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HOUSE BILL NO. 2032

House Amendments in [] — February 3, 1997

A BILL to amend and reenact § 16.1-278.5 of the Code of Virginia, as it is currently effective and as it may become effective, relating to children in need of supervision.

Patrons—Dillard, Albo, Callahan, Hull, Keating, Lovelace, McClure, Mims, Plum, Puller, Rust, Scott and Watts; Senators: Barry, Ticer, Waddell and Woods

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-278.5 of the Code of Virginia, as it is currently effective and as it may become effective, is amended and reenacted as follows:

§ 16.1-278.5. Children in need of supervision.

A. If a child is found to be in need of supervision, the court shall, before final disposition of the case, direct the appropriate public agency to evaluate the child's service needs using an interdisciplinary team approach. The team shall consist of qualified personnel who are reasonably available from the appropriate department of social services, community services board, local school division, court service unit and other appropriate and available public and private agencies and may be the family assessment and planning team established pursuant to § 2.1-753. A report of the evaluation shall be filed as provided in § 16.1-274 A. *In lieu of directing an evaluation be made, the court may consider the report [concerning the child] of an [equivalent] interdisciplinary team which met [within not more than] ninety days prior to the court's making a finding that the child is in need of supervision.*

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

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

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

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

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

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

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

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

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

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

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60 provided in § 16.1-274 A. *In lieu of directing an evaluation be made, the court may consider the report*
61 *[concerning the child] of an [~~equivalent~~] interdisciplinary team which met [~~within~~ not more than]*
62 *ninety days prior to the court's making a finding that the child is in need of supervision.*

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

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

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

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

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

75 5. a. In the case of any child subject to compulsory school attendance as provided in § 22.1-254,
76 where the court finds that the child's parent is in violation of §§ 22.1-254, 22.1-255, 22.1-265, or
77 § 22.1-267, in addition to any penalties provided in § 22.1-263 or § 22.1-265, the court may order the
78 parent with whom the child is living to participate in such programs, cooperate in such treatment, or be
79 subject to such conditions and limitations as the court may order and as are designed for the
80 rehabilitation of the child and/or the parent. Upon the failure of the parent to so participate or cooperate,
81 or to comply with the conditions and limitations that the court orders, the court may impose a fine of
82 not more than \$100 for each day in which the person fails to comply with the court order.

83 b. If the court finds that the parent has willfully disobeyed a lawful process, judgment, decree, or
84 court order requiring such person to comply with the compulsory school attendance law, in addition to
85 any conditions or limitations that the court may order or any penalties provided by §§ 16.1-278.2
86 through 16.1-278.19, 22.1-263 or § 22.1-265, the court may impose the penalty authorized by
87 § 18.2-371.

88 C. Any order entered pursuant to this section shall be provided in writing to the child, his parent or
89 legal custodian, and to the child's attorney and shall contain adequate notice of the provisions of
90 § 16.1-292 regarding willful violation of such order.