a planned period of time to a child who is abused or neglected as defined in § 63.1-248.2 or
202 in need of services as defined in this section and his family when the child (i) has been identified as
203 needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through
204 an agreement between the local board of social services or a public agency designated by the
205 community policy and management team and the parents or guardians where legal custody remains with
206 the parents or guardians, (iii) has been committed or entrusted to a local board of social services or
207 child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board
208 pursuant to § 16.1-293.

209 "Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this
210 chapter.

211 "Jail" or "other facility designed for the detention of adults" means a local or regional correctional
212 facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding
213 cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the
214 transfer of a child to a juvenile facility.

215 "The judge" means the judge or the substitute judge of the juvenile and domestic relations district
216 court of each county or city.

217 "This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in
218 this chapter.

219 "Legal custody" means (i) a legal status created by court order which vests in a custodian the right to
220 have physical custody of the child, to determine and redetermine where and with whom he shall live,
221 the right and duty to protect, train and discipline him and to provide him with food, shelter, education
222 and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal
223 status created by court order of joint custody as defined in § 20-107.2.

224 "Permanent foster care placement" means the place of residence in which a child resides and in
225 which he has been placed pursuant to the provisions of §§ 63.1-56 and 63.1-206.1 with the expectation
226 and agreement between the placing agency and the place of permanent foster care that the child shall
227 remain in the placement until he reaches the age of majority unless modified by court order or unless
228 removed pursuant to § 16.1-251 or § 63.1-248.9. A permanent foster care placement may be a place of
229 residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term
230 basis.

231 "Secure facility" or "detention home" means a local or regional or state public or private locked
232 residential facility which has construction fixtures designed to prevent escape and to restrict the
233 movement and activities of children held in lawful custody.

234 "Shelter care" means the temporary care of children in physically unrestricting facilities.

235 "State Board" means the State Board of Youth and Family Services.

236 "Status offender" means a child who commits an act prohibited by law which would not be criminal
237 if committed by an adult.

238 "Status offense" means an act prohibited by law which would not be an offense if committed by an
239 adult.

240 "Residual parental rights and responsibilities" means all rights and responsibilities remaining with the
241 parent after the transfer of legal custody or guardianship of the person, including but not limited to the
242 right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility
243 for support.

244 "*Violent juvenile felony*" means any of the delinquent acts enumerated in subsection B or C of

245 § 16.1-269.1 when committed by a juvenile fourteen years of age or older.

246 § 16.1-228. (Delayed effective date) Definitions.

247 When used in this chapter, unless the context otherwise requires:

248 "Abused or neglected child" means any child:

249 1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or
250 inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than
251 accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental
252 functions;

253 2. Whose parents or other person responsible for his care neglects or refuses to provide care
254 necessary for his health; however, no child who in good faith is under treatment solely by spiritual
255 means through prayer in accordance with the tenets and practices of a recognized church or religious
256 denomination shall for that reason alone be considered to be an abused or neglected child;

257 3. Whose parents or other person responsible for his care abandons such child;

258 4. Whose parents or other person responsible for his care commits or allows to be committed any
259 sexual act upon a child in violation of the law; or

260 5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or
261 physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco
262 parentis.

263 "Adoptive home" means the place of residence of any natural person in which a child resides as a
264 member of the household and in which he has been placed for the purposes of adoption or in which he
265 has been legally adopted by another member of the household.

266 "Adult" means a person eighteen years of age or older.

267 "Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part
268 of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a
269 delinquent act which would be a felony if committed by an adult.

270 "Boot camp" means a short term secure or nonsecure juvenile residential facility with highly
271 structured components including, but not limited to, military style drill and ceremony, physical labor,
272 education and rigid discipline, and no less than six months of intensive aftercare.

273 "Child," "juvenile" or "minor" means a person less than eighteen years of age.

274 "Child welfare agency" means a child-placing agency, child-caring institution or independent foster
275 home as defined in § 63.1-195.

276 "Child in need of services" means a child whose behavior, conduct or condition presents or results in
277 a serious threat to the well-being and physical safety of the child; however, no child who in good faith
278 is under treatment solely by spiritual means through prayer in accordance with the tenets and practices
279 of a recognized church or religious denomination shall for that reason alone be considered to be a child
280 in need of services, nor shall any child who habitually remains away from or habitually deserts or
281 abandons his family as a result of what the court or the local child protective services unit determines to
282 be incidents of physical, emotional or sexual abuse in the home be considered a child in need of
283 services for that reason alone.

284 However, to find that a child falls within these provisions, (i) the conduct complained of must
285 present a clear and substantial danger to the child's life or health or (ii) the child or his family is in need
286 of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court
287 is essential to provide the treatment, rehabilitation or services needed by the child or his family.

288 "Child in need of supervision" means:

289 1. A child who, while subject to compulsory school attendance, is habitually and without justification
290 absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of
291 any and all educational services and programs that are required to be provided by law and which meet
292 the child's particular educational needs, and (ii) the school system from which the child is absent or
293 other appropriate agency has made a reasonable effort to effect the child's regular attendance without
294 success; or

295 2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or
296 placement authority, remains away from or habitually deserts or abandons his family or lawful custodian
297 or escapes or remains away without proper authority from a residential care facility in which he has
298 been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life
299 or health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently
300 being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation
301 or services needed by the child or his family.

302 "The court" or the "family court" means the family court of each county or city.

303 "Delinquent act" means (i) an act designated a crime under the law of this Commonwealth, or an
304 ordinance of any city, county, town or service district, or under federal law, (ii) a violation of
305 § 18.2-308.7 or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an

306 act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if
307 committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to
308 take a blood or breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city or
309 town.

310 "Delinquent child" means a child who has committed a delinquent act or an adult who has committed
311 a delinquent act prior to his eighteenth birthday, except where the jurisdiction of the family court has
312 been terminated under the provisions of § 16.1-269.6.

313 "Department" means the Department of Youth and Family Services and "Director" means the
314 administrative head in charge thereof or such of his assistants and subordinates as are designated by him
315 to discharge the duties imposed upon him under this law.

316 "Family abuse" means any act of violence, including any forceful detention, which results in physical
317 injury or places one in reasonable apprehension of serious bodily injury and which is committed by a
318 person against such person's family or household member.

319 "Family or household member" means (i) the person's spouse, whether or not he or she resides in the
320 same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same
321 home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters,
322 grandparents and grandchildren who reside in the same home with the person, (iv) the person's
323 mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside
324 in the same home with the person, (v) any individual who has a child in common with the person,
325 whether or not the person and that individual have been married or have resided together at any time, or
326 (vi) any individual who cohabits or who, within the previous twelve months, cohabited with the person,
327 and any children of either of them residing in the same home with the person.

328 "Foster care services" means the provision of a full range of casework, treatment and community
329 services for a planned period of time to a child who is abused or neglected as defined in § 63.1-248.2 or
330 in need of services as defined in this section and his family when the child (i) has been identified as
331 needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through
332 an agreement between the local board of social services or a public agency designated by the
333 community policy and management team and the parents or guardians where legal custody remains with
334 the parents or guardians, (iii) has been committed or entrusted to a local board of social services or
335 child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board
336 pursuant to § 16.1-293.

337 "Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this
338 chapter.

339 "Jail" or "other facility designed for the detention of adults" means a local or regional correctional
340 facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding
341 cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the
342 transfer of a child to a juvenile facility.

343 "The judge" means the judge or the substitute judge of the family court of each county or city.

344 "This law" or "the law" means the Family Court Law embraced in this chapter.

345 "Legal custody" means (i) a legal status created by court order which vests in a custodian the right to
346 have physical custody of the child, to determine and redetermine where and with whom he shall live,
347 the right and duty to protect, train and discipline him and to provide him with food, shelter, education
348 and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal
349 status created by court order of joint custody as defined in § 20-107.2.

350 "Permanent foster care placement" means the place of residence in which a child resides and in
351 which he has been placed pursuant to the provisions of §§ 63.1-56 and 63.1-206.1 with the expectation
352 and agreement between the placing agency and the place of permanent foster care that the child shall
353 remain in the placement until he reaches the age of majority unless modified by court order or unless
354 removed pursuant to § 16.1-251 or § 63.1-248.9. A permanent foster care placement may be a place of
355 residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term
356 basis.

357 "Secure facility" or "detention home" means a local or regional or state public or private locked
358 residential facility which has construction fixtures designed to prevent escape and to restrict the
359 movement and activities of children held in lawful custody.

360 "Shelter care" means the temporary care of children in physically unrestricting facilities.

361 "State Board" means the State Board of Youth and Family Services.

362 "Status offender" means a child who commits an act prohibited by law which would not be criminal
363 if committed by an adult.

364 "Status offense" means an act prohibited by law which would not be an offense if committed by an
365 adult.

366 "Residual parental rights and responsibilities" means all rights and responsibilities remaining with the
367 parent after the transfer of legal custody or guardianship of the person, including but not limited to the

368 right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility
369 for support.

370 *"Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of*
371 *§ 16.1-269.1 when committed by a juvenile fourteen years of age or older.*

372 § 16.1-241. Jurisdiction.

373 The judges of the juvenile and domestic relations district court elected or appointed under this law
374 shall be conservators of the peace within the corporate limits of the cities and the boundaries of the
375 counties for which they are respectively chosen and within one mile beyond the limits of such cities and
376 counties. Except as hereinafter provided, each juvenile and domestic relations district court shall have,
377 within the limits of the territory for which it is created, exclusive original jurisdiction, and within one
378 mile beyond the limits of said city or county, concurrent jurisdiction with the juvenile court or courts of
379 the adjoining city or county over all cases, matters and proceedings involving:

380 A. The custody, visitation, support, control or disposition of a child:

381 1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status
382 offender, or delinquent; ~~except where the jurisdiction of the juvenile court has been terminated under the~~
383 ~~provisions of § 16.1-269.6;~~

384 2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical
385 or mental incapacity of his parents is without parental care and guardianship;

386 2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated
387 as having abused or neglected another child in the care of the parent or custodian;

388 3. Whose custody, visitation or support is a subject of controversy or requires determination. In such
389 cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, except
390 as provided in § 16.1-244;

391 4. Who is the subject of an entrustment agreement entered into pursuant to § 63.1-56 or § 63.1-204
392 or whose parent or parents for good cause desire to be relieved of his care and custody;

393 5. Where the termination of residual parental rights and responsibilities is sought. In such cases
394 jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided
395 in § 16.1-244;

396 6. Who is charged with a traffic infraction as defined in § 46.2-100.

397 *In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated*
398 *in subsection B of § 16.1-269.1, and for any charges ancillary thereto, the jurisdiction of the juvenile*
399 *court shall include conducting a preliminary hearing to determine if there is probable cause to believe*
400 *that the juvenile committed the act alleged and that the juvenile was fourteen years of age or older at*
401 *the time of the commission of the alleged offense and to consider and adjudicate any matters related*
402 *thereto. In any case in which the juvenile is alleged to have committed a violent juvenile felony*
403 *enumerated in subsection C of § 16.1-269.1, and for all charges ancillary thereto, if the attorney for the*
404 *Commonwealth has given notice as provided in subsection C of § 16.1-269.1, the jurisdiction of the*
405 *juvenile court shall include conducting a preliminary hearing to determine if there is probable cause to*
406 *believe that the juvenile committed the act alleged and that the juvenile was fourteen years of age or*
407 *older at the time of the commission of the alleged offense and to consider and adjudicate any matters*
408 *related thereto. A determination by the juvenile court following a preliminary hearing pursuant to*
409 *subsection B or C of § 16.1-269.1 to certify a charge to the grand jury shall divest the juvenile court of*
410 *jurisdiction over the charge and any ancillary charge. In any case in which a transfer hearing is held*
411 *pursuant to subsection A of § 16.1-269.1, if the juvenile court determines to transfer the case,*
412 *jurisdiction of the juvenile court over the case shall be divested as provided in § 16.1-269.6.*

413 *In all other cases involving delinquent acts, and in cases in which an ancillary charge remains after*
414 *a violent juvenile felony charge has been dismissed, terminated by nolle prosequi or reduced to lesser*
415 *offenses not constituting a violent juvenile felony, the jurisdiction of the juvenile court shall not be*
416 *divested unless there is a transfer pursuant to subsection A of § 16.1-269.1.*

417 The authority of the juvenile court to adjudicate matters involving the custody, visitation, support,
418 control or disposition of a child shall not be limited to the consideration of petitions filed by a mother,
419 father or legal guardian but shall include petitions filed at any time by any party with a legitimate
420 interest therein. A party with a legitimate interest shall be broadly construed and shall include, but not
421 be limited to, grandparents, stepparents, former stepparents, blood relatives and family members. A party
422 with a legitimate interest shall not include any person (i) whose parental rights have been involuntarily
423 terminated by court order if the child subsequently has been legally adopted, or (ii) who has been
424 convicted of a violation of subsection A of § 18.2-61 or subsection B of § 18.2-366 when the child who
425 is the subject of the petition was conceived as a result of such violation. The authority of the juvenile
426 court to consider a petition involving the custody of a child shall not be proscribed or limited where the
427 child has previously been awarded to the custody of a local board of social services.

428 B. The admission of minors for inpatient treatment in a mental health facility in accordance with the

429 provisions of Article 16 (§ 16.1-335 et seq.) of this chapter and the commitment of a mentally ill person
430 or judicial certification of eligibility for admission to a treatment facility of a mentally retarded person
431 in accordance with the provisions of Chapters 1 (§ 37.1-1 et seq.) and 2 (§ 37.1-63 et seq.) of Title 37.1.
432 Jurisdiction of the commitment and certification of adults shall be concurrent with the general district
433 court.

434 C. Except as provided in subsections D and H hereof, judicial consent to such activities as may
435 require parental consent may be given for a child who has been separated from his parents, guardian,
436 legal custodian or other person standing in loco parentis and is in the custody of the court when such
437 consent is required by law.

438 D. Judicial consent for emergency surgical or medical treatment for a child who is neither married
439 nor has ever been married, when the consent of his parent, guardian, legal custodian or other person
440 standing in loco parentis is unobtainable because such parent, guardian, legal custodian or other person
441 standing in loco parentis (i) is not a resident of this Commonwealth, (ii) his whereabouts is unknown,
442 (iii) he cannot be consulted with promptness, reasonable under the circumstances or (iv) fails to give
443 such consent or provide such treatment when requested by the judge to do so.

444 E. Any person charged with deserting, abandoning or failing to provide support for any person in
445 violation of law.

446 F. Any parent, guardian, legal custodian or other person standing in loco parentis of a child:

447 1. Who has been abused or neglected;

448 2. Who is the subject of an entrustment agreement entered into pursuant to § 63.1-56 or § 63.1-204
449 or is otherwise before the court pursuant to subdivision A 4 of this section;

450 3. Who has been adjudicated in need of services, in need of supervision, or delinquent, if the court
451 finds that such person has by overt act or omission induced, caused, encouraged or contributed to the
452 conduct of the child complained of in the petition.

453 G. Petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian or other
454 person standing in loco parentis for the purpose of obtaining treatment, rehabilitation or other services
455 which are required by law to be provided for that child or such child's parent, guardian, legal custodian
456 or other person standing in loco parentis. Jurisdiction in such cases shall be concurrent with and not
457 exclusive of that of courts having equity jurisdiction as provided in § 16.1-244.

458 H. Judicial consent to apply for work permit for a child when such child is separated from his
459 parents, legal guardian or other person standing in loco parentis.

460 I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or
461 neglect of children or with any violation of law which causes or tends to cause a child to come within
462 the purview of this law, or with any other offense against the person of a child. In prosecution for
463 felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not
464 there is probable cause.

465 J. All offenses in which one family or household member is charged with an offense in which
466 another family or household member is the victim and all offenses under § 18.2-49.1.

467 In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to
468 determining whether or not there is probable cause. Any objection based on jurisdiction under this
469 subsection shall be made before a jury is impaneled and sworn in a jury trial or, in a nonjury trial,
470 before the earlier of when the court begins to hear or receive evidence or the first witness is sworn, or it
471 shall be conclusively waived for all purposes. Any such objection shall not affect or be grounds for
472 challenging directly or collaterally the jurisdiction of the court in which the case is tried. For purposes
473 of this subsection, "family or household member," as defined in § 16.1-228, shall also be construed to
474 include parent and child, stepparent and stepchild, brothers and sisters, and grandparent and grandchild,
475 regardless of whether such persons reside in the same home.

476 K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily
477 relinquished pursuant to a court proceeding, to seek a reversal of the court order terminating such
478 parental rights. No such petition shall be accepted, however, after the child has been placed in the home
479 of adoptive parents.

480 L. Any person who seeks spousal support after having separated from his spouse. A decision under
481 this subdivision shall not be res judicata in any subsequent action for spousal support in a circuit court.
482 A circuit court shall have concurrent original jurisdiction in all causes of action under this subdivision.

483 M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1 or
484 § 16.1-279.1.

485 N. Any person who escapes or remains away without proper authority from a residential care facility
486 in which he had been placed by the court or as a result of his commitment to the Virginia Department
487 of Youth and Family Services.

488 O. Petitions for emancipation of a minor pursuant to Article 15 (§ 16.1-331 et seq.) of this chapter.

489 P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 13
490 (§ 63.1-249 et seq.) of Title 63.1, or by another state in the same manner as if the orders were entered

491 by a juvenile and domestic relations district court upon the filing of a certified copy of such order in the
492 juvenile and domestic relations district court.

493 Q. Petitions for a determination of parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20.

494 R. Petitions for the purpose of obtaining an emergency protective order pursuant to § 16.1-253.4.

495 S. Petitions filed by school boards against parents pursuant to §§ 16.1-241.2 and 22.1-279.3.

496 T. Petitions to enforce any request for information or subpoena that is not complied with or to
497 review any refusal to issue a subpoena in an administrative appeal regarding child abuse and neglect
498 pursuant to § 63.1-248.6:1.

499 U. Petitions filed in connection with parental placement adoption consent hearings, pursuant to
500 § 63.1-220.3. Such proceedings shall be advanced on the docket so as to be heard by the court within
501 ten days of filing of the petition, or as soon thereafter as practicable so as to provide the earliest
502 possible disposition.

503 The ages specified in this law refer to the age of the child at the time of the acts complained of in
504 the petition.

505 Notwithstanding any other provision of law no fees shall be charged by a sheriff for the service of
506 any process in a proceeding pursuant to subdivision 3 of subsection A or subsections M or R of this
507 section.

508 § 16.1-241. (Delayed effective date) Jurisdiction.

509 The judges of the family court elected or appointed under this law shall be conservators of the peace
510 within the corporate limits of the cities and the boundaries of the counties for which they are
511 respectively chosen and within one mile beyond the limits of such cities and counties. Except as
512 hereinafter provided, each family court shall have, within the limits of the territory for which it is
513 created, exclusive original jurisdiction, and within one mile beyond the limits of said city or county,
514 concurrent jurisdiction with the family court or courts of the adjoining city or county over all cases,
515 matters and proceedings involving:

516 A. The custody, visitation, support, control or disposition of a child:

517 1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status
518 offender, or delinquent; ~~except where the jurisdiction of the family court has been terminated under the~~
519 ~~provisions of § 16.1-269.6;~~

520 2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical
521 or mental incapacity of his parents is without parental care and guardianship;

522 2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated
523 as having abused or neglected another child in the care of the parent or custodian;

524 3. Whose custody, visitation or support is a subject of controversy or requires determination;

525 4. Who is the subject of an entrustment agreement entered into pursuant to § 63.1-56 or § 63.1-204
526 or whose parent or parents for good cause desire to be relieved of his care and custody;

527 5. Where the termination of residual parental rights and responsibilities is sought;

528 6. Who is charged with a traffic infraction as defined in § 46.2-100.

529 *In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated*
530 *in subsection B of § 16.1-269.1, and for any charges ancillary thereto, the jurisdiction of the family*
531 *court shall include conducting a preliminary hearing to determine if there is probable cause to believe*
532 *that the juvenile committed the act alleged and that the juvenile was fourteen years of age or older at*
533 *the time of the commission of the alleged offense and to consider and adjudicate any matters ancillary*
534 *thereto. In any case in which the juvenile is alleged to have committed a violent juvenile felony*
535 *enumerated in subsection C of § 16.1-269.1, and for all charges ancillary thereto, if the attorney for the*
536 *Commonwealth has given notice as provided in subsection C of § 16.1-269.1, the jurisdiction of the*
537 *family court shall include conducting a preliminary hearing to determine if there is probable cause to*
538 *believe that the juvenile committed the act alleged and that the juvenile was fourteen years of age or*
539 *older at the time of the commission of the alleged offense and to consider and adjudicate any matters*
540 *ancillary thereto. A determination by the family court following a preliminary hearing pursuant to*
541 *Subsection B or C of § 16.1-269.1 to certify a charge to the grand jury shall divest the family court of*
542 *jurisdiction over the charge and any ancillary charge. In any case in which a transfer hearing is held*
543 *pursuant to subsection A of § 16.1-269.1, if the family court determines to transfer the case, jurisdiction*
544 *of the family court over the case shall be divested as provided in § 16.1-269.6.*

545 *In all other cases involving delinquent acts, and in cases in which an ancillary charge remains after*
546 *a violent juvenile felony charge has been dismissed, terminated by nolle prosequi or reduced to a lesser*
547 *offense not constituting a violent juvenile felony, the jurisdiction of the family court shall not be divested*
548 *unless there is a transfer pursuant to Subsection A of § 16.1-269.1.*

549 The authority of the family court to adjudicate matters involving the custody, visitation, support,
550 control or disposition of a child shall not be limited to the consideration of petitions filed by a mother,
551 father or legal guardian but shall include petitions filed at any time by any party with a legitimate

552 interest therein. A party with a legitimate interest shall be broadly construed and shall include, but not
553 be limited to, grandparents, stepparents, former stepparents, blood relatives and family members. A party
554 with a legitimate interest shall not include any person (i) whose parental rights have been involuntarily
555 terminated by court order if the child subsequently has been legally adopted, or (ii) who has been
556 convicted of a violation of subsection A of § 18.2-61 or subsection B of § 18.2-366 when the child who
557 is the subject of the petition was conceived as a result of such violation. The authority of the family
558 court to consider a petition involving the custody of a child shall not be proscribed or limited where the
559 child has previously been awarded to the custody of a local board of social services.

560 B. The admission of minors for inpatient treatment in a mental health facility in accordance with the
561 provisions of Article 16 (§ 16.1-335 et seq.) of this chapter and the commitment of a mentally ill person
562 or judicial certification of eligibility for admission to a treatment facility of a mentally retarded person
563 in accordance with the provisions of Chapters 1 (§ 37.1-1 et seq.) and 2 (§ 37.1-63 et seq.) of Title 37.1.
564 Jurisdiction of the commitment and certification of adults shall be concurrent with the general district
565 court.

566 C. Except as provided in subsections D and H hereof, judicial consent to such activities as may
567 require parental consent may be given for a child who has been separated from his parents, guardian,
568 legal custodian or other person standing in loco parentis and is in the custody of the court when such
569 consent is required by law.

570 D. Judicial consent for emergency surgical or medical treatment for a child who is neither married
571 nor has ever been married, when the consent of his parent, guardian, legal custodian or other person
572 standing in loco parentis is unobtainable because such parent, guardian, legal custodian or other person
573 standing in loco parentis (i) is not a resident of this Commonwealth, (ii) his whereabouts is unknown,
574 (iii) cannot be consulted with promptness, reasonable under the circumstances or (iv) fails to give such
575 consent or provide such treatment when requested by the judge to do so.

576 E. Any person charged with deserting, abandoning or failing to provide support for any person in
577 violation of law pursuant to Chapter 5 (§ 20-61 et seq.) of Title 20.

578 F. Any parent, guardian, legal custodian or other person standing in loco parentis of a child:

579 1. Who has been abused or neglected;

580 2. Who is the subject of an entrustment agreement entered into pursuant to § 63.1-56 or § 63.1-204
581 or is otherwise before the court pursuant to subdivision A 4 of this section;

582 3. Who has been adjudicated in need of services, in need of supervision, or delinquent, if the court
583 finds that such person has by overt act or omission induced, caused, encouraged or contributed to the
584 conduct of the child complained of in the petition.

585 G. Petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian or other
586 person standing in loco parentis for the purpose of obtaining treatment, rehabilitation or other services
587 which are required by law to be provided for that child or such child's parent, guardian, legal custodian
588 or other person standing in loco parentis.

589 H. Judicial consent to apply for work permit for a child when such child is separated from his
590 parents, legal guardian or other person standing in loco parentis.

591 I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or
592 neglect of children or with any violation of law which causes or tends to cause a child to come within
593 the purview of this law, or with any other offense against the person of a child. In prosecution for
594 felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not
595 there is probable cause.

596 J. All offenses in which one family or household member is charged with an offense in which
597 another family or household member is the victim and all offenses under § 18.2-49.1.

598 In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to
599 determining whether or not there is probable cause. Any objection based on jurisdiction under this
600 subsection shall be made before a jury is impaneled and sworn in a jury trial or, in a nonjury trial,
601 before the earlier of when the court begins to hear or receive evidence or the first witness is sworn, or it
602 shall be conclusively waived for all purposes. Any such objection shall not affect or be grounds for
603 challenging directly or collaterally the jurisdiction of the court in which the case is tried. For purposes
604 of this subsection, "family or household member," as defined in § 16.1-228, shall also be construed to
605 include parent and child, stepparent and stepchild, brothers and sisters, and grandparent and grandchild,
606 regardless of whether such persons reside in the same home.

607 K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily
608 relinquished pursuant to a court proceeding, to seek a reversal of the court order terminating such
609 parental rights. No such petition shall be accepted, however, after the child has been placed in the home
610 of adoptive parents.

611 L. Any person who seeks spousal support after having separated from his spouse.

612 M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1 or
613 § 16.1-279.1.

614 N. Any person who escapes or remains away without proper authority from a residential care facility
615 in which he had been placed by the court or as a result of his commitment to the Virginia Department
616 of Youth and Family Services.

617 O. Petitions for emancipation of a minor pursuant to Article 15 (§ 16.1-331 et seq.) of this chapter.

618 P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 13
619 (§ 63.1-249 et seq.) of Title 63.1, or by another state in the same manner as if the orders were entered
620 by a family court upon the filing of a certified copy of such order in the family court.

621 Q. Petitions for a determination of parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20.

622 R. Petitions for the purpose of obtaining an emergency protective order pursuant to § 16.1-253.4.

623 S. Suits for divorce and for annulling or affirming marriage in accordance with Title 20.

624 T. Suits for separate maintenance.

625 U. Suits for equitable distribution based on a foreign decree in accordance with § 20-107.3.

626 V. Petitions for adoption.

627 W. Petitions for change of name when incident to suits for annulling or affirming marriage, divorce,
628 or adoption or when ancillary to any action within the jurisdiction of the family court.

629 X. Petitions regarding records of birth pursuant to Chapter 7 (§ 32.1-249 et seq.) of Title 32.1.

630 Y. Judicial review of school board actions pursuant to § 22.1-87 and of hearing officer decisions
631 pursuant to §§ 22.1-214 and 22.1-214.1.

632 Z. Petitions filed by school boards against parents pursuant to §§ 16.1-241.2 and 22.1-279.3.

633 AA. Petitions to enforce any request for information or subpoena that is not complied with or to
634 review any refusal to issue a subpoena in an administrative appeal regarding child abuse and neglect
635 pursuant to § 63.1-248.6:1.

636 BB. Petitions filed in connection with parental placement adoption consent hearings, pursuant to
637 § 63.1-220.3. Such proceedings shall be advanced on the docket so as to be heard by the court within
638 ten days of filing of the petition, or as soon thereafter as practicable so as to provide the earliest
639 possible disposition.

640 The ages specified in this law refer to the age of the child at the time of the acts complained of in
641 the petition.

642 Notwithstanding any other provision of law no fees shall be charged by a sheriff for the service of
643 any process in a proceeding pursuant to subdivision 3 of subsection A or subsections M or R of this
644 section.

645 § 16.1-248.1. Criteria for detention or shelter care.

646 A. A *child juvenile* taken into custody whose case is considered by a judge, intake officer or
647 magistrate pursuant to § 16.1-247 shall immediately be released, upon the ascertainment of the necessary
648 facts, to the care, custody and control of such *child's juvenile's* parent, guardian, custodian or other
649 suitable person able and willing to provide supervision and care for such *child juvenile*, either on bail or
650 recognizance pursuant to Chapter 9 (§ 19.2-119 et seq.) of Title 19.2 or under such conditions as may
651 be imposed or otherwise. However, a *child juvenile* may be detained in a secure facility, pursuant to a
652 detention order or warrant, only upon a finding by the judge, intake officer, or magistrate, that there is
653 probable cause to believe that the *child juvenile* committed the act alleged, and that at least one of the
654 following conditions is met:

655 1. The *child juvenile* is alleged to have committed an act which would be a felony or Class 1
656 misdemeanor if committed by an adult, and there is clear and convincing evidence that:

657 a. ~~The~~ *Considering the seriousness of the current offense or offenses and other pending charges, the*
658 *seriousness of prior adjudicated offenses, the legal status of the juvenile and any aggravating and*
659 *mitigating circumstances, the release of the child juvenile constitutes an unreasonable danger to the*
660 *person or property of others;*

661 b. The release of the *child juvenile* would present a clear and substantial threat of serious harm to
662 such *child's juvenile's* life or health; or

663 c. The *child juvenile* has threatened to abscond from the court's jurisdiction during the pendency of
664 the instant proceedings or has a record of willful failure to appear at a court hearing within the
665 immediately preceding twelve months.

666 2. The *child juvenile* has absconded from a detention home or facility where he has been directed to
667 remain by the lawful order of a judge or intake officer.

668 3. The *child juvenile* is a fugitive from a jurisdiction outside the Commonwealth and subject to a
669 verified petition or warrant, in which case such *child juvenile* may be detained for a period not to
670 exceed that provided for in § 16.1-323 of this chapter while arrangements are made to return the *child*
671 *juvenile* to the lawful custody of a parent, guardian or other authority in another state.

672 4. The *child juvenile* has failed to appear in court after having been duly served with a summons in
673 any case in which it is alleged that the *child juvenile* has committed a delinquent act, *or that the child*
674 *is in need of services or is in need of supervision; however, a child alleged to be in need of services or*

675 in need of supervision may be detained for good cause pursuant to this subsection only until the next
 676 day upon which the court sits within the county or city in which the charge against the child is pending,
 677 and under no circumstances longer than seventy-two hours from the time he or she was taken into
 678 custody.

679 B. Any ~~child~~ juvenile not meeting the criteria for placement in a secure facility shall be released to a
 680 parent, guardian or other person willing and able to provide supervision and care under such conditions
 681 as the judge, intake officer or magistrate may impose. However, a ~~child~~ juvenile may be placed in
 682 shelter care if:

683 1. The ~~child~~ juvenile is eligible for placement in a secure facility;

684 2. The ~~child~~ juvenile has failed to adhere to the directions of the court, intake officer or magistrate
 685 while on conditional release;

686 3. The ~~child's~~ juvenile's parent, guardian or other person able to provide supervision cannot be
 687 reached within a reasonable time;

688 4. The ~~child~~ juvenile does not consent to return home;

689 5. Neither the ~~child's~~ juvenile's parent or guardian nor any other person able to provide proper
 690 supervision can arrive to assume custody within a reasonable time; or

691 6. The ~~child's~~ juvenile's parent or guardian refuses to permit the ~~child~~ juvenile to return home and
 692 no relative or other person willing and able to provide proper supervision and care can be located within
 693 a reasonable time.

694 C. The criteria for continuing the ~~child~~ juvenile in detention or shelter care as set forth in this section
 695 shall govern the decisions of all persons involved in determining whether the continued detention or
 696 shelter care is warranted pending court disposition. Such criteria shall be supported by clear and
 697 convincing evidence in support of the decision not to release the ~~child~~ juvenile.

698 D. Nothing in this section shall be construed to deprive the court of its power to punish a ~~child~~
 699 juvenile summarily for contempt for acts set forth in § 18.2-456, other than acts of disobedience of the
 700 court's dispositional order which are committed outside the presence of the court.

701 E. A detention order may be issued pursuant to subdivision 2 of subsection A by the committing
 702 court or by the court in the jurisdiction from which the ~~child~~ juvenile fled or where he was taken into
 703 custody.

704 § 16.1-248.2. *Mental health screening for certain juveniles.*

705 *Whenever a juvenile is placed in a secure facility pursuant to § 16.1-248.1, the staff of the facility*
 706 *shall gather such information from the juvenile and the probation officer as is reasonably available and*
 707 *deemed necessary by the facility staff. As part of the intake procedures at each such facility, the staff*
 708 *shall ascertain the juvenile's need for a mental health assessment. If it is determined that the juvenile*
 709 *needs such an assessment, arrangements shall be made and the assessment shall take place within*
 710 *twenty-four hours of such determination.*

711 § 16.1-249. *Places of confinement for juveniles.*

712 A. If it is ordered that a juvenile remain in detention or shelter care pursuant to § 16.1-248.1, such
 713 juvenile may be detained, pending a court hearing, in the following places:

714 1. An approved foster home or a home otherwise authorized by law to provide such care;

715 2. A facility operated by a licensed child welfare agency;

716 3. If a juvenile is alleged to be delinquent, in a detention home or group home approved by the
 717 Department;

718 4. Any other suitable place designated by the court and approved by the Department.

719 5. *To the extent permitted by federal law, a separate juvenile detention facility located upon the site*
 720 *of an adult regional jail facility established by any county, city or any combination thereof constructed*
 721 *after 1994, approved by the Department of Youth and Family Services and certified by the Board of*
 722 *Corrections for the holding and detention of juveniles.*

723 B. No juvenile shall be detained or confined in any jail or other facility for the detention of adult
 724 offenders or persons charged with crime except as provided in subsection D, E, F or G of this section.

725 C. ~~The~~ Except for placement under subsection A 5, the official in charge of a jail or other facility for
 726 the detention of adult offenders or persons charged with crime shall inform the court immediately when
 727 a juvenile who is or appears to be under the age of eighteen years is received at the facility, and shall
 728 deliver him to the court upon request, or transfer him to a detention facility designated by the court.

729 D. When a case is transferred to the circuit court in accordance with the provisions of *subsection A*
 730 *of § 16.1-269.1 and an order is entered by the circuit court in accordance with § 16.1-269.6, or in*
 731 *accordance with the provisions of § 16.1-270 where the juvenile has waived the jurisdiction of the*
 732 *district court, or when the district court has certified a charge to the grand jury pursuant to subsection*
 733 *B or C of § 16.1-269.1, the juvenile, if in confinement, may be transferred to a jail or other facility for*
 734 *the detention of adults and need no longer be entirely separate and removed from adults.*

735 E. If, in the judgment of the custodian, a juvenile has demonstrated that he is a threat to the security
 736 or safety of the other juveniles detained or the staff of the home or facility, the judge shall determine

737 whether such juvenile should be transferred to another juvenile facility or, if the child is fourteen years
 738 of age or older, a jail or other facility for the detention of adults; provided, that (i) the detention is in a
 739 room or ward entirely separate and removed from adults, (ii) adequate supervision is provided, and (iii)
 740 the facility is approved by the State Board of Corrections for detention of juveniles.

741 F. If, in the judgment of the custodian, it has been demonstrated that the presence of a juvenile in a
 742 facility creates a threat to the security or safety of the other juveniles detained or the staff of the home
 743 or facility, the custodian may transfer the juvenile to another juvenile facility, or, if the child is fourteen
 744 years of age or older, a jail or other facility for the detention of adults pursuant to the limitations of
 745 subdivisions E (i), (ii) and (iii) for a period not to exceed six hours.

746 G. If a juvenile fourteen years of age or older is charged with an offense which, if committed by an
 747 adult, would be a felony or Class 1 misdemeanor, and the judge or intake officer determines that secure
 748 detention is needed for the safety of the juvenile or the community, such juvenile may be detained for a
 749 period no longer than six hours in a temporary lock-up room or ward for juveniles while arrangements
 750 are completed to transfer the juvenile to a juvenile facility. Such room or ward may be located in a
 751 building which also contains a jail or other facility for the detention of adults, provided (i) such room or
 752 ward is totally separate and removed from adults or juveniles transferred to the circuit court pursuant to
 753 Article 7 (§ 16.1-269.1 et seq.) of this chapter, (ii) constant supervision is provided, and (iii) the facility
 754 is approved by the State Board of Corrections for the detention of juveniles. The State Board of
 755 Corrections is authorized and directed to prescribe minimum standards for temporary lock-up rooms and
 756 wards based on the requirements set out in this subsection. *The Department shall assist localities or*
 757 *combinations of localities in establishing facilities which conform to the requirements of this subsection.*

758 G-1. Any juvenile who has been ordered detained in a secure detention facility pursuant to
 759 § 16.1-248.1 may be held incident to a court hearing (i) in a court holding cell for a period not to
 760 exceed six hours provided the juvenile is entirely separate and removed from detained adults or (ii) in a
 761 nonsecure area provided constant supervision is provided.

762 H. A judge may order the predispositional detention of persons eighteen years of age or older (i) in a
 763 juvenile facility only for a violation of the terms and conditions of release from a ~~learning juvenile~~
 764 *correctional center or (ii) in an adult facility.*

765 I. The Departments of Corrections, Youth and Family Services and Criminal Justice Services shall
 766 assist the localities or combinations thereof in implementing this section and ensuring compliance
 767 herewith.

768 § 16.1-255. Limitation on issuance of detention orders for juveniles.

769 No detention order shall be issued for any ~~child~~ *juvenile* except when authorized by the judge or
 770 "intake officer" of a juvenile court *or by a magistrate as provided in § 16.1-256.*

771 In matters involving the issuance of detention orders, each state or local court service unit shall
 772 ensure the capability of a prompt response by an intake officer who is either on duty or on call.

773 § 16.1-255. (Delayed effective date) Limitation on issuance of detention orders for juveniles.

774 No detention order shall be issued for any ~~child~~ *juvenile* except when authorized by the judge or
 775 "intake officer" of a family court *or by a magistrate as provided in § 16.1-256.*

776 In matters involving the issuance of detention orders, each state or local court service unit shall
 777 ensure the capability of a prompt response by an intake officer who is either on duty or on call.

778 § 16.1-256. Limitations as to issuance of warrants for juveniles; detention orders.

779 No warrant of arrest shall be issued for any ~~child~~ *juvenile* by a magistrate, except as follows:

780 1. As provided in § 16.1-260 on appeal from a decision of an intake officer; or

781 2. ~~Repealed.~~

782 3. Upon a finding of probable cause to believe that the child is in need of services or is a delinquent,
 783 when (i) the court is not open; *or* (ii) the judge and the intake officer of the juvenile and domestic
 784 relations district court are not reasonably available ~~and (iii) the criteria for detention or shelter care set~~
 785 ~~forth in § 16.1-248.1 have been satisfied.~~ For purposes of this section, the phrase "not reasonably
 786 available" ~~shall mean~~ *means* that ~~neither~~ the judge ~~or~~ *nor* the intake officer of the juvenile and domestic
 787 relations district court ~~could not be reached after the appearance by the juvenile before a magistrate or~~
 788 ~~could not arrive within one hour after he was contacted~~ *is physically present to process the case and the*
 789 *physical presence of either is not imminent.*

790 *When a magistrate is authorized to issue a warrant pursuant to subdivision 2, he may also issue a*
 791 *detention order, if the criteria for detention set forth in § 16.1-248.1 have been satisfied.*

792 Warrants issued pursuant to this section shall be delivered forthwith to the juvenile court.

793 § 16.1-256. (Delayed effective date) Limitations as to issuance of warrants for juveniles; detention
 794 orders.

795 No warrant of arrest shall be issued for any ~~child~~ *juvenile* by a magistrate, except as follows:

796 1. As provided in § 16.1-260 on appeal from a decision of an intake officer; or

797 2. ~~Repealed.~~

798 3. Upon a finding of probable cause to believe that the child is in need of services or is a delinquent,
799 when (i) the court is not open; or (ii) the judge and the intake officer of the family court are not
800 reasonably available and (iii) the criteria for detention or shelter care set forth in § 16.1-248.1 have been
801 satisfied. For purposes of this section, the phrase "not reasonably available" shall mean means that
802 neither the judge nor the intake officer of the family court could not be reached after the appearance
803 by the juvenile before a magistrate or could not arrive within one hour after he was contacted is
804 physically present to process the case and the physical presence of either is not imminent.

805 When a magistrate is authorized to issue a warrant pursuant to subdivision 2, he may also issue a
806 detention order, if the criteria for detention set forth in § 16.1-248.1 have been satisfied.

807 Warrants issued pursuant to this section shall be delivered forthwith to the family court.

808 § 16.1-260. Intake; petition; investigation.

809 A. All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of
810 a petition, except as provided in subsection F H of this section and in § 16.1-259. The form and content
811 of the petition shall be as provided in § 16.1-262. No individual shall be required to obtain support
812 services from the Department of Social Services prior to filing a petition seeking support for a child.
813 Complaints, requests and the processing of petitions to initiate a case shall be the responsibility of the
814 intake officer. However, (i) the attorney for the Commonwealth of the city or county may file a petition
815 on his own motion with the clerk, (ii) the Department of Social Services may file support petitions on
816 its own motion with the clerk, and (iii) any attorney may file petitions on behalf of his client with the
817 clerk except petitions alleging that the subject of the petition is a child alleged to be in need of services,
818 in need of supervision or delinquent. Complaints alleging abuse or neglect of a child shall be referred
819 initially to the local department of public welfare or social services in accordance with the provisions of
820 Chapter 12.1 (§ 63.1-248.1 et seq.) of Title 63.1. Motions and other subsequent pleadings in a case shall
821 be filed directly with the clerk. The intake officer or clerk with whom the petition or motion is filed
822 shall inquire whether the petitioner is receiving child support services or public assistance. No individual
823 who is receiving support services or public assistance shall be denied the right to file a petition or
824 motion to establish, modify or enforce an order for support of a child. If the petitioner is seeking or
825 receiving child support services or public assistance, the clerk, upon issuance of process, shall forward a
826 copy of the petition or motion together with notice of the court date to the Division of Child Support
827 Enforcement.

828 B. The appearance of a child before an intake officer may be by (i) personal appearance before the
829 intake officer or (ii) use of two-way electronic video and audio communication. If two-way electronic
830 video and audio communication is used, an intake officer may exercise all powers conferred by law. All
831 communications and proceedings shall be conducted in the same manner as if the appearance were in
832 person, and any documents filed may be transmitted by facsimile process. The facsimile may be served
833 or executed by the officer or person to whom sent, and returned in the same manner, and with the same
834 force, effect, authority, and liability as an original document. All signatures thereon shall be treated as
835 original signatures. Any two-way electronic video and audio communication system used for an
836 appearance shall meet the standards as set forth in subsection B of § 19.2-3.1.

837 B 1. When the court service unit of any court receives a complaint alleging facts which may be
838 sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241, the unit, through an intake
839 officer, may proceed informally to make such adjustment as is practicable without the filing of a petition
840 or may authorize a petition to be filed by any complainant having sufficient knowledge of the matter to
841 establish probable cause for the issuance of the petition.

842 However, an intake officer may proceed informally on a complaint alleging a child is in need of
843 services, in need of supervision or delinquent only if the child (i) is not alleged to have committed a
844 violent juvenile felony and (ii) has not previously been the subject of a complaint alleging that he is in
845 need of supervision or delinquent. A petition alleging that the juvenile has committed a violent juvenile
846 felony or that a juvenile who had previously been the subject of a complaint alleging that he was in
847 need of supervision or delinquent, is in need of supervision or a petition alleging that a juvenile is in
848 need of supervision or delinquent shall be filed with the court if that juvenile has previously been the
849 subject of a complaint alleging that he was in need of supervision or delinquent.

850 Whenever informal action is taken as provided in this subsection on a complaint alleging that a child
851 is in need of services, is in need of supervision or delinquent, the intake officer shall (i) develop a plan
852 for the juvenile which may include a requirement for restitution and the performance of community
853 service based upon community resources and the circumstances which resulted in the complaint, (ii)
854 create an official record of the action taken by the intake officer and file such record in the juvenile's
855 case file and (iii) advise the juvenile and the juvenile's parent, guardian or other person standing in
856 loco parentis, and the complainant that any subsequent complaint alleging that the child is in need of
857 supervision or delinquent based upon facts which may be sufficient to invoke the jurisdiction of the
858 court pursuant to § 16.1-241 will result in the filing of a petition with the court.

859 C. The intake officer shall accept and file a petition in which it is alleged that (i) the custody,

860 visitation or support of a child is the subject of controversy or requires determination, (ii) a person has
 861 deserted, abandoned or failed to provide support for any person in violation of law, or (iii) a child or
 862 such child's parent, guardian, legal custodian or other person standing in loco parentis is entitled to
 863 treatment, rehabilitation or other services which are required by law. If any such complainant does not
 864 file a petition, the intake officer may file it. In cases in which a child is alleged to be abused, neglected,
 865 in need of services, in need of supervision or delinquent, if the intake officer believes that probable
 866 cause does not exist, or that the authorization of a petition will not be in the best interest of the family
 867 or ~~child~~ *juvenile* or that the matter may be effectively dealt with by some agency other than the court,
 868 he may refuse to authorize the filing of a petition.

869 *C D.* Prior to the filing of any petition alleging that a *juvenile child* is in need of supervision, the
 870 matter shall be reviewed by an intake officer who shall determine whether the petitioner and the *juvenile*
 871 *child* alleged to be in need of supervision have utilized or attempted to utilize treatment and services
 872 available in the community and have exhausted all appropriate nonjudicial remedies which are available
 873 to them. When the intake officer determines that the parties have not attempted to utilize available
 874 treatment or services or have not exhausted all appropriate nonjudicial remedies which are available, he
 875 shall refer the petitioner and the child alleged to be in need of supervision to the appropriate agency,
 876 treatment facility or individual to receive treatment or services, and a petition shall not be filed. Only
 877 after the intake officer determines that the parties have made a reasonable effort to utilize available
 878 community treatment or services, may he permit the petition to be filed.

879 *D E.* If the intake officer refuses to authorize a petition relating to an offense that if committed by an
 880 adult would be punishable as a Class 1 misdemeanor or as a felony, the complainant shall be notified in
 881 writing at that time of the complainant's right to apply to a magistrate for a warrant. If a magistrate
 882 determines that probable cause exists, he shall issue a warrant returnable to the juvenile and domestic
 883 relations district court. The warrant shall be delivered forthwith to the juvenile court, and the intake
 884 officer shall accept and file a petition founded upon the warrant. If the court is closed and the magistrate
 885 finds that the criteria for detention ~~or shelter care~~ set forth in § 16.1-248.1 have been satisfied, the child
 886 may be detained pursuant to the warrant issued in accordance with this subsection. If the intake officer
 887 refuses to authorize a petition relating to a child in need of services or in need of supervision, a status
 888 offense, or a misdemeanor other than Class 1, his decision is final.

889 Upon delivery to the juvenile court of a warrant issued pursuant to subdivision 32 of § 16.1-256, the
 890 intake officer shall accept and file a petition founded upon the warrant.

891 *E F.* The intake officer shall notify the attorney for the Commonwealth of the filing of any petition
 892 which alleges facts of an offense which would be a felony if committed by an adult.

893 *E+G.* After a petition is filed alleging that a juvenile committed an act which would be a crime if
 894 committed by an adult, the intake officer shall, as soon as practicable, provide notice by telephone of
 895 the filing of the petition and the nature of the offense to the superintendent of the school division in
 896 which the petitioner alleges the juvenile is or should be enrolled, provided the violation involves:

- 897 1. The unlawful purchase, possession or use of a weapon pursuant to Article 4 (§ 18.2-279 et seq.) of
- 898 Chapter 7 of Title 18.2;
- 899 2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
- 900 3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of
- 901 Title 18.2;
- 902 4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
- 903 5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances,
- 904 pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
- 905 6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter
- 906 7 of Title 18.2;
- 907 7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2; or
- 908 8. Burglary *and related offenses*, pursuant to §§ 18.2-89 *through* 18.2-93.

909 Promptly after filing a petition the intake officer shall also mail notice, by first class mail, to the
 910 superintendent. The failure to provide information regarding the school in which the juvenile who is the
 911 subject of the petition may be enrolled shall not be grounds for refusing to file a petition.

912 The information provided to a division superintendent pursuant to this section may be disclosed only
 913 as provided in § 16.1-305.2.

914 *F H.* The filing of a petition shall not be necessary:

- 915 1. In the case of violations of the traffic laws, including offenses involving bicycles, hitchhiking and
- 916 other pedestrian offenses, game and fish laws or a violation of the ordinance of any city regulating
- 917 surfing or any ordinance establishing curfew violations or animal control violations. In such cases the
- 918 court may proceed on a summons issued by the officer investigating the violation in the same manner as
- 919 provided by law for adults. Additionally, an officer investigating a motor vehicle accident may, at the
- 920 scene of the accident or at any other location where a juvenile who is involved in such an accident may

921 be located, proceed on a summons in lieu of filing a petition.

922 2. In the case of seeking consent to apply for the issuance of a work permit pursuant to subdivision
923 H of § 16.1-241.

924 3. In the case of a violation of § 18.2-266 or § 29.1-738, or the commission of any other
925 alcohol-related offense, provided the ~~child~~ juvenile is released to the custody of a parent or legal
926 guardian pending the initial court date. The officer releasing a ~~child~~ juvenile to the custody of a parent
927 or legal guardian shall issue a summons to the ~~child~~ juvenile and shall also issue a summons requiring
928 the parent or legal guardian to appear before the court with the ~~child~~ juvenile. Disposition of the charge
929 shall be in the manner provided in § 16.1-278.8 or § 16.1-278.9. If the ~~child~~ juvenile so charged with a
930 violation of § 18.2-266 or § 29.1-738 refuses to provide a sample of blood or breath or samples of both
931 blood and breath for chemical analysis pursuant to §§ 18.2-268.1 through 18.2-268.12 or § 29.1-738.2,
932 the provisions of these sections shall be followed except that the magistrate shall authorize execution of
933 the warrant as a summons. The summons shall be served on a parent or legal guardian and the ~~child~~
934 juvenile, and a copy of the summons shall be forwarded to the court in which the violation of
935 § 18.2-266 or § 29.1-738 is to be tried.

936 4. In the case of offenses which, if committed by an adult would be punishable as Class 3 or Class 4
937 misdemeanor. In such cases the court may direct that an intake officer proceed as provided in § 16.1-237
938 on a summons issued by the officer investigating the violation in the same manner as provided by law
939 for adults provided that notice of the summons to appear is mailed by the investigating officer within
940 five days of the issuance of the summons to a parent or legal guardian of the juvenile.

941 *G*. Failure to comply with the procedures set forth in this section shall not divest the juvenile court
942 of the jurisdiction granted it in § 16.1-241.

943 § 16.1-260. (Delayed effective date) Intake; petition; investigation

944 A. All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of
945 a petition, except as provided in subsection *FH* of this section and in § 16.1-259. The form and content
946 of the petition shall be as provided in § 16.1-262. No individual shall be required to obtain support
947 services from the Department of Social Services prior to filing a petition seeking support for a ~~child~~
948 juvenile. Complaints, requests and the processing of petitions to initiate a case shall be the responsibility
949 of the intake officer. However, (i) the attorney for the Commonwealth of the city or county may file a
950 petition on his own motion with the clerk, (ii) the Department of Social Services may file support
951 petitions on its own motion with the clerk, and (iii) any attorney may file petitions on behalf of his
952 client with the clerk except petitions alleging that the subject of the petition is a child alleged to be in
953 need of services, in need of supervision or delinquent. In addition, all cases for divorce, annulment or
954 affirmation of marriage, separate maintenance, equitable distribution based on a foreign decree, adoption,
955 change of name, amendment of a record of birth and judicial review of school board actions and of
956 hearing officer decisions shall be filed directly with the clerk. Complaints alleging abuse or neglect of a
957 child shall be referred initially to the local department of public welfare or social services in accordance
958 with the provisions of Chapter 12.1 (§ 63.1-248.1 et seq.) of Title 63.1. Motions and other subsequent
959 pleadings in a case shall be filed directly with the clerk. The intake officer or clerk with whom the
960 petition or motion is filed shall inquire whether the petitioner is receiving child support services or
961 public assistance. No individual who is receiving support services or public assistance shall be denied
962 the right to file a petition or motion to establish, modify or enforce an order for support of a child. If
963 the petitioner is seeking or receiving child support services or public assistance, the clerk, upon issuance
964 of process, shall forward a copy of the petition or motion together with notice of the court date to the
965 Division of Child Support Enforcement.

966 B. *The appearance of a child before an intake officer may be by (i) personal appearance before the*
967 *intake officer or (ii) use of two-way electronic video and audio communication. If two-way electronic*
968 *video and audio communication is used, an intake officer may exercise all powers conferred by law. All*
969 *communications and proceedings shall be conducted in the same manner as if the appearance were in*
970 *person, and any documents filed may be transmitted by facsimile process. The facsimile may be served*
971 *or executed by the officer or person to whom sent, and returned in the same manner, and with the same*
972 *force, effect, authority, and liability as an original document. All signatures thereon shall be treated as*
973 *original signatures. Any two-way electronic video and audio communication system used for an*
974 *appearance shall meet the standards as set forth in subsection B of § 19.2-3.1.*

975 B 1. When the court service unit of any court receives a complaint alleging facts which may be
976 sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241, the unit, through an intake
977 officer, may proceed informally to make such adjustment as is practicable without the filing of a petition
978 or may authorize a petition to be filed by any complainant having sufficient knowledge of the matter to
979 establish probable cause for the issuance of the petition.

980 *However, an intake officer may proceed informally on a complaint alleging a child is in need of*
981 *services, in need of supervision or delinquent only if the juvenile (i) is not alleged to have committed a*
982 *violent juvenile felony and (ii) has not previously been the subject of a complaint alleging that he is in*

983 need of supervision or delinquent. A petition alleging that the juvenile has committed a violent juvenile
984 felony or that a juvenile who had previously been the subject of a complaint alleging that he was in
985 need of supervision or delinquent, shall be filed with the court if that juvenile has previously been the
986 subject of a complaint alleging that he was in need of supervision or delinquent.

987 Whenever informal action is taken as provided in this subsection on a complaint alleging that a child
988 is in need of services, in need of supervision or delinquent, the intake officer shall (i) develop a plan for
989 the juvenile which may include a requirement for restitution and the performance of community service
990 based upon community resources and the circumstances which resulted in the complaint, (ii) create an
991 official record of the action taken by the intake officer and file such record in the juvenile's case file
992 and (iii) advise the juvenile and the juvenile's parent, guardian or other person standing in loco
993 parentis, and the complainant that any subsequent complaint alleging that the child is in need of
994 supervision or delinquent based upon facts which may be sufficient to invoke the jurisdiction of the
995 court pursuant to § 16.1-241 will result in the filing of a petition with the court.

996 C. The intake officer shall accept and file a petition in which it is alleged that (i) the custody,
997 visitation or support of a child is the subject of controversy or requires determination, (ii) a person has
998 deserted, abandoned or failed to provide support or separate maintenance for any person in violation of
999 law, or (iii) a child juvenile or such child's juvenile's parent, guardian, legal custodian or other person
1000 standing in loco parentis is entitled to treatment, rehabilitation or other services which are required by
1001 law. If any such complainant does not file a petition, the intake officer may file it. In cases in which a
1002 child is alleged to be abused, neglected, in need of services, in need of supervision or delinquent, if the
1003 intake officer believes that probable cause does not exist, or that the authorization of a petition will not
1004 be in the best interest of the family or child juvenile or that the matter may be effectively dealt with by
1005 some agency other than the court, he may refuse to authorize the filing of a petition.

1006 ~~E~~D. Prior to the filing of any petition alleging that a juvenile child is in need of supervision, the
1007 matter shall be reviewed by an intake officer who shall determine whether the petitioner and the juvenile
1008 child alleged to be in need of supervision have utilized or attempted to utilize treatment and services
1009 available in the community and have exhausted all appropriate nonjudicial remedies which are available
1010 to them. When the intake officer determines that the parties have not attempted to utilize available
1011 treatment or services or have not exhausted all appropriate nonjudicial remedies which are available, he
1012 shall refer the petitioner and the child alleged to be in need of supervision to the appropriate agency,
1013 treatment facility or individual to receive treatment or services, and a petition shall not be filed. Only
1014 after the intake officer determines that the parties have made a reasonable effort to utilize available
1015 community treatment or services, may he permit the petition to be filed.

1016 ~~E~~E. If the intake officer refuses to authorize a petition relating to an offense which if committed by
1017 an adult would be punishable as a Class 1 misdemeanor or as a felony, the complainant shall be notified
1018 in writing at that time of the complainant's right to apply to a magistrate for a warrant. If a magistrate
1019 determines that probable cause exists, he shall issue a warrant returnable to the family court. The
1020 warrant shall be delivered forthwith to the family court, and the intake officer shall accept and file a
1021 petition founded upon the warrant. If the court is closed and the magistrate finds that the criteria for
1022 detention or shelter care set forth in § 16.1-248.1 have been satisfied, the child juvenile may be detained
1023 pursuant to the warrant issued in accordance with this subsection. If the intake officer refuses to
1024 authorize a petition relating to a child in need of services or in need of supervision, a status offense, or
1025 a misdemeanor other than Class 1, his decision is final.

1026 Upon delivery to the family court of a warrant issued pursuant to subdivision 32 of § 16.1-256, the
1027 intake officer shall accept and file a petition founded upon the warrant.

1028 ~~E~~F. The intake officer shall notify the attorney for the Commonwealth of the filing of any petition
1029 which alleges facts of an offense which would be a felony if committed by an adult.

1030 ~~E~~G. After a petition is filed alleging that a juvenile committed an act which would be a crime if
1031 committed by an adult, the intake officer shall, as soon as practicable, provide notice by telephone of
1032 the filing of the petition and the nature of the offense to the superintendent of the school division in
1033 which the petitioner alleges the juvenile is or should be enrolled, provided the violation involves:

- 1034 1. The unlawful purchase, possession or use of a weapon pursuant to Article 4 (§ 18.2-279 et seq.) of
1035 Chapter 7 of Title 18.2;
- 1036 2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
- 1037 3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of
1038 Title 18.2;
- 1039 4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
- 1040 5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances,
1041 pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
- 1042 6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter
1043 7 of Title 18.2;

1044 7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2; or

1045 8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93.

1046 Promptly after filing a petition the intake officer shall also mail notice, by first class mail, to the
1047 superintendent. The failure to provide information regarding the school in which the juvenile who is the
1048 subject of the petition may be enrolled shall not be grounds for refusing to file a petition.

1049 The information provided to a division superintendent pursuant to this section may be disclosed only
1050 as provided in § 16.1-305.2.

1051 ~~FH.~~ The filing of a petition shall not be necessary:

1052 1. In the case of violations of the traffic laws, including offenses involving bicycles, hitchhiking and
1053 other pedestrian offenses, game and fish laws or a violation of the ordinance of any city regulating
1054 surfing or any ordinance establishing curfew violations or animal control violations. In such cases the
1055 court may proceed on a summons issued by the officer investigating the violation in the same manner as
1056 provided by law for adults. Additionally, an officer investigating a motor vehicle accident may, at the
1057 scene of the accident or at any other location where a juvenile who is involved in such an accident may
1058 be located, proceed on a summons in lieu of filing a petition.

1059 2. In the case of seeking consent to apply for the issuance of a work permit pursuant to subdivision
1060 H of § 16.1-241.

1061 3. In the case of a violation of § 18.2-266 or § 29.1-738, or the commission of any other
1062 alcohol-related offense, provided the ~~child juvenile~~ is released to the custody of a parent or legal
1063 guardian pending the initial court date. The officer releasing a ~~child juvenile~~ to the custody of a parent
1064 or legal guardian shall issue a summons to the ~~child juvenile~~ and shall also issue a summons requiring
1065 the parent or legal guardian to appear before the court with the ~~child juvenile~~. Disposition of the charge
1066 shall be in the manner provided in § 16.1-278.8 or § 16.1-278.9. If the ~~child juvenile~~ so charged with a
1067 violation of § 18.2-266 or § 29.1-738 refuses to provide a sample of blood or breath or samples of both
1068 blood and breath for chemical analysis pursuant to §§ 18.2-268.1 through 18.2-268.12 or § 29.1-738.2,
1069 the provisions of these sections shall be followed except that the magistrate shall authorize execution of
1070 the warrant as a summons. The summons shall be served on a parent or legal guardian and the ~~child~~
1071 ~~juvenile~~, and a copy of the summons shall be forwarded to the court in which the violation of
1072 § 18.2-266 or § 29.1-738 is to be tried.

1073 4. In cases of divorce, annulment or affirmation of marriage, separate maintenance, equitable
1074 distribution based on a foreign decree, and judicial review of school board actions and of hearing officer
1075 decisions.

1076 5. In the case of offenses which, if committed by an adult would be punishable as Class 3 or Class 4
1077 misdemeanor. In such cases the court may direct that an intake officer proceed as provided in § 16.1-237
1078 on a summons issued by the officer investigating the violation in the same manner as provided by law
1079 for adults provided that notice of the summons to appear is mailed by the investigating officer within
1080 five days of the issuance of the summons to a parent or legal guardian of the juvenile.

1081 ~~GI.~~ Failure to comply with the procedures set forth in this section shall not divest the family court of
1082 the jurisdiction granted it in § 16.1-241.

1083 § 16.1-261. Statements made at intake or mental health screening.

1084 Statements made by a child to the intake officer or probation officer during the intake process *or*
1085 *mental health screening pursuant to § 16.1-248.2* and prior to a hearing on the merits of the petition
1086 filed against the child, shall not be admissible at any stage of the proceedings.

1087 § 16.1-263. Summonses.

1088 A. After a petition has been filed, the court shall direct the issuance of summonses, one directed to
1089 the ~~child juvenile~~, if the ~~child juvenile~~ is twelve or more years of age, and another to the parents,
1090 guardian, legal custodian or other person standing in loco parentis, and such other persons as appear to
1091 the court to be proper or necessary parties to the proceedings. The summons shall require them to
1092 appear personally before the court at the time fixed to answer or testify as to the allegations of the
1093 petition. Where the custodian is summoned and such person is not the parent of the ~~child juvenile~~ in
1094 question, the parent shall also be served with a summons. The court may direct that other proper or
1095 necessary parties to the proceedings be notified of the pendency of the case, the charge and the time and
1096 place for the hearing.

1097 B. The summons shall advise the parties of their right to counsel as provided in § 16.1-266. A copy
1098 of the petition shall accompany each summons for the initial proceedings. *The summons shall include*
1099 *notice that in the event that the juvenile is committed to the Department or to a secure local facility, the*
1100 *parent or other person legally obligated to care for and support the juvenile may be required to pay a*
1101 *reasonable sum for maintenance and treatment of the juvenile pursuant to § 16.1-290.* Notice of
1102 subsequent proceedings shall be provided to all parties in interest. In all cases where a party is
1103 represented by counsel and counsel has been provided with a copy of the petition and due notice as to
1104 time, date and place of the hearing, such action shall be deemed due notice to such party, unless such
1105 counsel has notified the court that he no longer represents such party.

1106 C. The judge may endorse upon the summons an order directing the parents, guardian or other
1107 custodian having the custody or control of the ~~child~~ juvenile to bring the ~~child~~ juvenile to the hearing.

1108 D. A party, other than the ~~child~~ juvenile, may waive service of summons by written stipulation or by
1109 voluntary appearance at the hearing.

1110 E. No such summons or notification shall be required if the judge shall certify on the record that the
1111 identity of a parent or guardian is not reasonably ascertainable. An affidavit of the mother that the
1112 identity of the father is not reasonably ascertainable shall be sufficient evidence of this fact, provided
1113 there is no other evidence before the court which would refute such an affidavit.

1114 § 16.1-263. (Delayed effective date) Process.

1115 A. After a petition has been filed, the court shall direct the issuance of summonses, one directed to
1116 the ~~child~~ juvenile, if the ~~child~~ juvenile is twelve or more years of age, and another to the parents,
1117 guardian, legal custodian or other person standing in loco parentis, and such other persons as appear to
1118 the court to be proper or necessary parties to the proceedings. The summons shall require them to
1119 appear personally before the court at the time fixed to answer or testify as to the allegations of the
1120 petition. Where the custodian is summoned and such person is not the parent of the ~~child~~ juvenile in
1121 question, the parent shall also be served with a summons. The court may direct that other proper or
1122 necessary parties to the proceedings be notified of the pendency of the case, the charge and the time and
1123 place for the hearing.

1124 B. The summons shall advise the parties of their right to counsel as provided in § 16.1-266. *The*
1125 *summons shall include notice that in the event that the juvenile is committed to the Department or to a*
1126 *secure local facility, the parent or other person legally obligated to care for and support the juvenile*
1127 *may be required to pay a reasonable sum for maintenance and treatment of the juvenile pursuant to*
1128 *§ 16.1-290.* A copy of the petition shall accompany each summons for the initial proceedings. Notice of
1129 subsequent proceedings shall be provided to all parties in interest. In all cases where a party is
1130 represented by counsel and counsel has been provided with a copy of the petition and due notice as to
1131 time, date and place of the hearing, such action shall be deemed due notice to such party, unless such
1132 counsel has notified the court that he no longer represents such party.

1133 C. The judge may endorse upon the summons an order directing the parents, guardian or other
1134 custodian having the custody or control of the ~~child~~ juvenile to bring the ~~child~~ juvenile to the hearing.

1135 D. A party, other than the ~~child~~ juvenile, may waive service of summons by written stipulation or
1136 by voluntary appearance at the hearing.

1137 E. No such summons or notification shall be required if the judge shall certify on the record that the
1138 identity of a parent or guardian is not reasonably ascertainable. An affidavit of the mother that the
1139 identity of the father is not reasonably ascertainable shall be sufficient evidence of this fact, provided
1140 there is no other evidence before the court which would refute such an affidavit.

1141 F. For all cases of divorce, annulment or affirmation of marriage, separate maintenance, equitable
1142 distribution based on a foreign decree, adoption, change of name, amendment of a record of birth, and
1143 judicial review of school board actions and of hearing officer decisions, process shall be governed by
1144 the Rules of the Supreme Court or statute, as appropriate.

1145 § 16.1-269.1. Trial in circuit court; preliminary hearing; direct indictment; remand.

1146 A. ~~If~~ *Except as provided in subsections B and C, if* a juvenile fourteen years of age or older *at the*
1147 *time of an alleged offense* is charged with an offense which would be a felony if committed by an adult,
1148 the court shall, on motion of the attorney for the Commonwealth and prior to a hearing on the merits,
1149 hold a transfer hearing and may retain jurisdiction or transfer such juvenile for proper criminal
1150 proceedings to the appropriate circuit court having criminal jurisdiction of such offenses if committed by
1151 an adult. Any transfer to the appropriate circuit court shall be subject to the following conditions:

1152 1. Notice as prescribed in §§ 16.1-263 and 16.1-264 shall be given to the juvenile and his parent,
1153 guardian, legal custodian or other person standing in loco parentis; or attorney;

1154 2. The juvenile court finds that probable cause exists to believe that the juvenile committed the
1155 delinquent act as alleged or a lesser included delinquent act which would be a felony if committed by
1156 an adult;

1157 3. The juvenile is competent to stand trial. The juvenile is presumed to be competent and the burden
1158 is on the party alleging the juvenile is not competent to rebut the presumption by a preponderance of the
1159 evidence; and

1160 4. ~~Except as provided in subsection B, the~~ *The* court finds by a preponderance of the evidence that
1161 the juvenile is not a proper person to remain within the jurisdiction of the juvenile court. In determining
1162 whether a juvenile is a proper person to remain within the jurisdiction of the juvenile court, the court
1163 shall consider, but not be limited to, the following factors:

1164 a. The juvenile's age;

1165 b. The seriousness and number of alleged offenses, including (i) whether the alleged offense was
1166 committed in an aggressive, violent, premeditated, or willful manner; (ii) whether the alleged offense

1167 was against persons or property, with greater weight being given to offenses against persons, especially
 1168 if death or bodily injury resulted; (iii) whether the maximum punishment for such an offense is greater
 1169 than twenty years confinement if committed by an adult; (iv) whether the alleged offense involved the
 1170 use of a firearm or other dangerous weapon by brandishing, threatening, displaying or otherwise
 1171 employing such weapon; and (v) the nature of the juvenile's participation in the alleged offense;

1172 c. Whether the juvenile can be retained in the juvenile justice system long enough for effective
 1173 treatment and rehabilitation;

1174 d. The appropriateness and availability of the services and dispositional alternatives in both the
 1175 criminal justice and juvenile justice systems for dealing with the juvenile's problems;

1176 e. The record and previous history of the juvenile in this or other jurisdictions, including (i) the
 1177 number and nature of previous contacts with juvenile or circuit courts, (ii) the number and nature of
 1178 prior periods of probation, (iii) the number and nature of prior commitments to ~~learning juvenile~~
 1179 *correctional* centers, (iv) the number and nature of previous residential and community-based treatments,
 1180 (v) whether previous adjudications and commitments were for delinquent acts that involved the infliction
 1181 of serious bodily injury, and (vi) whether the alleged offense is part of a repetitive pattern of similar
 1182 adjudicated offenses;

1183 f. Whether the juvenile has previously absconded from the legal custody of a juvenile correctional
 1184 entity in this or any other jurisdiction;

1185 g. The extent, if any, of the juvenile's degree of mental retardation or mental illness;

1186 h. The juvenile's school record and education;

1187 i. The juvenile's mental and emotional maturity; and

1188 j. The juvenile's physical condition and physical maturity.

1189 No transfer decision shall be precluded or reversed on the grounds that the court failed to consider
 1190 any of the factors specified in subdivision A 4 of § 16.1-269.1.

1191 B. ~~The court may hold a transfer hearing and certify the juvenile for transfer to the appropriate~~
 1192 ~~circuit court without making the finding required by subdivision A 4 if~~ *The juvenile court shall conduct*
 1193 *a preliminary hearing whenever a juvenile fourteen years of age or older is charged with:*

1194 1. ~~A Class 1 or 2 felony violation of Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 or, if the juvenile is~~
 1195 ~~sixteen years of age or older, a Class 3 felony violation of Chapter 4 (§ 18.2-30 et seq.) of Title 18.2~~
 1196 ~~for: (i) murder under Article 1; (ii) mob-related felony under Article 2; (iii) kidnapping or abduction~~
 1197 ~~under Article 3; or (iv) assault or bodily wounding under Article 4; or~~

1198 2. ~~Any unclassified felony violation of Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 which carries a~~
 1199 ~~maximum penalty of imprisonment for life or a term of imprisonment of forty years if committed by an~~
 1200 ~~adult: a Class 1 felony (§ 18.2-31), murder in violation of § 18.2-32 or § 18.2-40, or aggravated~~
 1201 ~~malicious wounding (§ 18.2-51.2).~~

1202 C. *The juvenile court shall conduct a preliminary hearing whenever a juvenile fourteen years of age*
 1203 *or older is charged with murder in violation of § 18.2-33, felonious injury by mob in violation of*
 1204 *§ 18.2-41, abduction in violation of § 18.2-48, malicious wounding in violation of § 18.2-51, malicious*
 1205 *wounding of a law-enforcement officer in violation of § 18.2-51.1, felonious poisoning in violation of*
 1206 *§ 18.2-54.1, adulteration of products in violation of § 18.2-54.1, robbery in violation of § 18.2-58 or*
 1207 *carjacking in violation of § 18.2-58.1, rape (§ 18.2-61), forcible sodomy (§ 18.2-67.1) or object sexual*
 1208 *penetration (§ 18.2-67.2), provided the attorney for the Commonwealth gives written notice of his intent*
 1209 *to proceed pursuant to this subsection. If the attorney for the Commonwealth elects not to give such*
 1210 *notice, or if he elects to withdraw the notice prior to certification of the charge to the grand jury, he*
 1211 *may proceed as provided in subsection A.*

1212 D. *Upon a finding of probable cause pursuant to a preliminary hearing under subsection B or C, the*
 1213 *juvenile court shall certify the charge for the violent juvenile felony, and all ancillary charges, to the*
 1214 *grand jury. Return of an indictment shall divest the juvenile court of jurisdiction as to those charges.*

1215 *If the court does not find probable cause to believe that the juvenile has committed the violent*
 1216 *juvenile felony as charged in the petition or warrant or if the petition or warrant is terminated by*
 1217 *dismissal in the juvenile court, the attorney for the Commonwealth may seek a direct indictment in the*
 1218 *circuit court. If the petition or warrant is terminated by nolle prosequi in the juvenile court, the attorney*
 1219 *for the Commonwealth may seek an indictment after a preliminary hearing in juvenile court.*

1220 If the court finds that the juvenile was not fourteen years of age or older at the time of the alleged
 1221 commission of the offense or that the conditions specified in subdivision 1, 2, or 3 of subsection A have
 1222 not been met, the case shall proceed as otherwise provided for by law.

1223 E. *An indictment in the circuit court cures any procedural error or defect in any proceeding held in*
 1224 *the juvenile court. If an indictment is terminated by nolle prosequi, the Commonwealth may reinstate the*
 1225 *proceeding by seeking a subsequent indictment.*

1226 § 16.1-269.1. (Delayed effective date) Trial in circuit court; preliminary hearing, direct indictment;
 1227 remand.

1228 A. ~~¶~~ *Except as provided in subsections B and C, if a juvenile fourteen years of age or older at the*

1229 *time of an alleged offense* is charged with an offense which would be a felony if committed by an adult,
 1230 the court shall, on motion of the attorney for the Commonwealth and prior to a hearing on the merits,
 1231 hold a transfer hearing and may retain jurisdiction or transfer such juvenile for proper criminal
 1232 proceedings to the appropriate circuit court having criminal jurisdiction of such offenses if committed by
 1233 an adult. Any transfer to the appropriate circuit court shall be subject to the following conditions:

1234 1. Notice as prescribed in §§ 16.1-263 and 16.1-264 shall be given to the juvenile and his parent,
 1235 guardian, legal custodian or other person standing in loco parentis; or attorney;

1236 2. The family court finds that probable cause exists to believe that the juvenile committed the
 1237 delinquent act as alleged or a lesser included delinquent act which would be a felony if committed by
 1238 an adult;

1239 3. The juvenile is competent to stand trial. The juvenile is presumed to be competent and the burden
 1240 is on the party alleging the juvenile is not competent to rebut the presumption by a preponderance of the
 1241 evidence; and

1242 4. ~~Except as provided in subsection B, the~~ *The* court finds by a preponderance of the evidence that
 1243 the juvenile is not a proper person to remain within the jurisdiction of the family court. In determining
 1244 whether a juvenile is a proper person to remain within the jurisdiction of the family court, the court
 1245 shall consider, but not be limited to, the following factors:

1246 a. The juvenile's age;

1247 b. The seriousness and number of alleged offenses, including (i) whether the alleged offense was
 1248 committed in an aggressive, violent, premeditated, or willful manner; (ii) whether the alleged offense
 1249 was against persons or property, with greater weight being given to offenses against persons, especially
 1250 if death or bodily injury resulted; (iii) whether the maximum punishment for such an offense is greater
 1251 than twenty years confinement if committed by an adult; (iv) whether the alleged offense involved the
 1252 use of a firearm or other dangerous weapon by brandishing, threatening, displaying or otherwise
 1253 employing such weapon; and (v) the nature of the juvenile's participation in the alleged offense;

1254 c. Whether the juvenile can be retained in the juvenile justice system long enough for effective
 1255 treatment and rehabilitation;

1256 d. The appropriateness and availability of the services and dispositional alternatives in both the
 1257 criminal justice and juvenile justice systems for dealing with the juvenile's problems;

1258 e. The record and previous history of the juvenile in this or other ~~jurisdiction~~ *jurisdictions*, including
 1259 (i) the number and nature of previous contacts with family or circuit courts, (ii) the number and nature
 1260 of prior periods of probation, (iii) the number and nature of prior commitments to ~~learning~~ *juvenile*
 1261 *correctional* centers, (iv) the number and nature of previous residential and community-based treatments,
 1262 (v) whether previous adjudications and commitments were for delinquent acts that involved the infliction
 1263 of serious bodily injury, and (vi) whether the alleged offense is part of a repetitive pattern of similar
 1264 adjudicated offenses;

1265 f. Whether the juvenile has previously absconded from the legal custody of a juvenile correctional
 1266 entity in this or any other jurisdiction;

1267 g. The extent, if any, of the juvenile's degree of mental retardation or mental illness;

1268 h. The juvenile's school record and education;

1269 i. The juvenile's mental and emotional physical maturity; and

1270 j. The juvenile's physical condition and physical maturity.

1271 No transfer decision shall be precluded or reversed on the grounds that the court failed to consider
 1272 any of the factors specified in subdivision A 4 of § 16.1-269.1.

1273 B. ~~The court may hold a transfer hearing and certify the juvenile for transfer to the appropriate~~
 1274 ~~circuit court without making the finding required by subdivision A 4 if~~ *The family court shall conduct*
 1275 *a preliminary hearing whenever* a juvenile fourteen years of age or older is charged with:

1276 1. ~~A Class 1 or 2 felony violation of Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 or, if the juvenile is~~
 1277 ~~sixteen years of age or older, a Class 3 felony violation of Chapter 4 (§ 18.2-30 et seq.) of Title 18.2~~
 1278 ~~for: (i) murder under Article 1; (ii) mob-related felony under Article 2; (iii) kidnapping or abduction~~
 1279 ~~under Article 3; or (iv) assault or bodily wounding under Article 4; or~~

1280 2. Any unclassified felony violation of Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 which carries a
 1281 maximum penalty of imprisonment for life or a term of imprisonment of forty years if committed by an
 1282 ~~adult.~~ *a Class 1 felony (§ 18.2-31), murder in violation of § 18.2-32 or § 18.2-40 or aggravated*
 1283 *malicious wounding in violation of § 18.2-51.2.*

1284 C. *The family court shall conduct a preliminary hearing whenever a juvenile fourteen years of age*
 1285 *or older is charged with murder in violation of § 18.2-33, felonious injury by mob in violation of*
 1286 *§ 18.2-41, abduction in violation of § 18.2-48, malicious wounding in violation of § 18.2-51, malicious*
 1287 *wounding of a law-enforcement officer in violation of § 18.2-51.1, felonious poisoning in violation of*
 1288 *§ 18.2-54.1, adulteration of products in violation of § 18.2-54.1, robbery in violation of § 18.2-58 or*
 1289 *carjacking in violation of § 18.2-58.1, rape in violation of § 18.2-61, forcible sodomy in violation of*

1290 § 18.2-67.1 or object sexual penetration in violation of § 18.2-67.2 provided the attorney for the
 1291 Commonwealth gives written notice of his intent to proceed pursuant to this subsection. If the attorney
 1292 for the Commonwealth elects not to give such notice, or if he elects to withdraw the notice prior to
 1293 certification of the charge to the grand jury, he may proceed as provided in subsection A.

1294 D. Upon a finding of probable cause pursuant to a preliminary hearing under subsection B or C, the
 1295 family court shall certify the charge, and all ancillary charges, to the grand jury. Certification shall
 1296 divest the family court of jurisdiction as to the charge and any ancillary charges.

1297 If the court does not find probable cause to believe that the juvenile has committed the violent
 1298 juvenile felony as charged in the petition or if the petition is terminated by dismissal in the family court
 1299 or by nolle prosequi in the family court, the attorney for the Commonwealth may seek a direct
 1300 indictment in the circuit court.

1301 If the court finds that the juvenile was not fourteen years of age or older at the time of the alleged
 1302 commission of the offense or that the conditions specified in subdivision 1, 2, or 3 of subsection A have
 1303 not been met, the case shall proceed as otherwise provided for by law.

1304 E. An indictment in the circuit court cures any error or defect in any proceeding held in the family
 1305 court. If an indictment is terminated by nolle prosequi, the Commonwealth may reinstate the proceeding
 1306 by seeking a subsequent indictment.

1307 § 16.1-269.3. Retention by juvenile court; appeal.

1308 If ~~the~~ a case is not certified or transferred following a probable cause or transfer hearing in the
 1309 juvenile court, the judge who conducted the hearing shall not, over the objection of any interested party,
 1310 preside at the adjudicatory hearing on the petition, but rather it shall be presided over by another judge
 1311 of that court. If the attorney for the Commonwealth deems it to be in the public interest, and the
 1312 juvenile is fourteen years of age or older and is charged with an offense which, if committed by an
 1313 adult, would be punishable by death or confinement in a state correctional facility for life or a maximum
 1314 period of twenty years or more, he may, within ten days after the juvenile court's final decision to retain
 1315 the case in accordance with subsection A of § 16.1-269.1, file a notice of appeal of the decision to the
 1316 appropriate circuit court. A copy of such notice shall be furnished at the same time to the counsel for
 1317 the juvenile.

1318 § 16.1-269.3. (Delayed effective date—See Notes.) Retention of case by family court.; appeal.

1319 If ~~the~~ a case is not transferred following a probable cause or transfer hearing in the family court, the
 1320 judge who conducted the hearing shall not, over the objection of any interested party, preside at the
 1321 adjudicatory hearing on the petition, but rather it shall be presided over by another judge of that court.
 1322 If the attorney for the Commonwealth deems it to be in the public interest, and the juvenile is fourteen
 1323 years of age or older and is charged with an offense which, if committed by an adult, would be
 1324 punishable by death or confinement in a state correctional facility for life or a maximum period of
 1325 twenty years or more, he may, within ten days after the family court's final decision to retain the case,
 1326 file a notice of appeal of the decision to the appropriate circuit court. A copy of such notice shall be
 1327 furnished at the same time to the counsel for the juvenile.

1328 § 16.1-269.4. Transfer to circuit court; appeal by juvenile.

1329 If the juvenile court transfers the case pursuant to subsection A of § 16.1-269.1, the juvenile may,
 1330 within ten days after the juvenile court's final decision, file a notice of appeal of the decision to the
 1331 appropriate circuit court. A copy of the notice shall be furnished at the same time to the attorney for the
 1332 Commonwealth.

1333 § 16.1-269.4. (Delayed effective date) Transfer to circuit court; appeal by juvenile.

1334 If the family court transfers the case pursuant to subsection A of § 16.1-269.1, the juvenile may,
 1335 within ten days after the family court's final decision, file a notice of appeal of the decision to the
 1336 appropriate circuit court. A copy of the notice shall be furnished at the same time to the attorney for the
 1337 Commonwealth.

1338 § 16.1-269.6. Circuit court hearing; jury; termination of juvenile court jurisdiction; objections and
 1339 appeals.

1340 A. Within seven days after receipt of notice of an appeal from the transfer decision pursuant to
 1341 subsection A of § 16.1-269.1, by either the attorney for the Commonwealth or the juvenile, or if an
 1342 appeal to such a decision to transfer is not noted, upon expiration of the time in which to note such an
 1343 appeal, the clerk of the court shall forward to the circuit court all papers connected with the case,
 1344 including any report required by subsection B of § 16.1-269.2, as well as a written court order setting
 1345 forth the reasons for the juvenile court's decision. The clerk shall forward copies of the order to the
 1346 attorney for the Commonwealth and other counsel of record.

1347 B. The circuit court shall, within a reasonable time after receipt of the case from the juvenile court
 1348 pursuant to subsection A of § 16.1-269.1, (i) examine all such papers, reports and orders; (ii) if either
 1349 the juvenile or the attorney for the Commonwealth has appealed the transfer decision, examine all such
 1350 papers, reports and orders and conduct a hearing to take further evidence on the issue of transfer, to
 1351 determine if there has been substantial compliance with subsection A of § 16.1-269.1, but without

1352 redetermining whether the juvenile court had sufficient evidence to find probable cause; and ~~(iii)~~ (ii)
 1353 enter an order either remanding the case to the juvenile court or advising the attorney for the
 1354 Commonwealth that he may seek an indictment. Upon advising the attorney for the Commonwealth that
 1355 he may seek an indictment, the circuit court shall issue an order transferring the juvenile from the
 1356 juvenile detention facility to an appropriate local correctional facility where the juvenile need no longer
 1357 be entirely separate and removed from adults, unless, upon motion of counsel, good cause is shown for
 1358 placement of the juvenile pursuant to the limitations of subdivision E (i), (ii), and (iii) of § 16.1-249.
 1359 *However, in cases where a charge has been certified by the juvenile court to the grand jury pursuant to*
 1360 *subsection B or C of § 16.1-269.1, the attorney for the Commonwealth may seek an indictment upon*
 1361 *such charge without obtaining an order of the circuit court advising him that he may do so.*

1362 C. The circuit court order advising the attorney for the Commonwealth that he may seek an
 1363 indictment shall divest the juvenile court of its jurisdiction over the case as well as the juvenile court's
 1364 jurisdiction over any other allegations of delinquency arising from the same act, transaction or scheme
 1365 giving rise to the charge for which the juvenile has been transferred. In addition, upon conviction of the
 1366 juvenile following transfer and trial as an adult, the circuit court shall issue an order terminating the
 1367 juvenile court's jurisdiction over that juvenile with respect to any future criminal acts alleged to have
 1368 been committed by such juvenile and with respect to any pending allegations of delinquency which have
 1369 not been disposed of by the juvenile court at the time of the criminal conviction. Upon receipt of the
 1370 order terminating the juvenile court's jurisdiction over the juvenile, the clerk of the juvenile court shall
 1371 forward any pending petitions of delinquency for proceedings in the appropriate general district court.

1372 D. The judge of the circuit court who reviewed the case after receipt from the juvenile court shall
 1373 not, over the objection of any interested party, preside over the trial of such charge or charges.

1374 E. Any objection to the jurisdiction of the circuit court pursuant to this article shall be waived if not
 1375 made before arraignment.

1376 F. The time period beginning with the filing of a notice of appeal pursuant to § 16.1-269.3 or
 1377 § 16.1-269.4 and ending with the order of the circuit court disposing of the appeal shall not be included
 1378 as applying to the provisions of § 19.2-243.

1379 § 16.1-269.6. (Delayed effective date) Circuit court hearing; termination of family court jurisdiction;
 1380 objections and appeals.

1381 A. Within seven days after receipt of notice of an appeal from the transfer decision *pursuant to*
 1382 *subsection A of § 16.1-269.1* by either the attorney for the Commonwealth or the juvenile, or if an
 1383 appeal to *such* a decision to transfer is not noted, upon expiration of the time in which to note appeal,
 1384 the clerk of the family court shall forward to the circuit court all papers connected with the case,
 1385 including any report required by subsection B of § 16.1-269.2 as well as a written court order setting
 1386 forth the reasons for the family court's decision. The clerk shall forward copies of the order to the
 1387 attorney for the Commonwealth and other counsel of record.

1388 B. The circuit court shall, within a reasonable time after receipt of the case from the family court
 1389 *pursuant to subsection A of § 16.1-269.1*, (i) ~~examine all such papers, reports and orders;~~ (ii) if either
 1390 the juvenile or the attorney for the Commonwealth has appealed the transfer decision, *examine all such*
 1391 *papers, reports and orders* and conduct a hearing to take further evidence on the issue of transfer, to
 1392 determine if there has been substantial compliance with *subsection A of § 16.1-269.1*, but without
 1393 redetermining whether the family court had sufficient evidence to find probable cause; and ~~(iii)~~ (ii) enter
 1394 an order either remanding the case to the family court or advising the attorney for the Commonwealth
 1395 that he may seek an indictment. Upon advising the attorney for the Commonwealth that he may seek an
 1396 indictment, the circuit court shall issue an order transferring the juvenile from the juvenile detention
 1397 facility to an appropriate local correctional facility where the juvenile need no longer be entirely separate
 1398 and removed from adults, unless, upon motion of counsel, good cause is shown for placement of the
 1399 juvenile pursuant to the limitations of subdivision E (i), (ii), and (iii) of § 16.1-249. *However, in cases*
 1400 *where a charge has been certified by the family court to the grand jury pursuant to subsection B or C*
 1401 *of § 16.1-269.1, the attorney for the Commonwealth may seek an indictment upon such charge without*
 1402 *obtaining an order of the circuit court advising him that he may do so.*

1403 C. The circuit court order advising the attorney for the Commonwealth that he may seek an
 1404 indictment shall divest the family court of its jurisdiction over the case as well as the family court's
 1405 jurisdiction over any other allegations of delinquency arising from the same act, transaction or scheme
 1406 giving rise to the charge for which the juvenile has been transferred. In addition, upon conviction of the
 1407 juvenile following transfer and trial as an adult, the circuit court shall issue an order terminating the
 1408 family court's jurisdiction over that juvenile with respect to any future criminal acts alleged to have been
 1409 committed by such juvenile and with respect to any pending allegations of delinquency which have not
 1410 been disposed of by the family court at the time of the criminal conviction. Upon receipt of the order
 1411 terminating the family court's jurisdiction over the juvenile, the clerk of the family court shall forward
 1412 any pending petitions of delinquency for proceedings in the appropriate general district court.

1413 D. The judge of the circuit court who reviewed the case after receipt from the family court shall not,
1414 over the objection of any interested party, preside over the trial of such charge or charges.

1415 E. Any objection to the jurisdiction of the circuit court pursuant to this article shall be waived if not
1416 made before arraignment.

1417 F. The time period beginning with the filing of a notice of appeal pursuant to § 16.1-269.3 or
1418 § 16.1-269.4 and ending with the order of the circuit court disposing of the appeal shall not be included
1419 as applying to the provisions of § 19.2-243.

1420 § 16.1-272. Power of circuit court over juvenile offender.

1421 A. ~~In the hearing and disposition of felony cases properly before a circuit court having criminal~~
1422 ~~jurisdiction of such offenses if committed by an adult, the court, after giving the juvenile the right to a~~
1423 ~~trial by jury on the issue of guilt or innocence and upon a finding of guilty, In any case in which a~~
1424 ~~juvenile is indicted and the matter is to be tried in the circuit court, the offense for which he is indicted~~
1425 ~~and all ancillary charges shall be tried in the same manner as provided for the trial of adults, except as~~
1426 ~~otherwise provided with regard to sentencing. Upon a finding of guilty of any charge other than capital~~
1427 ~~murder, the court shall fix the sentence without the intervention of a jury.~~

1428 *If a juvenile is convicted of a violent juvenile felony, the sentence for that offense and for all*
1429 *ancillary charges shall be fixed in the same manner as provided for adults, but the sentence may be*
1430 *suspended conditioned upon successful completion of the terms and conditions imposed upon a*
1431 *disposition as a delinquency case in a district court. If the juvenile is convicted of any other felony, the*
1432 *court may sentence or commit the juvenile offender in accordance with the criminal laws of this*
1433 *Commonwealth or may in its discretion deal with the juvenile in the manner prescribed in this law*
1434 *chapter for the hearing and disposition of cases in the juvenile court, including, but not limited to,*
1435 *commitment under § 16.1-285.1. If the juvenile is not convicted of a felony but is convicted of a*
1436 *misdemeanor, the court shall deal with the juvenile in the manner prescribed by law for the disposition*
1437 *of a delinquency case in the district court.*

1438 B. If the circuit court decides to deal with the juvenile in the same manner as a case in the juvenile
1439 court and places the ~~child~~ juvenile on probation, the ~~child~~ juvenile may be supervised by a juvenile
1440 probation officer.

1441 C. Whether the court sentences and commits the ~~child~~ juvenile as a juvenile under this chapter or
1442 under the criminal law, in cases where the juvenile is convicted of a felony in violation of §§ 18.2-61,
1443 18.2-63, 18.2-64.1, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.5, 18.2-370 or § 18.2-370.1 or, where the
1444 victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10,
1445 subsection B of § 18.2-361 or subsection B of § 18.2-366, the clerk shall make the report required by
1446 § 19.2-390 to the Sex Offender Registry established pursuant to § 19.2-390.1.

1447 § 16.1-272. (Delayed effective date) Power of circuit court over juvenile offender.

1448 A. ~~In the hearing and disposition of felony cases properly before a circuit court having criminal~~
1449 ~~jurisdiction of such offenses if committed by an adult, the court, after giving the juvenile the right to a~~
1450 ~~trial by jury on the issue of guilt or innocence and upon a finding of guilty, In any case in which a~~
1451 ~~juvenile is indicted and the matter is to be tried in the circuit court, the offense for which he is indicted~~
1452 ~~and all ancillary charges shall be tried in the same manner as provided for the trial of adults, except as~~
1453 ~~otherwise provided with regard to sentencing. Upon a finding of guilty of any charge other than capital~~
1454 ~~murder, the court shall fix the sentence without the intervention of a jury.~~

1455 *If a juvenile is convicted of a violent juvenile felony, the sentence for that offense and for all*
1456 *ancillary charges shall be fixed in the same manner as provided for adults, but the sentence may be*
1457 *suspended conditioned upon successful completion of the terms and conditions imposed upon a*
1458 *disposition as a delinquency case in a district court. If the juvenile is convicted of any other felony, the*
1459 *court may sentence or commit the juvenile offender in accordance with the criminal laws of this*
1460 *Commonwealth or may in its discretion deal with the juvenile in the manner prescribed in this law*
1461 *chapter for the hearing and disposition of cases in the family court, including, but not limited to,*
1462 *commitment under § 16.1-285.1. If the juvenile is not convicted of a felony but is convicted of a*
1463 *misdemeanor, the court shall deal with the juvenile in the manner prescribed by law for the disposition*
1464 *of a delinquent case in the juvenile court.*

1465 B. If the circuit court decides to deal with the juvenile in the same manner as a case in the family
1466 court and places the ~~child~~ juvenile on probation, the ~~child~~ juvenile may be supervised by a juvenile
1467 probation officer of the family court.

1468 C. Whether the court sentences and commits the ~~child~~ juvenile as a juvenile under this chapter or
1469 under the criminal law, in cases where the juvenile is convicted of a felony in violation of §§ 18.2-61,
1470 18.2-63, 18.2-64.1, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.5, 18.2-370 or § 18.2-370.1 or, where the
1471 victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10,
1472 subsection B of § 18.2-361 or subsection B of § 18.2-366, the clerk shall make the report required by
1473 § 19.2-390 to the Sex Offender Registry established pursuant to § 19.2-390.1.

1474 § 16.1-274.1. Admission of evidence of juvenile's age.

1475 In any delinquency proceeding in a district court or circuit court where a juvenile is alleged to have
 1476 committed a delinquent act, the Commonwealth shall be permitted to introduce evidence establishing the
 1477 age of the juvenile who is the subject of the delinquency petition at any time prior to adjudication of the
 1478 case.

1479 § 16.1-278.8. Delinquent juveniles.

1480 If a juvenile is found to be delinquent, except where such finding involves a refusal to take a blood
 1481 or breath test in violation of § 18.2-268.2 or a similar ordinance, the juvenile court or the circuit court
 1482 may make any of the following orders of disposition for his supervision, care and rehabilitation:

1483 1. Enter an order pursuant to the provisions of § 16.1-278;

1484 2. Permit the juvenile to remain with his parent, subject to such conditions and limitations as the
 1485 court may order with respect to the juvenile and his parent;

1486 3. Order the parent of a juvenile living with him to participate in such programs, cooperate in such
 1487 treatment or be subject to such conditions and limitations as the court may order and as are designed for
 1488 the rehabilitation of the juvenile and his parent;

1489 4. Defer disposition for a period of time not to exceed twelve months, after which time the charge
 1490 may be dismissed by the judge if the juvenile exhibits good behavior during the period for which
 1491 disposition is deferred;

1492 *4a. Defer disposition and place the juvenile in the temporary custody of the Department to attend a*
 1493 *Boot Camp Program and no less than six months of intensive aftercare established pursuant to § 66-13*
 1494 *provided the juvenile (i) is otherwise eligible for commitment to the Department, (ii) has not previously*
 1495 *been and is not currently being adjudicated delinquent or found guilty of an offense for which transfer*
 1496 *for trial in the circuit court would be authorized pursuant to subsection B or C of § 16.1-269.1, (iii) has*
 1497 *not previously been committed to and received by the Department, (iv) has not previously attended a*
 1498 *Boot Camp Program. Upon the juvenile's withdrawal, removal or refusal to comply with the terms and*
 1499 *conditions of participation in the program, he shall be brought before the court for a hearing at which*
 1500 *the court may impose any other disposition as authorized by this section which could have been imposed*
 1501 *at the time the juvenile was placed in the custody of the Department;*

1502 5. Without entering a judgment of guilty and with the consent of the juvenile and his attorney, defer
 1503 disposition of the delinquency charge for a period not to exceed twelve months and place the juvenile
 1504 on probation under such conditions and limitations as the court may prescribe. Upon fulfillment of the
 1505 terms and conditions, the court shall discharge the juvenile and dismiss the proceedings against him.
 1506 Discharge and dismissal under these provisions shall be without adjudication of guilt;

1507 6. Order the parent of a juvenile with whom the juvenile does not reside to participate in such
 1508 programs, cooperate in such treatment or be subject to such conditions and limitations as the court may
 1509 order and as are designed for the rehabilitation of the juvenile where the court determines this
 1510 participation to be in the best interest of the juvenile and other parties concerned and where the court
 1511 determines it reasonable to expect the parent to be able to comply with such order;

1512 7. Place the juvenile on probation under such conditions and limitations as the court may prescribe,
 1513 which may include, but are not limited to, compliance with any alternative education plan prepared
 1514 pursuant to § 22.1-277.1;

1515 8. Impose a fine not to exceed \$500 upon such juvenile;

1516 9. Suspend the motor vehicle and driver's license of such juvenile or impose a curfew on the juvenile
 1517 as to the hours during which he may operate a motor vehicle. Any juvenile whose driver's license is
 1518 suspended may be referred for an assessment and subsequent referral to appropriate services, upon such
 1519 terms and conditions as the court may order. The court, in its discretion and upon a demonstration of
 1520 hardship, may authorize the use of a restricted permit to operate a motor vehicle by any juvenile who
 1521 enters such program for any of the purposes set forth in subsection E of § 18.2-271.1 or for travel to
 1522 and from school. The restricted permit shall be issued in accordance with the provisions of such
 1523 subsection. However, only an abstract of the court order which identifies the juvenile and the conditions
 1524 under which the restricted license is to be issued shall be sent to the Department of Motor Vehicles.

1525 If a curfew is imposed, the juvenile shall surrender his driver's license, which shall be held in the
 1526 physical custody of the court during any period of curfew restriction. The court shall send an abstract of
 1527 any order issued under the provisions of this section to the Department of Motor Vehicles, which shall
 1528 preserve a record thereof. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of this
 1529 chapter or the provisions of Title 46.2, this record shall be available only to all law-enforcement
 1530 officers, attorneys for the Commonwealth and courts. A copy of the court order, upon which shall be
 1531 noted all curfew restrictions, shall be provided to the juvenile and shall contain such information
 1532 regarding the juvenile as is reasonably necessary to identify him. The juvenile may operate a motor
 1533 vehicle under the court order in accordance with its terms.

1534 Any juvenile who operates a motor vehicle in violation of any restrictions imposed pursuant to this
 1535 section shall be guilty of a violation of § 46.2-301.

1536 The Department of Motor Vehicles shall refuse to issue a driver's license to any juvenile denied a
1537 driver's license until such time as is stipulated in the court order or until notification by the court of
1538 withdrawal of the order imposing the curfew;

1539 10. Require the juvenile to make restitution or reparation to the aggrieved party or parties for actual
1540 damages or loss caused by the offense for which the juvenile was found to be delinquent;

1541 11. Require the juvenile to participate in a public service project under such conditions as the court
1542 prescribes;

1543 12. In case of traffic violations, impose only those penalties which are authorized to be imposed on
1544 adults for such violations. However, for those violations punishable by confinement if committed by an
1545 adult, confinement shall be imposed only as authorized by this title;

1546 13. Transfer legal custody to any of the following:

1547 a. A relative or other individual who, after study, is found by the court to be qualified to receive and
1548 care for the juvenile;

1549 b. A child welfare agency, private organization or facility which is licensed or otherwise authorized
1550 by law to receive and provide care for such juvenile. The court shall not transfer legal custody of a
1551 delinquent juvenile to an agency, organization or facility outside of the Commonwealth without the
1552 approval of the Director; or

1553 c. The local board of public welfare or social services of the county or city in which the court has
1554 jurisdiction or, at the discretion of the court, to the local board of the county or city in which the
1555 juvenile has residence if other than the county or city in which the court has jurisdiction. The board
1556 shall accept the juvenile for care and custody, provided that it has been given reasonable notice of the
1557 pendency of the case and an opportunity to be heard. However, in an emergency in the county or city in
1558 which the court has jurisdiction, such local board may be required to temporarily accept a juvenile for a
1559 period not to exceed fourteen days without prior notice or an opportunity to be heard if the judge
1560 entering the placement order describes the emergency and the need for such temporary placement in the
1561 order. Nothing in this subdivision shall prohibit the commitment of a juvenile to any local board of
1562 public welfare or social services in the Commonwealth when such local board consents to the
1563 commitment. The board to which the juvenile is committed shall have the final authority to determine
1564 the appropriate placement for the juvenile. Any order authorizing removal from the home and
1565 transferring legal custody of a juvenile to a local board of public welfare or social services as provided
1566 in this subdivision shall be entered only upon a finding by the court that reasonable efforts have been
1567 made to prevent removal and that continued placement in the home would be contrary to the welfare of
1568 the juvenile, and the order shall so state;

1569 14. Commit the juvenile to the Department of Youth and Family Services, but only if he is older
1570 than ten years of age and the current offense is (i) an offense which would be a felony if committed by
1571 an adult or (ii) an offense which would be a Class 1 misdemeanor if committed by an adult and the
1572 juvenile has previously been found to be delinquent based on an offense which would be either a felony
1573 or Class 1 misdemeanor if committed by an adult;

1574 15. Impose the penalty authorized by § 16.1-284;

1575 16. Impose the penalty authorized by § 16.1-284.1;

1576 17. Impose the penalty authorized by § 16.1-285.1; or

1577 18. Impose the penalty authorized by § 16.1-278.9.

1578 § 16.1-278.8. (Delayed effective date) Delinquent juveniles.

1579 If a juvenile is found to be delinquent, except where such finding involves a refusal to take a blood
1580 or breath test in violation of § 18.2-268.2 or a similar ordinance, the family court or the circuit court
1581 may make any of the following orders of disposition for his supervision, care and rehabilitation:

1582 1. Enter an order pursuant to the provisions of § 16.1-278;

1583 2. Permit the juvenile to remain with his parent, subject to such conditions and limitations as the
1584 court may order with respect to the juvenile and his parent;

1585 3. Order the parent of a juvenile living with him to participate in such programs, cooperate in such
1586 treatment or be subject to such conditions and limitations as the court may order and as are designed for
1587 the rehabilitation of the juvenile and his parent;

1588 4. Defer disposition for a period of time not to exceed twelve months, after which time the charge
1589 may be dismissed by the judge if the juvenile exhibits good behavior during the period for which
1590 disposition is deferred;

1591 *4a. Defer disposition and place the juvenile in the temporary custody of the Department to attend a*
1592 *Boot Camp Program and no less than six months of intensive aftercare established pursuant to § 66-13*
1593 *provided the juvenile (i) is otherwise eligible for commitment to the Department, (ii) has not previously*
1594 *been and is not currently being adjudicated delinquent or found guilty of an offense for which transfer*
1595 *for trial in the circuit court would be authorized pursuant to subsection B or C of § 16.1-269.1, (iii) has*
1596 *not previously been committed to the Department or attended a Boot Camp Program, and (iv) has not*
1597 *previously been committed to and received by the Department. Upon the juvenile's withdrawal, removal*

1598 *or refusal to comply with the terms and conditions of participation in the program, he shall be brought*
 1599 *before the court for a hearing at which the court may impose any other disposition as authorized by this*
 1600 *section which could have been imposed at the time the juvenile was placed in the custody of the*
 1601 *Department;*

1602 5. Without entering a judgment of guilty and with the consent of the juvenile and his attorney, defer
 1603 disposition of the delinquency charge for a period not to exceed twelve months and place the juvenile
 1604 on probation under such conditions and limitations as the court may prescribe. Upon fulfillment of the
 1605 terms and conditions, the court shall discharge the juvenile and dismiss the proceedings against him.
 1606 Discharge and dismissal under these provisions shall be without adjudication of guilt;

1607 6. Order the parent of a juvenile with whom the juvenile does not reside to participate in such
 1608 programs, cooperate in such treatment or be subject to such conditions and limitations as the court may
 1609 order and as are designed for the rehabilitation of the juvenile where the court determines this
 1610 participation to be in the best interest of the juvenile and other parties concerned and where the court
 1611 determines it reasonable to expect the parent to be able to comply with such order;

1612 7. Place the juvenile on probation under such conditions and limitations as the court may prescribe,
 1613 *which may include, but are not limited to, compliance with any alternative education plan prepared*
 1614 *pursuant to § 22.1-277.1;*

1615 8. Impose a fine not to exceed \$500 upon such juvenile;

1616 9. Suspend the motor vehicle and driver's license of such juvenile or impose a curfew on the juvenile
 1617 as to the hours during which he may operate a motor vehicle. Any juvenile whose driver's license is
 1618 suspended may be referred for an assessment and subsequent referral to appropriate services, upon such
 1619 terms and conditions as the court may order. The court, in its discretion and upon a demonstration of
 1620 hardship, may authorize the use of a restricted permit to operate a motor vehicle by any juvenile who
 1621 enters such program for any of the purposes set forth in subsection E of § 18.2-271.1 or for travel to
 1622 and from school. The restricted permit shall be issued in accordance with the provisions of such
 1623 subsection. However, only an abstract of the court order which identifies the juvenile and the conditions
 1624 under which the restricted license is to be issued shall be sent to the Department of Motor Vehicles.

1625 If a curfew is imposed, the juvenile shall surrender his driver's license, which shall be held in the
 1626 physical custody of the court during any period of curfew restriction. The court shall send an abstract of
 1627 any order issued under the provisions of this section to the Department of Motor Vehicles, which shall
 1628 preserve a record thereof. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of this
 1629 chapter or the provisions of Title 46.2, this record shall be available only to all law-enforcement
 1630 officers, attorneys for the Commonwealth and courts. A copy of the court order, upon which shall be
 1631 noted all curfew restrictions, shall be provided to the juvenile and shall contain such information
 1632 regarding the juvenile as is reasonably necessary to identify him. The juvenile may operate a motor
 1633 vehicle under the court order in accordance with its terms.

1634 Any juvenile who operates a motor vehicle in violation of any restrictions imposed pursuant to this
 1635 section shall be guilty of a violation of § 46.2-301.

1636 The Department of Motor Vehicles shall refuse to issue a driver's license to any juvenile denied a
 1637 driver's license until such time as is stipulated in the court order or until notification by the court of
 1638 withdrawal of the order imposing the curfew;

1639 10. Require the juvenile to make restitution or reparation to the aggrieved party or parties for actual
 1640 damages or loss caused by the offense for which the juvenile was found to be delinquent;

1641 11. Require the juvenile to participate in a public service project under such conditions as the court
 1642 prescribes;

1643 12. In case of traffic violations, impose only those penalties which are authorized to be imposed on
 1644 adults for such violations. However, for those violations punishable by confinement if committed by an
 1645 adult, confinement shall be imposed only as authorized by this title;

1646 13. Transfer legal custody to any of the following:

1647 a. A relative or other individual who, after study, is found by the court to be qualified to receive and
 1648 care for the juvenile;

1649 b. A child welfare agency, private organization or facility which is licensed or otherwise authorized
 1650 by law to receive and provide care for such juvenile. The court shall not transfer legal custody of a
 1651 delinquent juvenile to an agency, organization or facility outside of the Commonwealth without the
 1652 approval of the Director; or

1653 c. The local board of public welfare or social services of the county or city in which the court has
 1654 jurisdiction or, at the discretion of the court, to the local board of the county or city in which the
 1655 juvenile has residence if other than the county or city in which the court has jurisdiction. The board
 1656 shall accept the juvenile for care and custody, provided that it has been given reasonable notice of the
 1657 pendency of the case and an opportunity to be heard. However, in an emergency in the county or city in
 1658 which the court has jurisdiction, such local board may be required to temporarily accept a juvenile for a

1659 period not to exceed fourteen days without prior notice or an opportunity to be heard if the judge
 1660 entering the placement order describes the emergency and the need for such temporary placement in the
 1661 order. Nothing in this subdivision shall prohibit the commitment of a juvenile to any local board of
 1662 public welfare or social services in the Commonwealth when such local board consents to the
 1663 commitment. The board to which the juvenile is committed shall have the final authority to determine
 1664 the appropriate placement for the juvenile. Any order authorizing removal from the home and
 1665 transferring legal custody of a juvenile to a local board of public welfare or social services as provided
 1666 in this subdivision shall be entered only upon a finding by the court that reasonable efforts have been
 1667 made to prevent removal and that continued placement in the home would be contrary to the welfare of
 1668 the juvenile, and the order shall so state;

1669 14. Commit the juvenile to the Department of Youth and Family Services, but only if he is older
 1670 than ten years of age and the current offense is (i) an offense which would be a felony if committed by
 1671 an adult or (ii) an offense which would be a Class 1 misdemeanor if committed by an adult and the
 1672 juvenile has previously been found to be delinquent based on an offense which would be either a felony
 1673 or Class 1 misdemeanor if committed by an adult;

1674 15. Impose the penalty authorized by § 16.1-284;

1675 16. Impose the penalty authorized by § 16.1-284.1;

1676 17. Impose the penalty authorized by § 16.1-285.1; or

1677 18. Impose the penalty authorized by § 16.1-278.9.

1678 § 16.1-284. When adult sentenced for juvenile offense.

1679 ~~Until June 30, 1986, if a child fifteen years of age or older is charged with an offense which if~~
 1680 ~~committed by an adult would be a felony and the court after receipt of a social history compiled~~
 1681 ~~pursuant to § 16.1-273 for this case or a prior case which was adjudicated within twelve months from~~
 1682 ~~the adjudication in this case finds that (i) such child is not, in the opinion of the court, amenable to~~
 1683 ~~treatment or rehabilitation as a juvenile through available facilities, considering such factors as the nature~~
 1684 ~~of the present offense or the nature of the child's prior delinquency record, the nature of the past~~
 1685 ~~treatment efforts and the nature of the child's response to past treatment efforts and (ii) the interests of~~
 1686 ~~the community require that the child be placed under legal restraint or discipline, then the court, in such~~
 1687 ~~cases, may impose the penalties which are authorized to be imposed on adults for such violations, not to~~
 1688 ~~exceed twelve months in jail for a single offense or multiple offenses and subject to the provisions of~~
 1689 ~~§ 16.1-249 B (i), (ii) and (iii). After June 30, 1986, such penalties may be imposed only in the case of~~
 1690 ~~an~~ *When the juvenile court sentences an adult who has committed, before attaining the age of eighteen,*
 1691 *an offense which would be a crime if committed by an adult, the court may impose the penalties which*
 1692 *are authorized to be imposed on adults for such violations, not to exceed the punishment for a Class 1*
 1693 *misdemeanor for a single offense or multiple offenses.*

1694 § 16.1-284.1. Placement in secure local facility.

1695 A. If a ~~child~~ *juvenile* fourteen years of age or older is found to have committed an offense which if
 1696 committed by an adult would be punishable by confinement in a state or local correctional facility as
 1697 defined in § 53.1-1, and the court determines (i) ~~after receipt of a social history compiled pursuant to~~
 1698 ~~§ 16.1-273~~ that the ~~child~~ *juvenile* has not previously been found guilty of a delinquent act ~~within the~~
 1699 ~~preceding twelve months~~, (ii) that the interests of the ~~child~~ *juvenile* and the community require that the
 1700 ~~child~~ *juvenile* be placed under legal restraint or discipline, and (iii) that other placements authorized by
 1701 this title will not serve the best interests of the ~~child~~ *juvenile*, then the court may order the ~~child~~ *juvenile*
 1702 confined in a detention home or other secure facility for juveniles for a period not to exceed thirty
 1703 calendar days from the date the order is entered, inclusive of time served in a detention home or other
 1704 secure facility, for a single offense or multiple offenses.

1705 B. If a ~~child~~ *juvenile* fourteen years of age or older is found to have committed an offense which if
 1706 committed by an adult would be punishable by confinement in a state or local correctional facility as
 1707 defined in § 53.1-1, and the court determines (i) after receipt of a social history compiled within the
 1708 immediately preceding twelve months pursuant to § 16.1-273 that the ~~child~~ *juvenile* has been adjudged a
 1709 delinquent within the immediately preceding twelve months and has failed to respond to past treatment
 1710 efforts, (ii) that the ~~child~~ *juvenile* is amenable to continued treatment efforts in the community, and (iii)
 1711 the interests of the community and the ~~child~~ *juvenile* require that the ~~child~~ *juvenile* be placed under legal
 1712 restraint or discipline, based on the nature of the present offense, the nature of the ~~child's~~ *juvenile's* prior
 1713 delinquency record, and the nature of the past treatment efforts, then the court may order the ~~child~~ *juvenile*
 1714 *juvenile* committed to the Department, but suspend such commitment and order the ~~child~~ *juvenile*
 1715 confined in a detention home or other secure facility for juveniles for a period not to exceed six months,
 1716 inclusive of time served in detention while awaiting disposition, for a single offense or for multiple
 1717 offenses. In suspending the commitment to the Department as provided for in this subsection, the court
 1718 shall specify conditions for the ~~child's~~ *juvenile's* participation in one or more community treatment
 1719 programs as may be appropriate for the ~~child's~~ *juvenile's* rehabilitation.

1720 C. During any period of confinement ordered pursuant to this section, the court shall conduct a

1721 mandatory review hearing at least once during each thirty days of the period of confinement and at such
 1722 other times upon the request of the ~~child's~~ *juvenile's* probation officer, for good cause shown. If it
 1723 appears at such hearing that the purpose of the order of confinement has been achieved, the ~~child~~
 1724 *juvenile* shall be released on probation for such period and under such conditions as the court may
 1725 specify and remain subject to the order suspending commitment to the State Department of Youth and
 1726 Family Services. If the court determines at the first or any subsequent review hearing that the ~~child~~
 1727 *juvenile* is consistently failing to comply with the conditions specified by the court or the policies and
 1728 program requirements of the facility, then the court shall order that the ~~child juvenile~~ either be (i)
 1729 released under such conditions as the court may specify subject to the suspended commitment, or (ii)
 1730 committed to the State Department of Youth and Family Services pursuant to § 16.1-291. If the court
 1731 determines at the first or any subsequent review hearing that the ~~child juvenile~~ is not actively involved
 1732 in any community treatment program through no fault of his own, then the court shall order that the
 1733 ~~child juvenile~~ be released under such conditions as the court may specify subject to the suspended
 1734 commitment.

1735 D. A ~~child juvenile~~ may only be ordered confined pursuant to this section to a facility in compliance
 1736 with standards established by the State Board for such placements; ~~standards.~~ *Standards* for these
 1737 facilities shall have regard for reasonable utilization of these facilities and the requirements of
 1738 § 16.1-309.4, consistent with the intent of this section.

1739 E. The Department of Youth and Family Services shall assist the localities or combinations thereof in
 1740 implementing this section consistent with the statewide plan required by § 16.1-309.4 and pursuant to
 1741 standards promulgated by the State Board, in order to ensure the availability and reasonable access of
 1742 each court to the facilities the use of which is authorized by this section.

1743 § 16.1-285. Duration of commitments.

1744 Except as provided in § 16.1-285.1, all commitments under this ~~law chapter~~ shall be for an
 1745 indeterminate period having regard to the welfare of the ~~child juvenile~~ and interests of the public, but
 1746 no ~~child juvenile~~ committed hereunder *for an act other than one constituting murder or manslaughter*
 1747 shall be held or detained *longer than thirty-six continuous months or after such child juvenile* has
 1748 attained the age of twenty-one years; ~~however.~~ *However,* any ~~child juvenile~~ who is committed under
 1749 this law as an abused or neglected child or a child in need of services shall have the right upon request
 1750 to be released from such commitment at the age of eighteen years. The Department shall have the
 1751 authority to discharge any ~~child juvenile~~ from its custody in accordance with policies and procedures
 1752 established by the State Board and with other provisions of law.

1753 § 16.1-285.1. Commitment of serious offenders.

1754 A. In the case of a juvenile fourteen years of age or older who has been found guilty of an offense
 1755 which would be a felony if committed by an adult, and either (i) the juvenile is on parole for an offense
 1756 which would be a felony if committed by an adult, (ii) the juvenile was committed to the state for an
 1757 offense which would be a felony if committed by an adult within the immediately preceding twelve
 1758 months ~~or,~~ (iii) the felony offense is punishable by a term of confinement of greater than twenty years if
 1759 the felony was committed by an adult, *or (iv) the juvenile has been previously adjudicated delinquent*
 1760 *for an offense which if committed by an adult would be a felony punishable by a term of confinement of*
 1761 *twenty years or more,* and the *circuit court or the district court, as the case may be,* finds that
 1762 commitment under this section is necessary to meet the rehabilitative needs of the juvenile and would
 1763 serve the best interests of the community, then the court may order the juvenile committed to the
 1764 Department of Youth and Family Services for placement in a ~~learning juvenile correctional~~ center for
 1765 the period of time prescribed pursuant to this section.

1766 B. Prior to committing any juvenile pursuant to this section, the court shall consider:

1767 1. The juvenile's age;

1768 2. The seriousness and number of the present offenses, including (i) whether the offense was
 1769 committed in an aggressive, violent, premeditated, or willful manner; (ii) whether the offense was
 1770 against persons or property, with greater weight being given to offenses against persons, especially if
 1771 death or injury resulted; (iii) whether the offense involved the use of a firearm or other dangerous
 1772 weapon by brandishing, displaying, threatening with or otherwise employing such weapon; and (iv) the
 1773 nature of the juvenile's participation in the alleged offense;

1774 3. The record and previous history of the juvenile in this or any other jurisdiction, including (i) the
 1775 number and nature of previous contacts with courts, (ii) the number and nature of prior periods of
 1776 probation, (iii) the number and nature of prior commitments to ~~learning juvenile correctional~~ centers,
 1777 (iv) the number and nature of previous residential and community-based treatments, (v) whether previous
 1778 adjudications and commitments were for delinquent acts that involved the infliction of serious bodily
 1779 injury, and (vi) whether the offense is part of a repetitive pattern of similar adjudicated offenses; and

1780 4. The Department's ~~recommended estimated~~ *estimated* length of stay ~~based on treatment goals enumerated in~~
 1781 *the social history report.*

1782 Such commitment order must be supported by a determination that the interests of the juvenile and
1783 community require that the juvenile be placed under legal restraint or discipline and that the juvenile is
1784 not a proper person to receive treatment or rehabilitation through other juvenile programs or facilities.

1785 C. In ordering commitment pursuant to this section, the court shall specify a period of commitment
1786 not to exceed seven years or the juvenile's twenty-first birthday, whichever shall occur first. *The court*
1787 *may also order a period of determinate or indeterminate parole supervision to follow the commitment*
1788 *which shall not exceed seven years or the juvenile's twenty-first birthday, whichever occurs first.*

1789 D. Upon receipt of a juvenile committed under the provisions of this section, the Department shall
1790 evaluate the juvenile for the purpose of considering placement of the juvenile in an appropriate ~~learning~~
1791 *juvenile correctional* center for the time prescribed by the committing court. Such a placement decision
1792 shall be made based on *the availability of treatment programs at the facility; the level of security at the*
1793 *facility; the offense for which the juvenile has been committed; and the welfare, age and gender of the*
1794 juvenile.

1795 E. The court which commits the juvenile to the Department under this section shall have continuing
1796 jurisdiction over the juvenile throughout his commitment. The continuing jurisdiction of the court shall
1797 not prevent the Department from removing the juvenile from a ~~learning~~ *juvenile correctional* center
1798 without prior court approval for the sole purposes of routine or emergency medical treatment, routine
1799 educational services, or family emergencies.

1800 F. Any juvenile committed under the provisions of this section shall not be released at a time earlier
1801 than that specified by the court in its dispositional order except as provided for in § 16.1-285.2. The
1802 Department may petition the committing court for a hearing as provided for in § 16.1-285.2 for an
1803 earlier release of the juvenile when good cause exists for an earlier release. In addition, the Department
1804 shall petition the committing court for a determination as to the continued commitment of each juvenile
1805 sentenced under this section at least sixty days prior to the second anniversary of the juvenile's date of
1806 commitment and sixty days prior to each annual anniversary thereafter.

1807 § 16.1-285.2. Release and review hearing for serious offender.

1808 A. Upon receipt of a petition of the Department of Youth and Family Services for a hearing
1809 concerning a juvenile committed under § 16.1-285.1, the court shall schedule a hearing within thirty
1810 days and shall appoint counsel for the juvenile pursuant to § 16.1-266. The court shall provide a copy of
1811 the petition, the progress report required by this section, and notice of the time and place of the hearing
1812 to (i) the juvenile, (ii) the juvenile's parent, legal guardian, or person standing in loco parentis, (iii) the
1813 juvenile's guardian ad litem, if any, (iv) the juvenile's legal counsel, and (v) the attorney for the
1814 Commonwealth who prosecuted the juvenile during the delinquency proceeding. *The attorney for the*
1815 *Commonwealth shall provide notice of the time and place of the hearing by first-class mail to the last*
1816 *known address of any victim of the offense for which the juvenile was committed if such victim has*
1817 *submitted a written request for notification to the attorney for the Commonwealth.*

1818 B. The petition shall be filed in the committing court and shall be accompanied by a progress report
1819 from the Department. This report shall describe (i) the facility and living arrangement provided for the
1820 juvenile by the Department, (ii) the services and treatment programs afforded the juvenile, (iii) the
1821 juvenile's progress toward treatment goals and objectives, which shall include a summary of his
1822 educational progress, (iv) the juvenile's potential for danger to either himself or the community, and (v)
1823 a comprehensive aftercare plan for the juvenile.

1824 *B1. The appearance of the juvenile before the court may be by (i) personal appearance before the*
1825 *judge, or (ii) use of two-way electronic video and audio communication. If two-way electronic video and*
1826 *audio communication is used, a judge may exercise all powers conferred by law and all communications*
1827 *and proceedings shall be conducted in the same manner as if the appearance were in person, and any*
1828 *documents filed may be transmitted by facsimile process. A facsimile may be served or executed by the*
1829 *officer or person to whom sent, and returned in the same manner, and with the same force, effect,*
1830 *authority, and liability as an original document. All signatures thereon shall be treated as original*
1831 *signatures. Any two-way electronic video and audio communication system used for an appearance shall*
1832 *meet the standards as set forth in subsection B of § 19.2-3.1.*

1833 C. At the hearing the court shall consider the progress report. The court may also consider additional
1834 evidence from (i) probation officers, the ~~learning~~ *juvenile correctional* center, treatment professionals,
1835 and the court service unit; (ii) the juvenile, his legal counsel, parent, guardian or family member; or (iii)
1836 other sources the court deems relevant. The hearing and all records relating thereto shall be governed by
1837 the confidentiality provisions of Article 12 (§ 16.1-299 et seq.) of this chapter.

1838 D. At the conclusion of the hearing, the court shall order (i) continued commitment of the juvenile to
1839 the Department for completion of the original determinate period of commitment or such lesser time as
1840 the court may order or (ii) release of the juvenile under such terms and conditions as the court may
1841 prescribe. In making a determination under this section, the court shall consider (i) the experiences and
1842 character of the juvenile before and after commitment, (ii) the nature of the offenses that the juvenile
1843 was found to have committed, (iii) the manner in which the offenses were committed, (iv) the protection

1844 of the community, (v) the recommendations of the Department, and (vi) any other factors the court
1845 deems relevant. The order of the court shall be final and not subject to appeal.

1846 § 16.1-290. Support of committed juvenile; support from estate of juvenile.

1847 A. Whenever legal custody of a juvenile is vested by the court in someone other than his parents, or
1848 whenever a juvenile is placed in temporary shelter care regardless of whether or not legal custody is
1849 retained by his parents, *is placed in temporary custody of the Department pursuant to subdivision 4a of*
1850 *§ 16.1-278.8 or is committed to a secure local facility*, after due notice to the parents or other persons
1851 legally obligated to care for and support the juvenile, and after an investigation and hearing, the court
1852 shall order and decree that the parent or other legally obligated person shall pay, in such a manner *and*
1853 *amount commensurate with ability to pay*, as the court may direct, ~~a reasonable sum commensurate with~~
1854 ~~the ability to pay, that will cover in whole or in all or part of the cost of~~ support and treatment of the
1855 juvenile after the decree is entered. If the parent or other legally obligated person willfully fails or
1856 refuses to pay such sum, the court may proceed against him for contempt, or the order may be filed and
1857 shall have the effect of a civil judgment.

1858 B. If a juvenile has an estate in the hands of a guardian or trustee, the guardian or trustee may be
1859 required to pay for his education and maintenance so long as there may be funds for that purpose.

1860 C. Whenever a juvenile is placed in foster care by the court, the court shall order and decree that the
1861 parent or other legally obligated person shall pay the Department of Social Services pursuant to
1862 §§ 20-108.1, 20-108.2, 63.1-204.2, and 63.1-251.3.

1863 § 16.1-293. Supervision of juvenile during commitment and on parole; placing juvenile in halfway
1864 house.

1865 At such time as the court commits a ~~child~~ juvenile to the Department, it shall determine whether the
1866 juvenile and domestic relations district court service unit or the local department of public welfare or
1867 social services shall maintain contact with the ~~child~~ juvenile during the ~~child's~~ juvenile's commitment.
1868 Except in exceptional cases, the court shall designate the local department to maintain contact with the
1869 ~~child~~ juvenile during commitment only when the ~~child~~ juvenile was in the custody of the local
1870 department immediately prior to his commitment to the Department. The Department shall return a ~~child~~
1871 juvenile to the previously designated local supervising agency and shall consult with the local
1872 supervising agency two weeks prior to such release on parole supervision concerning return of the ~~child~~
1873 juvenile to the local agency, unless there is an agreement for an earlier release. However, when any
1874 ~~child~~ juvenile is committed to the Department by a circuit court, the ~~child~~ juvenile may, upon request of
1875 the judge, be returned to the committing court by the Department.

1876 *The local supervising agency shall be responsible for the development of a re-enrollment plan, in*
1877 *accordance with § 22.1-17.1, for each juvenile of compulsory school age or of age of eligibility for*
1878 *special education, with the assistance of representatives from the Department of Correctional Education*
1879 *and the local school division and with the juvenile correctional center counselor. Education information*
1880 *shall be shared by all parties at the point of commitment and prior to the juvenile's scheduled*
1881 *discharge, in accordance with § 22.1-289. Prior to the juvenile's scheduled discharge, the local school*
1882 *division superintendent where the juvenile will be enrolled shall identify the juvenile's education*
1883 *placement, which may include alternative education in accordance with § 22.1-277.1, and the*
1884 *re-enrollment plan shall be finalized.*

1885 The local supervising agency shall furnish the ~~child~~ juvenile a written statement of the conditions of
1886 his parole and shall instruct him regarding the same. *The conditions of the re-enrollment plan may be*
1887 *included in the conditions of parole.* Violations of parole shall be heard by the court pursuant to
1888 § 16.1-291. The director of the supervising agency may approve termination of parole supervision.

1889 In the event it is determined by the juvenile and domestic relations district court that a ~~child~~ juvenile
1890 may benefit from placement in the halfway house program operated by the Department, the ~~child~~
1891 juvenile may be referred for care and treatment to a halfway house. ~~Children~~ Juveniles so placed in a
1892 halfway house shall remain in parole status and cannot be transferred or otherwise placed in another
1893 institutional setting or institutional placement operated by the Department except as elsewhere provided
1894 by law for those ~~children~~ juveniles who have violated their parole status.

1895 § 16.1-293. (Delayed effective date) Supervision of juvenile during commitment and on parole;
1896 placing juvenile in halfway house.

1897 At such time as the court commits a ~~child~~ juvenile to the Department, it shall determine whether the
1898 family court service unit or the local department of public welfare or social services shall maintain
1899 contact with the ~~child~~ juvenile during the ~~child's~~ juvenile's commitment. Except in exceptional cases, the
1900 court shall designate the local department to maintain contact with the ~~child~~ juvenile during commitment
1901 only when the ~~child~~ juvenile was in the custody of the local department immediately prior to his
1902 commitment to the Department. The Department shall return a ~~child~~ juvenile to the previously
1903 designated local supervising agency and shall consult with the local supervising agency two weeks prior
1904 to such release on parole supervision concerning return of the ~~child~~ juvenile to the local agency, unless

1905 there is an agreement for an earlier release. However, when any ~~child~~ juvenile is committed to the
 1906 Department by a circuit court, the ~~child~~ juvenile may, upon request of the judge, be returned to the
 1907 committing court by the Department.

1908 *The local supervising agency shall be responsible for the development of a re-enrollment plan, in*
 1909 *accordance with § 22.1-17.1, for each juvenile of compulsory school age or of age of eligibility for*
 1910 *special education, with the assistance of representatives from the Department of Correctional Education*
 1911 *and the local school division and with the juvenile correctional center counselor. Education information*
 1912 *shall be shared by all parties at the point of commitment and prior to the juvenile's scheduled*
 1913 *discharge, in accordance with § 22.1-289. Prior to the juvenile's scheduled discharge, the local school*
 1914 *division superintendent where the juvenile will be enrolled shall identify the juvenile's education*
 1915 *placement, which may include alternative education in accordance with § 22.1-277.1, and the*
 1916 *reenrollment plan shall be finalized.*

1917 The local supervising agency shall furnish the ~~child~~ juvenile a written statement of the conditions of
 1918 his parole and shall instruct him regarding the same. Violations of parole shall be heard by the court
 1919 pursuant to § 16.1-291. *The conditions of the reenrollment plan may be included in the conditions of*
 1920 *parole.* The director of the supervising agency may approve termination of parole supervision.

1921 In the event it is determined by the family court that a ~~child~~ juvenile may benefit from placement in
 1922 the halfway house program operated by the Department, the ~~child~~ juvenile may be referred for care and
 1923 treatment to a halfway house. ~~Children~~ Juveniles so placed in a halfway house shall remain in parole
 1924 status and cannot be transferred or otherwise placed in another institutional setting or institutional
 1925 placement operated by the Department except as elsewhere provided by law for those ~~children~~ juveniles
 1926 who have violated their parole status.

1927 § 16.1-299. Fingerprints and photographs of juveniles.

1928 A. Fingerprints of a juvenile fourteen years of age or older who is charged with a delinquent act
 1929 which would be a felony if committed by an adult shall be taken and filed with the juvenile court by
 1930 law-enforcement officers on forms provided by the Central Criminal Records Exchange. Photographs
 1931 may also be taken and filed by local law-enforcement officers. Fingerprints of a juvenile thirteen years
 1932 of age or older who is charged with bodily wounding as provided in § 18.2-51 or § 18.2-52, use of a
 1933 firearm in committing a felony as provided in § 18.2-53.1, attempted poisoning as provided in
 1934 § 18.2-54.1, extortion as provided in § 18.2-59, robbery, rape as provided in § 18.2-61, forcible sodomy
 1935 as provided in § 18.2-67.1, inanimate object sexual penetration as provided in § 18.2-67.2, grand larceny
 1936 as provided in § 18.2-95, burglary as provided in §§ 18.2-89 through 18.2-91, arson and related crimes
 1937 as provided in §§ 18.2-77 through 18.2-88 or murder, or any attempt to commit the above mentioned
 1938 felonies as provided in § 18.2-25 or § 18.2-26 shall be taken and filed with the juvenile court by
 1939 law-enforcement officers on forms provided by the Central Criminal Records Exchange. Photographs
 1940 may also be taken and filed by local law-enforcement officers.

1941 B. A juvenile may be fingerprinted and photographed regardless of age or offense if he has been
 1942 taken into custody for and charged with a violation of law, and a law-enforcement officer has
 1943 determined that there is probable cause to believe that latent fingerprints found during the investigation
 1944 of an offense are those of such juvenile.

1945 C. The fingerprints and photographs authorized in subsections A and B shall be retained or disposed
 1946 of as follows:

1947 1. If a petition is not filed against a juvenile whose fingerprints or photographs have been taken in
 1948 connection with an alleged violation of law, the fingerprint card, all copies of the fingerprints and all
 1949 photographs shall be destroyed sixty days after fingerprints were taken.

1950 2. If the juvenile court or the circuit court, pursuant to a transfer, waiver or appeal, finds a juvenile
 1951 not guilty of a charge of delinquency, the fingerprint card, all copies of the fingerprints and all
 1952 photographs shall be destroyed within sixty days of such finding. However, all fingerprints and
 1953 photographs of a juvenile who is less than thirteen years of age and who is found guilty of a delinquent
 1954 act shall also be destroyed.

1955 3. If the court finds that a juvenile thirteen years of age or older has committed a delinquent act, the
 1956 fingerprints and photographs may be retained in a local file pursuant to § 16.1-301 and the fingerprints
 1957 may be entered into any police department's computer system by identification number or by any other
 1958 method which insures the confidentiality of the juvenile's name - *All duly constituted police authorities*
 1959 *having the power of arrest may take fingerprints and photographs of any juvenile who is taken into*
 1960 *custody and charged with a delinquent act an arrest for which, if committed by an adult, is required to*
 1961 *be reported to the Central Criminal Records Exchange pursuant to subsection A of § 19.2-390.*
 1962 *Whenever fingerprints are taken, they shall be maintained separately from adult records and a copy*
 1963 *shall be filed with the juvenile court on forms provided by the Central Criminal Records Exchange.*

1964 4. B. If a juvenile fourteen years of age or older is ~~(i)~~ certified to tried in the circuit court pursuant
 1965 to Article 7 (§ 16.1-269.1 et seq.) of this chapter and is adjudicated delinquent or and is found guilty as
 1966 an adult of the of an offense charged for which a report to the Central Criminal Records Exchange is

1967 required by subsection C of § 19.2-390 or (ii) if a juvenile of any age is adjudicated delinquent or
 1968 found guilty in juvenile court of any offense which would be a felony if committed by an adult or any
 1969 other offense for which a report to the Central Criminal Records Exchange is required by subsection C
 1970 of § 19.2-390 if the offense were committed by an adult, or if a juvenile thirteen years of age or older is
 1971 found guilty of any of the offenses specified in subsection A of this section or an attempt to commit
 1972 any such offense in a juvenile court and is adjudicated delinquent, copies of his fingerprints and a report
 1973 of the disposition shall be forwarded to the Central Criminal Records Exchange by the clerk of the court
 1974 which heard the case.

1975 C. If a petition is not filed against a juvenile whose fingerprints or photographs have been taken in
 1976 connection with an alleged violation of law, the fingerprint card, all copies of the fingerprints and all
 1977 photographs shall be destroyed sixty days after fingerprints were taken. In cases resulting in a
 1978 disposition for which fingerprints are not required to be forwarded to the Central Criminal Records
 1979 Exchange, the court shall order that the fingerprint card, all copies of the fingerprints and all
 1980 photographs be destroyed within sixty days of the date of disposition of the case.

1981 § 16.1-299. (Delayed effective date) Fingerprints and photographs of juveniles.

1982 A. Fingerprints of a juvenile fourteen years of age or older who is charged with a delinquent act
 1983 which would be a felony if committed by an adult shall be taken and filed with the juvenile court by
 1984 law-enforcement officers on forms provided by the Central Criminal Records Exchange. Photographs
 1985 may also be taken and filed by local law-enforcement officers. Fingerprints of a juvenile thirteen years
 1986 of age or older who is charged with bodily wounding as provided in § 18.2-51 or § 18.2-52, use of a
 1987 firearm in committing a felony as provided in § 18.2-53.1, attempted poisoning as provided in
 1988 § 18.2-54.1, extortion as provided in § 18.2-59, robbery, rape as provided in § 18.2-61, forcible sodomy
 1989 as provided in § 18.2-67.1, inanimate object sexual penetration as provided in § 18.2-67.2, grand larceny
 1990 as provided in § 18.2-95, burglary as provided in §§ 18.2-89 through 18.2-91, arson and related crimes
 1991 as provided in §§ 18.2-77 through 18.2-88 or murder, or any attempt to commit the above mentioned
 1992 felonies as provided in § 18.2-25 or § 18.2-26 shall be taken and filed with the juvenile court by
 1993 law-enforcement officers on forms provided by the Central Criminal Records Exchange. Photographs
 1994 may also be taken and filed by local law-enforcement officers.

1995 B. A juvenile may be fingerprinted and photographed regardless of age or offense if he has been
 1996 taken into custody for and charged with a violation of law, and a law-enforcement officer has
 1997 determined that there is probable cause to believe that latent fingerprints found during the investigation
 1998 of an offense are those of such juvenile.

1999 C. The fingerprints and photographs authorized in subsections A and B shall be retained or disposed
 2000 of as follows:

2001 1. If a petition is not filed against a juvenile whose fingerprints or photographs have been taken in
 2002 connection with an alleged violation of law, the fingerprint card, all copies of the fingerprints and all
 2003 photographs shall be destroyed sixty days after fingerprints were taken.

2004 2. If the family court or the circuit court, pursuant to a transfer, waiver or appeal, finds a juvenile
 2005 not guilty of a charge of delinquency, the fingerprint card, all copies of the fingerprints and all
 2006 photographs shall be destroyed within sixty days of such finding. However, all fingerprints and
 2007 photographs of a juvenile who is less than thirteen years of age and who is found guilty of a delinquent
 2008 act shall also be destroyed.

2009 3. If the court finds that a juvenile thirteen years of age or older has committed a delinquent act, the
 2010 fingerprints and photographs may be retained in a local file pursuant to § 16.1-301 and the fingerprints
 2011 may be entered into any police department's computer system by identification number or by any other
 2012 method which insures the confidentiality of the juvenile's name. All duly constituted police authorities
 2013 having the power of arrest may take fingerprints and photographs of any juvenile who is taken into
 2014 custody and charged with a delinquent act an arrest for which, if committed by an adult, is required to
 2015 be reported to the Central Criminal Records Exchange pursuant to subsection A of § 19.2-390.
 2016 Whenever fingerprints are taken, they shall be maintained separately from adult records and a copy
 2017 shall be filed with the family court on forms provided by the Central Criminal Records Exchange.

2018 4B. If a juvenile fourteen years of age or older is (i) certified to tried in the circuit court pursuant to
 2019 Article 7 (§ 16.1-269.1 et seq.) of this chapter and is adjudicated delinquent or and is found guilty as
 2020 an adult of the an offense charged for which a report to the Central Criminal Records Exchange is
 2021 required by subsection C of § 19.2-390 or (ii) if a juvenile of any age is adjudicated delinquent or
 2022 found guilty in family court of any offense which would be a felony if committed by an adult or any
 2023 other offense for which a report to the Central Criminal Records Exchange is required by subsection C
 2024 of § 19.2-390 if the offense were committed by an adult, or if a juvenile thirteen years of age or older is
 2025 found guilty of any of the offenses specified in subsection A of this section or an attempt to commit
 2026 any such offense in a juvenile court and is adjudicated delinquent, copies of his fingerprints and a report
 2027 of the disposition shall be forwarded to the Central Criminal Records Exchange by the clerk of the court

2028 which heard the case.

2029 *C. If a petition is not filed against a juvenile whose fingerprints or photographs have been taken in*
 2030 *connection with an alleged violation of law, the fingerprint card, all copies of the fingerprints and all*
 2031 *photographs shall be destroyed sixty days after fingerprints were taken. In cases resulting in a*
 2032 *disposition for which fingerprints are not required to be forwarded to the Central Criminal Records*
 2033 *Exchange, the court shall order that the fingerprint card and all copies of the fingerprints be destroyed*
 2034 *within sixty days of the date of disposition of its case.*

2035 *§ 16.1-299.1. Blood sample required for DNA analysis upon conviction or adjudication of felony.*

2036 *A juvenile convicted of a felony shall have a sample of his blood taken for DNA analysis provided*
 2037 *(i) the juvenile was fourteen years of age or older at the time of the commission of the offense.*

2038 *§ 16.1-301. Confidentiality of law-enforcement records.*

2039 *A. The court shall require all law-enforcement agencies to take special precautions to ensure that*
 2040 *law-enforcement records concerning a juvenile are protected against disclosure to any unauthorized*
 2041 *person. The police departments of the cities of the Commonwealth, and the police departments or*
 2042 *sheriffs of the counties, as the case may be, shall keep separate records as to violations of law other*
 2043 *than violations of motor vehicle laws committed by juveniles. Unless a charge of delinquency is*
 2044 *transferred for criminal prosecution in the circuit court or the court otherwise orders disclosure in the*
 2045 *interests of the juvenile or of national security, such records with respect to such juvenile shall not be*
 2046 *open to public inspection nor their contents disclosed to the public.*

2047 *B. Inspection of such records shall be permitted only by the following:*

2048 *1. A court having the juvenile currently before it in any proceeding;*

2049 *2. The officers of public and nongovernmental institutions or agencies to which the juvenile is*
 2050 *currently committed, and those responsible for his supervision after release;*

2051 *3. Any other person, agency, or institution, by order of the court, having a legitimate interest in the*
 2052 *case or in the work of the law-enforcement agency;*

2053 *4. Law-enforcement officers of other jurisdictions, by order of the court, when necessary for the*
 2054 *discharge of their current official duties;*

2055 *5. The probation and other professional staff of a court in which the juvenile is subsequently*
 2056 *convicted of a criminal offense for the purpose of a presentence report or other dispositional*
 2057 *proceedings, or by officials of penal institutions and other penal facilities to which he is committed, or*
 2058 *by a parole board in considering his parole or discharge or in exercising supervision over him;*

2059 *6. The juvenile, parent, guardian or other custodian and counsel for the juvenile by order of the*
 2060 *court; and*

2061 *7. As provided in §§ 19.2-389.1 and 19.2-390.*

2062 *C. The police department of the cities and towns and the police departments or sheriffs of the*
 2063 *counties may release, upon request to one another and to state and federal law-enforcement agencies,*
 2064 *current information on juvenile arrests. ~~The information exchanged shall be limited to name, address,~~*
 2065 *~~physical description, date of arrest, and the charge for which the arrest was made.~~ The information*
 2066 *exchanged shall be used by the receiving agency for current investigation purposes only and shall not*
 2067 *result in the creation of new files or records on individual juveniles on the part of the receiving agency.*

2068 *D. Nothing in this section shall prohibit the exchange of law-enforcement or other criminal*
 2069 *investigative or intelligence information among law-enforcement agencies.*

2070 *§ 16.1-302. Dockets, indices and order books; when hearings and records private; right to public*
 2071 *hearing; presence of juvenile in court.*

2072 *A. Every juvenile court shall keep a separate docket of cases arising under this law.*

2073 *B. Every circuit court shall keep a separate docket, index, and, for entry of its orders, a separate*
 2074 *order book or file for cases on appeal from the juvenile court except: (i) cases involving support*
 2075 *pursuant to § 20-61 or subdivisions A 3, F or L of § 16.1-241; (ii) cases involving criminal offenses*
 2076 *committed by adults which are commenced on a warrant or a summons as described in Title 19.2; and*
 2077 *(iii) cases involving civil commitments of adults pursuant to Title 37.1. Such cases shall be docketed on*
 2078 *the appropriate docket and the orders in such cases shall be entered in the appropriate order book as*
 2079 *used with similar cases commenced in circuit court.*

2080 *C. The general public shall be excluded from all juvenile court hearings and only such persons*
 2081 *admitted as the judge shall deem proper, except that in juvenile and domestic relations court hearings*
 2082 *held on a petition or warrant alleging that a juvenile fourteen years of age or older committed an*
 2083 *offense which would be a felony if committed by an adult shall be open, subject to the provisions of*
 2084 *subsection D. The court may, sua sponte or on motion of the juvenile or the attorney for the*
 2085 *Commonwealth, for good cause shown, close the proceedings. If the proceedings are closed, the court*
 2086 *shall state in writing its reasons and the statement shall be made a part of the public record.*

2087 *D. In any hearing held for the purpose of adjudicating the an alleged violation of any criminal law,*
 2088 *or law defining a traffic infraction, the child juvenile or adult so charged shall have a right to be present*
 2089 *and shall have the right to a public hearing unless expressly waived by such person. The chief judge*

2090 may provide by rule that any juvenile licensed to operate a motor vehicle who has been charged with a
 2091 traffic infraction may waive court appearance and admit to the infraction or infractions charged if he or
 2092 she and a parent, legal guardian, or person standing in loco parentis to the juvenile appear in person at
 2093 the court or before a magistrate or sign and either mail or deliver to the court or magistrate a written
 2094 form of appearance, plea and waiver, provided that the written form contains the notarized signature of
 2095 the parent, legal guardian, or person standing in loco parentis to the juvenile. An emancipated juvenile
 2096 charged with a traffic infraction shall have the opportunity to waive court appearance and admit to the
 2097 infraction or infractions if he or she appears in person at the court or before a magistrate or signs and
 2098 either mails or delivers to the court or magistrate a written form of appearance, plea, and waiver,
 2099 provided that the written plea form containing the signature of the emancipated juvenile is accompanied
 2100 by a notarized sworn statement which details the facts supporting the claim of emancipated status.
 2101 Whenever the sole purpose of a proceeding is to determine the custody of a child of tender years, the
 2102 presence of such ~~child~~ juvenile in court may be waived by the judge at any stage thereof.

2103 § 16.1-302. (Delayed effective date) Dockets, indices and order books; hearings and records private;
 2104 right to public hearing; presence of juvenile in court.

2105 A. Every family court shall keep a separate docket of cases arising under this law.

2106 B. Every circuit court shall keep a separate docket, index, and, for entry of its orders, a separate
 2107 order book or file for cases on appeal from the family court except: (i) cases involving support pursuant
 2108 to § 20-61; (ii) cases involving criminal offenses committed by adults which are commenced on a
 2109 warrant or a summons as described in Title 19.2; and (iii) cases involving civil commitments of adults
 2110 pursuant to Title 37.1. Such cases shall be docketed on the appropriate docket and the orders in such
 2111 cases shall be entered in the appropriate order book as used with similar cases commenced in circuit
 2112 court.

2113 C. The general public shall be excluded from all family court hearings and only such persons
 2114 admitted as the judge shall deem proper, except that (i) this provision shall not apply to cases for
 2115 divorce, annulment or affirmation of marriage, separate maintenance, equitable distribution based on a
 2116 foreign decree, change of name, amendment of a birth certificate, or judicial review of school board
 2117 actions or of hearing officer decisions; and (ii) in any hearing held for the purpose of adjudicating the
 2118 alleged violation of any criminal law or law defining a traffic infraction, the child or adult so charged
 2119 shall have a right to be present and shall have the right to a public hearing unless expressly waived by
 2120 such person

2121 D. All family court hearings held on a petition or warrant alleging that a juvenile fourteen years of
 2122 age or older committed an offense which would be a felony if committed by an adult shall be open,
 2123 subject to the provisions of clause ii of subsection C. The court may, sua sponte or on motion of the
 2124 juvenile or the attorney for the Commonwealth, for good cause shown, close the proceedings. If the
 2125 proceedings are closed, the court shall state in writing its reasons and the statement shall be made a
 2126 part of the public record.

2127 E. In all other cases, the public shall be excluded and only such persons admitted as the court
 2128 deems proper.

2129 The chief judge may provide by rule that any juvenile licensed to operate a motor vehicle who has
 2130 been charged with a traffic infraction may waive court appearance and admit to the infraction or
 2131 infractions charged if he or she and a parent, legal guardian, or person standing in loco parentis to the
 2132 juvenile appear in person at the court or before a magistrate or sign and either mail or deliver to the
 2133 court or magistrate a written form of appearance, plea and waiver, provided that the written form
 2134 contains the notarized signature of the parent, legal guardian, or person standing in loco parentis to the
 2135 juvenile. An emancipated juvenile charged with a traffic infraction shall have the opportunity to waive
 2136 court appearance and admit to the infraction or infractions if he or she appears in person at the court or
 2137 before a magistrate or signs and either mails or delivers to the court or magistrate a written form of
 2138 appearance, plea, and waiver, provided that the written plea form containing the signature of the
 2139 emancipated juvenile is accompanied by a notarized sworn statement which details the facts supporting
 2140 the claim of emancipated status. Whenever the sole purpose of a proceeding is to determine the custody
 2141 of a child of tender years, the presence of such ~~child~~ juvenile in court may be waived by the judge at
 2142 any stage thereof.

2143 § 16.1-302.1. Right of victim or representative to attend certain proceedings.

2144 During proceedings involving petitions alleging that a juvenile is delinquent, including proceedings
 2145 on appeal, any victim as defined in § 19.2-11.01 may remain in the courtroom. In any such case
 2146 involving a minor victim, the court may permit an adult chosen by the minor victim to be present in the
 2147 courtroom during the proceedings in addition to or in lieu of the minor's parent or guardian.

2148 However, if either the attorney for the Commonwealth or any defendant represents to the court that
 2149 he intends to call as a material witness any victim as defined in § 19.2-11.01, the court, on motion,
 2150 shall exclude that person from the trial or proceedings.

2151 *The attorney for the Commonwealth shall give prior notice of any such proceedings and changes in*
2152 *the scheduling thereof to any known victim and to any known adult chosen in accordance with this*
2153 *section by a minor victim at the address or telephone number, or both, provided in writing by such*
2154 *persons.*

2155 § 16.1-303. Reports of court officials and employees when privileged.

2156 All information obtained in discharge of official duties by any official or by any employee of the
2157 court shall be privileged, and shall not be disclosed to anyone other than the judge unless and until
2158 otherwise ordered by the judge or by the judge of a circuit court; provided, however, that in any case
2159 when such information shall disclose that an offense has been committed which would be a felony if
2160 committed by an adult, it shall be the duty of the official or employee of the court obtaining such
2161 information to report the same promptly to the attorney for the Commonwealth or the police in the
2162 county, city or town where the offense occurred. *It shall not be deemed a violation of this section if the*
2163 *disclosed information is otherwise available to the public.*

2164 § 16.1-305. Confidentiality of court records.

2165 A. Social, medical and psychiatric or psychological records, including reports or preliminary
2166 inquiries, predisposition studies and supervision records, of neglected and abused children, children in
2167 need of services, *children in need of supervision* and delinquent children shall be filed with the other
2168 papers in the juvenile's case file. All juvenile case files shall be filed separately from adult files and
2169 records of the court and shall be open for inspection only to the following:

2170 1. The judge, probation officers and professional staff assigned to serve the juvenile and domestic
2171 relations district courts;

2172 2. Representatives of a public or private agency or department providing supervision or having legal
2173 custody of the child or furnishing evaluation or treatment of the child ordered or requested by the court;

2174 3. The attorney for any party *and the Attorney for the Commonwealth*;

2175 4. Any other person, agency or institution, by order of the court, having a legitimate interest in the
2176 case or in the work of the court; however, for the purposes of preparation of a presentence report upon
2177 a finding of guilty in a circuit court or for the preparation of a background report for the Parole Board,
2178 adult probation and parole officers, including United States Probation and Pretrial Services Officers,
2179 shall have access to an accused's or inmate's records in juvenile court.

2180 B. All or any part of the records enumerated in subsection A, or information secured from such
2181 records, which is presented to the judge in court or otherwise in a proceeding under this law shall also
2182 be made available to the parties to the proceedings and their attorneys.

2183 *B1. All court records relating to a juvenile fourteen years of age or over, adjudicated delinquent on*
2184 *the basis of an act which would be a felony if committed by an adult, other than those records specified*
2185 *in subsection A but including the docket, petitions, motions and other papers filed with any case*
2186 *involving the juvenile and the transcripts of testimony, findings, verdicts, orders and decrees in any such*
2187 *cases, shall be open to the public.*

2188 *B2. All court records relating to a juvenile fourteen years of age or over, adjudicated delinquent on*
2189 *the basis of an act which would be a felony if committed by an adult, other than those records specified*
2190 *in subsection A, relating to a juvenile released pending trial with restrictions under §16.1-250 (E), or to*
2191 *a juvenile placed on probation with conditions under § 16.1-278.8, shall be open to inspection by the*
2192 *law-enforcement agency of the locality over which the court has jurisdiction. The same court records*
2193 *relating to a juvenile released on parole supervision under § 16.1-293 shall be open to inspection by the*
2194 *law enforcement agency for the locality to which the juvenile has been released. Information contained*
2195 *in such court records shall be kept confidential in accordance with § 16.1-301 and shall be used by the*
2196 *local law enforcement agency only for the purpose of assisting the local court services unit in*
2197 *monitoring juveniles who have been released with restrictions pending trial, juveniles who have been*
2198 *placed on probation with conditions and juveniles who have been placed on parole supervision.*

2199 C. All other juvenile records, including the docket, petitions, motions and other papers filed with a
2200 case, transcripts of testimony, findings, verdicts, orders and decrees shall be open to inspection only by
2201 those persons and agencies designated in subsections A and B of this section.

2202 D. Attested copies of papers filed in connection with an adjudication of guilty for an offense for
2203 which the clerk is required by § 46.2-383 to furnish an abstract to the Department of Motor Vehicles,
2204 which shows the charge, finding, disposition, name of the attorney for the juvenile, or waiver of attorney
2205 shall be furnished to an attorney for the Commonwealth upon certification by the prosecuting attorney
2206 that such papers are needed as evidence in a pending criminal, traffic, or habitual offender proceeding
2207 and that such papers will be only used for such evidentiary purpose.

2208 E. Upon request, a copy of the court order of disposition in a delinquency case shall be provided to
2209 the Virginia Workers' Compensation Commission solely for purposes of determining whether to make an
2210 award to the victim of a crime, and such information shall not be disseminated or used by the
2211 Commission for any other purpose including but not limited to actions pursuant to § 19.2-368.15.

2212 F. Staff of the court services unit or the attorney for the Commonwealth shall provide notice of the

2213 disposition in a case involving a juvenile who is committed to state care after being adjudicated for a
 2214 criminal sexual assault as specified in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 to the
 2215 victim or a parent of a minor victim, upon request. Additionally, if the victim or parent submits a
 2216 written request, the Department of Youth and Family Services shall provide advance notice of such
 2217 juvenile offender's anticipated date of release from commitment.

2218 § 16.1-305. (Delayed effective date) Confidentiality of court records.

2219 A. Social, medical and psychiatric or psychological records, including reports or preliminary
 2220 inquiries, predisposition studies and supervision records, of neglected and abused children, children in
 2221 need of services, *children in need of supervision* and delinquent children shall be filed with the other
 2222 papers in the juvenile's case file. All juvenile case files shall be filed separately from adult files and
 2223 records of the court and shall be open for inspection only to the following:

2224 1. The judge, probation officers and professional staff assigned to serve the family courts;

2225 2. Representatives of a public or private agency or department providing supervision or having legal
 2226 custody of the child or furnishing evaluation or treatment of the child ordered or requested by the court;

2227 3. The attorney for any party *and the Attorney for the Commonwealth*;

2228 4. Any other person, agency or institution, by order of the court, having a legitimate interest in the
 2229 case or in the work of the court; however, for the purposes of preparation of a presentence report upon
 2230 a finding of guilty in a circuit court or for the preparation of a background report for the Parole Board,
 2231 adult probation and parole officers, including United States Probation and Pretrial Services Officers,
 2232 shall have access to an accused's or inmate's records in family court.

2233 B. All or any part of the records enumerated in subsection A, or information secured from such
 2234 records, which is presented to the judge in court or otherwise in a proceeding under this law shall also
 2235 be made available to the parties to the proceedings and their attorneys.

2236 *B1. All court records relating to a juvenile fourteen years of age or over, adjudicated delinquent on*
 2237 *the basis of an act which would be a felony if committed by an adult, other than those records specified*
 2238 *in subsection A but including the docket, petitions, motions and other papers filed with any case*
 2239 *involving the juvenile and the transcripts of testimony, findings, verdicts, orders and decrees in any such*
 2240 *cases, shall be open to the public.*

2241 *B2. All court records relating to a juvenile fourteen years of age or over, adjudicated delinquent on*
 2242 *the basis of an act which would be a felony if committed by an adult, other than those records specified*
 2243 *in subsection A, relating to a juvenile released pending trial with restrictions under §16.1-250 (E), or to*
 2244 *a juvenile placed on probation with conditions under § 16.1-278.8, shall be open to inspection by the*
 2245 *law-enforcement agency of the locality over which the court has jurisdiction. The same court records*
 2246 *relating to a juvenile released on parole supervision under § 16.1-293 shall be open to inspection by the*
 2247 *law enforcement agency for the locality to which the juvenile has been released. Information contained*
 2248 *in such court records shall be kept confidential in accordance with § 16.1-301 and shall be used by the*
 2249 *local law enforcement agency only for the purpose of assisting the local court services unit in*
 2250 *monitoring juveniles who have been released with restrictions pending trial, juveniles who have been*
 2251 *placed on probation with conditions and juveniles who have been placed on parole supervision.*

2252 C. All other juvenile records, including the docket, petitions, motions and other papers filed with a
 2253 case, transcripts of testimony, findings, verdicts, orders and decrees shall be open to inspection only by
 2254 those persons and agencies designated in subsections A and B of this section.

2255 D. Attested copies of papers filed in connection with an adjudication of guilty for an offense for
 2256 which the clerk is required by § 46.2-383 to furnish an abstract to the Department of Motor Vehicles,
 2257 which shows the charge, finding, disposition, name of the attorney for the juvenile, or waiver of attorney
 2258 shall be furnished to an attorney for the Commonwealth upon certification by the prosecuting attorney
 2259 that such papers are needed as evidence in a pending criminal, traffic, or habitual offender proceeding
 2260 and that such papers will be only used for such evidentiary purpose.

2261 E. Upon request, a copy of the court order of disposition in a delinquency case shall be provided to
 2262 the Virginia Workers' Compensation Commission solely for purposes of determining whether to make an
 2263 award to the victim of a crime, and such information shall not be disseminated or used by the
 2264 Commission for any other purpose including but not limited to actions pursuant to § 19.2-368.15.

2265 F. Section 20-124 shall govern the confidentiality of court records in cases involving divorce,
 2266 annulment or affirmation of marriage, separate maintenance and equitable distribution based on a foreign
 2267 decree. Sections 63.1-235 and 63.1-236 shall govern the confidentiality of adoption cases.

2268 G. Staff of the court services unit or the attorney for the Commonwealth shall provide notice of the
 2269 disposition in a case involving a juvenile who is committed to state care after being adjudicated for a
 2270 criminal sexual assault as specified in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 to the
 2271 victim or a parent of a minor victim, upon request. Additionally, if the victim or parent submits a
 2272 written request, the Department of Youth and Family Services shall provide advance notice of such
 2273 juvenile offender's anticipated date of release from commitment.

2274 § 16.1-305.1. Disclosure of disposition in certain delinquency cases.

2275 Upon disposition of a proceeding in a court of competent jurisdiction in which a juvenile is
 2276 adjudicated delinquent or convicted of a crime based upon a violation of the law involving (i) the
 2277 unlawful purchase, possession or use of a weapon pursuant to Article 4 (§ 18.2-279 et seq.) of Chapter 7
 2278 of Title 18.2, (ii) homicide, pursuant to Article 1 (§ 18.2-31 et seq.) of Chapter 4 of Title 18.2, (iii)
 2279 felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title
 2280 18.2, (iv) criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, (v)
 2281 manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to
 2282 Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (vi) manufacture, sale or distribution of
 2283 marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (vii) arson and related
 2284 crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, or (viii) burglary *and related*
 2285 *offenses*, pursuant to §§ 18.2-89 *through* 18.2-93, the clerk of the court in which the disposition is
 2286 entered shall, within fifteen days if there has been no notice of an appeal, provide written notice of the
 2287 disposition ordered by the court, including the nature of the offense upon which the adjudication or
 2288 conviction was based, to the superintendent of the school division in which the child is enrolled at the
 2289 time of the disposition or, if he is not then enrolled in school, the division in which he was enrolled at
 2290 the time of the offense. ~~Further disclosure of this information by the superintendent to school personnel~~
 2291 ~~is authorized only as provided in § 22.1-288.2.~~

2292 § 16.1-307. Circuit court records regarding juveniles.

2293 In proceedings against a ~~child juvenile~~ in the circuit court in which the ~~circuit court~~ deals with the
 2294 ~~child in the same manner as a case in the juvenile court~~, the clerk of the court shall preserve all records
 2295 connected with the proceedings in files separate from other files and records of the court as provided in
 2296 § 16.1-302. ~~Except as provided in §§ 19.2-389.1 and 19.2-390~~, such records shall be open for inspection
 2297 only in accordance with the provisions of § 16.1-305 and shall be subject to the expungement provisions
 2298 of § 16.1-306 ~~juvenile, fourteen years of age or older at the time of the offense, was adjudicated~~
 2299 ~~delinquent in juvenile court on the basis of an act which would be a felony if committed by an adult, or~~
 2300 ~~was found guilty of a felony in the circuit court, any court records pertaining to the juvenile, other than~~
 2301 ~~social, medical and psychiatric or psychological records, shall be available and shall be treated in the~~
 2302 ~~same manner as adult criminal records.~~

2303 § 16.1-307. (Delayed effective date) Circuit court records regarding juveniles.

2304 In proceedings against a ~~child juvenile~~ in the circuit court in which the ~~circuit court~~ deals with the
 2305 ~~child in the same manner as a case in the family court~~, the clerk of the court shall preserve all records
 2306 connected with the proceedings in files separate from other files and records of the court as provided in
 2307 § 16.1-302. ~~Except as provided in §§ 19.2-389.1 and 19.2-390~~, such records shall be open for inspection
 2308 only in accordance with the provisions of § 16.1-305 and shall be subject to the expungement provisions
 2309 of § 16.1-306 ~~juvenile, fourteen years of age or older at the time of the offense, was adjudicated~~
 2310 ~~delinquent in the family court on the basis of an act which would be a felony if committed by an adult,~~
 2311 ~~or was found guilty of a felony in the circuit court, any court records pertaining to the juvenile, other~~
 2312 ~~than social, medical and psychiatric or psychological records, shall be available and shall be treated in~~
 2313 ~~the same manner as adult criminal records.~~

2314 § 16.1-308. Effect of adjudication on status of child.

2315 A. ~~Except as otherwise provided by law for juveniles whose cases are disposed of by the circuit~~
 2316 ~~courts in the same manner as an adult criminal case~~, a finding of guilty on a petition charging
 2317 delinquency under the provisions of this law shall not operate to impose any of the *civil* disabilities
 2318 ordinarily imposed by conviction for a crime, nor shall any such finding operate to disqualify the child
 2319 for employment by any state or local governmental agency.

2320 § 16.1-309. Penalty.

2321 A. Except as provided in §§ 16.1-299, 16.1-300, 16.1-301, 16.1-305 and 16.1-307, any person who
 2322 (i) files a petition, (ii) receives a petition or has access to court records in an official capacity, (iii)
 2323 participates in the investigation of allegations which form the basis of a petition, (iv) is interviewed
 2324 concerning such allegations and whose information is derived solely from such interview or (v) is
 2325 present during any court proceeding, who discloses or makes use of or knowingly permits the use of
 2326 identifying information *not otherwise available to the public* concerning a juvenile who is suspected of
 2327 being or is the subject of a proceeding within the jurisdiction of the juvenile court pursuant to
 2328 subdivisions 1 through 5 of subsection A of § 16.1-241 or who is in the custody of the State Department
 2329 of Youth and Family Services, which information is directly or indirectly derived from the records or
 2330 files of a law-enforcement agency, court or the Department of Youth and Family Services or acquired in
 2331 the course of official duties, shall be guilty of a Class 3 misdemeanor.

2332 B. The provisions of this section shall not apply to any law-enforcement officer or school employee
 2333 who discloses to school personnel identifying information concerning a juvenile who is suspected of
 2334 committing or has committed a delinquent act that has met applicable criteria of § 16.1-260 and is
 2335 committed or alleged to have been committed on school property during a school-sponsored activity or

2336 on the way to or from such activity, if the disclosure is made solely for the purpose of enabling school
 2337 personnel to take appropriate disciplinary action within the school setting against the juvenile. Further,
 2338 the provisions of this section shall not apply to school personnel who disclose information obtained
 2339 pursuant to §§ 16.1-305.1 and 22.1-288.2, if the disclosure is made solely to enable school personnel to
 2340 take appropriate actions within the school setting with regard to the juvenile or another student.

2341 § 16.1-309. (Delayed effective date) Penalty.

2342 A. Except as provided in §§ 16.1-299, 16.1-300, 16.1-301, 16.1-305 and 16.1-307, any person who
 2343 (i) files a petition, (ii) receives a petition or has access to court records in an official capacity, (iii)
 2344 participates in the investigation of allegations which form the basis of a petition, (iv) is interviewed
 2345 concerning such allegations and whose information is derived solely from such interview or (v) is
 2346 present during any court proceeding, who discloses or makes use of or knowingly permits the use of
 2347 identifying information *not otherwise available to the public* concerning a juvenile who is suspected of
 2348 being or is the subject of a proceeding within the jurisdiction of the family court pursuant to
 2349 subdivisions 1 through 5 of subsection A of § 16.1-241 or who is in the custody of the State Department
 2350 of Youth and Family Services, which information is directly or indirectly derived from the records or
 2351 files of a law-enforcement agency, court or the Department of Youth and Family Services or acquired in
 2352 the course of official duties, shall be guilty of a Class 3 misdemeanor.

2353 B. The provisions of this section shall not apply to any law-enforcement officer or school employee
 2354 who discloses to school personnel identifying information concerning a juvenile who is suspected of
 2355 committing or has committed a delinquent act that has met applicable criteria of § 16.1-260 and is
 2356 committed or alleged to have been committed on school property during a school-sponsored activity or
 2357 on the way to or from such activity, if the disclosure is made solely for the purpose of enabling school
 2358 personnel to take appropriate disciplinary action within the school setting against the juvenile. Further,
 2359 the provisions of this section shall not apply to school personnel who disclose information obtained
 2360 pursuant to §§ 16.1-305.1 and 22.1-288.2, if the disclosure is made solely to enable school personnel to
 2361 take appropriate actions within the school setting with regard to the juvenile or another student.

2362 § 16.1-309.4 (Effective January 1, 1996) Statewide plan for juvenile services.

2363 It shall be the duty of the Department of Youth and Family Services to devise, develop and
 2364 promulgate a statewide plan for the establishment and maintenance of a range of institutional and
 2365 community-based, predispositional and postdispositional services to be reasonably accessible to each
 2366 court. The Department shall be responsible for the collection and dissemination of the required court
 2367 data necessary for the development of the plan. The plan shall utilize the information provided by local
 2368 plans submitted under § 16.1-309.3. The plan shall be submitted to the Board on or before July 1 in
 2369 odd-numbered years. The plan shall include a biennial forecast with appropriate annual updates as may
 2370 be required of future ~~learning juvenile correctional~~ center and detention home needs.

2371 § 18.2-473. Persons aiding escape of prisoner or child.

2372 When a person is lawfully detained as a prisoner in any jail or prison or held in custody, or when a
 2373 child is placed in a local juvenile detention home, or committed to the Department of Youth and Family
 2374 Services in any ~~learning juvenile correctional~~ center, or Reception and Diagnostic Center for Children or
 2375 held in custody, if any person: (1) conveys anything into the jail, prison, juvenile detention home,
 2376 ~~learning juvenile correctional~~ center or Reception and Diagnostic Center for Children with intent to
 2377 facilitate a person's escape therefrom, (2) in any way aids such prisoner or child to escape, or in an
 2378 attempt to escape, from such jail, prison, juvenile detention home, ~~learning juvenile correctional~~ center,
 2379 Reception and Diagnostic Center for Children or custody, or (3) forcibly takes, or attempts to take him
 2380 therefrom, such person, if the taking or escape is effected, shall, if the prisoner or child was detained on
 2381 conviction, commitment or charge of felony, be confined in a state correctional facility not less than one
 2382 year nor more than five years. If the same is not effected, or if the prisoner or child was not detained on
 2383 such conviction, commitment or charge, he shall be guilty of a Class 1 misdemeanor.

2384 § 19.2-3.1. Personal appearance by two-way electronic video and audio communication; standards.

2385 A. Where an appearance is required or permitted before a magistrate, *intake officer* or, prior to trial,
 2386 before a judge, the appearance may be by (i) personal appearance before the magistrate, *intake officer* or
 2387 judge or (ii) use of two-way electronic video and audio communication. If two-way electronic video and
 2388 audio communication is used, a magistrate, *intake officer* or judge may exercise all powers conferred by
 2389 law and all communications and proceedings shall be conducted in the same manner as if the
 2390 appearance were in person, and any documents filed may be transmitted by electronically transmitted
 2391 facsimile process. The facsimile may be served or executed by the officer or person to whom sent, and
 2392 returned in the same manner, and with the same force, effect, authority, and liability as an original
 2393 document. All signatures thereon shall be treated as original signatures.

2394 B. Any two-way electronic video and audio communication system used for an appearance shall meet
 2395 the following standards:

2396 1. The persons communicating must simultaneously see and speak to one another;

- 2397 2. The signal transmission must be live, real time;
- 2398 3. The signal transmission must be secure from interception through lawful means by anyone other
- 2399 than the persons communicating; and
- 2400 4. Any other specifications as may be promulgated by the Chief Justice of the Supreme Court.
- 2401 § 19.2-311. Indeterminate commitment to Department of Corrections in certain cases; duration and
- 2402 character of commitment; concurrence by Department.
- 2403 A. The judge, after a finding of guilt, when fixing punishment in those cases specifically enumerated
- 2404 in subsection B of this section, may, in his discretion, in lieu of imposing any other penalty provided by
- 2405 law and, with consent of the person convicted, commit such person for a period of four years, which
- 2406 commitment shall be indeterminate in character. Subject to the provisions of subsection C hereof, such
- 2407 persons shall be committed to the Department of Corrections for initial confinement for a period not to
- 2408 exceed three years. Such confinement shall be followed by at least one year of supervisory parole,
- 2409 conditioned on good behavior, but such parole period shall not, in any case, continue beyond the
- 2410 four-year period. The sentence of indeterminate commitment and eligibility for continuous evaluation
- 2411 and parole under § 19.2-313 shall remain in effect but eligibility for use of programs and facilities
- 2412 specified in § 53.1-64 shall lapse if such person (i) voluntarily withdraws from the youthful offender
- 2413 program, (ii) exhibits intractable behavior as defined in § 53.1-66, or (iii) is convicted of a second
- 2414 criminal offense which is a felony. A sentence imposed for any second criminal offense shall run
- 2415 consecutively with the indeterminate sentence.
- 2416 B. The provisions of subsection A of this section shall be applicable to first convictions in which the
- 2417 person convicted:
- 2418 1. Committed the offense of which convicted after becoming eighteen but before becoming
- 2419 twenty-one years of age; ~~or was a juvenile certified for trial as an adult under the provisions of~~
- 2420 ~~§ 16.1-269.6 or § 16.1-272;~~
- 2421 2. Was convicted of an offense which is either (i) a felony not punishable as a Class 1 felony; or (ii)
- 2422 a misdemeanor involving injury to a person or damage to or destruction of property; and
- 2423 3. Is considered by the judge to be capable of returning to society as a productive citizen following a
- 2424 reasonable amount of rehabilitation.
- 2425 C. Subsequent to a finding of guilt and prior to fixing punishment, the Department of Corrections
- 2426 and the Parole Board shall, concurrently with the evaluation required by § 19.2-316, review all aspects
- 2427 of the case to determine whether (i) such indeterminate sentence of commitment is in the best interest of
- 2428 the Commonwealth and of the person convicted and (ii) facilities are available for the confinement of
- 2429 such person. After the review such person shall be again brought before the court, which shall review
- 2430 the findings of the Department and the Parole Board. The court may impose a sentence as authorized in
- 2431 subsection A, or any other penalty provided by law.
- 2432 § 19.2-388. Duties and authority of Exchange.
- 2433 A. It shall be the duty of the Central Criminal Records Exchange to receive, classify and file
- 2434 criminal history record information as defined in § 9-169 and other records required to be reported to it
- 2435 by §§ 16.2-299 and 19.2-390. The Exchange is authorized to prepare and furnish to all state and local
- 2436 law-enforcement officials and agencies; to clerks of circuit courts, general district courts, and juvenile
- 2437 and domestic relations district courts; and to corrections and penal officials, forms which shall be used
- 2438 for the making of such reports.
- 2439 B. Juvenile records received pursuant to § 16.1-299 shall be maintained separately from adult records
- 2440 ~~and shall be destroyed when the juvenile has attained the age of twenty-nine, unless he was convicted of~~
- 2441 ~~an offense reportable to the Central Criminal Records Exchange committed when he was between the~~
- 2442 ~~ages of eighteen and twenty-nine.~~
- 2443 § 19.2-389. Dissemination of criminal history record information.
- 2444 A. Criminal history record information *filed with the Central Criminal Records Exchange* shall be
- 2445 disseminated, whether directly or through an intermediary, only to:
- 2446 1. Authorized officers or employees of criminal justice agencies, as defined by § 9-169, for purposes
- 2447 of the administration of criminal justice and the screening of an employment application or review of
- 2448 employment by a criminal justice agency with respect to its own employees or applicants, and
- 2449 dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all
- 2450 state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2,
- 2451 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every thirty days;
- 2452 2. Such other individuals and agencies which require criminal history record information to
- 2453 implement a state or federal statute or executive order of the President of the United States or Governor
- 2454 that expressly refers to criminal conduct and contains requirements and/or exclusions expressly based
- 2455 upon such conduct, except that information concerning the arrest of an individual may not be
- 2456 disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from
- 2457 the date of the arrest and no disposition of the charge has been recorded and no active prosecution of
- 2458 the charge is pending;

- 2459 3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide
 2460 services required for the administration of criminal justice pursuant to that agreement which shall
 2461 specifically authorize access to data, limit the use of data to purposes for which given, and ensure the
 2462 security and confidentiality of the data;
- 2463 4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities
 2464 pursuant to an agreement with a criminal justice agency which shall specifically authorize access to data,
 2465 limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and
 2466 security of the data;
- 2467 5. Agencies of state or federal government which are authorized by state or federal statute or
 2468 executive order of the President of the United States or Governor to conduct investigations determining
 2469 employment suitability or eligibility for security clearances allowing access to classified information;
- 2470 6. Individuals and agencies where authorized by court order or court rule;
- 2471 7. Agencies of any political subdivision of the Commonwealth for the conduct of investigations of
 2472 applicants for public employment, permit, or license whenever, in the interest of public welfare or
 2473 safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a
 2474 person with a conviction record would be compatible with the nature of the employment, permit, or
 2475 license under consideration;
- 2476 8. Public or private agencies when and as required by federal or state law or interstate compact to
 2477 investigate applicants for foster or adoptive parenthood subject to the restriction that the data shall not
 2478 be further disseminated by the agency to any party other than a federal or state authority or court as
 2479 may be required to comply with an express requirement of law for such further dissemination;
- 2480 9. To the extent permitted by federal law or regulation, public service companies as defined in
 2481 § 56-1, for the conduct of investigations of applicants for employment when such employment involves
 2482 personal contact with the public or when past criminal conduct of an applicant would be incompatible
 2483 with the nature of the employment under consideration;
- 2484 10. The appropriate authority for purposes of granting citizenship and for purposes of international
 2485 travel, including but not limited to, issuing visas and passports;
- 2486 11. A person requesting a copy of his own criminal history record information as defined in § 9-169
 2487 at his cost, except that criminal history record information shall be supplied at no charge to a person
 2488 who has applied to be a volunteer (i) with a Virginia affiliate of Big Brothers/Big Sisters of America,
 2489 (ii) with a volunteer fire company or volunteer rescue squad, (iii) as a court-appointed special advocate,
 2490 or (iv) with the Volunteer Emergency Families for Children;
- 2491 12. Administrators and board presidents of and applicants for licensure or registration as a child
 2492 welfare agency as defined in § 63.1-195 for dissemination to the Commissioner of Social Services'
 2493 representative pursuant to § 63.1-198 for the conduct of investigations with respect to employees of and
 2494 volunteers at such facilities, caretakers, and other adults living in family day-care homes or homes
 2495 approved by family day-care systems, and foster and adoptive parent applicants of private child-placing
 2496 agencies, pursuant to § 63.1-198.1, subject to the restriction that the data shall not be further
 2497 disseminated by the facility or agency to any party other than the data subject, the Commissioner of
 2498 Social Services' representative or a federal or state authority or court as may be required to comply with
 2499 an express requirement of law for such further dissemination;
- 2500 13. The school boards of the Commonwealth for the purpose of screening individuals who are
 2501 offered or who accept public school employment;
- 2502 14. The State Lottery Department for the conduct of investigations as set forth in the State Lottery
 2503 Law (§ 58.1-4000 et seq.);
- 2504 15. Licensed nursing homes and home care organizations for the conduct of investigations of
 2505 applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01 and home
 2506 care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;
- 2507 16. Licensed homes for adults, licensed district homes for adults, and licensed adult day-care centers
 2508 for the conduct of investigations of applicants for compensated employment in licensed homes for adults
 2509 pursuant to § 63.1-173.2, in licensed district homes for adults pursuant to § 63.1-189.1, and in licensed
 2510 adult day-care centers pursuant to § 63.1-194.13, subject to the limitations set out in subsection F;
- 2511 17. The Alcoholic Beverage Control Board for the conduct of investigations as set forth in
 2512 § 4.1-103.1;
- 2513 18. The State Board of Elections and authorized officers and employees thereof in the course of
 2514 conducting necessary investigations with respect to registered voters, limited to any record of felony
 2515 convictions;
- 2516 19. The Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse
 2517 Services for those individuals who are committed to the custody of the Commissioner pursuant to
 2518 §§ 19.2-169.2, 19.2-169.6, 19.2-176, 19.2-177.1, 19.2-182.2, 19.2-182.3, 19.2-182.8 and 19.2-182.9 for
 2519 the purpose of placement, evaluation, and treatment planning; and

2520 20. Other entities as otherwise provided by law.

2521 Upon an ex parte motion of a defendant in a felony case and upon the showing that the records
2522 requested may be relevant to such case, the court shall enter an order requiring the Central Criminal
2523 Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons
2524 designated in the order on whom a report has been made under the provisions of this chapter.

2525 Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to
2526 before an officer authorized to take acknowledgments, the Central Criminal Records Exchange or the
2527 criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a
2528 copy of conviction data covering the person named in the request to the person making the request;
2529 however, such person on whom the data is being obtained shall consent in writing, under oath, to the
2530 making of such request. A person receiving a copy of his own conviction data may utilize or further
2531 disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data
2532 subject, the person making the request shall be furnished at his cost a certification to that effect.

2533 B. Use of criminal history record information disseminated to noncriminal justice agencies under this
2534 section shall be limited to the purposes for which it was given and may not be disseminated further.

2535 C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal
2536 history record information for employment or licensing inquiries except as provided by law.

2537 D. Criminal justice agencies shall establish procedures to query the Central Criminal Records
2538 Exchange prior to dissemination of any criminal history record information on offenses required to be
2539 reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is
2540 being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases
2541 where time is of the essence and the normal response time of the Exchange would exceed the necessary
2542 time period. A criminal justice agency to whom a request has been made for the dissemination of
2543 criminal history record information that is required to be reported to the Central Criminal Records
2544 Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination.
2545 Dissemination of information regarding offenses not required to be reported to the Exchange shall be
2546 made by the criminal justice agency maintaining the record as required by § 15.1-135.1.

2547 E. Criminal history information provided to licensed nursing homes and to home care organizations
2548 pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any
2549 offense specified in §§ 32.1-126.01 and 32.1-162.9:1.

2550 F. Criminal history information provided to licensed adult care residences, licensed district homes for
2551 adults, and licensed adult day-care centers pursuant to subdivision A 16 shall be limited to the
2552 convictions on file with the Exchange for any offense specified in §§ 63.1-173.2, 63.1-189.1 or
2553 § 63.1-194.13.

2554 § 19.2-389.1. Dissemination of juvenile record information.

2555 Record information maintained in the Central Criminal Records Exchange pursuant to the provisions
2556 of § 16.1-299 shall be disseminated only (i) to make the determination as provided in §§ 18.2-308.2 and
2557 18.2-308.2:2 of eligibility to possess or purchase a firearm, (ii) ~~to aid in the preparation of a~~
2558 ~~pre-sentence or post-sentence investigation report pursuant to § 19.2-264.5 or § 19.2-299 to attorneys for~~
2559 ~~the Commonwealth, law-enforcement officers and probation and parole officers,~~ (iii) to aid all court
2560 service units serving juvenile delinquent offenders, and (iv) for fingerprint comparison utilizing the
2561 fingerprints maintained in the Automated Fingerprint Information System (AFIS) computer.

2562 § 19.2-390. Reports to be made by local law-enforcement officers, conservators of the peace and
2563 clerks of court to State Police; material submitted by other agencies.

2564 A. Every state official or agency having the power to arrest, the sheriffs of counties, the police
2565 officials of cities and towns, and any other local law-enforcement officer or conservator of the peace
2566 having the power to arrest for a felony shall make a report to the Central Criminal Records Exchange,
2567 on forms provided by it, of any arrest on any of the following charges:

2568 1. Treason;

2569 2. Any felony;

2570 3. Any offense punishable as a misdemeanor under Title 54.1; or

2571 4. Any misdemeanor punishable by confinement in jail under Title 18.2 or 19.2, except an arrest for
2572 a violation of Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2, for violation of Article 2
2573 (§ 18.2-415 et seq.) of Chapter 9 of Title 18.2, or § 18.2-119 or any similar ordinance of any county,
2574 city or town.

2575 The reports shall contain such information as is required by the Exchange and shall be accompanied
2576 by fingerprints of the individual arrested. Fingerprint cards prepared by a law-enforcement agency for
2577 inclusion in a national criminal justice file shall be forwarded to the Exchange for transmittal to the
2578 appropriate bureau.

2579 For persons arrested and released on summonses in accordance with § 19.2-74, such report shall not
2580 be required until (i) after a conviction is entered and no appeal is noted or if an appeal is noted, the
2581 conviction is upheld upon appeal or the person convicted withdraws his appeal; (ii) the court dismisses

2582 the proceeding pursuant to § 18.2-251; or (iii) after a verdict of acquittal by reason of insanity pursuant
 2583 to § 19.2-182.2. Upon such conviction or acquittal, the court shall remand the individual to the custody
 2584 of the office of the chief law-enforcement officer of the county or city. It shall be the duty of the chief
 2585 law-enforcement officer, or his designee who may be the arresting officer, to ensure that such report is
 2586 completed after a determination of guilt or acquittal by reason of insanity. The court shall require the
 2587 officer to complete the report immediately following his conviction or acquittal, and the individual shall
 2588 be discharged from custody forthwith, unless the court has imposed a jail sentence to be served by him
 2589 or ordered him committed to the custody of the Commissioner of the Department of Mental Health,
 2590 Mental Retardation and Substance Abuse Services.

2591 B. Within seventy-two hours following the receipt of a warrant or capias for the arrest of any person
 2592 on a charge of a felony, the law-enforcement agency which received the charge shall enter the accused's
 2593 name and other appropriate information required by the Department of State Police into the "information
 2594 system", known as the Virginia Criminal Information Network (VCIN), established and maintained by
 2595 the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. The report shall include the person's
 2596 name, date of birth, social security number and such other known information which the State Police
 2597 may require. Any unexecuted criminal process which has been entered into the VCIN system shall be
 2598 removed forthwith by the entering law-enforcement agency when the criminal process has been ordered
 2599 destroyed pursuant to § 19.2-76.1.

2600 C. The clerk of each circuit court and district court shall make a report to the Central Criminal
 2601 Records Exchange of (i) any dismissal, indefinite postponement or continuance, charge still pending due
 2602 to mental incompetency, nolle prosequi, acquittal, or conviction of, or failure of a grand jury to return a
 2603 true bill as to, any person charged with an offense listed in subsection A of this section and (ii) any
 2604 adjudication of delinquency based upon an act which ~~would be a felony~~, if committed by an adult,
 2605 ~~provided fingerprints and photographs of the juvenile were required~~ *would require fingerprints to be*
 2606 ~~taken filed~~ pursuant to subsection A of ~~§ 16.1-299~~. In the case of offenses not required to be reported
 2607 to the Exchange by subsection A of this section, the reports of any of the foregoing dispositions shall be
 2608 filed by the law-enforcement agency making the arrest with the arrest record required to be maintained
 2609 by § 15.1-135.1. Upon conviction of a felony in violation of §§ 18.2-61, 18.2-63, 18.2-64.1, 18.2-67.1,
 2610 18.2-67.2, 18.2-67.3, 18.2-67.5, 18.2-370 or § 18.2-370.1 or, where the victim is a minor or is physically
 2611 helpless or mentally incapacitated as defined in § 18.2-67.10, subsection B of § 18.2-361 or subsection B
 2612 of § 18.2-366, including juveniles tried and convicted in the circuit courts pursuant to ~~§ 16.1-269~~
 2613 ~~16.1-269.1~~, whether sentenced as adults or juveniles, the clerk shall also submit a report to the Sex
 2614 Offender Registry. The report to the Sex Offender Registry shall include the name of the person
 2615 convicted and all aliases which he is known to have used, the date and locality of the conviction for
 2616 which registration is required, his date of birth, social security number, last known address, and specific
 2617 reference to the offense for which he was convicted. No report of conviction or adjudication in a district
 2618 court shall be filed unless the period allowed for an appeal has elapsed and no appeal has been
 2619 perfected. In the event that the records in the office of any clerk show that any conviction or
 2620 adjudication has been nullified in any manner, he shall also make a report of that fact to the Exchange
 2621 and, if appropriate, to the Registry, and each clerk of a circuit court, upon receipt of certification thereof
 2622 from the Supreme Court, shall report to the Exchange or the Registry, or to the law-enforcement agency
 2623 making the arrest in the case of offenses not required to be reported to the Exchange, on forms provided
 2624 by the Exchange or Registry, as the case may be, any reversal or other amendment to a prior sentence
 2625 or disposition previously reported. When criminal process is ordered destroyed pursuant to § 19.2-76.1,
 2626 the clerk shall report such action to the law-enforcement agency that entered the warrant or capias into
 2627 the VCIN system.

2628 D. In addition to those offenses enumerated in subsection A of this section, the Central Criminal
 2629 Records Exchange may receive, classify and file any other fingerprints and records of arrest or
 2630 confinement submitted to it by any law-enforcement agency or any correctional institution.

2631 E. Corrections officials responsible for maintaining correctional status information, as required by the
 2632 rules and regulations of the Department of Criminal Justice Services, with respect to individuals about
 2633 whom reports have been made under the provisions of this chapter shall make reports of changes in
 2634 correctional status information to the Central Criminal Records Exchange.

2635 F. Officials responsible for reporting disposition of charges, and correctional changes of status of
 2636 individuals under this section, including those reports made to the Sex Offender Registry, shall adopt
 2637 procedures reasonably designed at a minimum (i) to ensure that such reports are accurately made as
 2638 soon as feasible by the most expeditious means and in no instance later than thirty days after occurrence
 2639 of the disposition or correctional change of status; and (ii) to report promptly any correction, deletion, or
 2640 revision of the information.

2641 G. Upon receiving a correction, deletion, or revision of information, the Central Criminal Records
 2642 Exchange shall notify all criminal justice agencies known to have previously received the information.

2643 As used in this section, the term "chief law-enforcement officer" means the chief of police of cities
2644 and towns and sheriffs of counties, unless a political subdivision has otherwise designated its chief
2645 law-enforcement officer by appropriate resolution or ordinance, in which case the local designation shall
2646 be controlling.

2647 § 19.2-392.01. Judges may require taking of fingerprints and photographs in certain misdemeanor
2648 cases.

2649 The judge of a general district court may, in his discretion, on motion of the attorney for the
2650 Commonwealth, require the duly constituted police officers of the county, city or town within the
2651 territorial jurisdiction of the court to take the fingerprints and photograph of any person who has been
2652 arrested and charged with a misdemeanor other than a misdemeanor which is a violation of any
2653 provision of Title 46.2.

2654 § 22.1-209.1:2. (Effective until July 1, 1997) Alternative education programs for certain students.

2655 A. With such funds as may be appropriated for this purpose, the Board of Education shall establish a
2656 program consisting of alternative education options for school-age children in compliance with
2657 subdivision D 8 of § 22.1-253.13:1 who (i) have committed an offense in violation of school board
2658 policies relating to weapons, alcohol or drugs, or intentional injury to another person, or against whom a
2659 petition or warrant has been filed alleging such acts or school board charges alleging such policy
2660 violations are pending; (ii) have been expelled from school attendance or have received one suspension
2661 for an entire semester, or have received two or more long-term suspensions within one school year; or
2662 (iii) have been released from a youth learning juvenile correctional center and have been identified by
2663 the Superintendent of the Department of Correctional Education and the relevant division superintendent
2664 as requiring an alternative education program. However, no child shall be assigned to any alternative
2665 education program described in this section for more than one school year without an annual assessment
2666 of the placement to determine the appropriateness of transitioning the child into the school division's
2667 regular program. On and after July 1, 1994, the program shall consist of up to ten regional pilot
2668 projects; any additional pilot projects shall be located in regions throughout the state to provide greater
2669 geographical distribution of such projects. All such projects shall be awarded on a competitive basis to
2670 applicants responding to requests for proposals, giving priority in awarding any new sites, to the extent
2671 practicable, to applicants in areas with high student suspension and expulsion rates that meet the
2672 requirements in subsection B of this section. The Board of Education shall promulgate regulations for
2673 the implementation of the program.

2674 B. Upon the appropriation of funds for the purposes of this section, the Department of Education
2675 shall issue a request for proposals for regional projects to pilot selected alternative education options by
2676 July 1, 1993. The first such grants shall be awarded by August 20, 1993. Applications for grants shall
2677 include the following components:

2678 1. An agreement executed by two or more school divisions and approval of their respective
2679 governing bodies to pilot an alternative education option as provided in subsection A, and a plan for the
2680 apportionment of responsibilities for the administration, management, and support of the program,
2681 including, but not limited to, the facilities and location for the program, daily operation and oversight,
2682 staffing, instructional materials and resources, transportation, funding and in-kind services, and the
2683 program of instruction.

2684 2. A procedure for obtaining the participation in or support for the program, as may be determined,
2685 of the parents, guardian or other person having charge or control of a child placed in the program.

2686 3. An interagency agreement for cooperation executed by the local departments of health and social
2687 services or welfare; the juvenile and domestic relations district court; law-enforcement agencies;
2688 institutions of higher education and other post-secondary training programs; professional and community
2689 organizations; the business and religious communities; dropout prevention and substance abuse
2690 prevention programs; community services boards located in the applicants' respective jurisdictions; and
2691 the Department of Correctional Education.

2692 4. A curriculum developed for intensive, accelerated instruction designed to establish high standards
2693 and academic achievement for participating students.

2694 5. An emphasis on building self-esteem and the promotion of personal and social responsibility.

2695 6. A low pupil-teacher ratio to promote a high level of interaction between the students and the
2696 teacher.

2697 7. An extended day program, where appropriate, to facilitate remediation; tutoring; counseling;
2698 organized, age-appropriate, developmental education for elementary and middle school children; and
2699 opportunities that enhance acculturation and permit students to improve their social and interpersonal
2700 relationship skills.

2701 8. Community outreach to build strong school, business, and community partnerships, and to promote
2702 parental involvement in the educational process of participating children.

2703 9. Specific, measurable goals and objectives and an evaluation component to determine the program's
2704 effectiveness in reducing acts of crime and violence by students, the dropout rate, the number of youth

2705 committed to youth learning juvenile correctional centers, and recidivism; and in increasing the
 2706 academic achievement levels and rehabilitative success of participating students, admission to institutions
 2707 of higher education and other post-secondary education and training programs, and improving staff
 2708 retention rates.

2709 10. The number of children who may be assigned to the regional pilot alternative education program
 2710 during the school year.

2711 11. A plan for transitioning the enrolled students into the relevant school division's regular program.

2712 12. A current program of staff development and training.

2713 C. Beginning with the first year of program implementation, the Department of Education shall be
 2714 entitled to deduct annually from the locality's share for the education of its students a sum equal to the
 2715 actual local expenditure per pupil for the support of those students placed by the relevant school division
 2716 in any such pilot program. The amount of the actual transfers shall be based on data accumulated during
 2717 the prior school year.

2718 D. A school board shall require written notification to the pupil's parent, guardian, or other person
 2719 having charge or control, when a pupil commits an offense in violation of school board policies, which
 2720 school officials determine was committed without the willful intent to violate such policies, or when the
 2721 offense did not endanger the health and safety of the individual or other persons, of the nature of the
 2722 offense no later than two school days following its occurrence. A school board shall require the
 2723 principal of the school where the child is in attendance or other appropriate school personnel to develop
 2724 appropriate measures, in conjunction with the pupil's parent or guardian, for correcting such behavior.

2725 E. The Board shall require submission of interim evaluation reports of each pilot program biannually
 2726 and shall compile these reports and other program materials and report the status of such programs on a
 2727 periodic basis, as may be established, during the 1993 legislative interim to the Special Joint
 2728 Subcommittee on School Crime and Violence. The Board shall report the effectiveness of such programs
 2729 and their components annually to the Governor and the General Assembly beginning by December 1,
 2730 1994.

2731 F. For the purposes of this section, "regional pilot program" means a program supported and
 2732 implemented by two or more school divisions which are either geographically contiguous or have a
 2733 community of interest.

2734 G. For the purposes of this section, "one school year" means no more than 180 teaching days.

2735 § 22.1-277.3. *Superintendent's receipt of notice of the filing of a petition.*

2736 *When a superintendent of a local school division receives notice of the filing of a petition from the*
 2737 *court or a court services unit in accordance with § 16.1-260, or upon request for such information made*
 2738 *in conjunction with the preparation of a juvenile's social history in accordance with § 16.1-273, the*
 2739 *superintendent shall provide information regarding the juvenile's educational placement, services and*
 2740 *progress. When a superintendent receives notice of a juvenile's return to the community following*
 2741 *commitment, the superintendent or his designee shall participate in the development of a reenrollment*
 2742 *plan, in compliance with the regulations for reenrollment according to § 22.1-17.1.*

2743 § 22.1-277.4. *Juveniles expelled from school.*

2744 *In the case of juveniles who have been expelled from school in accordance with § 22.1-277, the court*
 2745 *may not order a local school board to reenroll the juvenile.*

2746 § 22.1-344. Appointment of Superintendent of Correctional Education; powers and duties.

2747 The Governor shall appoint, subject to confirmation by the General Assembly, the Superintendent of
 2748 the Department of Correctional Education, who shall meet the minimum standards for division
 2749 superintendents set by the Board of Education. The Superintendent shall supervise the administration of
 2750 the Department of Correctional Education, and prepare, approve, and submit all requests for
 2751 appropriations and be responsible for all expenditures pursuant to appropriations. The Superintendent
 2752 shall also employ teachers and place them in appropriate schools. The Superintendent shall also develop
 2753 and implement a literacy program for inmates in correctional facilities. It shall be the duty of the
 2754 Superintendent of Correctional Education to notify the division superintendent of the school division of
 2755 the school last attended by a pupil that such pupil is in attendance in a school in the department's
 2756 learning juvenile correctional centers. Such notice shall include, but not be limited to, name, address,
 2757 age, last school attended, the last grade in which the pupil was enrolled, and the program of instruction
 2758 in which such pupil is enrolled currently at the learning juvenile correctional center. Other powers and
 2759 duties of the Superintendent of Correctional Education shall be fixed by the Board of Education in
 2760 accordance with law.

2761 § 29.1-317. Special fishing permits for certain juveniles.

2762 A. Upon application from the superintendent of any juvenile learning correctional center maintained
 2763 and operated by the Department of Youth and Family Services, the Director may issue a permit to allow
 2764 the residents of such learning juvenile correctional center to fish under supervision without licenses in
 2765 public waters open to fishing. The permits shall not be issued for use in designated waters stocked with

2766 trout or in waters where a daily fishing fee has been imposed pursuant to § 29.1-318.

2767 B. The application for the permit shall state the name and description of the group, the period of
2768 time during which it will be used, the general area in which it will be used, and the name of the person
2769 who will be responsible for the group.

2770 § 53.1-63.1. *Department to establish facilities for juveniles sentenced as adults.*

2771 *The Department shall establish, staff and maintain, at any state correctional facilities designated by*
2772 *the Board, programs and housing for the rehabilitation, training, and confinement of juveniles sentenced*
2773 *by the circuit courts as adults and committed to the Department pursuant to § 16.1-272. The Department*
2774 *of Correctional Education shall establish, staff, and maintain education for such juveniles in accordance*
2775 *with Chapter 18 (§ 22.1-339 et seq.) of Title 22.1.*

2776 § 53.1-66. Transfer of prisoners to other facilities.

2777 Any person confined by the Department in a facility established by this chapter may be transferred
2778 from such facility to other facilities in the state corrections system for the remainder of the period of
2779 commitment under § 16.1-272 or Article 2 (§ 19.2-311 et seq.) of Chapter 18 of Title 19.2, upon a
2780 written finding by the Department submitted to the sentencing court that the person has exhibited
2781 intractable behavior or, *in the case of persons committed under § 19.2-311*, otherwise becomes ineligible
2782 to use such facilities pursuant to § 19.2-311.

2783 "Intractable behavior" means behavior which (i) indicates an inmate's unwillingness or inability to
2784 conform his behavior to that necessary to his successful completion of the program or (ii) is so
2785 disruptive as to threaten the successful completion of the program by other participants.

2786 § 66-10. Powers and duties of Board.

2787 The Board shall have the following powers and duties:

2788 1. To develop and establish programmatic and fiscal policies governing the operation of programs
2789 and facilities for which the Department is responsible under this law.

2790 2. To ensure the development and implementation of a long-range youth services policy.

2791 3. To review and comment on all budgets and requests for appropriations for the Department prior to
2792 their submission to the Governor and on all applications for federal funds.

2793 4. To monitor the activities of the Department and its effectiveness in implementing the policies of
2794 the Board.

2795 5. To advise the Governor, Director and the General Assembly on matters relating to youth services.

2796 6. To promulgate such regulations as may be necessary to carry out the provisions of this title and
2797 other laws of the Commonwealth administered by the Director or the Department. The Board of Youth
2798 and Family Services may adopt such Board of Corrections' regulations and standards as it may deem
2799 appropriate. If regulations and standards so adopted are not amended substantively by the Board of
2800 Youth and Family Services, such Board need not comply with the provisions of Article 2 (§ 9-6.14:7.1
2801 et seq.) of Chapter 1.1:1 of Title 9.

2802 7. To ensure the development of programs to educate citizens and elicit public support for the
2803 activities of the Department.

2804 8. *To establish length-of-stay guidelines for juveniles indeterminately committed to the Department*
2805 *and to make such guidelines available for public comment.*

2806 § 66-13. Authority of Department as to juveniles committed to it; establishment of facilities;
2807 arrangements for temporary care.

2808 A. The Department is authorized and empowered to receive ~~children~~ juveniles committed to it by the
2809 courts of the Commonwealth pursuant to ~~§ 16.1-278.8~~. The Department shall establish, staff and
2810 maintain facilities for the rehabilitation, training and confinement of such ~~children~~ juveniles. The
2811 Department may make arrangements with satisfactory persons, institutions or agencies, or with cities or
2812 counties maintaining places of detention for ~~children~~ juveniles, for the temporary care of such ~~children~~
2813 juveniles.

2814 B. *The Department may establish, or contract with private entities, political subdivisions or*
2815 *commissions, to establish juvenile boot camps. The Board shall prescribe standards for the development,*
2816 *implementation and operation of the boot camps with highly structured components including, but not*
2817 *limited to, military style drill and ceremony, physical labor, education and rigid discipline and no less*
2818 *than six months of intensive aftercare. No private entity contracting or operating a boot camp on behalf*
2819 *of the Department shall claim the defense of sovereign immunity or defenses under the Virginia Tort*
2820 *Claims Act (§ 8.01-195.1 et seq.). No contract to establish a juvenile boot camp shall be executed by the*
2821 *Department nor shall any funds be expended for the contract unless an appropriation has been*
2822 *expressly approved as is otherwise provided by law.*

2823 C. *The Department may by mutual agreement with a locality or localities and, pursuant to standards*
2824 *promulgated pursuant to § 16.1-309.9, establish detention homes for use by a locality or localities for*
2825 *pre-trial and post-dispositional detention pursuant to §§ 16.1-248.1 and 16.1-284.1. The Department*
2826 *may collect by mutual agreement with a locality or localities and from any locality of this*
2827 *Commonwealth from which a juvenile is placed in such a detention home, the reasonable cost of*

2828 *maintaining such juvenile in such facility and a portion of the cost of construction of such facility. Such*
 2829 *agreements shall be subject to approval by the General Assembly in the general appropriation act.*

2830 § 66-24. Community group homes and other residential facilities for certain juveniles; personnel.

2831 The Department is authorized to establish and maintain such a system of community group homes or
 2832 other residential care facilities as the Department may from time to time acquire, construct, *contract for*
 2833 *or rent for the care of children juveniles* in direct state care, pending development of more permanent
 2834 placement plans. Such placement plans shall consider adequate care and treatment, and suitable
 2835 education, training and employment for such *children juveniles*, as is appropriate. The Department is
 2836 further authorized to employ necessary personnel for such facilities *or to contract with private entities*
 2837 *for their operation.* The Board shall adopt such regulations for the operation of such facilities as it may
 2838 deem appropriate.

2839 **2. That the provisions of this act may result in a net increase in periods of imprisonment in state**
 2840 **correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation**
 2841 **is \$5,382,720.**

2842 **3. That beginning July 1, 1996, the magistrate training program established by the Committee on**
 2843 **District Courts pursuant to § 19.2-38 shall include a component addressing the issuance of**
 2844 **warrants and detention orders in juvenile courts.**

2845 **4. That beginning July 1, 1996, the circuit court judge training program established by the**
 2846 **Committee on District Courts pursuant to § 19.2-38 shall include a mandatory component**
 2847 **addressing juvenile court dispositional options for juveniles tried in circuit courts.**

2848 **5. That the Department of Youth and Family Services shall conduct a three-year follow-up of**
 2849 **juveniles sentenced to Boot Camps established pursuant to § 66-13 to determine the effectiveness of**
 2850 **this sentencing option. Beginning October 1, 1996, and each year thereafter, the Department shall**
 2851 **report the findings of the evaluations to the chairmen of Health, Welfare and Institutions, Senate**
 2852 **Education and Health, House Appropriations Committee, Senate Finance, Rehabilitation and**
 2853 **Social Services and Courts of Justice.**

2854 **6. That no later than October 1, 1996, the Board of Youth and Family Services shall establish**
 2855 **length-of-stay guidelines for juveniles indeterminately committed to the Department. By November**
 2856 **1, 1996, and annually thereafter, the Department shall provide copies of the guidelines and the**
 2857 **estimated impact on juvenile correctional facility bed space needs to the General Assembly.**