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## HOUSE BILL NO. 2478

Offered January 20, 1997

A BILL to amend and reenact §§ 16.1-278.4 and 16.1-278.6 of the Code of Virginia, as currently effective and as they may become effective, relating to status offenders; disposition.

Patron—Melvin

Referred to Committee for Courts of Justice

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

**1. That §§ 16.1-278.4 and 16.1-278.6 of the Code of Virginia as currently effective and as they may become effective, are amended and reenacted as follows:**

§ 16.1-278.4. Children in need of services.

If a child is found to be in need of services *or a status offender*, the juvenile court or the circuit court may make any of the following orders of disposition for the supervision, care and rehabilitation of the child:

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

2. Permit the child to remain with his parent subject to such conditions and limitations as the court may order with respect to such child and his parent.

3. 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 his parent.

4. Beginning July 1, 1992, in the case of any child fourteen years of age or older, where the court finds that the child is not able to benefit appreciably from further schooling, the court may excuse the child from further compliance with any legal requirement of compulsory school attendance as provided under § 22.1-257 or authorize the child, notwithstanding the provisions of any other law, to be employed in any occupation which is not legally declared hazardous for children under the age of eighteen.

5. Permit the local board of social services or a public agency designated by the community policy and management team to place the child, subject to the provisions of § 16.1-281, in suitable family homes, child caring-institutions, residential facilities, or independent living arrangements with legal custody remaining with the parents or guardians. The local board or public agency and the parents or guardians shall enter into an agreement which shall specify the responsibilities of each for the care and control of the child. The board or public agency which places the child shall have the final authority to determine the appropriate placement for the child.

Any order allowing a local board or public agency to place a child where legal custody remains with the parents or guardians as provided in this section shall be entered only upon a finding by the court that reasonable efforts have been made to prevent placement out of the home and that continued placement in the home would be contrary to the welfare of the child, and the order shall so state.

6. Transfer legal custody to any of the following:

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

b. A child welfare agency, private organization or facility which is licensed or otherwise authorized by law to receive and provide care for such child. The court shall not transfer legal custody of a child in need of services to an agency, organization or facility out of the Commonwealth without the approval of the Commissioner of Social Services; or

c. The local board of public welfare or social services of the county or city in which the court has jurisdiction or, at the discretion of the court, to the local board of the county or city in which the child has residence if other than the county or city in which the court has jurisdiction. The local board shall accept the child for care and custody, provided that it has been given reasonable notice of the pendency of the case and an opportunity to be heard. However, in an emergency in the county or city in which the court has jurisdiction, the local board may be required to accept a child for a period not to exceed fourteen days without prior notice or an opportunity to be heard if the judge entering the placement order describes the emergency and the need for such temporary placement in the order. Nothing in this subdivision shall prohibit the commitment of a child to any local board of public welfare or social services in the Commonwealth when the local board consents to the commitment. The board to which the child is committed shall have the final authority to determine the appropriate placement for the child.

Any order authorizing removal from the home and transferring legal custody of a child to a local board of public welfare or social services as provided in this subdivision shall be entered only upon a

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60 finding by the court that reasonable efforts have been made to prevent removal and that continued  
61 placement in the home would be contrary to the welfare of the child, and the order shall so state.

62 7. Require the child to participate in a public service project under such conditions as the court  
63 prescribes.

64 § 16.1-278.4. (Delayed effective date) Children in need of services.

65 If a child is found to be in need of services *or a status offender*, the family court or the circuit court  
66 may make any of the following orders of disposition for the supervision, care and rehabilitation of the  
67 child:

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

69 2. Permit the child to remain with his parent subject to such conditions and limitations as the court  
70 may order with respect to such child and his parent.

71 3. Order the parent with whom the child is living to participate in such programs, cooperate in such  
72 treatment or be subject to such conditions and limitations as the court may order and as are designed for  
73 the rehabilitation of the child and his parent.

74 4. In the case of any child fourteen years of age or older, where the court finds that the child is not  
75 able to benefit appreciably from further schooling, the court may excuse the child from further  
76 compliance with any legal requirement of compulsory school attendance as provided under § 22.1-257 or  
77 authorize the child, notwithstanding the provisions of any other law, to be employed in any occupation  
78 which is not legally declared hazardous for children under the age of eighteen.

79 5. Permit the local board of social services or a public agency designated by the community policy  
80 and management team to place the child, subject to the provisions of § 16.1-281, in suitable family  
81 homes, child caring-institutions, residential facilities, or independent living arrangements with legal  
82 custody remaining with the parents or guardians. The local board or public agency and the parents or  
83 guardians shall enter into an agreement which shall specify the responsibilities of each for the care and  
84 control of the child. The board or public agency which places the child shall have the final authority to  
85 determine the appropriate placement for the child.

86 Any order allowing a local board or public agency to place a child where legal custody remains with  
87 the parents or guardians as provided in this section shall be entered only upon a finding by the court  
88 that reasonable efforts have been made to prevent placement out of the home and that continued  
89 placement in the home would be contrary to the welfare of the child, and the order shall so state.

90 6. Transfer legal custody to any of the following:

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

93 b. A child welfare agency, private organization or facility which is licensed or otherwise authorized  
94 by law to receive and provide care for such child. The court shall not transfer legal custody of a child in  
95 need of services to an agency, organization or facility out of the Commonwealth without the approval of  
96 the Commissioner of Social Services; or

97 c. The local board of public welfare or social services of the county or city in which the court has  
98 jurisdiction or, at the discretion of the court, to the local board of the county or city in which the child  
99 has residence if other than the county or city in which the court has jurisdiction. The local board shall  
100 accept the child for care and custody, provided that it has been given reasonable notice of the pendency  
101 of the case and an opportunity to be heard. However, in an emergency in the county or city in which  
102 the court has jurisdiction, the local board may be required to accept a child for a period not to exceed  
103 fourteen days without prior notice or an opportunity to be heard if the judge entering the placement  
104 order describes the emergency and the need for such temporary placement in the order. Nothing in this  
105 subdivision shall prohibit the commitment of a child to any local board of public welfare or social  
106 services in the Commonwealth when the local board consents to the commitment. The board to which  
107 the child is committed shall have the final authority to determine the appropriate placement for the  
108 child.

109 Any order authorizing removal from the home and transferring legal custody of a child to a local  
110 board of public welfare or social services as provided in this subdivision shall be entered only upon a  
111 finding by the court that reasonable efforts have been made to prevent removal and that continued  
112 placement in the home would be contrary to the welfare of the child, and the order shall so state.

113 7. Require the child to participate in a public service project under such conditions as the court  
114 prescribes.

115 § 16.1-278.6. Status offenders.

116 If a child is alleged to be a status offender, *including but not limited to those cases in which the*  
117 *juvenile is alleged to have committed a curfew violation or a violation of the law regarding tobacco*, the  
118 juvenile court or the circuit court may enter any order of disposition authorized by § 16.1-278.4.

119 § 16.1-278.6. (Delayed effective date) Status offenders.

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121 *juvenile is alleged to have committed a curfew violation or a violation of the law regarding tobacco*, the

**122** family court or the circuit court may enter any order of disposition authorized by § 16.1-278.4.

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