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SENATE BILL NO. 44

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Joint Conference Committee
on March 11, 1996)

(Patron Prior to Substitute—Senator Earley)

A BILL to amend and reenact §§ 2.1-116.08, 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, 19.2-389.1, 19.2-390, 19.2-392.01, 22.1-209.1:2, 22.1-288.2, 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 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, 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, 19.2-389.1, 19.2-390, 19.2-392.01, 22.1-209.1:2, 22.1-288.2, 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 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.

§ 16.1-227. Purpose and intent.

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

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

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

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

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

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60 child, his family, and the community; and

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

64 § 16.1-228. Definitions.

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

66 "Abused or neglected child" means any child:

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

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

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

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

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

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

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

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

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

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

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

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

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

106 "Child in need of supervision" means:

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

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

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

122 "Delinquent act" means (i) an act designated a crime under the law of this Commonwealth, or an
123 ordinance of any city, county, town or service district, or under federal law, (ii) a violation of
124 § 18.2-308.7 or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an
125 act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if
126 committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to
127 take a blood or breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city or
128 town.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

191 *"Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of*
192 *§ 16.1-269.1 when committed by a juvenile fourteen years of age or older.*

193 § 16.1-228. (Delayed effective date) Definitions.

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

195 "Abused or neglected child" means any child:

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

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

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

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

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

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

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

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

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

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

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

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

235 "Child in need of supervision" means:

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237 absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of
238 any and all educational services and programs that are required to be provided by law and which meet
239 the child's particular educational needs, and (ii) the school system from which the child is absent or
240 other appropriate agency has made a reasonable effort to effect the child's regular attendance without
241 success; or

242 2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or
243 placement authority, remains away from or habitually deserts or abandons his family or lawful custodian
244 or escapes or remains away without proper authority from a residential care facility in which he has

245 been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life
 246 or health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently
 247 being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation
 248 or services needed by the child or his family.

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

250 "Delinquent act" means (i) an act designated a crime under the law of this Commonwealth, or an
 251 ordinance of any city, county, town or service district, or under federal law, (ii) a violation of
 252 § 18.2-308.7 or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an
 253 act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if
 254 committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to
 255 take a blood or breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city or
 256 town.

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

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

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

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

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

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

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

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

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

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

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

304 "Secure facility" or "detention home" means a local ~~or~~, regional *or state* public or private locked
 305 residential facility which has construction fixtures designed to prevent escape and to restrict the

306 movement and activities of children held in lawful custody.

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

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

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

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

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

317 "*Violent juvenile felony*" means any of the delinquent acts enumerated in subsection B or C of
318 § 16.1-269.1 when committed by a juvenile fourteen years of age or older.

319 § 16.1-241. Jurisdiction.

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

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

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

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

333 2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated
334 as having abused or neglected another child in the care of the parent or custodian;

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

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

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

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

344 *In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated*
345 *in subsection B of § 16.1-269.1, and for any charges ancillary thereto, the jurisdiction of the juvenile*
346 *court shall be limited to conducting a preliminary hearing to determine if there is probable cause to*
347 *believe that the juvenile committed the act alleged and that the juvenile was fourteen years of age or*
348 *older at the time of the commission of the alleged offense, and any matters related thereto. In any case*
349 *in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection C*
350 *of § 16.1-269.1, and for all charges ancillary thereto, if the attorney for the Commonwealth has given*
351 *notice as provided in subsection C of § 16.1-269.1, the jurisdiction of the juvenile court shall be limited*
352 *to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile*
353 *committed the act alleged and that the juvenile was fourteen years of age or older at the time of the*
354 *commission of the alleged offense, and any matters related thereto. A determination by the juvenile court*
355 *following a preliminary hearing pursuant to subsection B or C of § 16.1-269.1 to certify a charge to the*
356 *grand jury shall divest the juvenile court of jurisdiction over the charge and any ancillary charge. In*
357 *any case in which a transfer hearing is held pursuant to subsection A of § 16.1-269.1, if the juvenile*
358 *court determines to transfer the case, jurisdiction of the juvenile court over the case shall be divested as*
359 *provided in § 16.1-269.6.*

360 *In all other cases involving delinquent acts, and in cases in which an ancillary charge remains after*
361 *a violent juvenile felony charge has been dismissed or a violent juvenile felony has been reduced to a*
362 *lesser offense not constituting a violent juvenile felony, the jurisdiction of the juvenile court shall not be*
363 *divested unless there is a transfer pursuant to subsection A of § 16.1-269.1.*

364 The authority of the juvenile court to adjudicate matters involving the custody, visitation, support,
365 control or disposition of a child shall not be limited to the consideration of petitions filed by a mother,
366 father or legal guardian but shall include petitions filed at any time by any party with a legitimate
367 interest therein. A party with a legitimate interest shall be broadly construed and shall include, but not

368 be limited to, grandparents, stepparents, former stepparents, blood relatives and family members. A party
369 with a legitimate interest shall not include any person (i) whose parental rights have been involuntarily
370 terminated by court order if the child subsequently has been legally adopted, or (ii) who has been
371 convicted of a violation of subsection A of § 18.2-61 or subsection B of § 18.2-366 when the child who
372 is the subject of the petition was conceived as a result of such violation. The authority of the juvenile
373 court to consider a petition involving the custody of a child shall not be proscribed or limited where the
374 child has previously been awarded to the custody of a local board of social services.

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

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

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

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

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

394 1. Who has been abused or neglected;
395 2. Who is the subject of an entrustment agreement entered into pursuant to § 63.1-56 or § 63.1-204
396 or is otherwise before the court pursuant to subdivision A 4 of this section;

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

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

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

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

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

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

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

427 L. Any person who seeks spousal support after having separated from his spouse. A decision under
428 this subdivision shall not be res judicata in any subsequent action for spousal support in a circuit court.

429 A circuit court shall have concurrent original jurisdiction in all causes of action under this subdivision.

430 M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1 or
431 § 16.1-279.1.

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

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

436 P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 13
437 (§ 63.1-249 et seq.) of Title 63.1, or by another state in the same manner as if the orders were entered
438 by a juvenile and domestic relations district court upon the filing of a certified copy of such order in the
439 juvenile and domestic relations district court.

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

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

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

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

446 U. Petitions filed in connection with parental placement adoption consent hearings, pursuant to
447 § 63.1-220.3. Such proceedings shall be advanced on the docket so as to be heard by the court within
448 ten days of filing of the petition, or as soon thereafter as practicable so as to provide the earliest
449 possible disposition.

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

452 Notwithstanding any other provision of law no fees shall be charged by a sheriff for the service of
453 any process in a proceeding pursuant to subdivision 3 of subsection A or ~~subsections~~ *subsection B, D,*
454 *M or R* of this section.

455 § 16.1-241. (Delayed effective date) Jurisdiction.

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

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

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

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

469 2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated
470 as having abused or neglected another child in the care of the parent or custodian;

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

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

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

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

476 *In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated*
477 *in subsection B of § 16.1-269.1, and for any charges ancillary thereto, the jurisdiction of the family*
478 *court shall be limited to conducting a preliminary hearing to determine if there is probable cause to*
479 *believe that the juvenile committed the act alleged and that the juvenile was fourteen years of age or*
480 *older at the time of the commission of the alleged offense, and any matters ancillary thereto. In any*
481 *case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in*
482 *subsection C of § 16.1-269.1, and for all charges ancillary thereto, if the attorney for the*
483 *Commonwealth has given notice as provided in subsection C of § 16.1-269.1, the jurisdiction of the*
484 *family court shall be limited to conducting a preliminary hearing to determine if there is probable cause*
485 *to believe that the juvenile committed the act alleged and that the juvenile was fourteen years of age or*
486 *older at the time of the commission of the alleged offense, and any matters ancillary thereto. A*
487 *determination by the family court following a preliminary hearing pursuant to Subsection B or C of*
488 *§ 16.1-269.1 to certify a charge to the grand jury shall divest the family court of jurisdiction over the*
489 *charge and any ancillary charge. In any case in which a transfer hearing is held pursuant to subsection*
490 *A of § 16.1-269.1, if the family court determines to transfer the case, jurisdiction of the family court*

491 over the case shall be divested as provided in § 16.1-269.6.

492 In all other cases involving delinquent acts, and in cases in which an ancillary charge remains after
493 a violent juvenile felony charge has been dismissed or a violent juvenile felony has been reduced to a
494 lesser offense not constituting a violent juvenile felony, the jurisdiction of the family court shall not be
495 divested unless there is a transfer pursuant to subsection A of § 16.1-269.1.

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

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

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

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

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

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

- 526 1. Who has been abused or neglected;
- 527 2. Who is the subject of an entrustment agreement entered into pursuant to § 63.1-56 or § 63.1-204
528 or is otherwise before the court pursuant to subdivision A 4 of this section;

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

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

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

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

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

545 In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to
546 determining whether or not there is probable cause. Any objection based on jurisdiction under this
547 subsection shall be made before a jury is impaneled and sworn in a jury trial or, in a nonjury trial,
548 before the earlier of when the court begins to hear or receive evidence or the first witness is sworn, or it
549 shall be conclusively waived for all purposes. Any such objection shall not affect or be grounds for
550 challenging directly or collaterally the jurisdiction of the court in which the case is tried. For purposes
551 of this subsection, "family or household member," as defined in § 16.1-228, shall also be construed to

552 include parent and child, stepparent and stepchild, brothers and sisters, and grandparent and grandchild,
553 regardless of whether such persons reside in the same home.

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

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

559 M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1 or
560 § 16.1-279.1.

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

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

565 P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 13
566 (§ 63.1-249 et seq.) of Title 63.1, or by another state in the same manner as if the orders were entered
567 by a family court upon the filing of a certified copy of such order in the family court.

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

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

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

571 T. Suits for separate maintenance.

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

573 V. Petitions for adoption.

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

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

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

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

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

583 BB. Petitions filed in connection with parental placement adoption consent hearings, pursuant to
584 § 63.1-220.3. Such proceedings shall be advanced on the docket so as to be heard by the court within
585 ten days of filing of the petition, or as soon thereafter as practicable so as to provide the earliest
586 possible disposition.

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

589 Notwithstanding any other provision of law no fees shall be charged by a sheriff for the service of
590 any process in a proceeding pursuant to subdivision 3 of subsection A or ~~subsections~~ subsection B, D,
591 M or R of this section.

592 § 16.1-248.1. Criteria for detention or shelter care.

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

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

604 a. *Considering the seriousness of the current offense or offenses and other pending charges, the*
605 *seriousness of prior adjudicated offenses, the legal status of the juvenile and any aggravating and*
606 *mitigating circumstances,* the release of the *child juvenile*, constitutes an unreasonable danger to the
607 person or property of others;

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

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

613 2. The *child juvenile* has absconded from a detention home or facility where he has been directed to

614 remain by the lawful order of a judge or intake officer.

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

619 4. The ~~child~~ juvenile has failed to appear in court after having been duly served with a summons in
620 any case in which it is alleged that the ~~child~~ juvenile has committed a delinquent act; or that the child
621 is in need of services or is in need of supervision; however, a child alleged to be in need of services or
622 in need of supervision may be detained for good cause pursuant to this subsection only until the next
623 day upon which the court sits within the county or city in which the charge against the child is pending,
624 and under no circumstances longer than seventy-two hours from the time he or she was taken into
625 custody.

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

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

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

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

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

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

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

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

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

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

651 § 16.1-248.2. *Mental health screening and assessment for certain juveniles.*

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

658 § 16.1-249. *Places of confinement for juveniles.*

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

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

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

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

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

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

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

672 C. *Except for placement under subsection A 5,* the official in charge of a jail or other facility for the
673 detention of adult offenders or persons charged with crime shall inform the court immediately when a
674 juvenile who is or appears to be under the age of eighteen years is received at the facility, and shall

675 deliver him to the court upon request, or transfer him to a detention facility designated by the court.

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

682 E. If, in the judgment of the custodian, a juvenile has demonstrated that he is a threat to the security
 683 or safety of the other juveniles detained or the staff of the home or facility, the judge shall determine
 684 whether such juvenile should be transferred to another juvenile facility or, if the child is fourteen years
 685 of age or older, a jail or other facility for the detention of adults; provided, that (i) the detention is in a
 686 room or ward entirely separate and removed from adults, (ii) adequate supervision is provided, and (iii)
 687 the facility is approved by the State Board of Corrections for detention of juveniles.

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

693 G. If a juvenile fourteen years of age or older is charged with an offense which, if committed by an
 694 adult, would be a felony or Class 1 misdemeanor, and the judge or intake officer determines that secure
 695 detention is needed for the safety of the juvenile or the community, such juvenile may be detained for a
 696 period no longer than six hours in a temporary lock-up room or ward for juveniles while arrangements
 697 are completed to transfer the juvenile to a juvenile facility. Such room or ward may be located in a
 698 building which also contains a jail or other facility for the detention of adults, provided (i) such room or
 699 ward is totally separate and removed from adults or juveniles transferred to the circuit court pursuant to
 700 Article 7 (§ 16.1-269.1 et seq.) of this chapter, (ii) constant supervision is provided, and (iii) the facility
 701 is approved by the State Board of Corrections for the detention of juveniles. The State Board of
 702 Corrections is authorized and directed to prescribe minimum standards for temporary lock-up rooms and
 703 wards based on the requirements set out in this subsection.

704 G-1. Any juvenile who has been ordered detained in a secure detention facility pursuant to
 705 § 16.1-248.1 may be held incident to a court hearing (i) in a court holding cell for a period not to
 706 exceed six hours provided the juvenile is entirely separate and removed from detained adults or (ii) in a
 707 nonsecure area provided constant supervision is provided.

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

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

714 § 16.1-255. Limitation on issuance of detention orders for juveniles.

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

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

720 § 16.1-255. (Delayed effective date) Limitation on issuance of detention orders for juveniles.

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

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

726 § 16.1-256. Limitations as to issuance of warrants for juveniles; detention orders.

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

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

729 2. ~~[Repealed.]~~

730 3. Upon a finding of probable cause to believe that the child is in need of services or is a delinquent,
 731 when (i) the court is not open; *or* (ii) the judge and the intake officer of the juvenile and domestic
 732 relations district court are not reasonably available ~~and (iii) the criteria for detention or shelter care set~~
 733 ~~forth in § 16.1-248.1 have been satisfied.~~ For purposes of this section, the phrase "not reasonably
 734 available" shall mean *means* that ~~neither~~ the judge ~~or~~ *nor* the intake officer of the juvenile and domestic
 735 relations district court could ~~not~~ be reached after the appearance by the juvenile before a magistrate or
 736 *that neither could not* arrive within one hour after he was contacted.

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

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

740 § 16.1-256. (Delayed effective date) Limitations as to issuance of warrants for juveniles; detention
741 orders.

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

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

744 2. ~~Repealed.~~

745 3. Upon a finding of probable cause to believe that the child is in need of services or is a delinquent,
746 when (i) the court is not open; or (ii) the judge and the intake officer of the family court are not
747 reasonably available and ~~(iii) the criteria for detention or shelter care set forth in § 16.1-248.1 have been~~
748 ~~satisfied~~. For purposes of this section, the phrase "not reasonably available" shall mean means that
749 neither the judge or nor the intake officer of the family court could not be reached after the appearance
750 by the juvenile before a magistrate or could not arrive within one hour after he was contacted.

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

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

754 § 16.1-260. Intake; petition; investigation.

755 A. All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of
756 a petition, except as provided in subsection F H of this section and in § 16.1-259. The form and content
757 of the petition shall be as provided in § 16.1-262. No individual shall be required to obtain support
758 services from the Department of Social Services prior to filing a petition seeking support for a child.
759 Complaints, requests and the processing of petitions to initiate a case shall be the responsibility of the
760 intake officer. However, (i) the attorney for the Commonwealth of the city or county may file a petition
761 on his own motion with the clerk, (ii) the Department of Social Services may file support petitions on
762 its own motion with the clerk, and (iii) any attorney may file petitions on behalf of his client with the
763 clerk except petitions alleging that the subject of the petition is a child alleged to be in need of services,
764 in need of supervision or delinquent. Complaints alleging abuse or neglect of a child shall be referred
765 initially to the local department of public welfare or social services in accordance with the provisions of
766 Chapter 12.1 (§ 63.1-248.1 et seq.) of Title 63.1. Motions and other subsequent pleadings in a case shall
767 be filed directly with the clerk. The intake officer or clerk with whom the petition or motion is filed
768 shall inquire whether the petitioner is receiving child support services or public assistance. No individual
769 who is receiving support services or public assistance shall be denied the right to file a petition or
770 motion to establish, modify or enforce an order for support of a child. If the petitioner is seeking or
771 receiving child support services or public assistance, the clerk, upon issuance of process, shall forward a
772 copy of the petition or motion together with notice of the court date to the Division of Child Support
773 Enforcement.

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

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

788 However, an intake officer may proceed informally on a complaint alleging a child is in need of
789 services, in need of supervision or delinquent only if the juvenile (i) is not alleged to have committed a
790 violent juvenile felony and (ii) has not previously been adjudicated in need of supervision or delinquent.
791 A petition alleging that a juvenile committed a violent juvenile felony shall be filed with the court. A
792 petition alleging that juvenile is in need of supervision or delinquent shall be filed with court if the
793 juvenile had previously been adjudicated in need of supervision or delinquent.

794 Whenever informal action is taken as provided in this subsection on a complaint alleging that a child
795 is in need of services, is in need of supervision or delinquent, the intake officer shall (i) develop a plan
796 for the juvenile, which may include restitution and the performance of community service, based upon
797 community resources and the circumstances which resulted in the complaint, (ii) create an official

798 *record of the action taken by the intake officer and file such record in the juvenile's case file and (iii)*
 799 *advise the juvenile and the juvenile's parent, guardian or other person standing in loco parentis, and the*
 800 *complainant that any subsequent complaint alleging that the child is in need of supervision or*
 801 *delinquent based upon facts which may be sufficient to invoke the jurisdiction of the court pursuant to*
 802 *§ 16.1-241 will result in the filing of a petition with the court.*

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

813 C. D. Prior to the filing of any petition alleging that a *juvenile child* is in need of supervision, the
 814 matter shall be reviewed by an intake officer who shall determine whether the petitioner and the *juvenile*
 815 *child* alleged to be in need of supervision have utilized or attempted to utilize treatment and services
 816 available in the community and have exhausted all appropriate nonjudicial remedies which are available
 817 to them. When the intake officer determines that the parties have not attempted to utilize available
 818 treatment or services or have not exhausted all appropriate nonjudicial remedies which are available, he
 819 shall refer the petitioner and the child alleged to be in need of supervision to the appropriate agency,
 820 treatment facility or individual to receive treatment or services, and a petition shall not be filed. Only
 821 after the intake officer determines that the parties have made a reasonable effort to utilize available
 822 community treatment or services, may he permit the petition to be filed.

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

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

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

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

841 1. The unlawful purchase, possession or use of a weapon pursuant to Article 4 (§ 18.2-279 et seq.) of
 842 Chapter 7 of Title 18.2;

843 2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

844 3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of
 845 Title 18.2;

846 4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

847 5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances,
 848 pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

849 6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter
 850 7 of Title 18.2;

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

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

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

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

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

859 1. In the case of violations of the traffic laws, including offenses involving bicycles, hitchhiking and

860 other pedestrian offenses, game and fish laws or a violation of the ordinance of any city regulating
861 surfing or any ordinance establishing curfew violations or animal control violations. In such cases the
862 court may proceed on a summons issued by the officer investigating the violation in the same manner as
863 provided by law for adults. Additionally, an officer investigating a motor vehicle accident may, at the
864 scene of the accident or at any other location where a juvenile who is involved in such an accident may
865 be located, proceed on a summons in lieu of filing a petition.

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

868 3. In the case of a violation of § 18.2-266 or § 29.1-738, or the commission of any other
869 alcohol-related offense, provided the ~~child~~ juvenile is released to the custody of a parent or legal
870 guardian pending the initial court date. The officer releasing a ~~child~~ juvenile to the custody of a parent
871 or legal guardian shall issue a summons to the ~~child~~ juvenile and shall also issue a summons requiring
872 the parent or legal guardian to appear before the court with the ~~child~~ juvenile. Disposition of the charge
873 shall be in the manner provided in § 16.1-278.8 or § 16.1-278.9. If the ~~child~~ juvenile so charged with a
874 violation of § 18.2-266 or § 29.1-738 refuses to provide a sample of blood or breath or samples of both
875 blood and breath for chemical analysis pursuant to §§ 18.2-268.1 through 18.2-268.12 or § 29.1-738.2,
876 the provisions of these sections shall be followed except that the magistrate shall authorize execution of
877 the warrant as a summons. The summons shall be served on a parent or legal guardian and the ~~child~~
878 juvenile, and a copy of the summons shall be forwarded to the court in which the violation of
879 § 18.2-266 or § 29.1-738 is to be tried.

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

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

887 § 16.1-260. (Delayed effective date) Intake; petition; investigation.

888 A. All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of
889 a petition, except as provided in subsection F H of this section and in § 16.1-259. The form and content
890 of the petition shall be as provided in § 16.1-262. No individual shall be required to obtain support
891 services from the Department of Social Services prior to filing a petition seeking support for a ~~child~~
892 juvenile. Complaints, requests and the processing of petitions to initiate a case shall be the responsibility
893 of the intake officer. However, (i) the attorney for the Commonwealth of the city or county may file a
894 petition on his own motion with the clerk, (ii) the Department of Social Services may file support
895 petitions on its own motion with the clerk, and (iii) any attorney may file petitions on behalf of his
896 client with the clerk except petitions alleging that the subject of the petition is a child alleged to be in
897 need of services, in need of supervision or delinquent. In addition, all cases for divorce, annulment or
898 affirmation of marriage, separate maintenance, equitable distribution based on a foreign decree, adoption,
899 change of name, amendment of a record of birth and judicial review of school board actions and of
900 hearing officer decisions shall be filed directly with the clerk. Complaints alleging abuse or neglect of a
901 child shall be referred initially to the local department of public welfare or social services in accordance
902 with the provisions of Chapter 12.1 (§ 63.1-248.1 et seq.) of Title 63.1. Motions and other subsequent
903 pleadings in a case shall be filed directly with the clerk. The intake officer or clerk with whom the
904 petition or motion is filed shall inquire whether the petitioner is receiving child support services or
905 public assistance. No individual who is receiving support services or public assistance shall be denied
906 the right to file a petition or motion to establish, modify or enforce an order for support of a child. If
907 the petitioner is seeking or receiving child support services or public assistance, the clerk, upon issuance
908 of process, shall forward a copy of the petition or motion together with notice of the court date to the
909 Division of Child Support Enforcement.

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

919 B1. When the court service unit of any court receives a complaint alleging facts which may be
920 sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241, the unit, through an intake

921 officer, may proceed informally to make such adjustment as is practicable without the filing of a petition
 922 or may authorize a petition to be filed by any complainant having sufficient knowledge of the matter to
 923 establish probable cause for the issuance of the petition.

924 *However, an intake officer may proceed informally on a complaint alleging a child is in need of*
 925 *services, in need of supervision or delinquent only if the juvenile (i) is not alleged to have committed a*
 926 *violent juvenile felony and (ii) has not previously been adjudicated in need of supervision or delinquent.*
 927 *A petition alleging that a juvenile committed a violent juvenile felony shall be filed with the court. A*
 928 *petition alleging that juvenile is in need of supervision or delinquent shall be filed with court if the*
 929 *juvenile had previously been adjudicated in need of supervision or delinquent.*

930 *Whenever informal action is taken as provided in this subsection on a complaint alleging that a child*
 931 *is in need of services, is in need of supervision or delinquent, the intake officer shall (i) develop a plan*
 932 *for the juvenile, which may include restitution and the performance of community service, based upon*
 933 *community resources and the circumstances which resulted in the complaint, (ii) create an official*
 934 *record of the action taken by the intake officer and file such record in the juvenile's case file and (iii)*
 935 *advise the juvenile and the juvenile's parent, guardian or other person standing in loco parentis, and the*
 936 *complainant that any subsequent complaint alleging that the child is in need of supervision or*
 937 *delinquent based upon facts which may be sufficient to invoke the jurisdiction of the court pursuant to*
 938 *§ 16.1-241 will result in the filing of a petition with the court.*

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

949 C. D. Prior to the filing of any petition alleging that a juvenile child is in need of supervision, the
 950 matter shall be reviewed by an intake officer who shall determine whether the petitioner and the juvenile
 951 child alleged to be in need of supervision have utilized or attempted to utilize treatment and services
 952 available in the community and have exhausted all appropriate nonjudicial remedies which are available
 953 to them. When the intake officer determines that the parties have not attempted to utilize available
 954 treatment or services or have not exhausted all appropriate nonjudicial remedies which are available, he
 955 shall refer the petitioner and the child alleged to be in need of supervision to the appropriate agency,
 956 treatment facility or individual to receive treatment or services, and a petition shall not be filed. Only
 957 after the intake officer determines that the parties have made a reasonable effort to utilize available
 958 community treatment or services, may he permit the petition to be filed.

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

969 Upon delivery to the family court of a warrant issued pursuant to subdivision 3 2 of § 16.1-256, the
 970 intake officer shall accept and file a petition founded upon the warrant.

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

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

- 977 1. The unlawful purchase, possession or use of a weapon pursuant to Article 4 (§ 18.2-279 et seq.) of
 978 Chapter 7 of Title 18.2;
- 979 2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
- 980 3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of
 981 Title 18.2;
- 982 4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

983 5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances,
984 pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

985 6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter
986 7 of Title 18.2;

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

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

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

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

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

995 1. In the case of violations of the traffic laws, including offenses involving bicycles, hitchhiking and
996 other pedestrian offenses, game and fish laws or a violation of the ordinance of any city regulating
997 surfing or any ordinance establishing curfew violations or animal control violations. In such cases the
998 court may proceed on a summons issued by the officer investigating the violation in the same manner as
999 provided by law for adults. Additionally, an officer investigating a motor vehicle accident may, at the
1000 scene of the accident or at any other location where a juvenile who is involved in such an accident may
1001 be located, proceed on a summons in lieu of filing a petition.

1002 2. In the case of seeking consent to apply for the issuance of a work permit pursuant to subdivision
1003 H of § 16.1-241.

1004 3. In the case of a violation of § 18.2-266 or § 29.1-738, or the commission of any other
1005 alcohol-related offense, provided the ~~child~~ juvenile is released to the custody of a parent or legal
1006 guardian pending the initial court date. The officer releasing a ~~child~~ juvenile to the custody of a parent
1007 or legal guardian shall issue a summons to the ~~child~~ juvenile and shall also issue a summons requiring
1008 the parent or legal guardian to appear before the court with the ~~child~~ juvenile. Disposition of the charge
1009 shall be in the manner provided in § 16.1-278.8 or § 16.1-278.9. If the ~~child~~ juvenile so charged with a
1010 violation of § 18.2-266 or § 29.1-738 refuses to provide a sample of blood or breath or samples of both
1011 blood and breath for chemical analysis pursuant to §§ 18.2-268.1 through 18.2-268.12 or § 29.1-738.2,
1012 the provisions of these sections shall be followed except that the magistrate shall authorize execution of
1013 the warrant as a summons. The summons shall be served on a parent or legal guardian and the ~~child~~
1014 juvenile, and a copy of the summons shall be forwarded to the court in which the violation of
1015 § 18.2-266 or § 29.1-738 is to be tried.

1016 4. In cases of divorce, annulment or affirmation of marriage, separate maintenance, equitable
1017 distribution based on a foreign decree, and judicial review of school board actions and of hearing officer
1018 decisions.

1019 5. In the case of offenses which, if committed by an adult would be punishable as Class 3 or Class 4
1020 misdemeanor. In such cases the court may direct that an intake officer proceed as provided in § 16.1-237
1021 on a summons issued by the officer investigating the violation in the same manner as provided by law
1022 for adults provided that notice of the summons to appear is mailed by the investigating officer within
1023 five days of the issuance of the summons to a parent or legal guardian of the juvenile.

1024 G. I. Failure to comply with the procedures set forth in this section shall not divest the family court
1025 of the jurisdiction granted it in § 16.1-241.

1026 § 16.1-261. Statements made at intake or mental health screening and assessment.

1027 Statements made by a child to the intake officer or probation officer during the intake process *or*
1028 *during a mental health screening or assessment conducted pursuant to § 16.1-248.2* and prior to a
1029 hearing on the merits of the petition filed against the child, shall not be admissible at any stage of the
1030 proceedings.

1031 § 16.1-263. Summonses.

1032 A. After a petition has been filed, the court shall direct the issuance of summonses, one directed to
1033 the ~~child~~ juvenile, if the ~~child~~ juvenile is twelve or more years of age, and another to the parents,
1034 guardian, legal custodian or other person standing in loco parentis, and such other persons as appear to
1035 the court to be proper or necessary parties to the proceedings. The summons shall require them to
1036 appear personally before the court at the time fixed to answer or testify as to the allegations of the
1037 petition. Where the custodian is summoned and such person is not the parent of the ~~child~~ juvenile in
1038 question, the parent shall also be served with a summons. The court may direct that other proper or
1039 necessary parties to the proceedings be notified of the pendency of the case, the charge and the time and
1040 place for the hearing.

1041 B. The summons shall advise the parties of their right to counsel as provided in § 16.1-266. A copy
1042 of the petition shall accompany each summons for the initial proceedings. *The summons shall include*
1043 *notice that in the event that the juvenile is committed to the Department or to a secure local facility, the*

1044 *parent or other person legally obligated to care for and support the juvenile may be required to pay a*
 1045 *reasonable sum for support and treatment of the juvenile pursuant to § 16.1-290.* Notice of subsequent
 1046 proceedings shall be provided to all parties in interest. In all cases where a party is represented by
 1047 counsel and counsel has been provided with a copy of the petition and due notice as to time, date and
 1048 place of the hearing, such action shall be deemed due notice to such party, unless such counsel has
 1049 notified the court that he no longer represents such party.

1050 C. The judge may endorse upon the summons an order directing the parents, guardian or other
 1051 custodian having the custody or control of the ~~child~~ *juvenile* to bring the ~~child~~ *juvenile* to the hearing.

1052 D. A party, other than the ~~child~~ *juvenile*, may waive service of summons by written stipulation or by
 1053 voluntary appearance at the hearing.

1054 E. No such summons or notification shall be required if the judge shall certify on the record that the
 1055 identity of a parent or guardian is not reasonably ascertainable. An affidavit of the mother that the
 1056 identity of the father is not reasonably ascertainable shall be sufficient evidence of this fact, provided
 1057 there is no other evidence before the court which would refute such an affidavit.

1058 § 16.1-263. (Delayed effective date) Process.

1059 A. After a petition has been filed, the court shall direct the issuance of summonses, one directed to
 1060 the ~~child~~ *juvenile*, if the ~~child~~ *juvenile* is twelve or more years of age, and another to the parents,
 1061 guardian, legal custodian or other person standing in loco parentis, and such other persons as appear to
 1062 the court to be proper or necessary parties to the proceedings. The summons shall require them to
 1063 appear personally before the court at the time fixed to answer or testify as to the allegations of the
 1064 petition. Where the custodian is summoned and such person is not the parent of the ~~child~~ *juvenile* in
 1065 question, the parent shall also be served with a summons. The court may direct that other proper or
 1066 necessary parties to the proceedings be notified of the pendency of the case, the charge and the time and
 1067 place for the hearing.

1068 B. The summons shall advise the parties of their right to counsel as provided in § 16.1-266. *The*
 1069 *summons shall include notice that in the event that the juvenile is committed to the Department or to a*
 1070 *secure local facility, the parent or other person legally obligated to care for and support the juvenile*
 1071 *may be required to pay a reasonable sum for support and treatment of the juvenile pursuant to*
 1072 *§ 16.1-290.* A copy of the petition shall accompany each summons for the initial proceedings. Notice of
 1073 subsequent proceedings shall be provided to all parties in interest. In all cases where a party is
 1074 represented by counsel and counsel has been provided with a copy of the petition and due notice as to
 1075 time, date and place of the hearing, such action shall be deemed due notice to such party, unless such
 1076 counsel has notified the court that he no longer represents such party.

1077 C. The judge may endorse upon the summons an order directing the parents, guardian or other
 1078 custodian having the custody or control of the ~~child~~ *juvenile* to bring the ~~child~~ *juvenile* to the hearing.

1079 D. A party, other than the ~~child~~ *juvenile*, may waive service of summons by written stipulation or
 1080 by voluntary appearance at the hearing.

1081 E. No such summons or notification shall be required if the judge shall certify on the record that the
 1082 identity of a parent or guardian is not reasonably ascertainable. An affidavit of the mother that the
 1083 identity of the father is not reasonably ascertainable shall be sufficient evidence of this fact, provided
 1084 there is no other evidence before the court which would refute such an affidavit.

1085 F. For all cases of divorce, annulment or affirmation of marriage, separate maintenance, equitable
 1086 distribution based on a foreign decree, adoption, change of name, amendment of a record of birth, and
 1087 judicial review of school board actions and of hearing officer decisions, process shall be governed by
 1088 the Rules of the Supreme Court or statute, as appropriate.

1089 § 16.1-269.1. Trial in circuit court; preliminary hearing; direct indictment; remand.

1090 A. *Except as provided in subsections B and C*, if a juvenile fourteen years of age or older *at the time*
 1091 *of an alleged offense* is charged with an offense which would be a felony if committed by an adult, the
 1092 court shall, on motion of the attorney for the Commonwealth and prior to a hearing on the merits, hold
 1093 a transfer hearing and may retain jurisdiction or transfer such juvenile for proper criminal proceedings to
 1094 the appropriate circuit court having criminal jurisdiction of such offenses if committed by an adult. Any
 1095 transfer to the appropriate circuit court shall be subject to the following conditions:

1096 1. Notice as prescribed in §§ 16.1-263 and 16.1-264 shall be given to the juvenile and his parent,
 1097 guardian, legal custodian or other person standing in loco parentis; or attorney;

1098 2. The juvenile court finds that probable cause exists to believe that the juvenile committed the
 1099 delinquent act as alleged or a lesser included delinquent act which would be a felony if committed by
 1100 an adult;

1101 3. The juvenile is competent to stand trial. The juvenile is presumed to be competent and the burden
 1102 is on the party alleging the juvenile is not competent to rebut the presumption by a preponderance of the
 1103 evidence; and

1104 4. ~~Except as provided in subsection B~~, The court finds by a preponderance of the evidence that the
 1105 juvenile is not a proper person to remain within the jurisdiction of the juvenile court. In determining

1106 whether a juvenile is a proper person to remain within the jurisdiction of the juvenile court, the court
1107 shall consider, but not be limited to, the following factors:

- 1108 a. The juvenile's age;
- 1109 b. The seriousness and number of alleged offenses, including (i) whether the alleged offense was
1110 committed in an aggressive, violent, premeditated, or willful manner; (ii) whether the alleged offense
1111 was against persons or property, with greater weight being given to offenses against persons, especially
1112 if death or bodily injury resulted; (iii) whether the maximum punishment for such an offense is greater
1113 than twenty years confinement if committed by an adult; (iv) whether the alleged offense involved the
1114 use of a firearm or other dangerous weapon by brandishing, threatening, displaying or otherwise
1115 employing such weapon; and (v) the nature of the juvenile's participation in the alleged offense;
- 1116 c. Whether the juvenile can be retained in the juvenile justice system long enough for effective
1117 treatment and rehabilitation;
- 1118 d. The appropriateness and availability of the services and dispositional alternatives in both the
1119 criminal justice and juvenile justice systems for dealing with the juvenile's problems;
- 1120 e. The record and previous history of the juvenile in this or other jurisdictions, including (i) the
1121 number and nature of previous contacts with juvenile or circuit courts, (ii) the number and nature of
1122 prior periods of probation, (iii) the number and nature of prior commitments to ~~learning juvenile~~
1123 *correctional centers*, (iv) the number and nature of previous residential and community-based treatments,
1124 (v) whether previous adjudications and commitments were for delinquent acts that involved the infliction
1125 of serious bodily injury, and (vi) whether the alleged offense is part of a repetitive pattern of similar
1126 adjudicated offenses;
- 1127 f. Whether the juvenile has previously absconded from the legal custody of a juvenile correctional
1128 entity in this or any other jurisdiction;
- 1129 g. The extent, if any, of the juvenile's degree of mental retardation or mental illness;
- 1130 h. The juvenile's school record and education;
- 1131 i. The juvenile's mental and emotional maturity; and
- 1132 j. The juvenile's physical condition and physical maturity.

1133 No transfer decision shall be precluded or reversed on the grounds that the court failed to consider
1134 any of the factors specified in subdivision A 4 of § 16.1-269.1.

1135 B. ~~The court may hold a transfer hearing and certify the juvenile for transfer to the appropriate~~
1136 ~~circuit court without making the finding required by subdivision A 4 if~~ *The juvenile court shall conduct*
1137 *a preliminary hearing whenever a juvenile fourteen years of age or older is charged with:*

- 1138 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~~
1139 ~~sixteen years of age or older, a Class 3 felony violation of Chapter 4 (§ 18.2-30 et seq.) of Title 18.2~~
1140 ~~for: (i) murder under Article 1; (ii) mob-related felony under Article 2; (iii) kidnapping or abduction~~
1141 ~~under Article 3; or (iv) assault or bodily wounding under Article 4; or~~
- 1142 2. ~~Any unclassified felony violation of Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 which carries a~~
1143 ~~maximum penalty of imprisonment for life or a term of imprisonment of forty years if committed by an~~
1144 ~~adult. murder in violation of § 18.2-31, § 18.2-32 or § 18.2-40, or aggravated malicious wounding in~~
1145 ~~violation of § 18.2-51.2.~~

1146 C. *The juvenile court shall conduct a preliminary hearing whenever a juvenile fourteen years of age*
1147 *or older is charged with murder in violation of § 18.2-33, felonious injury by mob in violation of*
1148 *§ 18.2-41, abduction in violation of § 18.2-48, malicious wounding in violation of § 18.2-51, malicious*
1149 *wounding of a law-enforcement officer in violation of § 18.2-51.1, felonious poisoning in violation of*
1150 *§ 18.2-54.1, adulteration of products in violation of § 18.2-54.1, robbery in violation of § 18.2-58 or*
1151 *carjacking in violation of § 18.2-58.1, rape in violation of § 18.2-61, forcible sodomy in violation of*
1152 *§ 18.2-67.1 or object sexual penetration in violation of § 18.2-67.2, provided the attorney for the*
1153 *Commonwealth gives written notice of his intent to proceed pursuant to this subsection at least seven*
1154 *days prior to the preliminary hearing. If the attorney for the Commonwealth elects not to give such*
1155 *notice, or if he elects to withdraw the notice prior to certification of the charge to the grand jury, he*
1156 *may proceed as provided in subsection A.*

1157 D. *Upon a finding of probable cause pursuant to a preliminary hearing under subsection B or C, the*
1158 *juvenile court shall certify the charge, and all ancillary charges, to the grand jury. Such certification*
1159 *shall divest the juvenile court of jurisdiction as to the charge and any ancillary charges.*

1160 *If the court does not find probable cause to believe that the juvenile has committed the violent*
1161 *juvenile felony as charged in the petition or warrant or if the petition or warrant is terminated by*
1162 *dismissal in the juvenile court, the attorney for the Commonwealth may seek a direct indictment in the*
1163 *circuit court. If the petition or warrant is terminated by nolle prosequi in the juvenile court, the attorney*
1164 *for the Commonwealth may seek an indictment only after a preliminary hearing in juvenile court.*

1165 If the court finds that the juvenile was not fourteen years of age or older at the time of the alleged
1166 commission of the offense or that the conditions specified in subdivision 1, 2, or 3 of subsection A have

1167 not been met, the case shall proceed as otherwise provided for by law.

1168 *E. An indictment in the circuit court cures any error or defect in any proceeding held in the juvenile*
 1169 *court except with respect to the juvenile's age. If an indictment is terminated by nolle prosequi, the*
 1170 *Commonwealth may reinstate the proceeding by seeking a subsequent indictment.*

1171 § 16.1-269.1. (Delayed effective date) Trial in circuit court; preliminary hearing, direct indictment;
 1172 remand.

1173 *A. Except as provided in subsections B and C, if a juvenile fourteen years of age or older at the time*
 1174 *of an alleged offense is charged with an offense which would be a felony if committed by an adult, the*
 1175 *court shall, on motion of the attorney for the Commonwealth and prior to a hearing on the merits, hold*
 1176 *a transfer hearing and may retain jurisdiction or transfer such juvenile for proper criminal proceedings to*
 1177 *the appropriate circuit court having criminal jurisdiction of such offenses if committed by an adult. Any*
 1178 *transfer to the appropriate circuit court shall be subject to the following conditions:*

1179 1. Notice as prescribed in §§ 16.1-263 and 16.1-264 shall be given to the juvenile and his parent,
 1180 guardian, legal custodian or other person standing in loco parentis; or attorney;

1181 2. The family court finds that probable cause exists to believe that the juvenile committed the
 1182 delinquent act as alleged or a lesser included delinquent act which would be a felony if committed by
 1183 an adult;

1184 3. The juvenile is competent to stand trial. The juvenile is presumed to be competent and the burden
 1185 is on the party alleging the juvenile is not competent to rebut the presumption by a preponderance of the
 1186 evidence; and

1187 4. ~~Except as provided in subsection B,~~ The court finds by a preponderance of the evidence that the
 1188 juvenile is not a proper person to remain within the jurisdiction of the family court. In determining
 1189 whether a juvenile is a proper person to remain within the jurisdiction of the family court, the court
 1190 shall consider, but not be limited to, the following factors:

1191 a. The juvenile's age;

1192 b. The seriousness and number of alleged offenses, including (i) whether the alleged offense was
 1193 committed in an aggressive, violent, premeditated, or willful manner; (ii) whether the alleged offense
 1194 was against persons or property, with greater weight being given to offenses against persons, especially
 1195 if death or bodily injury resulted; (iii) whether the maximum punishment for such an offense is greater
 1196 than twenty years confinement if committed by an adult; (iv) whether the alleged offense involved the
 1197 use of a firearm or other dangerous weapon by brandishing, threatening, displaying or otherwise
 1198 employing such weapon; and (v) the nature of the juvenile's participation in the alleged offense;

1199 c. Whether the juvenile can be retained in the juvenile justice system long enough for effective
 1200 treatment and rehabilitation;

1201 d. The appropriateness and availability of the services and dispositional alternatives in both the
 1202 criminal justice and juvenile justice systems for dealing with the juvenile's problems;

1203 e. The record and previous history of the juvenile in this or other ~~jurisdiction~~ *jurisdictions*, including
 1204 (i) the number and nature of previous contacts with family or circuit courts, (ii) the number and nature
 1205 of prior periods of probation, (iii) the number and nature of prior commitments to ~~learning~~ *juvenile*
 1206 *correctional centers*, (iv) the number and nature of previous residential and community-based treatments,
 1207 (v) whether previous adjudications and commitments were for delinquent acts that involved the infliction
 1208 of serious bodily injury, and (vi) whether the alleged offense is part of a repetitive pattern of similar
 1209 adjudicated offenses;

1210 f. Whether the juvenile has previously absconded from the legal custody of a juvenile correctional
 1211 entity in this or any other jurisdiction;

1212 g. The extent, if any, of the juvenile's degree of mental retardation or mental illness;

1213 h. The juvenile's school record and education;

1214 i. The juvenile's mental and emotional physical maturity; and

1215 j. The juvenile's physical condition and physical maturity.

1216 No transfer decision shall be precluded or reversed on the grounds that the court failed to consider
 1217 any of the factors specified in subdivision A 4 of § 16.1-269.1.

1218 *B. The court may hold a transfer hearing and certify the juvenile for transfer to the appropriate*
 1219 *circuit court without making the finding required by subdivision A 4 if The family court shall conduct*
 1220 *a preliminary hearing whenever a juvenile fourteen years of age or older is charged with:*

1221 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~~
 1222 ~~sixteen years of age or older, a Class 3 felony violation of Chapter 4 (§ 18.2-30 et seq.) of Title 18.2~~
 1223 ~~for: (i) murder under Article 1; (ii) mob-related felony under Article 2; (iii) kidnapping or abduction~~
 1224 ~~under Article 3; or (iv) assault or bodily wounding under Article 4; or~~

1225 2. ~~Any unclassified felony violation of Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 which carries a~~
 1226 ~~maximum penalty of imprisonment for life or a term of imprisonment of forty years if committed by an~~
 1227 ~~adult, murder in violation of § 18.2-31, § 18.2-32 or § 18.2-40 or aggravated malicious wounding in~~
 1228 ~~violation of § 18.2-51.2.~~

1229 C. The family court shall conduct a preliminary hearing whenever a juvenile fourteen years of age
 1230 or older is charged with murder in violation of § 18.2-33, felonious injury by mob in violation of
 1231 § 18.2-41, abduction in violation of § 18.2-48, malicious wounding in violation of § 18.2-51, malicious
 1232 wounding of a law-enforcement officer in violation of § 18.2-51.1, felonious poisoning in violation of
 1233 § 18.2-54.1, adulteration of products in violation of § 18.2-54.1, robbery in violation of § 18.2-58 or
 1234 carjacking in violation of § 18.2-58.1, rape in violation of § 18.2-61, forcible sodomy in violation of
 1235 § 18.2-67.1 or object sexual penetration in violation of § 18.2-67.2 provided the attorney for the
 1236 Commonwealth gives written notice of his intent to proceed pursuant to this subsection at least seven
 1237 days prior to the preliminary hearing. If the attorney for the Commonwealth elects not to give such
 1238 notice, or if he elects to withdraw the notice prior to certification of the charge to the grand jury, he
 1239 may proceed as provided in subsection A.

1240 D. Upon a finding of probable cause pursuant to a preliminary hearing under subsection B or C, the
 1241 family court shall certify the charge, and all ancillary charges, to the grand jury. Such certification
 1242 shall divest the family court of jurisdiction as to the charge and any ancillary charges.

1243 If the court does not find probable cause to believe that the juvenile has committed the violent
 1244 juvenile felony as charged in the petition or warrant or if the petition or warrant is terminated by
 1245 dismissal in the family court, the attorney for the Commonwealth may seek a direct indictment in the
 1246 circuit court. If the petition or warrant is terminated by nolle prosequi in the family court, the attorney
 1247 for the Commonwealth may seek an indictment only after a preliminary hearing in family court.

1248 If the court finds that the juvenile was not fourteen years of age or older at the time of the alleged
 1249 commission of the offense or that the conditions specified in subdivision 1, 2, or 3 of subsection A have
 1250 not been met, the case shall proceed as otherwise provided for by law.

1251 E. An indictment in the circuit court cures any error or defect in any proceeding held in the family
 1252 court except with respect to the juvenile's age. If an indictment is terminated by nolle prosequi, the
 1253 Commonwealth may reinstate the proceeding by seeking a subsequent indictment.

1254 § 16.1-269.3. Retention by juvenile court; appeal.

1255 If ~~the~~ a case is not transferred following a transfer hearing or is not certified following a probable
 1256 cause hearing, the judge who conducted the hearing shall not, over the objection of any interested party,
 1257 preside at the adjudicatory hearing on the petition, but rather it shall be presided over by another judge
 1258 of that court. If the attorney for the Commonwealth deems it to be in the public interest, and the
 1259 juvenile is fourteen years of age or older and is charged with an offense which, if committed by an
 1260 adult, would be punishable by death or confinement in a state correctional facility for life or a maximum
 1261 period of twenty years or more, he may, within ten days after the juvenile court's final decision to retain
 1262 the case in accordance with subsection A of § 16.1-269.1, file a notice of appeal of the decision to the
 1263 appropriate circuit court. A copy of such notice shall be furnished at the same time to the counsel for
 1264 the juvenile.

1265 § 16.1-269.3. (Delayed effective date) Retention of case by family court.; appeal.

1266 If ~~the~~ a case is not transferred following a transfer hearing or is not certified following a probable
 1267 cause hearing, the judge who conducted the hearing shall not, over the objection of any interested party,
 1268 preside at the adjudicatory hearing on the petition, but rather it shall be presided over by another judge
 1269 of that court. If the attorney for the Commonwealth deems it to be in the public interest, and the
 1270 juvenile is fourteen years of age or older and is charged with an offense which, if committed by an
 1271 adult, would be punishable by death or confinement in a state correctional facility for life or a maximum
 1272 period of twenty years or more, he may, within ten days after the family court's final decision to retain
 1273 the case, file a notice of appeal of the decision to the appropriate circuit court. A copy of such notice
 1274 shall be furnished at the same time to the counsel for the juvenile.

1275 § 16.1-269.4. Transfer to circuit court; appeal by juvenile.

1276 If the juvenile court transfers the case pursuant to subsection A of § 16.1-269.1, the juvenile may,
 1277 within ten days after the juvenile court's final decision, file a notice of appeal of the decision to the
 1278 appropriate circuit court. A copy of the notice shall be furnished at the same time to the attorney for the
 1279 Commonwealth.

1280 § 16.1-269.4. (Delayed effective date) Transfer to circuit court; appeal by juvenile.

1281 If the family court transfers the case pursuant to subsection A of § 16.1-269.1, the juvenile may,
 1282 within ten days after the family court's final decision, file a notice of appeal of the decision to the
 1283 appropriate circuit court. A copy of the notice shall be furnished at the same time to the attorney for the
 1284 Commonwealth.

1285 § 16.1-269.6. Circuit court hearing; jury; termination of juvenile court jurisdiction; objections and
 1286 appeals.

1287 A. Within seven days after receipt of notice of an appeal from the transfer decision pursuant to
 1288 subsection A of § 16.1-269.1, by either the attorney for the Commonwealth or the juvenile, or if an
 1289 appeal to such a decision to transfer is not noted, upon expiration of the time in which to note such an

1290 appeal, the clerk of the court shall forward to the circuit court all papers connected with the case,
1291 including any report required by subsection B of § 16.1-269.2, as well as a written court order setting
1292 forth the reasons for the juvenile court's decision. The clerk shall forward copies of the order to the
1293 attorney for the Commonwealth and other counsel of record.

1294 B. The circuit court shall, within a reasonable time after receipt of the case from the juvenile court
1295 pursuant to subsection A of § 16.1-269.1, (i) ~~examine all such papers, reports and orders;~~ (ii) if either
1296 the juvenile or the attorney for the Commonwealth has appealed the transfer decision, *examine all such*
1297 *papers, reports and orders* and conduct a hearing to take further evidence on the issue of transfer, to
1298 determine if there has been substantial compliance with subsection A of § 16.1-269.1, but without
1299 redetermining whether the juvenile court had sufficient evidence to find probable cause; and (iii) (ii)
1300 enter an order either remanding the case to the juvenile court or advising the attorney for the
1301 Commonwealth that he may seek an indictment. Upon advising the attorney for the Commonwealth that
1302 he may seek an indictment, the circuit court shall issue an order transferring the juvenile from the
1303 juvenile detention facility to an appropriate local correctional facility where the juvenile need no longer
1304 be entirely separate and removed from adults, unless, upon motion of counsel, good cause is shown for
1305 placement of the juvenile pursuant to the limitations of subdivision E (i), (ii), and (iii) of § 16.1-249.
1306 *However, in cases where a charge has been certified by the juvenile court to the grand jury pursuant to*
1307 *subsection B or C of § 16.1-269.1, the attorney for the Commonwealth may seek an indictment upon*
1308 *such charge and any ancillary charge without obtaining an order of the circuit court advising him that*
1309 *he may do so.*

1310 C. The circuit court order advising the attorney for the Commonwealth that he may seek an
1311 indictment shall divest the juvenile court of its jurisdiction over the case as well as the juvenile court's
1312 jurisdiction over any other allegations of delinquency arising from the same act, transaction or scheme
1313 giving rise to the charge for which the juvenile has been transferred. In addition, upon conviction of the
1314 juvenile following transfer and trial as an adult, the circuit court shall issue an order terminating the
1315 juvenile court's jurisdiction over that juvenile with respect to any future criminal acts alleged to have
1316 been committed by such juvenile and with respect to any pending allegations of delinquency which have
1317 not been disposed of by the juvenile court at the time of the criminal conviction. Upon receipt of the
1318 order terminating the juvenile court's jurisdiction over the juvenile, the clerk of the juvenile court shall
1319 forward any pending petitions of delinquency for proceedings in the appropriate general district court.

1320 D. The judge of the circuit court who reviewed the case after receipt from the juvenile court shall
1321 not, over the objection of any interested party, preside over the trial of such charge or charges.

1322 E. Any objection to the jurisdiction of the circuit court pursuant to this article shall be waived if not
1323 made before arraignment.

1324 F. The time period beginning with the filing of a notice of appeal pursuant to § 16.1-269.3 or
1325 § 16.1-269.4 and ending with the order of the circuit court disposing of the appeal shall not be included
1326 as applying to the provisions of § 19.2-243.

1327 § 16.1-269.6. (Delayed effective date) Circuit court hearing; termination of family court jurisdiction;
1328 objections and appeals.

1329 A. Within seven days after receipt of notice of an appeal from the transfer decision pursuant to
1330 subsection A of § 16.1-269.1 by either the attorney for the Commonwealth or the juvenile, or if an
1331 appeal to such a decision to transfer is not noted, upon expiration of the time in which to note appeal,
1332 the clerk of the family court shall forward to the circuit court all papers connected with the case,
1333 including any report required by subsection B of § 16.1-269.2 as well as a written court order setting
1334 forth the reasons for the family court's decision. The clerk shall forward copies of the order to the
1335 attorney for the Commonwealth and other counsel of record.

1336 B. The circuit court shall, within a reasonable time after receipt of the case from the family court
1337 pursuant to subsection A of § 16.1-269.1, (i) ~~examine all such papers, reports and orders;~~ (ii) if either
1338 the juvenile or the attorney for the Commonwealth has appealed the transfer decision, *examine all such*
1339 *papers, reports and orders* and conduct a hearing to take further evidence on the issue of transfer, to
1340 determine if there has been substantial compliance with subsection A of § 16.1-269.1, but without
1341 redetermining whether the family court had sufficient evidence to find probable cause; and (iii) (ii) enter
1342 an order either remanding the case to the family court or advising the attorney for the Commonwealth
1343 that he may seek an indictment. Upon advising the attorney for the Commonwealth that he may seek an
1344 indictment, the circuit court shall issue an order transferring the juvenile from the juvenile detention
1345 facility to an appropriate local correctional facility where the juvenile need no longer be entirely separate
1346 and removed from adults, unless, upon motion of counsel, good cause is shown for placement of the
1347 juvenile pursuant to the limitations of subdivision E (i), (ii), and (iii) of § 16.1-249. *However, in cases*
1348 *where a charge has been certified by the family court to the grand jury pursuant to subsection B or C*
1349 *of § 16.1-269.1, the attorney for the Commonwealth may seek an indictment upon such charge and any*
1350 *ancillary charge without obtaining an order of the circuit court advising him that he may do so.*

1351 C. The circuit court order advising the attorney for the Commonwealth that he may seek an

1352 indictment shall divest the family court of its jurisdiction over the case as well as the family court's
 1353 jurisdiction over any other allegations of delinquency arising from the same act, transaction or scheme
 1354 giving rise to the charge for which the juvenile has been transferred. In addition, upon conviction of the
 1355 juvenile following transfer and trial as an adult, the circuit court shall issue an order terminating the
 1356 family court's jurisdiction over that juvenile with respect to any future criminal acts alleged to have been
 1357 committed by such juvenile and with respect to any pending allegations of delinquency which have not
 1358 been disposed of by the family court at the time of the criminal conviction. Upon receipt of the order
 1359 terminating the family court's jurisdiction over the juvenile, the clerk of the family court shall forward
 1360 any pending petitions of delinquency for proceedings in the appropriate general district court.

1361 D. The judge of the circuit court who reviewed the case after receipt from the family court shall not,
 1362 over the objection of any interested party, preside over the trial of such charge or charges.

1363 E. Any objection to the jurisdiction of the circuit court pursuant to this article shall be waived if not
 1364 made before arraignment.

1365 F. The time period beginning with the filing of a notice of appeal pursuant to § 16.1-269.3 or
 1366 § 16.1-269.4 and ending with the order of the circuit court disposing of the appeal shall not be included
 1367 as applying to the provisions of § 19.2-243.

1368 § 16.1-272. Power of circuit court over juvenile offender.

1369 A. ~~In the hearing and disposition of felony cases properly before a circuit court having criminal~~
 1370 ~~jurisdiction of such offenses if committed by an adult, the court, after giving the juvenile the right to a~~
 1371 ~~trial by jury on the issue of guilt or innocence and upon a finding of guilty, In any case in which a~~
 1372 ~~juvenile is indicted, the offense for which he is indicted and all ancillary charges shall be tried in the~~
 1373 ~~same manner as provided for the trial of adults, except as otherwise provided with regard to sentencing.~~
 1374 ~~Upon a finding of guilty of any charge other than capital murder, the court shall fix the sentence~~
 1375 ~~without the intervention of a jury.~~

1376 1. *If a juvenile is convicted of a violent juvenile felony, the sentence for that offense and for all*
 1377 *ancillary crimes shall be fixed by the court in the same manner as provided for adults, but the sentence*
 1378 *may be suspended conditioned upon successful completion of such terms and conditions as may be*
 1379 *imposed in a juvenile court upon disposition of a delinquency case.*

1380 2. *If the juvenile is convicted of any other felony, the court may sentence or commit the juvenile*
 1381 *offender in accordance with the criminal laws of this Commonwealth or may in its discretion deal with*
 1382 *the juvenile in the manner prescribed in this law chapter for the hearing and disposition of cases in the*
 1383 *juvenile court, including, but not limited to, commitment under § 16.1-285.1.*

1384 3. *If the juvenile is not convicted of a felony but is convicted of a misdemeanor, the court shall deal*
 1385 *with the juvenile in the manner prescribed by law for the disposition of a delinquency case in the*
 1386 *juvenile court.*

1387 B. If the circuit court decides to deal with the juvenile in the same manner as a case in the juvenile
 1388 court and places the ~~child~~ juvenile on probation, the ~~child~~ juvenile may be supervised by a juvenile
 1389 probation officer.

1390 C. Whether the court sentences and commits the ~~child~~ juvenile as a juvenile under this chapter or
 1391 under the criminal law, in cases where the juvenile is convicted of a felony in violation of §§ 18.2-61,
 1392 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
 1393 victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10,
 1394 subsection B of § 18.2-361 or subsection B of § 18.2-366, the clerk shall make the report required by
 1395 § 19.2-390 to the Sex Offender Registry established pursuant to § 19.2-390.1.

1396 § 16.1-272. (Delayed effective date) Power of circuit court over juvenile offender.

1397 A. ~~In the hearing and disposition of felony cases properly before a circuit court having criminal~~
 1398 ~~jurisdiction of such offenses if committed by an adult, the court, after giving the juvenile the right to a~~
 1399 ~~trial by jury on the issue of guilt or innocence and upon a finding of guilty, In any case in which a~~
 1400 ~~juvenile is indicted and the matter is to be tried in the circuit court, the offense for which he is indicted~~
 1401 ~~and all ancillary charges shall be tried in the same manner as provided for the trial of adults, except as~~
 1402 ~~otherwise provided with regard to sentencing. Upon a finding of guilty of any charge other than capital~~
 1403 ~~murder, the court shall fix the sentence without the intervention of a jury.~~

1404 1. *If a juvenile is convicted of a violent juvenile felony, the sentence for that offense and for all*
 1405 *ancillary crimes shall be fixed by the court in the same manner as provided for adults, but the sentence*
 1406 *may be suspended conditioned upon successful completion of such terms and conditions as may be*
 1407 *imposed in a family court upon disposition of a delinquency case.*

1408 2. *If the juvenile is convicted of any other felony, the court may sentence or commit the juvenile*
 1409 *offender in accordance with the criminal laws of this Commonwealth or may in its discretion deal with*
 1410 *the juvenile in the manner prescribed in this law chapter for the hearing and disposition of cases in the*
 1411 *family court, including, but not limited to, commitment under § 16.1-285.1.*

1412 3. *If the juvenile is not convicted of a felony but is convicted of a misdemeanor, the court shall deal*

1413 *with the juvenile in the manner prescribed by law for the disposition of a delinquent case in the family*
1414 *court.*

1415 B. If the circuit court decides to deal with the juvenile in the same manner as a case in the family
1416 court and places the ~~child~~ *juvenile* on probation, the ~~child~~ *juvenile* may be supervised by a juvenile
1417 probation officer of the family court.

1418 C. Whether the court sentences and commits the ~~child~~ *juvenile* as a juvenile under this chapter or
1419 under the criminal law, in cases where the juvenile is convicted of a felony in violation of §§ 18.2-61,
1420 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
1421 victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10,
1422 subsection B of § 18.2-361 or subsection B of § 18.2-366, the clerk shall make the report required by
1423 § 19.2-390 to the Sex Offender Registry established pursuant to § 19.2-390.1.

1424 § 16.1-274.1. Admission of evidence of juvenile's age.

1425 In any ~~delinquency~~ *proceeding in a district court or circuit court where a juvenile is alleged to have*
1426 *committed a delinquent act*, the Commonwealth shall be permitted to introduce evidence establishing the
1427 age of the juvenile ~~who is the subject of the delinquency petition~~ at any time prior to adjudication of the
1428 case.

1429 § 16.1-278.8. Delinquent juveniles.

1430 If a juvenile is found to be delinquent, except where such finding involves a refusal to take a blood
1431 or breath test in violation of § 18.2-268.2 or a similar ordinance, the juvenile court or the circuit court
1432 may make any of the following orders of disposition for his supervision, care and rehabilitation:

1433 1. Enter an order pursuant to the provisions of § 16.1-278;

1434 2. Permit the juvenile to remain with his parent, subject to such conditions and limitations as the
1435 court may order with respect to the juvenile and his parent;

1436 3. Order the parent of a juvenile living with him to participate in such programs, cooperate in such
1437 treatment or be subject to such conditions and limitations as the court may order and as are designed for
1438 the rehabilitation of the juvenile and his parent;

1439 4. Defer disposition for a period of time not to exceed twelve months, after which time the charge
1440 may be dismissed by the judge if the juvenile exhibits good behavior during the period for which
1441 disposition is deferred;

1442 *4a. Defer disposition and place the juvenile in the temporary custody of the Department to attend a*
1443 *boot camp established pursuant to § 66-13 provided the juvenile (i) is otherwise eligible for commitment*
1444 *to the Department, (ii) has not previously been and is not currently being adjudicated delinquent or*
1445 *found guilty of a violent juvenile felony, (iii) has not previously attended a boot camp and (iv) has not*
1446 *previously been committed to and received by the Department. Upon the juvenile's withdrawal, removal*
1447 *or refusal to comply with the terms and conditions of participation in the program, he shall be brought*
1448 *before the court for a hearing at which the court may impose any other disposition as authorized by this*
1449 *section which could have been imposed at the time the juvenile was placed in the custody of the*
1450 *Department;*

1451 5. Without entering a judgment of guilty and with the consent of the juvenile and his attorney, defer
1452 disposition of the delinquency charge for a period not to exceed twelve months and place the juvenile
1453 on probation under such conditions and limitations as the court may prescribe. Upon fulfillment of the
1454 terms and conditions, the court shall discharge the juvenile and dismiss the proceedings against him.
1455 Discharge and dismissal under these provisions shall be without adjudication of guilt;

1456 6. Order the parent of a juvenile with whom the juvenile does not reside to participate in such
1457 programs, cooperate in such treatment or be subject to such conditions and limitations as the court may
1458 order and as are designed for the rehabilitation of the juvenile where the court determines this
1459 participation to be in the best interest of the juvenile and other parties concerned and where the court
1460 determines it reasonable to expect the parent to be able to comply with such order;

1461 7. Place the juvenile on probation under such conditions and limitations as the court may prescribe;

1462 8. Impose a fine not to exceed \$500 upon such juvenile;

1463 9. Suspend the motor vehicle and driver's license of such juvenile or impose a curfew on the juvenile
1464 as to the hours during which he may operate a motor vehicle. Any juvenile whose driver's license is
1465 suspended may be referred for an assessment and subsequent referral to appropriate services, upon such
1466 terms and conditions as the court may order. The court, in its discretion and upon a demonstration of
1467 hardship, may authorize the use of a restricted permit to operate a motor vehicle by any juvenile who
1468 enters such program for any of the purposes set forth in subsection E of § 18.2-271.1 or for travel to
1469 and from school. The restricted permit shall be issued in accordance with the provisions of such
1470 subsection. However, only an abstract of the court order which identifies the juvenile and the conditions
1471 under which the restricted license is to be issued shall be sent to the Department of Motor Vehicles.

1472 If a curfew is imposed, the juvenile shall surrender his driver's license, which shall be held in the
1473 physical custody of the court during any period of curfew restriction. The court shall send an abstract of
1474 any order issued under the provisions of this section to the Department of Motor Vehicles, which shall

1475 preserve a record thereof. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of this
 1476 chapter or the provisions of Title 46.2, this record shall be available only to all law-enforcement
 1477 officers, attorneys for the Commonwealth and courts. A copy of the court order, upon which shall be
 1478 noted all curfew restrictions, shall be provided to the juvenile and shall contain such information
 1479 regarding the juvenile as is reasonably necessary to identify him. The juvenile may operate a motor
 1480 vehicle under the court order in accordance with its terms.

1481 Any juvenile who operates a motor vehicle in violation of any restrictions imposed pursuant to this
 1482 section shall be guilty of a violation of § 46.2-301.

1483 The Department of Motor Vehicles shall refuse to issue a driver's license to any juvenile denied a
 1484 driver's license until such time as is stipulated in the court order or until notification by the court of
 1485 withdrawal of the order imposing the curfew;

1486 10. Require the juvenile to make restitution or reparation to the aggrieved party or parties for actual
 1487 damages or loss caused by the offense for which the juvenile was found to be delinquent;

1488 11. Require the juvenile to participate in a public service project under such conditions as the court
 1489 prescribes;

1490 12. In case of traffic violations, impose only those penalties which are authorized to be imposed on
 1491 adults for such violations. However, for those violations punishable by confinement if committed by an
 1492 adult, confinement shall be imposed only as authorized by this title;

1493 13. Transfer legal custody to any of the following:

1494 a. A relative or other individual who, after study, is found by the court to be qualified to receive and
 1495 care for the juvenile;

1496 b. A child welfare agency, private organization or facility which is licensed or otherwise authorized
 1497 by law to receive and provide care for such juvenile. The court shall not transfer legal custody of a
 1498 delinquent juvenile to an agency, organization or facility outside of the Commonwealth without the
 1499 approval of the Director; or

1500 c. The local board of public welfare or social services of the county or city in which the court has
 1501 jurisdiction or, at the discretion of the court, to the local board of the county or city in which the
 1502 juvenile has residence if other than the county or city in which the court has jurisdiction. The board
 1503 shall accept the juvenile for care and custody, provided that it has been given reasonable notice of the
 1504 pendency of the case and an opportunity to be heard. However, in an emergency in the county or city in
 1505 which the court has jurisdiction, such local board may be required to temporarily accept a juvenile for a
 1506 period not to exceed fourteen days without prior notice or an opportunity to be heard if the judge
 1507 entering the placement order describes the emergency and the need for such temporary placement in the
 1508 order. Nothing in this subdivision shall prohibit the commitment of a juvenile to any local board of
 1509 public welfare or social services in the Commonwealth when such local board consents to the
 1510 commitment. The board to which the juvenile is committed shall have the final authority to determine
 1511 the appropriate placement for the juvenile. Any order authorizing removal from the home and
 1512 transferring legal custody of a juvenile to a local board of public welfare or social services as provided
 1513 in this subdivision shall be entered only upon a finding by the court that reasonable efforts have been
 1514 made to prevent removal and that continued placement in the home would be contrary to the welfare of
 1515 the juvenile, and the order shall so state;

1516 14. Commit the juvenile to the Department of Youth and Family Services, but only if he is older
 1517 than ten years of age and the current offense is (i) an offense which would be a felony if committed by
 1518 an adult or (ii) an offense which would be a Class 1 misdemeanor if committed by an adult and the
 1519 juvenile has previously been found to be delinquent based on an offense which would be either a felony
 1520 or Class 1 misdemeanor if committed by an adult;

1521 15. Impose the penalty authorized by § 16.1-284;

1522 16. Impose the penalty authorized by § 16.1-284.1;

1523 17. Impose the penalty authorized by § 16.1-285.1; or

1524 18. Impose the penalty authorized by § 16.1-278.9.

1525 § 16.1-278.8. (Delayed effective date) Delinquent juveniles.

1526 If a juvenile is found to be delinquent, except where such finding involves a refusal to take a blood
 1527 or breath test in violation of § 18.2-268.2 or a similar ordinance, the family court or the circuit court
 1528 may make any of the following orders of disposition for his supervision, care and rehabilitation:

1529 1. Enter an order pursuant to the provisions of § 16.1-278;

1530 2. Permit the juvenile to remain with his parent, subject to such conditions and limitations as the
 1531 court may order with respect to the juvenile and his parent;

1532 3. Order the parent of a juvenile living with him to participate in such programs, cooperate in such
 1533 treatment or be subject to such conditions and limitations as the court may order and as are designed for
 1534 the rehabilitation of the juvenile and his parent;

1535 4. Defer disposition for a period of time not to exceed twelve months, after which time the charge

1536 may be dismissed by the judge if the juvenile exhibits good behavior during the period for which
1537 disposition is deferred;

1538 *4a. Defer disposition and place the juvenile in the temporary custody of the Department to attend a*
1539 *boot camp established pursuant to § 66-13 provided the juvenile (i) is otherwise eligible for commitment*
1540 *to the Department, (ii) has not previously been and is not currently being adjudicated delinquent or*
1541 *found guilty of a violent juvenile felony, (iii) has not previously attended a boot camp and (iv) has not*
1542 *previously been committed to and received by the Department. Upon the juvenile's withdrawal, removal*
1543 *or refusal to comply with the terms and conditions of participation in the program, he shall be brought*
1544 *before the court for a hearing at which the court may impose any other disposition as authorized by this*
1545 *section which could have been imposed at the time the juvenile was placed in the custody of the*
1546 *Department;*

1547 5. Without entering a judgment of guilty and with the consent of the juvenile and his attorney, defer
1548 disposition of the delinquency charge for a period not to exceed twelve months and place the juvenile
1549 on probation under such conditions and limitations as the court may prescribe. Upon fulfillment of the
1550 terms and conditions, the court shall discharge the juvenile and dismiss the proceedings against him.
1551 Discharge and dismissal under these provisions shall be without adjudication of guilt;

1552 6. Order the parent of a juvenile with whom the juvenile does not reside to participate in such
1553 programs, cooperate in such treatment or be subject to such conditions and limitations as the court may
1554 order and as are designed for the rehabilitation of the juvenile where the court determines this
1555 participation to be in the best interest of the juvenile and other parties concerned and where the court
1556 determines it reasonable to expect the parent to be able to comply with such order;

1557 7. Place the juvenile on probation under such conditions and limitations as the court may prescribe;

1558 8. Impose a fine not to exceed \$500 upon such juvenile;

1559 9. Suspend the motor vehicle and driver's license of such juvenile or impose a curfew on the juvenile
1560 as to the hours during which he may operate a motor vehicle. Any juvenile whose driver's license is
1561 suspended may be referred for an assessment and subsequent referral to appropriate services, upon such
1562 terms and conditions as the court may order. The court, in its discretion and upon a demonstration of
1563 hardship, may authorize the use of a restricted permit to operate a motor vehicle by any juvenile who
1564 enters such program for any of the purposes set forth in subsection E of § 18.2-271.1 or for travel to
1565 and from school. The restricted permit shall be issued in accordance with the provisions of such
1566 subsection. However, only an abstract of the court order which identifies the juvenile and the conditions
1567 under which the restricted license is to be issued shall be sent to the Department of Motor Vehicles.

1568 If a curfew is imposed, the juvenile shall surrender his driver's license, which shall be held in the
1569 physical custody of the court during any period of curfew restriction. The court shall send an abstract of
1570 any order issued under the provisions of this section to the Department of Motor Vehicles, which shall
1571 preserve a record thereof. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of this
1572 chapter or the provisions of Title 46.2, this record shall be available only to all law-enforcement
1573 officers, attorneys for the Commonwealth and courts. A copy of the court order, upon which shall be
1574 noted all curfew restrictions, shall be provided to the juvenile and shall contain such information
1575 regarding the juvenile as is reasonably necessary to identify him. The juvenile may operate a motor
1576 vehicle under the court order in accordance with its terms.

1577 Any juvenile who operates a motor vehicle in violation of any restrictions imposed pursuant to this
1578 section shall be guilty of a violation of § 46.2-301.

1579 The Department of Motor Vehicles shall refuse to issue a driver's license to any juvenile denied a
1580 driver's license until such time as is stipulated in the court order or until notification by the court of
1581 withdrawal of the order imposing the curfew;

1582 10. Require the juvenile to make restitution or reparation to the aggrieved party or parties for actual
1583 damages or loss caused by the offense for which the juvenile was found to be delinquent;

1584 11. Require the juvenile to participate in a public service project under such conditions as the court
1585 prescribes;

1586 12. In case of traffic violations, impose only those penalties which are authorized to be imposed on
1587 adults for such violations. However, for those violations punishable by confinement if committed by an
1588 adult, confinement shall be imposed only as authorized by this title;

1589 13. Transfer legal custody to any of the following:

1590 a. A relative or other individual who, after study, is found by the court to be qualified to receive and
1591 care for the juvenile;

1592 b. A child welfare agency, private organization or facility which is licensed or otherwise authorized
1593 by law to receive and provide care for such juvenile. The court shall not transfer legal custody of a
1594 delinquent juvenile to an agency, organization or facility outside of the Commonwealth without the
1595 approval of the Director; or

1596 c. The local board of public welfare or social services of the county or city in which the court has
1597 jurisdiction or, at the discretion of the court, to the local board of the county or city in which the

1598 juvenile has residence if other than the county or city in which the court has jurisdiction. The board
 1599 shall accept the juvenile for care and custody, provided that it has been given reasonable notice of the
 1600 pendency of the case and an opportunity to be heard. However, in an emergency in the county or city in
 1601 which the court has jurisdiction, such local board may be required to temporarily accept a juvenile for a
 1602 period not to exceed fourteen days without prior notice or an opportunity to be heard if the judge
 1603 entering the placement order describes the emergency and the need for such temporary placement in the
 1604 order. Nothing in this subdivision shall prohibit the commitment of a juvenile to any local board of
 1605 public welfare or social services in the Commonwealth when such local board consents to the
 1606 commitment. The board to which the juvenile is committed shall have the final authority to determine
 1607 the appropriate placement for the juvenile. Any order authorizing removal from the home and
 1608 transferring legal custody of a juvenile to a local board of public welfare or social services as provided
 1609 in this subdivision shall be entered only upon a finding by the court that reasonable efforts have been
 1610 made to prevent removal and that continued placement in the home would be contrary to the welfare of
 1611 the juvenile, and the order shall so state;

1612 14. Commit the juvenile to the Department of Youth and Family Services, but only if he is older
 1613 than ten years of age and the current offense is (i) an offense which would be a felony if committed by
 1614 an adult or (ii) an offense which would be a Class 1 misdemeanor if committed by an adult and the
 1615 juvenile has previously been found to be delinquent based on an offense which would be either a felony
 1616 or Class 1 misdemeanor if committed by an adult;

1617 15. Impose the penalty authorized by § 16.1-284;

1618 16. Impose the penalty authorized by § 16.1-284.1;

1619 17. Impose the penalty authorized by § 16.1-285.1; or

1620 18. Impose the penalty authorized by § 16.1-278.9.

1621 § 16.1-284. When adult sentenced for juvenile offense.

1622 ~~Until June 30, 1986, if a child fifteen years of age or older is charged with an offense which if~~
 1623 ~~committed by an adult would be a felony and the court after receipt of a social history compiled~~
 1624 ~~pursuant to § 16.1-273 for this case or a prior case which was adjudicated within twelve months from~~
 1625 ~~the adjudication in this case finds that (i) such child is not, in the opinion of the court, amenable to~~
 1626 ~~treatment or rehabilitation as a juvenile through available facilities, considering such factors as the nature~~
 1627 ~~of the present offense or the nature of the child's prior delinquency record, the nature of the past~~
 1628 ~~treatment efforts and the nature of the child's response to past treatment efforts and (ii) the interests of~~
 1629 ~~the community require that the child be placed under legal restraint or discipline, then the court, in such~~
 1630 ~~cases, may impose the penalties which are authorized to be imposed on adults for such violations, not to~~
 1631 ~~exceed twelve months in jail for a single offense or multiple offenses and subject to the provisions of~~
 1632 ~~§ 16.1-249 B (i), (ii) and (iii). After June 30, 1986, such penalties may be imposed only in the case of~~
 1633 ~~an~~ *When the juvenile court sentences an adult who has committed, before attaining the age of eighteen,*
 1634 *an offense which would be a crime if committed by an adult, the court may impose the penalties which*
 1635 *are authorized to be imposed on adults for such violations, not to exceed the punishment for a Class 1*
 1636 *misdemeanor for a single offense or multiple offenses.*

1637 § 16.1-284.1. Placement in secure local facility.

1638 A. If a ~~child~~ *juvenile* fourteen years of age or older is found to have committed an offense which if
 1639 committed by an adult would be punishable by confinement in a state or local correctional facility as
 1640 defined in § 53.1-1, and the court determines (i) ~~after receipt of a social history compiled pursuant to~~
 1641 ~~§ 16.1-273~~ that the ~~child~~ *juvenile* has not previously been found guilty of a delinquent act within the
 1642 preceding twelve months, (ii) that the interests of the ~~child~~ *juvenile* and the community require that the
 1643 ~~child~~ *juvenile* be placed under legal restraint or discipline, and (iii) that other placements authorized by
 1644 this title will not serve the best interests of the ~~child~~ *juvenile*, then the court may order the ~~child~~ *juvenile*
 1645 confined in a detention home or other secure facility for juveniles for a period not to exceed thirty
 1646 calendar days from the date the order is entered, inclusive of time served in a detention home or other
 1647 secure facility, for a single offense or multiple offenses.

1648 B. If a ~~child~~ *juvenile* fourteen years of age or older is found to have committed an offense which if
 1649 committed by an adult would be punishable by confinement in a state or local correctional facility as
 1650 defined in § 53.1-1, and the court determines (i) after receipt of a social history compiled within the
 1651 immediately preceding twelve months pursuant to § 16.1-273 that the ~~child~~ *juvenile* has been adjudged a
 1652 delinquent within the immediately preceding twelve months and has failed to respond to past treatment
 1653 efforts, (ii) that the ~~child~~ *juvenile* is amenable to continued treatment efforts in the community, and (iii)
 1654 the interests of the community and the ~~child~~ *juvenile* require that the ~~child~~ *juvenile* be placed under legal
 1655 restraint or discipline, based on the nature of the present offense, the nature of the ~~child's~~ *juvenile's* prior
 1656 delinquency record, and the nature of the past treatment efforts, then the court may order the ~~child~~
 1657 *juvenile* committed to the Department, but suspend such commitment and order the ~~child~~ *juvenile*
 1658 confined in a detention home or other secure facility for juveniles for a period not to exceed six months,

1659 inclusive of time served in detention while awaiting disposition, for a single offense or for multiple
 1660 offenses. In suspending the commitment to the Department as provided for in this subsection, the court
 1661 shall specify conditions for the ~~child's~~ *juvenile's* participation in one or more community treatment
 1662 programs as may be appropriate for the ~~child's~~ *juvenile's* rehabilitation.

1663 C. During any period of confinement ordered pursuant to this section, the court shall conduct a
 1664 mandatory review hearing at least once during each thirty days of the period of confinement and at such
 1665 other times upon the request of the ~~child's~~ *juvenile's* probation officer, for good cause shown. If it
 1666 appears at such hearing that the purpose of the order of confinement has been achieved, the ~~child~~
 1667 *juvenile* shall be released on probation for such period and under such conditions as the court may
 1668 specify and remain subject to the order suspending commitment to the State Department of Youth and
 1669 Family Services. If the court determines at the first or any subsequent review hearing that the ~~child~~
 1670 *juvenile* is consistently failing to comply with the conditions specified by the court or the policies and
 1671 program requirements of the facility, then the court shall order that the ~~child~~ *juvenile* either be (i)
 1672 released under such conditions as the court may specify subject to the suspended commitment; or (ii)
 1673 committed to the State Department of Youth and Family Services pursuant to § 16.1-291. If the court
 1674 determines at the first or any subsequent review hearing that the ~~child~~ *juvenile* is not actively involved
 1675 in any community treatment program through no fault of his own, then the court shall order that the
 1676 ~~child~~ *juvenile* be released under such conditions as the court may specify subject to the suspended
 1677 commitment.

1678 D. A ~~child~~ *juvenile* may only be ordered confined pursuant to this section to a facility in compliance
 1679 with standards established by the State Board for such placements; . Standards for these facilities shall
 1680 have regard for reasonable utilization of these facilities and the requirements of § 16.1-309.4, consistent
 1681 with the intent of this section.

1682 E. The Department of Youth and Family Services shall assist the localities or combinations thereof in
 1683 implementing this section consistent with the statewide plan required by § 16.1-309.4 and pursuant to
 1684 standards promulgated by the State Board, in order to ensure the availability and reasonable access of
 1685 each court to the facilities the use of which is authorized by this section.

1686 § 16.1-285. Duration of commitments.

1687 Except as provided in § 16.1-285.1, all commitments under this ~~law~~ *chapter* shall be for an
 1688 indeterminate period having regard to the welfare of the ~~child~~ *juvenile* and interests of the public, but
 1689 no ~~child~~ *juvenile* committed hereunder shall be held or detained *longer than thirty-six continuous months*
 1690 *or after such* ~~child~~ *juvenile* has attained the age of twenty-one years; ~~however, any child.~~ *However, the*
 1691 *thirty-six month limitation shall not apply in cases of commitment for an act of murder or manslaughter.*
 1692 *Any juvenile* who is committed under this law as an abused or neglected child or a child in need of
 1693 services shall have the right upon request to be released from such commitment at the age of eighteen
 1694 years. The Department shall have the authority to discharge any ~~child~~ *juvenile* from its custody in
 1695 accordance with policies and procedures established by the State Board and with other provisions of
 1696 law.

1697 § 16.1-285.1. Commitment of serious offenders.

1698 A. In the case of a juvenile fourteen years of age or older who has been found guilty of an offense
 1699 which would be a felony if committed by an adult, and either (i) the juvenile is on parole for an offense
 1700 which would be a felony if committed by an adult, (ii) the juvenile was committed to the state for an
 1701 offense which would be a felony if committed by an adult within the immediately preceding twelve
 1702 months ~~or~~, (iii) the felony offense is punishable by a term of confinement of greater than twenty years if
 1703 the felony was committed by an adult, *or (iv) the juvenile has been previously adjudicated delinquent*
 1704 *for an offense which if committed by an adult would be a felony punishable by a term of confinement of*
 1705 *twenty years or more, and the circuit court, or the juvenile or family court, as the case may be, finds*
 1706 *that commitment under this section is necessary to meet the rehabilitative needs of the juvenile and*
 1707 *would serve the best interests of the community, then the court may order the juvenile committed to the*
 1708 *Department of Youth and Family Services for placement in a* ~~learning~~ *juvenile correctional center for*
 1709 *the period of time prescribed pursuant to this section.*

1710 B. Prior to committing any juvenile pursuant to this section, the court shall consider:

1711 1. The juvenile's age;

1712 2. The seriousness and number of the present offenses, including (i) whether the offense was
 1713 committed in an aggressive, violent, premeditated, or willful manner; (ii) whether the offense was
 1714 against persons or property, with greater weight being given to offenses against persons, especially if
 1715 death or injury resulted; (iii) whether the offense involved the use of a firearm or other dangerous
 1716 weapon by brandishing, displaying, threatening with or otherwise employing such weapon; and (iv) the
 1717 nature of the juvenile's participation in the alleged offense;

1718 3. The record and previous history of the juvenile in this or any other jurisdiction, including (i) the
 1719 number and nature of previous contacts with courts, (ii) the number and nature of prior periods of
 1720 probation, (iii) the number and nature of prior commitments to ~~learning~~ *juvenile correctional centers,*

1721 (iv) the number and nature of previous residential and community-based treatments, (v) whether previous
 1722 adjudications and commitments were for delinquent acts that involved the infliction of serious bodily
 1723 injury, and (vi) whether the offense is part of a repetitive pattern of similar adjudicated offenses; and

1724 4. The Department's ~~recommended~~ *estimated* length of stay based on ~~treatment goals enumerated in~~
 1725 ~~the social history report.~~

1726 Such commitment order must be supported by a determination that the interests of the juvenile and
 1727 community require that the juvenile be placed under legal restraint or discipline and that the juvenile is
 1728 not a proper person to receive treatment or rehabilitation through other juvenile programs or facilities.

1729 C. In ordering commitment pursuant to this section, the court shall specify a period of commitment
 1730 not to exceed seven years or the juvenile's twenty-first birthday, whichever shall occur first. *The court*
 1731 *may also order a period of determinate or indeterminate parole supervision to follow the commitment*
 1732 *but the total period of commitment and parole supervision shall not exceed seven years or the juvenile's*
 1733 *twenty-first birthday, whichever occurs first.*

1734 D. Upon receipt of a juvenile committed under the provisions of this section, the Department shall
 1735 evaluate the juvenile for the purpose of considering placement of the juvenile in an appropriate ~~learning~~
 1736 *juvenile correctional* center for the time prescribed by the committing court. Such a placement decision
 1737 shall be made based on *the availability of treatment programs at the facility; the level of security at the*
 1738 *facility; the offense for which the juvenile has been committed; and the welfare, age and gender of the*
 1739 *juvenile.*

1740 E. The court which commits the juvenile to the Department under this section shall have continuing
 1741 jurisdiction over the juvenile throughout his commitment. The continuing jurisdiction of the court shall
 1742 not prevent the Department from removing the juvenile from a ~~learning juvenile correctional~~
 1743 *juvenile correctional* center without prior court approval for the sole purposes of routine or emergency medical treatment, routine
 1744 educational services, or family emergencies.

1745 F. Any juvenile committed under the provisions of this section shall not be released at a time earlier
 1746 than that specified by the court in its dispositional order except as provided for in § 16.1-285.2. The
 1747 Department may petition the committing court for a hearing as provided for in § 16.1-285.2 for an
 1748 earlier release of the juvenile when good cause exists for an earlier release. In addition, the Department
 1749 shall petition the committing court for a determination as to the continued commitment of each juvenile
 1750 sentenced under this section at least sixty days prior to the second anniversary of the juvenile's date of
 1751 commitment and sixty days prior to each annual anniversary thereafter.

1752 § 16.1-285.2. Release and review hearing for serious offender.

1753 A. Upon receipt of a petition of the Department of Youth and Family Services for a hearing
 1754 concerning a juvenile committed under § 16.1-285.1, the court shall schedule a hearing within thirty
 1755 days and shall appoint counsel for the juvenile pursuant to § 16.1-266. The court shall provide a copy of
 1756 the petition, the progress report required by this section, and notice of the time and place of the hearing
 1757 to (i) the juvenile, (ii) the juvenile's parent, legal guardian, or person standing in loco parentis, (iii) the
 1758 juvenile's guardian ad litem, if any, (iv) the juvenile's legal counsel, and (v) the attorney for the
 1759 Commonwealth who prosecuted the juvenile during the delinquency proceeding. *The attorney for the*
 1760 *Commonwealth shall provide notice of the time and place of the hearing by first-class mail to the last*
 1761 *known address of any victim of the offense for which the juvenile was committed if such victim has*
 1762 *submitted a written request for notification to the attorney for the Commonwealth.*

1763 B. The petition shall be filed in the committing court and shall be accompanied by a progress report
 1764 from the Department. This report shall describe (i) the facility and living arrangement provided for the
 1765 juvenile by the Department, (ii) the services and treatment programs afforded the juvenile, (iii) the
 1766 juvenile's progress toward treatment goals and objectives, which shall include a summary of his
 1767 educational progress, (iv) the juvenile's potential for danger to either himself or the community, and (v)
 1768 a comprehensive aftercare plan for the juvenile.

1769 *B1. The appearance of the juvenile before the court may be by (i) personal appearance before the*
 1770 *judge, or (ii) use of two-way electronic video and audio communication. If two-way electronic video and*
 1771 *audio communication is used, a judge may exercise all powers conferred by law and all communications*
 1772 *and proceedings shall be conducted in the same manner as if the appearance were in person, and any*
 1773 *documents filed may be transmitted by facsimile process. A facsimile may be served or executed by the*
 1774 *officer or person to whom sent, and returned in the same manner, and with the same force, effect,*
 1775 *authority, and liability as an original document. All signatures thereon shall be treated as original*
 1776 *signatures. Any two-way electronic video and audio communication system used for an appearance shall*
 1777 *meet the standards as set forth in subsection B of § 19.2-3.1.*

1778 C. At the hearing the court shall consider the progress report. The court may also consider additional
 1779 evidence from (i) probation officers, the ~~learning juvenile correctional~~
 1780 *juvenile correctional* center, treatment professionals,
 1781 and the court service unit; (ii) the juvenile, his legal counsel, parent, guardian or family member; or (iii)
 other sources the court deems relevant. The hearing and all records relating thereto shall be governed by

1782 the confidentiality provisions of Article 12 (§ 16.1-299 et seq.) of this chapter.

1783 D. At the conclusion of the hearing, the court shall order (i) continued commitment of the juvenile to
 1784 the Department for completion of the original determinate period of commitment or such lesser time as
 1785 the court may order or (ii) release of the juvenile under such terms and conditions as the court may
 1786 prescribe. In making a determination under this section, the court shall consider (i) the experiences and
 1787 character of the juvenile before and after commitment, (ii) the nature of the offenses that the juvenile
 1788 was found to have committed, (iii) the manner in which the offenses were committed, (iv) the protection
 1789 of the community, (v) the recommendations of the Department, and (vi) any other factors the court
 1790 deems relevant. The order of the court shall be final and not subject to appeal.

1791 § 16.1-290. Support of committed juvenile; support from estate of juvenile.

1792 A. Whenever (i) legal custody of a juvenile is vested by the court in someone other than his parents
 1793 ~~;~~ or ~~whenever~~ (ii) a juvenile is (a) placed in temporary shelter care regardless of whether or not legal
 1794 custody is retained by his parents, ~~is~~ or (b) placed in temporary physical custody of the Department
 1795 pursuant to subdivision 4a of § 16.1-278.8, after due notice to the parents or other persons legally
 1796 obligated to care for and support the juvenile, and after an investigation and hearing, the court shall
 1797 order and decree that the parent or other legally obligated person shall pay, in such a manner as the
 1798 court may direct, a reasonable sum commensurate with the ability to pay, that will cover ~~in whole or in~~
 1799 ~~;~~ all or part of the cost of support and treatment of the juvenile after the decree is entered. If the parent
 1800 or other legally obligated person willfully fails or refuses to pay such sum, the court may proceed
 1801 against him for contempt, or the order may be filed and shall have the effect of a civil judgment.

1802 B. If a juvenile has an estate in the hands of a guardian or trustee, the guardian or trustee may be
 1803 required to pay for his education and maintenance so long as there may be funds for that purpose.

1804 C. Whenever a juvenile is placed in foster care by the court, the court shall order and decree that the
 1805 parent or other legally obligated person shall pay the Department of Social Services pursuant to
 1806 §§ 20-108.1, 20-108.2, 63.1-204.2, and 63.1-251.3.

1807 § 16.1-293. Supervision of juvenile during commitment and on parole; placing juvenile in halfway
 1808 house.

1809 At such time as the court commits a ~~child~~ juvenile to the Department, it shall determine whether the
 1810 juvenile and domestic relations district court service unit or the local department of public welfare or
 1811 social services shall maintain contact with the ~~child~~ juvenile during the ~~child's~~ juvenile's commitment.
 1812 Except in exceptional cases, the court shall designate the local department to maintain contact with the
 1813 ~~child~~ juvenile during commitment only when the ~~child~~ juvenile was in the custody of the local
 1814 department immediately prior to his commitment to the Department. The Department shall return a ~~child~~
 1815 juvenile to the previously designated local supervising agency and shall consult with the local
 1816 supervising agency two weeks prior to such release on parole supervision concerning return of the ~~child~~
 1817 juvenile to the local agency, unless there is an agreement for an earlier release. However, when any
 1818 ~~child~~ juvenile is committed to the Department by a circuit court, the ~~child~~ juvenile may, upon request of
 1819 the judge, be returned to the committing court by the Department.

1820 *The Department shall notify the school division superintendent in the locality where the juvenile was*
 1821 *enrolled of his commitment to a facility. The court services unit or local department of public welfare or*
 1822 *social services shall, in consultation with the Department of Correctional Education, the local school*
 1823 *division, and the juvenile correctional counselor, develop a reenrollment plan if the juvenile is of*
 1824 *compulsory school attendance age or is eligible for special education services pursuant to § 22.1-213.*
 1825 *The reenrollment plan shall be in accordance with regulations adopted by the Board of Education*
 1826 *pursuant to § 22.1-17.1. The superintendent shall provide the juvenile's scholastic records, as defined in*
 1827 *§ 22.1-289, and the terms and conditions of any expulsion which was in effect at the time of commitment*
 1828 *or which will be in effect upon release. A court may not order a local school board to reenroll a*
 1829 *juvenile who has been expelled in accordance with § 22.1-277. At least fourteen days prior to the*
 1830 *juvenile's scheduled release, the Department shall notify the school division superintendent in the*
 1831 *locality where the juvenile will reside.*

1832 The local supervising agency shall furnish the ~~child~~ juvenile a written statement of the conditions of
 1833 his parole and shall instruct him regarding the same. *The conditions of the re-enrollment plan may be*
 1834 *included in the conditions of parole.* Violations of parole shall be heard by the court pursuant to
 1835 § 16.1-291. The director of the supervising agency may approve termination of parole supervision.

1836 In the event it is determined by the juvenile and domestic relations district court that a ~~child~~ juvenile
 1837 may benefit from placement in the halfway house program operated by the Department, the ~~child~~
 1838 juvenile may be referred for care and treatment to a halfway house. ~~Children~~ Juveniles so placed in a
 1839 halfway house shall remain in parole status and cannot be transferred or otherwise placed in another
 1840 institutional setting or institutional placement operated by the Department except as elsewhere provided
 1841 by law for those ~~children~~ juveniles who have violated their parole status.

1842 § 16.1-293. (Delayed effective date) Supervision of juvenile during commitment and on parole;
 1843 placing juvenile in halfway house.

1844 At such time as the court commits a ~~child~~ *juvenile* to the Department, it shall determine whether the
 1845 family court service unit or the local department of public welfare or social services shall maintain
 1846 contact with the ~~child~~ *juvenile* during the ~~child's~~ *juvenile's* commitment. Except in exceptional cases, the
 1847 court shall designate the local department to maintain contact with the ~~child~~ *juvenile* during commitment
 1848 only when the ~~child~~ *juvenile* was in the custody of the local department immediately prior to his
 1849 commitment to the Department. The Department shall return a ~~child~~ *juvenile* to the previously
 1850 designated local supervising agency and shall consult with the local supervising agency two weeks prior
 1851 to such release on parole supervision concerning return of the ~~child~~ *juvenile* to the local agency, unless
 1852 there is an agreement for an earlier release. However, when any ~~child~~ *juvenile* is committed to the
 1853 Department by a circuit court, the ~~child~~ *juvenile* may, upon request of the judge, be returned to the
 1854 committing court by the Department.

1855 *The Department shall notify the school division superintendent in the locality where the juvenile was*
 1856 *enrolled of his commitment to a facility. The court services unit or local department of public welfare or*
 1857 *social services shall, in consultation with the Department of Correctional Education, the local school*
 1858 *division, and the juvenile correctional counselor, develop a reenrollment plan if the juvenile is of*
 1859 *compulsory school attendance age or is eligible for special education services pursuant to § 22.1-213.*
 1860 *The reenrollment plan shall be in accordance with regulations adopted by the Board of Education*
 1861 *pursuant to § 22.1-17.1. The superintendent shall provide the juvenile's scholastic records, as defined in*
 1862 *§ 22.1-289, and the terms and conditions of any expulsion which was in effect at the time of commitment*
 1863 *or which will be in effect upon release. A court may not order a local school board to reenroll a*
 1864 *juvenile who has been expelled in accordance with § 22.1-277. At least fourteen days prior to the*
 1865 *juvenile's scheduled release, the Department shall notify the school division superintendent in the*
 1866 *locality where the juvenile will reside.*

1867 The local supervising agency shall furnish the ~~child~~ *juvenile* a written statement of the conditions of
 1868 his parole and shall instruct him regarding the same. Violations of parole shall be heard by the court
 1869 pursuant to § 16.1-291. *The conditions of the reenrollment plan may be included in the conditions of*
 1870 *parole.* The director of the supervising agency may approve termination of parole supervision.

1871 In the event it is determined by the family court that a ~~child~~ *juvenile* may benefit from placement in
 1872 the halfway house program operated by the Department, the ~~child~~ *juvenile* may be referred for care and
 1873 treatment to a halfway house. ~~Children~~ *Juveniles* so placed in a halfway house shall remain in parole
 1874 status and cannot be transferred or otherwise placed in another institutional setting or institutional
 1875 placement operated by the Department except as elsewhere provided by law for those ~~children~~ *juveniles*
 1876 who have violated their parole status.

1877 § 16.1-299. Fingerprints and photographs of juveniles.

1878 A. Fingerprints of a juvenile fourteen years of age or older who is charged with a delinquent act
 1879 which would be a felony if committed by an adult shall be taken and filed with the juvenile court by
 1880 law-enforcement officers on forms provided by the Central Criminal Records Exchange. Photographs
 1881 may also be taken and filed by local law-enforcement officers. Fingerprints of a juvenile thirteen years
 1882 of age or older who is charged with bodily wounding as provided in § 18.2-51 or § 18.2-52, use of a
 1883 firearm in committing a felony as provided in § 18.2-53.1, attempted poisoning as provided in
 1884 § 18.2-54.1, extortion as provided in § 18.2-59, robbery, rape as provided in § 18.2-61, forcible sodomy
 1885 as provided in § 18.2-67.1, inanimate object sexual penetration as provided in § 18.2-67.2, grand larceny
 1886 as provided in § 18.2-95, burglary as provided in §§ 18.2-89 through 18.2-91, arson and related crimes
 1887 as provided in §§ 18.2-77 through 18.2-88 or murder, or any attempt to commit the above mentioned
 1888 felonies as provided in § 18.2-25 or § 18.2-26 shall be taken and filed with the juvenile court by
 1889 law-enforcement officers on forms provided by the Central Criminal Records Exchange. Photographs
 1890 may also be taken and filed by local law-enforcement officers.

1891 B. A juvenile may be fingerprinted and photographed regardless of age or offense if he has been
 1892 taken into custody for and charged with a violation of law, and a law-enforcement officer has
 1893 determined that there is probable cause to believe that latent fingerprints found during the investigation
 1894 of an offense are those of such juvenile.

1895 C. The fingerprints and photographs authorized in subsections A and B shall be retained or disposed
 1896 of as follows:

1897 1. If a petition is not filed against a juvenile whose fingerprints or photographs have been taken in
 1898 connection with an alleged violation of law, the fingerprint card, all copies of the fingerprints and all
 1899 photographs shall be destroyed sixty days after fingerprints were taken.

1900 2. If the juvenile court or the circuit court, pursuant to a transfer, waiver or appeal, finds a juvenile
 1901 not guilty of a charge of delinquency, the fingerprint card, all copies of the fingerprints and all
 1902 photographs shall be destroyed within sixty days of such finding. However, all fingerprints and
 1903 photographs of a juvenile who is less than thirteen years of age and who is found guilty of a delinquent
 1904 act shall also be destroyed.

1905 3. If the court finds that a juvenile thirteen years of age or older has committed a delinquent act, the
 1906 fingerprints and photographs may be retained in a local file pursuant to § 16.1-301 and the fingerprints
 1907 may be entered into any police department's computer system by identification number or by any other
 1908 method which insures the confidentiality of the juvenile's name. *All duly constituted police authorities*
 1909 *having the power of arrest may take fingerprints and photographs of any juvenile who is taken into*
 1910 *custody and charged with a delinquent act an arrest for which, if committed by an adult, is required to*
 1911 *be reported to the Central Criminal Records Exchange pursuant to subsection A of § 19.2-390.*
 1912 *Whenever fingerprints are taken, they shall be maintained separately from adult records and a copy*
 1913 *shall be filed with the juvenile court on forms provided by the Central Criminal Records Exchange.*

1914 4. B. If a juvenile fourteen years of age or older is (i) certified to the circuit court pursuant to Article
 1915 7 (§ 16.1-269.1 et seq.) of this chapter and is adjudicated delinquent or found guilty as an adult of the
 1916 offense charged or (ii) a juvenile of any age is adjudicated delinquent or found guilty in juvenile court of
 1917 any offense which would be a felony if committed by an adult or any other offense for which a report
 1918 to the Central Criminal Records Exchange is required by subsection C of § 19.2-390 if the offense were
 1919 committed by an adult, or if a juvenile thirteen years of age or older is found guilty of any of the
 1920 offenses specified in subsection A of this section or an attempt to commit any such offense in a juvenile
 1921 court and is adjudicated delinquent, copies of his fingerprints and a report of the disposition shall be
 1922 forwarded to the Central Criminal Records Exchange by the clerk of the court which heard the case.

1923 C. *If a petition or warrant is not filed against a juvenile whose fingerprints or photographs have*
 1924 *been taken in connection with an alleged violation of law, the fingerprint card, all copies of the*
 1925 *fingerprints and all photographs shall be destroyed sixty days after fingerprints were taken. If a juvenile*
 1926 *is found not guilty or in any other case resulting in a disposition for which fingerprints are not required*
 1927 *to be forwarded to the Central Criminal Records Exchange, the court shall order that the fingerprint*
 1928 *card, all copies of the fingerprints and all photographs be destroyed within sixty days of the date of*
 1929 *disposition of the case.*

1930 § 16.1-299. (Delayed effective date) Fingerprints and photographs of juveniles.

1931 A. Fingerprints of a juvenile fourteen years of age or older who is charged with a delinquent act
 1932 which would be a felony if committed by an adult shall be taken and filed with the juvenile court by
 1933 law-enforcement officers on forms provided by the Central Criminal Records Exchange. Photographs
 1934 may also be taken and filed by local law-enforcement officers. Fingerprints of a juvenile thirteen years
 1935 of age or older who is charged with bodily wounding as provided in § 18.2-51 or § 18.2-52, use of a
 1936 firearm in committing a felony as provided in § 18.2-53.1, attempted poisoning as provided in
 1937 § 18.2-54.1, extortion as provided in § 18.2-59, robbery, rape as provided in § 18.2-61, forcible sodomy
 1938 as provided in § 18.2-67.1, inanimate object sexual penetration as provided in § 18.2-67.2, grand larceny
 1939 as provided in § 18.2-95, burglary as provided in §§ 18.2-89 through 18.2-91, arson and related crimes
 1940 as provided in §§ 18.2-77 through 18.2-88 or murder, or any attempt to commit the above mentioned
 1941 felonies as provided in § 18.2-25 or § 18.2-26 shall be taken and filed with the juvenile court by
 1942 law-enforcement officers on forms provided by the Central Criminal Records Exchange. Photographs
 1943 may also be taken and filed by local law-enforcement officers.

1944 B. A juvenile may be fingerprinted and photographed regardless of age or offense if he has been
 1945 taken into custody for and charged with a violation of law, and a law-enforcement officer has
 1946 determined that there is probable cause to believe that latent fingerprints found during the investigation
 1947 of an offense are those of such juvenile.

1948 C. The fingerprints and photographs authorized in subsections A and B shall be retained or disposed
 1949 of as follows:

1950 1. If a petition is not filed against a juvenile whose fingerprints or photographs have been taken in
 1951 connection with an alleged violation of law, the fingerprint card, all copies of the fingerprints and all
 1952 photographs shall be destroyed sixty days after fingerprints were taken.

1953 2. If the family court or the circuit court, pursuant to a transfer, waiver or appeal, finds a juvenile
 1954 not guilty of a charge of delinquency, the fingerprint card, all copies of the fingerprints and all
 1955 photographs shall be destroyed within sixty days of such finding. However, all fingerprints and
 1956 photographs of a juvenile who is less than thirteen years of age and who is found guilty of a delinquent
 1957 act shall also be destroyed.

1958 3. If the court finds that a juvenile thirteen years of age or older has committed a delinquent act, the
 1959 fingerprints and photographs may be retained in a local file pursuant to § 16.1-301 and the fingerprints
 1960 may be entered into any police department's computer system by identification number or by any other
 1961 method which insures the confidentiality of the juvenile's name. *All duly constituted police authorities*
 1962 *having the power of arrest may take fingerprints and photographs of any juvenile who is taken into*
 1963 *custody and charged with a delinquent act an arrest for which, if committed by an adult, is required to*
 1964 *be reported to the Central Criminal Records Exchange pursuant to subsection A of § 19.2-390.*
 1965 *Whenever fingerprints are taken, they shall be maintained separately from adult records and a copy*
 1966 *shall be filed with the family court on forms provided by the Central Criminal Records Exchange.*

1967 4B. If a juvenile fourteen years of age or older is (i) certified to the circuit court pursuant to Article
 1968 7 (§ 16.1-269.1 et seq.) of this chapter and is adjudicated delinquent or found guilty as an adult of the
 1969 offense charged or (ii) a juvenile of any age is adjudicated delinquent or found guilty in family court of the
 1970 any offense which would be a felony if committed by an adult or any other offense for which a report
 1971 to the Central Criminal Records Exchange is required by subsection C of § 19.2-390 if the offense were
 1972 committed by an adult, or if a juvenile thirteen years of age or older is found guilty of any of the
 1973 offenses specified in subsection A of this section or an attempt to commit any such offense in a juvenile
 1974 court and is adjudicated delinquent, copies of his fingerprints and a report of the disposition shall be
 1975 forwarded to the Central Criminal Records Exchange by the clerk of the court which heard the case.

1976 C. If a petition or warrant is not filed against a juvenile whose fingerprints or photographs have
 1977 been taken in connection with an alleged violation of law, the fingerprint card, all copies of the
 1978 fingerprints and all photographs shall be destroyed sixty days after fingerprints were taken. If a juvenile
 1979 is found not guilty or in any other case resulting in a disposition for which fingerprints are not required
 1980 to be forwarded to the Central Criminal Records Exchange, the court shall order that the fingerprint
 1981 card and all copies of the fingerprints be destroyed within sixty days of the date of disposition of its
 1982 case.

1983 § 16.1-299.1. Blood sample required for DNA analysis upon conviction or adjudication of felony.

1984 A juvenile convicted of a felony or adjudicated delinquent on the basis of an act which would be a
 1985 felony if committed by an adult shall have a sample of his blood taken for DNA analysis provided the
 1986 juvenile was fourteen years of age or older at the time of the commission of the offense.

1987 The provisions of Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2 shall apply to all
 1988 persons and all blood samples taken as required by this section, mutatis mutandis.

1989 § 16.1-301. Confidentiality of law-enforcement records.

1990 A. The court shall require all law-enforcement agencies to take special precautions to ensure that
 1991 law-enforcement records concerning a juvenile are protected against disclosure to any unauthorized
 1992 person. The police departments of the cities of the Commonwealth, and the police departments or
 1993 sheriffs of the counties, as the case may be, shall keep separate records as to violations of law other
 1994 than violations of motor vehicle laws committed by juveniles. Unless a charge of delinquency is
 1995 transferred for criminal prosecution in the circuit court or the court otherwise orders disclosure in the
 1996 interests of the juvenile or of national security, such records with respect to such juvenile shall not be
 1997 open to public inspection nor their contents disclosed to the public.

1998 B. Inspection of such records shall be permitted only by the following:

1999 1. A court having the juvenile currently before it in any proceeding;

2000 2. The officers of public and nongovernmental institutions or agencies to which the juvenile is
 2001 currently committed, and those responsible for his supervision after release;

2002 3. Any other person, agency, or institution, by order of the court, having a legitimate interest in the
 2003 case or in the work of the law-enforcement agency;

2004 4. Law-enforcement officers of other jurisdictions, by order of the court, when necessary for the
 2005 discharge of their current official duties;

2006 5. The probation and other professional staff of a court in which the juvenile is subsequently
 2007 convicted of a criminal offense for the purpose of a presentence report or other dispositional
 2008 proceedings, or by officials of penal institutions and other penal facilities to which he is committed, or
 2009 by a parole board in considering his parole or discharge or in exercising supervision over him;

2010 6. The juvenile, parent, guardian or other custodian and counsel for the juvenile by order of the
 2011 court; and

2012 7. As provided in §§ 19.2-389.1 and 19.2-390.

2013 C. The police department of the cities and towns and the police departments or sheriffs of the
 2014 counties may release, upon request to one another and to state and federal law-enforcement agencies,
 2015 current information on juvenile arrests. The information exchanged shall be limited to name, address,
 2016 physical description, date of arrest, and the charge for which the arrest was made. The information
 2017 exchanged shall be used by the receiving agency for current investigation purposes only and shall not
 2018 result in the creation of new files or records on individual juveniles on the part of the receiving agency.

2019 D. Nothing in this section shall prohibit the exchange of other criminal investigative or intelligence
 2020 information among law-enforcement agencies.

2021 § 16.1-302. Dockets, indices and order books; when hearings and records private; right to public
 2022 hearing; presence of juvenile in court.

2023 A. Every juvenile court shall keep a separate docket of cases arising under this law.

2024 B. Every circuit court shall keep a separate docket, index, and, for entry of its orders, a separate
 2025 order book or file for cases on appeal from the juvenile court except: (i) cases involving support
 2026 pursuant to § 20-61 or subdivisions A 3, F or L of § 16.1-241; (ii) cases involving criminal offenses
 2027 committed by adults which are commenced on a warrant or a summons as described in Title 19.2; and

2028 (iii) cases involving civil commitments of adults pursuant to Title 37.1. Such cases shall be docketed on
 2029 the appropriate docket and the orders in such cases shall be entered in the appropriate order book as
 2030 used with similar cases commenced in circuit court.

2031 C. The general public shall be excluded from all juvenile court hearings and only such persons
 2032 admitted as the judge shall deem proper, ~~except that in~~ . *However, in cases involving an adult charged*
 2033 *with a crime and in hearings held on a petition or warrant alleging that a juvenile fourteen years of*
 2034 *age or older committed an offense which would be a felony if committed by an adult shall be open.*
 2035 *Subject to the provisions of subsection D for good cause shown, the court may, sua sponte or on motion*
 2036 *of the accused or the attorney for the Commonwealth close the proceedings. If the proceedings are*
 2037 *closed, the court shall state in writing its reasons and the statement shall be made a part of the public*
 2038 *record.*

2039 D. *In any hearing held for the purpose of adjudicating the an alleged violation of any criminal law,*
 2040 *or law defining a traffic infraction, the child juvenile or adult so charged shall have a right to be present*
 2041 *and shall have the right to a public hearing unless expressly waived by such person. The chief judge*
 2042 *may provide by rule that any juvenile licensed to operate a motor vehicle who has been charged with a*
 2043 *traffic infraction may waive court appearance and admit to the infraction or infractions charged if he or*
 2044 *she and a parent, legal guardian, or person standing in loco parentis to the juvenile appear in person at*
 2045 *the court or before a magistrate or sign and either mail or deliver to the court or magistrate a written*
 2046 *form of appearance, plea and waiver, provided that the written form contains the notarized signature of*
 2047 *the parent, legal guardian, or person standing in loco parentis to the juvenile. An emancipated juvenile*
 2048 *charged with a traffic infraction shall have the opportunity to waive court appearance and admit to the*
 2049 *infraction or infractions if he or she appears in person at the court or before a magistrate or signs and*
 2050 *either mails or delivers to the court or magistrate a written form of appearance, plea, and waiver,*
 2051 *provided that the written plea form containing the signature of the emancipated juvenile is accompanied*
 2052 *by a notarized sworn statement which details the facts supporting the claim of emancipated status.*
 2053 *Whenever the sole purpose of a proceeding is to determine the custody of a child of tender years, the*
 2054 *presence of such child juvenile in court may be waived by the judge at any stage thereof.*

2055 § 16.1-302. (Delayed effective date) Dockets, indices and order books; hearings and records private;
 2056 right to public hearing; presence of juvenile in court.

2057 A. Every family court shall keep a separate docket of cases arising under this law.

2058 B. Every circuit court shall keep a separate docket, index, and, for entry of its orders, a separate
 2059 order book or file for cases on appeal from the family court except: (i) cases involving support pursuant
 2060 to § 20-61; (ii) cases involving criminal offenses committed by adults which are commenced on a
 2061 warrant or a summons as described in Title 19.2; and (iii) cases involving civil commitments of adults
 2062 pursuant to Title 37.1. Such cases shall be docketed on the appropriate docket and the orders in such
 2063 cases shall be entered in the appropriate order book as used with similar cases commenced in circuit
 2064 court.

2065 C. The general public shall be excluded from all family court hearings and only such persons
 2066 admitted as the judge shall deem proper, except that (i) this provision shall not apply to cases for
 2067 divorce, annulment or affirmation of marriage, separate maintenance, equitable distribution based on a
 2068 foreign decree, change of name, amendment of a birth certificate, or judicial review of school board
 2069 actions or of hearing officer decisions; and (ii) in any hearing held for the purpose of adjudicating the
 2070 alleged violation of any criminal law or law defining a traffic infraction, the child or adult so charged
 2071 shall have a right to be present and shall have the right to a public hearing unless expressly waived by
 2072 such person.

2073 D. *All family court hearings (i) in cases involving an adult charged with a crime or (ii) held on a*
 2074 *petition or warrant alleging that a juvenile fourteen years of age or older committed an offense which*
 2075 *would be a felony if committed by an adult shall be open. Subject to the provisions of clause ii of*
 2076 *subsection C, for good cause shown, the court may, sua sponte or on motion of the juvenile or the*
 2077 *attorney for the Commonwealth, close the proceedings. If the proceedings are closed, the court shall*
 2078 *state in writing its reasons and the statement shall be made a part of the public record.*

2079 E. *In all other cases, the public shall be excluded and only such persons admitted as the court*
 2080 *deems proper.*

2081 The chief judge may provide by rule that any juvenile licensed to operate a motor vehicle who has
 2082 been charged with a traffic infraction may waive court appearance and admit to the infraction or
 2083 infractions charged if he or she and a parent, legal guardian, or person standing in loco parentis to the
 2084 juvenile appear in person at the court or before a magistrate or sign and either mail or deliver to the
 2085 court or magistrate a written form of appearance, plea and waiver, provided that the written form
 2086 contains the notarized signature of the parent, legal guardian, or person standing in loco parentis to the
 2087 juvenile. An emancipated juvenile charged with a traffic infraction shall have the opportunity to waive
 2088 court appearance and admit to the infraction or infractions if he or she appears in person at the court or
 2089 before a magistrate or signs and either mails or delivers to the court or magistrate a written form of

2090 appearance, plea, and waiver, provided that the written plea form containing the signature of the
 2091 emancipated juvenile is accompanied by a notarized sworn statement which details the facts supporting
 2092 the claim of emancipated status. Whenever the sole purpose of a proceeding is to determine the custody
 2093 of a child of tender years, the presence of such ~~child~~ juvenile in court may be waived by the judge at
 2094 any stage thereof.

2095 § 16.1-302.1. *Right of victim or representative to attend certain proceedings; notice of hearings.*

2096 *During proceedings involving petitions or warrants alleging that a juvenile is delinquent, including*
 2097 *proceedings on appeal, a victim may remain in the courtroom. In any such case involving a minor*
 2098 *victim, the court may permit an adult chosen by the minor victim to be present in the courtroom during*
 2099 *the proceedings in addition to or in lieu of the minor's parent or guardian.*

2100 *However, if either the attorney for the Commonwealth or any defendant represents to the court that*
 2101 *he intends to call as a material witness a victim or any adult chosen by a minor victim, the court, on*
 2102 *motion, shall exclude that person from the proceedings.*

2103 *The attorney for the Commonwealth shall give prior notice of any such proceedings and changes in*
 2104 *the scheduling thereof to any known victim and to any known adult chosen in accordance with this*
 2105 *section by a minor victim at the address or telephone number, or both, provided in writing by such*
 2106 *persons.*

2107 § 16.1-303. Reports of court officials and employees when privileged.

2108 All information obtained in discharge of official duties by any official or by any employee of the
 2109 court shall be privileged, and shall not be disclosed to anyone other than the judge unless and until
 2110 otherwise ordered by the judge or by the judge of a circuit court; provided, however, that in any case
 2111 when such information shall disclose that an offense has been committed which would be a felony if
 2112 committed by an adult, it shall be the duty of the official or employee of the court obtaining such
 2113 information to report the same promptly to the attorney for the Commonwealth or the police in the
 2114 county, city or town where the offense occurred. *It shall not be deemed a violation of this section if the*
 2115 *disclosed information is otherwise available to the public.*

2116 § 16.1-305. Confidentiality of court records.

2117 A. Social, medical and psychiatric or psychological records, including reports or preliminary
 2118 inquiries, predisposition studies and supervision records, of neglected and abused children, children in
 2119 need of services, *children in need of supervision* and delinquent children shall be filed with the other
 2120 papers in the juvenile's case file. All juvenile case files shall be filed separately from adult files and
 2121 records of the court and shall be open for inspection only to the following:

2122 1. The judge, probation officers and professional staff assigned to serve the juvenile and domestic
 2123 relations district courts;

2124 2. Representatives of a public or private agency or department providing supervision or having legal
 2125 custody of the child or furnishing evaluation or treatment of the child ordered or requested by the court;

2126 3. The attorney for any party, *including the attorney for the Commonwealth;*

2127 4. Any other person, agency or institution, by order of the court, having a legitimate interest in the
 2128 case or in the work of the court; however, for the purposes of preparation of a presentence report upon
 2129 a finding of guilty in a circuit court or for the preparation of a background report for the Parole Board,
 2130 adult probation and parole officers, including United States Probation and Pretrial Services Officers,
 2131 shall have access to an accused's or inmate's records in juvenile court.

2132 B. All or any part of the records enumerated in subsection A, or information secured from such
 2133 records, which is presented to the judge in court or otherwise in a proceeding under this law shall also
 2134 be made available to the parties to the proceedings and their attorneys.

2135 *B1. If a juvenile fourteen years of age or older at the time of the offense is adjudicated delinquent*
 2136 *on the basis of an act which would be a felony if committed by an adult, all court records regarding*
 2137 *that adjudication and any subsequent adjudication of delinquency, other than those records specified in*
 2138 *subsection A, shall be open to the public. However, if a hearing was closed, the judge may order that*
 2139 *certain records or portions thereof remain confidential to the extent necessary to protect any juvenile*
 2140 *victim or juvenile witness.*

2141 C. All other juvenile records, including the docket, petitions, motions and other papers filed with a
 2142 case, transcripts of testimony, findings, verdicts, orders and decrees shall be open to inspection only by
 2143 those persons and agencies designated in subsections A and B of this section.

2144 D. Attested copies of papers filed in connection with an adjudication of guilty for an offense for
 2145 which the clerk is required by § 46.2-383 to furnish an abstract to the Department of Motor Vehicles,
 2146 which shows the charge, finding, disposition, name of the attorney for the juvenile, or waiver of attorney
 2147 shall be furnished to an attorney for the Commonwealth upon certification by the prosecuting attorney
 2148 that such papers are needed as evidence in a pending criminal, traffic, or habitual offender proceeding
 2149 and that such papers will be only used for such evidentiary purpose.

2150 E. Upon request, a copy of the court order of disposition in a delinquency case shall be provided to

2151 the Virginia Workers' Compensation Commission solely for purposes of determining whether to make an
2152 award to the victim of a crime, and such information shall not be disseminated or used by the
2153 Commission for any other purpose including but not limited to actions pursuant to § 19.2-368.15.

2154 F. Staff of the court services unit or the attorney for the Commonwealth shall provide notice of the
2155 disposition in a case involving a juvenile who is committed to state care after being adjudicated for a
2156 criminal sexual assault as specified in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 to the
2157 victim or a parent of a minor victim, upon request. Additionally, if the victim or parent submits a
2158 written request, the Department of Youth and Family Services shall provide advance notice of such
2159 juvenile offender's anticipated date of release from commitment.

2160 § 16.1-305. (Delayed effective date) Confidentiality of court records.

2161 A. Social, medical and psychiatric or psychological records, including reports or preliminary
2162 inquiries, predisposition studies and supervision records, of neglected and abused children, children in
2163 need of services, *children in need of supervision* and delinquent children shall be filed with the other
2164 papers in the juvenile's case file. All juvenile case files shall be filed separately from adult files and
2165 records of the court and shall be open for inspection only to the following:

- 2166 1. The judge, probation officers and professional staff assigned to serve the family courts;
- 2167 2. Representatives of a public or private agency or department providing supervision or having legal
2168 custody of the child or furnishing evaluation or treatment of the child ordered or requested by the court;
- 2169 3. The attorney for any party, *including the attorney for the Commonwealth*;
- 2170 4. Any other person, agency or institution, by order of the court, having a legitimate interest in the
2171 case or in the work of the court; however, for the purposes of preparation of a presentence report upon
2172 a finding of guilty in a circuit court or for the preparation of a background report for the Parole Board,
2173 adult probation and parole officers, including United States Probation and Pretrial Services Officers,
2174 shall have access to an accused's or inmate's records in family court.

2175 B. All or any part of the records enumerated in subsection A, or information secured from such
2176 records, which is presented to the judge in court or otherwise in a proceeding under this law shall also
2177 be made available to the parties to the proceedings and their attorneys.

2178 *B1. If a juvenile fourteen years of age or older at the time of the offense is adjudicated delinquent*
2179 *on the basis of an act which would be a felony if committed by an adult, all court records regarding*
2180 *that adjudication and any subsequent adjudication of delinquency, other than those records specified in*
2181 *subsection A, shall be open to the public. However, if a hearing was closed, the judge may order that*
2182 *certain records or portions thereof remain confidential to the extent necessary to protect any juvenile*
2183 *victim or juvenile witness.*

2184 C. All other juvenile records, including the docket, petitions, motions and other papers filed with a
2185 case, transcripts of testimony, findings, verdicts, orders and decrees shall be open to inspection only by
2186 those persons and agencies designated in subsections A and B of this section.

2187 D. Attested copies of papers filed in connection with an adjudication of guilty for an offense for
2188 which the clerk is required by § 46.2-383 to furnish an abstract to the Department of Motor Vehicles,
2189 which shows the charge, finding, disposition, name of the attorney for the juvenile, or waiver of attorney
2190 shall be furnished to an attorney for the Commonwealth upon certification by the prosecuting attorney
2191 that such papers are needed as evidence in a pending criminal, traffic, or habitual offender proceeding
2192 and that such papers will be only used for such evidentiary purpose.

2193 E. Upon request, a copy of the court order of disposition in a delinquency case shall be provided to
2194 the Virginia Workers' Compensation Commission solely for purposes of determining whether to make an
2195 award to the victim of a crime, and such information shall not be disseminated or used by the
2196 Commission for any other purpose including but not limited to actions pursuant to § 19.2-368.15.

2197 F. Section 20-124 shall govern the confidentiality of court records in cases involving divorce,
2198 annulment or affirmation of marriage, separate maintenance and equitable distribution based on a foreign
2199 decree. Sections 63.1-235 and 63.1-236 shall govern the confidentiality of adoption cases.

2200 G. Staff of the court services unit or the attorney for the Commonwealth shall provide notice of the
2201 disposition in a case involving a juvenile who is committed to state care after being adjudicated for a
2202 criminal sexual assault as specified in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 to the
2203 victim or a parent of a minor victim, upon request. Additionally, if the victim or parent submits a
2204 written request, the Department of Youth and Family Services shall provide advance notice of such
2205 juvenile offender's anticipated date of release from commitment.

2206 § 16.1-305.1. Disclosure of disposition in certain delinquency cases.

2207 Upon disposition of a proceeding in a court of competent jurisdiction in which a juvenile is
2208 adjudicated delinquent or convicted of a crime based upon a violation of the law involving (i) the
2209 unlawful purchase, possession or use of a weapon pursuant to Article 4 (§ 18.2-279 et seq.) of Chapter 7
2210 of Title 18.2, (ii) homicide, pursuant to Article 1 (§ 18.2-31 et seq.) of Chapter 4 of Title 18.2, (iii)
2211 felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title
2212 18.2, (iv) criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, (v)

2213 manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to
 2214 Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (vi) manufacture, sale or distribution of
 2215 marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (vii) arson and related
 2216 crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, or (viii) burglary *and related*
 2217 *offenses*, pursuant to §§ 18.2-89 *through* 18.2-93, the clerk of the court in which the disposition is
 2218 entered shall, within fifteen days if there has been no notice of an appeal, provide written notice of the
 2219 disposition ordered by the court, including the nature of the offense upon which the adjudication or
 2220 conviction was based, to the superintendent of the school division in which the child is enrolled at the
 2221 time of the disposition or, if he is not then enrolled in school, the division in which he was enrolled at
 2222 the time of the offense. Further disclosure of this information by the superintendent to school personnel
 2223 is authorized only as provided in § 22.1-288.2

2224 § 16.1-307. Circuit court records regarding juveniles.

2225 In proceedings against a ~~child~~ *juvenile* in the circuit court in which the circuit court deals with the
 2226 child in the same manner as a case in the juvenile court, the clerk of the court shall preserve all records
 2227 connected with the proceedings in files separate from other files and records of the court as provided in
 2228 § 16.1-302. Except as provided in §§ 19.2-389.1 and 19.2-390, such records shall be open for inspection
 2229 only in accordance with the provisions of § 16.1-305 and shall be subject to expungement provisions of
 2230 § 16.1-306. *In proceedings in which a juvenile, fourteen years of age or older at the time of the offense,*
 2231 *was adjudicated delinquent in juvenile court on the basis of an act which would be a felony if*
 2232 *committed by an adult, or was found guilty of a felony in the circuit court, any court records, other*
 2233 *than those specified in subsection A of § 16.1-305, regarding that adjudication or conviction and any*
 2234 *subsequent adjudication of delinquency or conviction of a crime, shall be available and shall be treated*
 2235 *in the same manner as adult criminal records.*

2236 § 16.1-307. (Delayed effective date) Circuit court records regarding juveniles.

2237 In proceedings against a ~~child~~ *juvenile* in the circuit court in which the circuit court deals with the
 2238 child in the same manner as a case in the family court, the clerk of the court shall preserve all records
 2239 connected with the proceedings in files separate from other files and records of the court as provided in
 2240 § 16.1-302. Except as provided in §§ 19.2-389.1 and 19.2-390, such records shall be open for inspection
 2241 only in accordance with the provisions of § 16.1-305 and shall be subject to expungement provisions of
 2242 § 16.1-306. *In proceedings in which a juvenile, fourteen years of age or older at the time of the offense,*
 2243 *was adjudicated delinquent in family court on the basis of an act which would be a felony if committed*
 2244 *by an adult, or was found guilty of a felony in the circuit court, any court records, other than those*
 2245 *specified in subsection A of § 16.1-305, regarding that adjudication or conviction and any subsequent*
 2246 *adjudication of delinquency or conviction of a crime, shall be available and shall be treated in the same*
 2247 *manner as adult criminal records.*

2248 § 16.1-308. Effect of adjudication on status of child.

2249 *Except as otherwise provided by law for a juvenile found guilty of a felony in circuit court whose*
 2250 *case is disposed of in the same manner as an adult criminal case, a finding of guilty on a petition*
 2251 *charging delinquency under the provisions of this law shall not operate to impose any of the civil*
 2252 *disabilities ordinarily imposed by conviction for a crime, nor shall any such finding operate to disqualify*
 2253 *the child for employment by any state or local governmental agency.*

2254 § 16.1-309. Penalty.

2255 A. Except as provided in §§ 16.1-299, 16.1-300, 16.1-301, 16.1-305 and 16.1-307, any person who
 2256 (i) files a petition, (ii) receives a petition or has access to court records in an official capacity, (iii)
 2257 participates in the investigation of allegations which form the basis of a petition, (iv) is interviewed
 2258 concerning such allegations and whose information is derived solely from such interview or (v) is
 2259 present during any court proceeding, who discloses or makes use of or knowingly permits the use of
 2260 identifying information *not otherwise available to the public* concerning a juvenile who is suspected of
 2261 being or is the subject of a proceeding within the jurisdiction of the juvenile court pursuant to
 2262 subdivisions 1 through 5 of subsection A of § 16.1-241 or who is in the custody of the State Department
 2263 of Youth and Family Services, which information is directly or indirectly derived from the records or
 2264 files of a law-enforcement agency, court or the Department of Youth and Family Services or acquired in
 2265 the course of official duties, shall be guilty of a Class 3 misdemeanor.

2266 B. The provisions of this section shall not apply to any law-enforcement officer or school employee
 2267 who discloses to school personnel identifying information concerning a juvenile who is suspected of
 2268 committing or has committed a delinquent act that has met applicable criteria of § 16.1-260 and is
 2269 committed or alleged to have been committed on school property during a school-sponsored activity or
 2270 on the way to or from such activity, if the disclosure is made solely for the purpose of enabling school
 2271 personnel to take appropriate disciplinary action within the school setting against the juvenile. Further,
 2272 the provisions of this section shall not apply to school personnel who disclose information obtained
 2273 pursuant to §§ 16.1-305.1 and 22.1-288.2, if the disclosure is made solely to enable school personnel to

2274 take appropriate actions within the school setting with regard to the juvenile or another student.

2275 § 16.1-309. (Delayed effective date) Penalty.

2276 A. Except as provided in §§ 16.1-299, 16.1-300, 16.1-301, 16.1-305 and 16.1-307, any person who
 2277 (i) files a petition, (ii) receives a petition or has access to court records in an official capacity, (iii)
 2278 participates in the investigation of allegations which form the basis of a petition, (iv) is interviewed
 2279 concerning such allegations and whose information is derived solely from such interview or (v) is
 2280 present during any court proceeding, who discloses or makes use of or knowingly permits the use of
 2281 identifying information *not otherwise available to the public* concerning a juvenile who is suspected of
 2282 being or is the subject of a proceeding within the jurisdiction of the family court pursuant to
 2283 subdivisions 1 through 5 of subsection A of § 16.1-241 or who is in the custody of the State Department
 2284 of Youth and Family Services, which information is directly or indirectly derived from the records or
 2285 files of a law-enforcement agency, court or the Department of Youth and Family Services or acquired in
 2286 the course of official duties, shall be guilty of a Class 3 misdemeanor.

2287 B. The provisions of this section shall not apply to any law-enforcement officer or school employee
 2288 who discloses to school personnel identifying information concerning a juvenile who is suspected of
 2289 committing or has committed a delinquent act that has met applicable criteria of § 16.1-260 and is
 2290 committed or alleged to have been committed on school property during a school-sponsored activity or
 2291 on the way to or from such activity, if the disclosure is made solely for the purpose of enabling school
 2292 personnel to take appropriate disciplinary action within the school setting against the juvenile. Further,
 2293 the provisions of this section shall not apply to school personnel who disclose information obtained
 2294 pursuant to §§ 16.1-305.1 and 22.1-288.2, if the disclosure is made solely to enable school personnel to
 2295 take appropriate actions within the school setting with regard to the juvenile or another student.

2296 § 16.1-309.4. Statewide plan for juvenile services.

2297 It shall be the duty of the Department of Youth and Family Services to devise, develop and
 2298 promulgate a statewide plan for the establishment and maintenance of a range of institutional and
 2299 community-based, predispositional and postdispositional services to be reasonably accessible to each
 2300 court. The Department shall be responsible for the collection and dissemination of the required court
 2301 data necessary for the development of the plan. The plan shall utilize the information provided by local
 2302 plans submitted under § 16.1-309.3. The plan shall be submitted to the Board on or before July 1 in
 2303 odd-numbered years. The plan shall include a biennial forecast with appropriate annual updates as may
 2304 be required of future ~~learning juvenile correctional~~ center and detention home needs.

2305 § 18.2-473. Persons aiding escape of prisoner or child.

2306 When a person is lawfully detained as a prisoner in any jail or prison or held in custody, or when a
 2307 child is placed in a local juvenile detention home, or committed to the Department of Youth and Family
 2308 Services in any ~~learning juvenile correctional~~ center, or Reception and Diagnostic Center for Children or
 2309 held in custody, if any person: (1) conveys anything into the jail, prison, juvenile detention home,
 2310 ~~learning juvenile correctional~~ center or Reception and Diagnostic Center for Children with intent to
 2311 facilitate a person's escape therefrom, (2) in any way aids such prisoner or child to escape, or in an
 2312 attempt to escape, from such jail, prison, juvenile detention home, ~~learning juvenile correctional~~ center,
 2313 Reception and Diagnostic Center for Children or custody, or (3) forcibly takes, or attempts to take him
 2314 therefrom, such person, if the taking or escape is effected, shall, if the prisoner or child was detained on
 2315 conviction, commitment or charge of felony, be confined in a state correctional facility not less than one
 2316 year nor more than five years. If the same is not effected, or if the prisoner or child was not detained on
 2317 such conviction, commitment or charge, he shall be guilty of a Class 1 misdemeanor.

2318 § 19.2-3.1. Personal appearance by two-way electronic video and audio communication; standards.

2319 A. Where an appearance is required or permitted before a magistrate, *intake officer* or, prior to trial,
 2320 before a judge, the appearance may be by (i) personal appearance before the magistrate, *intake officer* or
 2321 judge or (ii) use of two-way electronic video and audio communication. If two-way electronic video and
 2322 audio communication is used, a magistrate, *intake officer* or judge may exercise all powers conferred by
 2323 law and all communications and proceedings shall be conducted in the same manner as if the
 2324 appearance were in person, and any documents filed may be transmitted by electronically transmitted
 2325 facsimile process. The facsimile may be served or executed by the officer or person to whom sent, and
 2326 returned in the same manner, and with the same force, effect, authority, and liability as an original
 2327 document. All signatures thereon shall be treated as original signatures.

2328 B. Any two-way electronic video and audio communication system used for an appearance shall meet
 2329 the following standards:

2330 1. The persons communicating must simultaneously see and speak to one another;

2331 2. The signal transmission must be live, real time;

2332 3. The signal transmission must be secure from interception through lawful means by anyone other
 2333 than the persons communicating; and

2334 4. Any other specifications as may be promulgated by the Chief Justice of the Supreme Court.

2335 § 19.2-311. Indeterminate commitment to Department of Corrections in certain cases; duration and

2336 character of commitment; concurrence by Department.

2337 A. The judge, after a finding of guilt, when fixing punishment in those cases specifically enumerated
2338 in subsection B of this section, may, in his discretion, in lieu of imposing any other penalty provided by
2339 law and, with consent of the person convicted, commit such person for a period of four years, which
2340 commitment shall be indeterminate in character. Subject to the provisions of subsection C hereof, such
2341 persons shall be committed to the Department of Corrections for initial confinement for a period not to
2342 exceed three years. Such confinement shall be followed by at least one year of supervisory parole,
2343 conditioned on good behavior, but such parole period shall not, in any case, continue beyond the
2344 four-year period. The sentence of indeterminate commitment and eligibility for continuous evaluation
2345 and parole under § 19.2-313 shall remain in effect but eligibility for use of programs and facilities
2346 specified in § 53.1-64 shall lapse if such person (i) voluntarily withdraws from the youthful offender
2347 program, (ii) exhibits intractable behavior as defined in § 53.1-66, or (iii) is convicted of a second
2348 criminal offense which is a felony. A sentence imposed for any second criminal offense shall run
2349 consecutively with the indeterminate sentence.

2350 B. The provisions of subsection A of this section shall be applicable to first convictions in which the
2351 person convicted:

2352 1. Committed the offense of which convicted after becoming eighteen but before becoming
2353 twenty-one years of age, or was a juvenile certified for trial as an adult under the provisions of
2354 ~~§ 16.1-269.6 or § 16.1-272~~ *tried as an adult in the circuit court;*

2355 2. Was convicted of an offense which is either (i) a felony not punishable as a Class 1 felony; or (ii)
2356 a misdemeanor involving injury to a person or damage to or destruction of property; and

2357 3. Is considered by the judge to be capable of returning to society as a productive citizen following a
2358 reasonable amount of rehabilitation.

2359 C. Subsequent to a finding of guilt and prior to fixing punishment, the Department of Corrections
2360 and the Parole Board shall, concurrently with the evaluation required by § 19.2-316, review all aspects
2361 of the case to determine whether (i) such indeterminate sentence of commitment is in the best interest of
2362 the Commonwealth and of the person convicted and (ii) facilities are available for the confinement of
2363 such person. After the review such person shall be again brought before the court, which shall review
2364 the findings of the Department and the Parole Board. The court may impose a sentence as authorized in
2365 subsection A, or any other penalty provided by law.

2366 § 19.2-388. Duties and authority of Exchange.

2367 A. It shall be the duty of the Central Criminal Records Exchange to receive, classify and file
2368 criminal history record information as defined in § 9-169 and other records required to be reported to it
2369 by §§ 16.2-299 and 19.2-390. The Exchange is authorized to prepare and furnish to all state and local
2370 law-enforcement officials and agencies; to clerks of circuit courts, general district courts, and juvenile
2371 and domestic relations district courts; and to corrections and penal officials, forms which shall be used
2372 for the making of such reports.

2373 B. Juvenile records received pursuant to § 16.1-299 shall be maintained separately from adult records
2374 and shall be destroyed when the juvenile has attained the age of twenty-nine, unless he was convicted of
2375 an offense reportable to the Central Criminal Records Exchange committed when he was between the
2376 ages of eighteen and twenty-nine.

2377 § 19.2-389.1. Dissemination of juvenile record information.

2378 Record information maintained in the Central Criminal Records Exchange pursuant to the provisions
2379 of § 16.1-299 shall be disseminated only (i) to make the determination as provided in §§ 18.2-308.2 and
2380 18.2-308.2:2 of eligibility to possess or purchase a firearm, (ii) to aid in the preparation of a
2381 pre-sentence or post-sentence investigation report pursuant to § 19.2-264.5 or § 19.2-299, (iii) to aid all
2382 court service units serving juvenile delinquent offenders, and (iv) for fingerprint comparison utilizing the
2383 fingerprints maintained in the Automated Fingerprint Information System (AFIS) computer, and (v) to
2384 attorneys for the Commonwealth to secure information incidental to sentencing and to attorneys for the
2385 Commonwealth and probation officers to prepare the discretionary sentencing guidelines worksheets
2386 pursuant to subsection C of § 19.2-298.01.

2387 § 19.2-390. Reports to be made by local law-enforcement officers, conservators of the peace and
2388 clerks of court to State Police; material submitted by other agencies.

2389 A. Every state official or agency having the power to arrest, the sheriffs of counties, the police
2390 officials of cities and towns, and any other local law-enforcement officer or conservator of the peace
2391 having the power to arrest for a felony shall make a report to the Central Criminal Records Exchange,
2392 on forms provided by it, of any arrest on any of the following charges:

2393 1. Treason;

2394 2. Any felony;

2395 3. Any offense punishable as a misdemeanor under Title 54.1; or

2396 4. Any misdemeanor punishable by confinement in jail under Title 18.2 or 19.2, except an arrest for

2397 a violation of Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2, for violation of Article 2
2398 (§ 18.2-415 et seq.) of Chapter 9 of Title 18.2, or § 18.2-119 or any similar ordinance of any county,
2399 city or town.

2400 The reports shall contain such information as is required by the Exchange and shall be accompanied
2401 by fingerprints of the individual arrested. Fingerprint cards prepared by a law-enforcement agency for
2402 inclusion in a national criminal justice file shall be forwarded to the Exchange for transmittal to the
2403 appropriate bureau.

2404 For persons arrested and released on summonses in accordance with § 19.2-74, such report shall not
2405 be required until (i) after a conviction is entered and no appeal is noted or if an appeal is noted, the
2406 conviction is upheld upon appeal or the person convicted withdraws his appeal; (ii) the court dismisses
2407 the proceeding pursuant to § 18.2-251; or (iii) after a verdict of acquittal by reason of insanity pursuant
2408 to § 19.2-182.2. Upon such conviction or acquittal, the court shall remand the individual to the custody
2409 of the office of the chief law-enforcement officer of the county or city. It shall be the duty of the chief
2410 law-enforcement officer, or his designee who may be the arresting officer, to ensure that such report is
2411 completed after a determination of guilt or acquittal by reason of insanity. The court shall require the
2412 officer to complete the report immediately following his conviction or acquittal, and the individual shall
2413 be discharged from custody forthwith, unless the court has imposed a jail sentence to be served by him
2414 or ordered him committed to the custody of the Commissioner of the Department of Mental Health,
2415 Mental Retardation and Substance Abuse Services.

2416 B. Within seventy-two hours following the receipt of a warrant or capias for the arrest of any person
2417 on a charge of a felony, the law-enforcement agency which received the charge shall enter the accused's
2418 name and other appropriate information required by the Department of State Police into the "information
2419 system", known as the Virginia Criminal Information Network (VCIN), established and maintained by
2420 the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. The report shall include the person's
2421 name, date of birth, social security number and such other known information which the State Police
2422 may require. Any unexecuted criminal process which has been entered into the VCIN system shall be
2423 removed forthwith by the entering law-enforcement agency when the criminal process has been ordered
2424 destroyed pursuant to § 19.2-76.1.

2425 C. The clerk of each circuit court and district court shall make a report to the Central Criminal
2426 Records Exchange of (i) any dismissal, indefinite postponement or continuance, charge still pending due
2427 to mental incompetency, nolle prosequi, acquittal, or conviction of, or failure of a grand jury to return a
2428 true bill as to, any person charged with an offense listed in subsection A of this section and (ii) any
2429 adjudication of delinquency based upon an act which ~~would be a felony~~, if committed by an adult,
2430 ~~provided fingerprints and photographs of the juvenile were required~~ *would require fingerprints to be*
2431 ~~taken~~ *filed* pursuant to subsection A of ~~§ 16.1-299~~. In the case of offenses not required to be reported
2432 to the Exchange by subsection A of this section, the reports of any of the foregoing dispositions shall be
2433 filed by the law-enforcement agency making the arrest with the arrest record required to be maintained
2434 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,
2435 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
2436 helpless or mentally incapacitated as defined in § 18.2-67.10, subsection B of § 18.2-361 or subsection B
2437 of § 18.2-366, including juveniles tried and convicted in the circuit courts pursuant to ~~§ 16.1-269~~
2438 ~~16.1-269.1~~, whether sentenced as adults or juveniles, the clerk shall also submit a report to the Sex
2439 Offender Registry. The report to the Sex Offender Registry shall include the name of the person
2440 convicted and all aliases which he is known to have used, the date and locality of the conviction for
2441 which registration is required, his date of birth, social security number, last known address, and specific
2442 reference to the offense for which he was convicted. No report of conviction or adjudication in a district
2443 court shall be filed unless the period allowed for an appeal has elapsed and no appeal has been
2444 perfected. In the event that the records in the office of any clerk show that any conviction or
2445 adjudication has been nullified in any manner, he shall also make a report of that fact to the Exchange
2446 and, if appropriate, to the Registry, and each clerk of a circuit court, upon receipt of certification thereof
2447 from the Supreme Court, shall report to the Exchange or the Registry, or to the law-enforcement agency
2448 making the arrest in the case of offenses not required to be reported to the Exchange, on forms provided
2449 by the Exchange or Registry, as the case may be, any reversal or other amendment to a prior sentence
2450 or disposition previously reported. When criminal process is ordered destroyed pursuant to § 19.2-76.1,
2451 the clerk shall report such action to the law-enforcement agency that entered the warrant or capias into
2452 the VCIN system.

2453 D. In addition to those offenses enumerated in subsection A of this section, the Central Criminal
2454 Records Exchange may receive, classify and file any other fingerprints and records of arrest or
2455 confinement submitted to it by any law-enforcement agency or any correctional institution.

2456 E. Corrections officials responsible for maintaining correctional status information, as required by the
2457 rules and regulations of the Department of Criminal Justice Services, with respect to individuals about
2458 whom reports have been made under the provisions of this chapter shall make reports of changes in

2459 correctional status information to the Central Criminal Records Exchange.

2460 F. Officials responsible for reporting disposition of charges, and correctional changes of status of
2461 individuals under this section, including those reports made to the Sex Offender Registry, shall adopt
2462 procedures reasonably designed at a minimum (i) to ensure that such reports are accurately made as
2463 soon as feasible by the most expeditious means and in no instance later than thirty days after occurrence
2464 of the disposition or correctional change of status; and (ii) to report promptly any correction, deletion, or
2465 revision of the information.

2466 G. Upon receiving a correction, deletion, or revision of information, the Central Criminal Records
2467 Exchange shall notify all criminal justice agencies known to have previously received the information.

2468 As used in this section, the term "chief law-enforcement officer" means the chief of police of cities
2469 and towns and sheriffs of counties, unless a political subdivision has otherwise designated its chief
2470 law-enforcement officer by appropriate resolution or ordinance, in which case the local designation shall
2471 be controlling.

2472 § 19.2-392.01. Judges may require taking of fingerprints and photographs in certain misdemeanor
2473 cases.

2474 The judge of a ~~general~~ district court may, in his discretion, on motion of the attorney for the
2475 Commonwealth, require the duly constituted police officers of the county, city or town within the
2476 territorial jurisdiction of the court to take the fingerprints and photograph of any person who has been
2477 arrested and charged with a misdemeanor other than a misdemeanor which is a violation of any
2478 provision of Title 46.2.

2479 § 22.1-209.1:2. (Effective until July 1, 1997) Alternative education programs for certain students.

2480 A. With such funds as may be appropriated for this purpose, the Board of Education shall establish a
2481 program consisting of alternative education options for school-age children in compliance with
2482 subdivision D 8 of § 22.1-253.13:1 who (i) have committed an offense in violation of school board
2483 policies relating to weapons, alcohol or drugs, or intentional injury to another person, or against whom a
2484 petition or warrant has been filed alleging such acts or school board charges alleging such policy
2485 violations are pending; (ii) have been expelled from school attendance or have received one suspension
2486 for an entire semester, or have received two or more long-term suspensions within one school year; or
2487 (iii) have been released from a ~~youth learning~~ *juvenile correctional* center and have been identified by
2488 the Superintendent of the Department of Correctional Education and the relevant division superintendent
2489 as requiring an alternative education program. However, no child shall be assigned to any alternative
2490 education program described in this section for more than one school year without an annual assessment
2491 of the placement to determine the appropriateness of transitioning the child into the school division's
2492 regular program. On and after July 1, 1994, the program shall consist of up to ten regional pilot
2493 projects; any additional pilot projects shall be located in regions throughout the state to provide greater
2494 geographical distribution of such projects. All such projects shall be awarded on a competitive basis to
2495 applicants responding to requests for proposals, giving priority in awarding any new sites, to the extent
2496 practicable, to applicants in areas with high student suspension and expulsion rates that meet the
2497 requirements in subsection B of this section. The Board of Education shall promulgate regulations for
2498 the implementation of the program.

2499 B. Upon the appropriation of funds for the purposes of this section, the Department of Education
2500 shall issue a request for proposals for regional projects to pilot selected alternative education options by
2501 July 1, 1993. The first such grants shall be awarded by August 20, 1993. Applications for grants shall
2502 include the following components:

2503 1. An agreement executed by two or more school divisions and approval of their respective
2504 governing bodies to pilot an alternative education option as provided in subsection A, and a plan for the
2505 apportionment of responsibilities for the administration, management, and support of the program,
2506 including, but not limited to, the facilities and location for the program, daily operation and oversight,
2507 staffing, instructional materials and resources, transportation, funding and in-kind services, and the
2508 program of instruction.

2509 2. A procedure for obtaining the participation in or support for the program, as may be determined,
2510 of the parents, guardian or other person having charge or control of a child placed in the program.

2511 3. An interagency agreement for cooperation executed by the local departments of health and social
2512 services or welfare; the juvenile and domestic relations district court; law-enforcement agencies;
2513 institutions of higher education and other post-secondary training programs; professional and community
2514 organizations; the business and religious communities; dropout prevention and substance abuse
2515 prevention programs; community services boards located in the applicants' respective jurisdictions; and
2516 the Department of Correctional Education.

2517 4. A curriculum developed for intensive, accelerated instruction designed to establish high standards
2518 and academic achievement for participating students.

2519 5. An emphasis on building self-esteem and the promotion of personal and social responsibility.

2520 6. A low pupil-teacher ratio to promote a high level of interaction between the students and the
2521 teacher.

2522 7. An extended day program, where appropriate, to facilitate remediation; tutoring; counseling;
2523 organized, age-appropriate, developmental education for elementary and middle school children; and
2524 opportunities that enhance acculturation and permit students to improve their social and interpersonal
2525 relationship skills.

2526 8. Community outreach to build strong school, business, and community partnerships, and to promote
2527 parental involvement in the educational process of participating children.

2528 9. Specific, measurable goals and objectives and an evaluation component to determine the program's
2529 effectiveness in reducing acts of crime and violence by students, the dropout rate, the number of youth
2530 committed to ~~youth learning juvenile correctional~~ centers, and recidivism; and in increasing the
2531 academic achievement levels and rehabilitative success of participating students, admission to institutions
2532 of higher education and other post-secondary education and training programs, and improving staff
2533 retention rates.

2534 10. The number of children who may be assigned to the regional pilot alternative education program
2535 during the school year.

2536 11. A plan for transitioning the enrolled students into the relevant school division's regular program.

2537 12. A current program of staff development and training.

2538 C. Beginning with the first year of program implementation, the Department of Education shall be
2539 entitled to deduct annually from the locality's share for the education of its students a sum equal to the
2540 actual local expenditure per pupil for the support of those students placed by the relevant school division
2541 in any such pilot program. The amount of the actual transfers shall be based on data accumulated during
2542 the prior school year.

2543 D. A school board shall require written notification to the pupil's parent, guardian, or other person
2544 having charge or control, when a pupil commits an offense in violation of school board policies, which
2545 school officials determine was committed without the willful intent to violate such policies, or when the
2546 offense did not endanger the health and safety of the individual or other persons, of the nature of the
2547 offense no later than two school days following its occurrence. A school board shall require the
2548 principal of the school where the child is in attendance or other appropriate school personnel to develop
2549 appropriate measures, in conjunction with the pupil's parent or guardian, for correcting such behavior.

2550 E. The Board shall require submission of interim evaluation reports of each pilot program biannually
2551 and shall compile these reports and other program materials and report the status of such programs on a
2552 periodic basis, as may be established, during the 1993 legislative interim to the Special Joint
2553 Subcommittee on School Crime and Violence. The Board shall report the effectiveness of such programs
2554 and their components annually to the Governor and the General Assembly beginning by December 1,
2555 1994.

2556 F. For the purposes of this section, "regional pilot program" means a program supported and
2557 implemented by two or more school divisions which are either geographically contiguous or have a
2558 community of interest.

2559 G. For the purposes of this section, "one school year" means no more than 180 teaching days.

2560 § 22.1-288.2. Receipt, dissemination and maintenance of records of certain adjudications or
2561 convictions.

2562 A. A division superintendent shall disseminate the notice or information contained in a notice
2563 received by him pursuant to § 16.1-305.1 to school personnel responsible for the management of student
2564 records and to other relevant school personnel, including, but not limited to, the principal of the school
2565 in which the student is enrolled, only (i) if the student poses a danger to himself or others or (ii) to
2566 facilitate the student's appropriate educational placement or other educational services.

2567 B. A parent, guardian or other person having control or charge of a student in a public school and,
2568 with consent of a parent or in compliance with a court order, the court in which the disposition was
2569 rendered, shall be notified in writing of any disciplinary action taken with regard to any incident upon
2570 which the adjudication or conviction was based and the reasons therefor. The parent or guardian shall
2571 also be notified of his or her right to review, and to request an amendment of, the student's scholastic
2572 record, in accordance with regulations of the Board of Education governing the management of
2573 scholastic records.

2574 Every notice of adjudication or conviction received by a superintendent, and information contained in
2575 the notice, which is not a disciplinary record as defined in Board of Education regulations, shall be
2576 maintained by him and by any others to whom he disseminates it, separately from all other records
2577 concerning the student. However, if the school administrators or the school board takes disciplinary
2578 action against a student based upon an incident which formed the basis for the adjudication or
2579 conviction, the notice shall become a part of the student's disciplinary record.

2580 C. *When a superintendent receives notice of the filing of a petition from the intake officer in*
2581 *accordance with § 16.1-260, or upon request of a court services unit for information made in*

2582 conjunction with the preparation of a social history report pursuant to § 16.1-273, the superintendent
 2583 shall provide information regarding the student's educational and attendance status to the intake officer
 2584 or court services unit, as the case may be. Whenever a division superintendent receives notice of a
 2585 student's commitment to the Department of Youth and Family Services, the superintendent or his
 2586 designee shall participate in the development of a reenrollment plan as provided in § 16.1-293.

2587 § 22.1-344. Appointment of Superintendent of Correctional Education; powers and duties.

2588 The Governor shall appoint, subject to confirmation by the General Assembly, the Superintendent of
 2589 the Department of Correctional Education, who shall meet the minimum standards for division
 2590 superintendents set by the Board of Education. The Superintendent shall supervise the administration of
 2591 the Department of Correctional Education, and prepare, approve, and submit all requests for
 2592 appropriations and be responsible for all expenditures pursuant to appropriations. The Superintendent
 2593 shall also employ teachers and place them in appropriate schools. The Superintendent shall also develop
 2594 and implement a literacy program for inmates in correctional facilities. It shall be the duty of the
 2595 Superintendent of Correctional Education to notify the division superintendent of the school division of
 2596 the school last attended by a pupil that such pupil is in attendance in a school in the department's
 2597 learning juvenile correctional centers. Such notice shall include, but not be limited to, name, address,
 2598 age, last school attended, the last grade in which the pupil was enrolled, and the program of instruction
 2599 in which such pupil is enrolled currently at the learning juvenile correctional center. Other powers and
 2600 duties of the Superintendent of Correctional Education shall be fixed by the Board of Education in
 2601 accordance with law.

2602 § 29.1-317. Special fishing permits for certain juveniles.

2603 A. Upon application from the superintendent of any juvenile learning correctional center maintained
 2604 and operated by the Department of Youth and Family Services, the Director may issue a permit to allow
 2605 the residents of such learning juvenile correctional center to fish under supervision without licenses in
 2606 public waters open to fishing. The permits shall not be issued for use in designated waters stocked with
 2607 trout or in waters where a daily fishing fee has been imposed pursuant to § 29.1-318.

2608 B. The application for the permit shall state the name and description of the group, the period of
 2609 time during which it will be used, the general area in which it will be used, and the name of the person
 2610 who will be responsible for the group.

2611 § 53.1-63.1. Department to establish facilities for juveniles sentenced as adults.

2612 The Department shall establish, staff and maintain, at any state correctional facilities designated by
 2613 the Board, programs and housing for the rehabilitation, training, and confinement of juveniles sentenced
 2614 by the circuit courts as adults and committed to the Department pursuant to § 16.1-272. The Department
 2615 of Correctional Education shall establish, staff, and maintain education for such juveniles in accordance
 2616 with Chapter 18 (§ 22.1-339 et seq.) of Title 22.1.

2617 § 53.1-66. Transfer of prisoners to other facilities.

2618 Any person confined by the Department in a facility established by this chapter may be transferred
 2619 from such facility to other facilities in the state corrections system for the remainder of the period of
 2620 commitment under § 16.1-272 or Article 2 (§ 19.2-311 et seq.) of Chapter 18 of Title 19.2, upon a
 2621 written finding by the Department submitted to the sentencing court that the person has exhibited
 2622 intractable behavior or, in the case of persons committed under § 19.2-311, otherwise becomes ineligible
 2623 to use such facilities pursuant to § 19.2-311.

2624 "Intractable behavior" means behavior which (i) indicates an inmate's unwillingness or inability to
 2625 conform his behavior to that necessary to his successful completion of the program or (ii) is so
 2626 disruptive as to threaten the successful completion of the program by other participants.

2627 § 66-10. Powers and duties of Board.

2628 The Board shall have the following powers and duties:

2629 1. To develop and establish programmatic and fiscal policies governing the operation of programs
 2630 and facilities for which the Department is responsible under this law.

2631 2. To ensure the development and implementation of a long-range youth services policy.

2632 3. To review and comment on all budgets and requests for appropriations for the Department prior to
 2633 their submission to the Governor and on all applications for federal funds.

2634 4. To monitor the activities of the Department and its effectiveness in implementing the policies of
 2635 the Board.

2636 5. To advise the Governor, Director and the General Assembly on matters relating to youth services.

2637 6. To promulgate such regulations as may be necessary to carry out the provisions of this title and
 2638 other laws of the Commonwealth administered by the Director or the Department. The Board of Youth
 2639 and Family Services may adopt such Board of Corrections' regulations and standards as it may deem
 2640 appropriate. If regulations and standards so adopted are not amended substantively by the Board of
 2641 Youth and Family Services, such Board need not comply with the provisions of Article 2 (§ 9-6.14:7.1
 2642 et seq.) of Chapter 1.1:1 of Title 9.

2643 7. To ensure the development of programs to educate citizens and elicit public support for the
2644 activities of the Department.

2645 8. *To establish length-of-stay guidelines for juveniles indeterminately committed to the Department*
2646 *and to make such guidelines available for public comment.*

2647 § 66-13. Authority of Department as to juveniles committed to it; establishment of facilities;
2648 arrangements for temporary care.

2649 A. The Department is authorized and empowered to receive ~~children~~ juveniles committed to it by the
2650 courts of the Commonwealth pursuant to ~~§ 16.1-278.8~~. The Department shall establish, staff and
2651 maintain facilities for the rehabilitation, training and confinement of such ~~children~~ juveniles. The
2652 Department may make arrangements with satisfactory persons, institutions or agencies, or with cities or
2653 counties maintaining places of detention for ~~children~~ juveniles, for the temporary care of such ~~children~~
2654 juveniles.

2655 B. *In accordance with the Corrections Private Management Act (Chapter 15, § 53.1-161 et seq. of*
2656 *Title 53.1), the Department may establish, or contract with private entities, political subdivisions or*
2657 *commissions, to establish juvenile boot camps. The Board shall prescribe standards for the development,*
2658 *implementation and operation of the boot camps with highly structured components including, but not*
2659 *limited to, military style drill and ceremony, physical labor, education and rigid discipline and no less*
2660 *than six months of intensive aftercare. The Department of Correctional Education shall establish, staff,*
2661 *and maintain educational programs for such juveniles in accordance with Chapter 18 (§ 22.1-339 et*
2662 *seq.) of Title 22.1. A contract to expend state funds to establish a facility for a juvenile boot camp shall*
2663 *not be executed by the Department unless an appropriation has been expressly approved as is otherwise*
2664 *provided by law.*

2665 C. *The Department may by mutual agreement with a locality or localities and, pursuant to standards*
2666 *promulgated pursuant to § 16.1-309.9, establish detention homes for use by a locality or localities for*
2667 *pre-trial and post-dispositional detention pursuant to §§ 16.1-248.1 and 16.1-284.1. The Department*
2668 *may collect by mutual agreement with a locality or localities and from any locality of this*
2669 *Commonwealth from which a juvenile is placed in such a detention home, the reasonable cost of*
2670 *maintaining such juvenile in such facility and a portion of the cost of construction of such facility. Such*
2671 *agreements shall be subject to approval by the General Assembly in the general appropriation act.*

2672 § 66-24. Community group homes and other residential facilities for certain juveniles; personnel.

2673 The Department is authorized to establish and maintain such a system of community group homes or
2674 other residential care facilities as the Department may from time to time acquire, construct, *contract for*
2675 *or rent for the care of* ~~children~~ juveniles in direct state care, pending development of more permanent
2676 placement plans. Such placement plans shall consider adequate care and treatment, and suitable
2677 education, training and employment for such ~~children~~ juveniles, as is appropriate. The Department is
2678 further authorized to employ necessary personnel for such facilities *or to contract with private entities*
2679 *for their operation.* The Board shall adopt such regulations for the operation of such facilities as it may
2680 deem appropriate.

2681 2. **That the provisions of this act may result in a net increase in periods of imprisonment in state**
2682 **correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation**
2683 **is \$5,382,720.**

2684 3. **That beginning July 1, 1996, the magistrate training program established by the Committee on**
2685 **District Courts pursuant to § 19.2-38 shall include a mandatory component addressing the issuance**
2686 **of warrants and detention orders in juvenile and family courts.**

2687 4. **That beginning July 1, 1996, the circuit court judge training program shall include a mandatory**
2688 **component addressing juvenile court dispositional options for juveniles tried in circuit courts.**

2689 5. **That the Department of Youth and Family Services shall conduct a three-year follow-up of**
2690 **juveniles sentenced to Boot Camps established pursuant to § 66-13 to determine the effectiveness of**
2691 **this sentencing option. Beginning October 1, 1997, and each year thereafter, the Department shall**
2692 **report the findings of the evaluations to the chairmen of the House Committees on/for**
2693 **Appropriations, Courts of Justice and Health, Welfare and Institutions and the Senate Committees**
2694 **on/for Courts of Justice, Education and Health and Finance.**

2695 6. **That no later than October 1, 1996, the Board of Youth and Family Services shall establish**
2696 **length-of-stay guidelines for juveniles indeterminately committed to the Department. By November**
2697 **1, 1996, and annually thereafter, the Department shall provide copies of the guidelines and the**
2698 **estimated impact on juvenile correctional facility bed space needs to the General Assembly.**

2699 7. **That the provisions of this act shall apply to offenses committed and to records created and**
2700 **proceedings held with respect to those offenses on or after July 1, 1996.**