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SENATE BILL NO. 603

Offered January 22, 1996

A BILL to amend and reenact §§ 2.1-751, 2.1-753, 2.1-757, 9-168, 16.1-224, 16.1-233, 16.1-234, 16.1-235, 16.1-236, 16.1-240, 16.1-254, 16.1-255, 16.1-260, 16.1-267, 16.1-278.5, 16.1-278.7, 16.1-293, 16.1-300, 16.1-305, 63.1-248.3, and 63.1-248.4, as they are effective and as they may become effective, and §§ 16.1-237, 16.1-238, 16.1-239, 16.1-274, 16.1-285.2, 16.1-286, 16.1-294, 16.1-309.1, 16.1-309.3, 16.1-330.1, and 19.2-123 of the Code of Virginia, relating to juvenile probation and parole offices; proper nomenclature.

Patron—Norment (By Request)

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-751, 2.1-753, 2.1-757, 9-168, 16.1-224, 16.1-233, 16.1-234, 16.1-235, 16.1-236, 16.1-240, 16.1-254, 16.1-255, 16.1-260, 16.1-267, 16.1-278.5, 16.1-278.7, 16.1-293, 16.1-300, 16.1-305, 63.1-248.3, and 63.1-248.4, as they are effective and as they may become effective, and §§ 16.1-237, 16.1-238, 16.1-239, 16.1-274, 16.1-285.2, 16.1-286, 16.1-294, 16.1-309.1, 16.1-309.3, 16.1-330.1, and 19.2-123 of the Code of Virginia are amended and reenacted as follows:

§ 2.1-751. Community policy and management teams; membership; immunity from liability.

The community policy and management team to be appointed by the local governing body shall include, at a minimum, the local agency heads or their designees of the following community agencies: community services board established pursuant to § 37.1-195, juvenile ~~court services unit~~*probation and parole office* , department of health, department of social services and the local school division. The team shall also include a representative of a private organization or association of providers for children's or family services if such organizations or associations are located within the locality, and a parent representative who is not an employee of any public or private program which receives funds pursuant to this chapter or is represented on a community policy and management team. Those persons appointed to represent community agencies shall be authorized to make policy and funding decisions for their agencies.

The local governing body may appoint other members to the team including, but not limited to, a local government official, a local law-enforcement official and representatives of other public agencies.

When any combination of counties, cities or counties and cities establishes a community policy and management team, the membership requirements previously set out shall be adhered to by the team as a whole.

Persons who serve on the team shall be immune from any civil liability for decisions made about the appropriate services for a family or the proper placement or treatment of a child who comes before the team, unless it is proven that such person acted with malicious intent. Any person serving on such team who does not represent a public agency shall file a statement of economic interests as set out in § 2.1-639.15 of the State and Local Government Conflict of Interests Act (§ 2.1-639.1 et seq.). Persons representing public agencies shall file such statements if required to do so pursuant to the State and Local Government Conflict of Interests Act.

Persons serving on the team who are parent representatives or who represent private organizations or associations of providers for children's or family services shall abstain from decision-making involving individual cases or agencies in which they have either a personal interest, as defined in § 2.1-639.2 of the State and Local Government Conflict of Interests Act, or a fiduciary interest.

§ 2.1-751. (Delayed effective date) Community policy and management teams; membership; immunity from liability.

The community policy and management team to be appointed by the local governing body shall include, at a minimum, the local agency heads or their designees of the following community agencies: community services board established pursuant to § 37.1-195, ~~family court services unit~~ *juvenile probation and parole office* , department of health, department of social services and the local school division. The team shall also include a representative of a private organization or association of providers for children's or family services if such organizations or associations are located within the locality and a parent representative who is not an employee of any public or private program which receives funds pursuant to this chapter or is represented on a community policy and management team. Those persons appointed to represent community agencies shall be authorized to make policy and funding decisions for their agencies.

The local governing body may appoint other members to the team including, but not limited to, a

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§ 2.1-753. Family assessment and planning team; membership; immunity from liability.

Each community policy and management team shall establish and appoint one or more family assessment and planning teams as the needs of the community require. Each family assessment and planning team shall include representatives of the following community agencies who have authority to access services within their respective agencies: community services board established pursuant to § 37.1-195, juvenile ~~court services unit~~*probation and parole office* , department of health, department of social services, local school division and a parent representative who is not an employee of any public or private program which receives funds pursuant to this chapter, or is represented on a family assessment and planning team. The family assessment and planning team may include a representative of a private organization or association of providers for children's or family services and of other public agencies.

Persons who serve on a family assessment and planning team shall be immune from any civil liability for decisions made about the appropriate services for a family or the proper placement or treatment of a child who comes before the team, unless it is proven that such person acted with malicious intent. Any person serving on such team who does not represent a public agency shall file a statement of economic interests as set out in § 2.1-639.15 of the State and Local Government Conflict of Interests Act (§ 2.1-639.1 et seq.). Persons representing public agencies shall file such statements if required to do so pursuant to the State and Local Government Conflict of Interests Act.

Persons serving on the team who are parent representatives or who represent private organizations or associations of providers for children's or family services shall abstain from decision-making involving individual cases or agencies in which they have either a personal interest, as defined in § 2.1-639.2 of the State and Local Government Conflict of Interests Act, or a fiduciary interest.

§ 2.1-753. (Delayed effective date) Family assessment and planning team; membership; immunity from liability.

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Persons who serve on a family assessment and planning team shall be immune from any civil liability for decisions made about the appropriate services for a family or the proper placement or treatment of a child who comes before the team, unless it is proven that such person acted with malicious intent. Any person serving on such team who does not represent a public agency shall file a statement of economic interests as set out in § 2.1-639.15 of the State and Local Government Conflict of Interests Act (§ 2.1-639.1 et seq.). Persons representing public agencies shall file such statements if required to do so pursuant to the State and Local Government Conflict of Interests Act.

Persons serving on the team who are parent representatives or who represent private organizations or associations of providers for children's or family services shall abstain from decision-making involving individual cases or agencies in which they have either a personal interest, as defined in § 2.1-639.2 of the State and Local Government Conflict of Interests Act, or a fiduciary interest.

§ 2.1-757. State pool of funds.

A. Effective July 1, 1993, there is established a state pool of funds to be allocated to community

policy and management teams in accordance with the appropriations act and appropriate state regulations. These funds, as made available by the General Assembly, shall be expended for public or private nonresidential or residential services for troubled youths and families.

The purposes of this system of funding are:

1. To place authority for making program and funding decisions at the community level;

2. To consolidate categorical agency funding and institute community responsibility for the provision of services;

3. To provide greater flexibility in the use of funds to purchase services based on the strengths and needs of youths and families; and

4. To reduce disparity in accessing services and to reduce inadvertent fiscal incentives for serving children according to differing required local match rates for funding streams.

B. The state pool shall consist of funds which serve the target populations identified in subdivisions 1 through 5 below in the purchase of residential and nonresidential services for children. References to funding sources and current placement authority for the targeted populations of children are for the purpose of accounting for the funds in the pool. It is not intended that children be categorized by individual funding streams in order to access services. The target population shall be the following:

1. Children placed for purposes of special education in approved private school educational programs, previously funded by the Department of Education through private tuition assistance;

2. Children with disabilities placed by local social services agencies or the Department of Youth and Family Services in private residential facilities or across jurisdictional lines in private, special education day schools, if the individualized education program indicates such school is the appropriate placement while living in foster homes or child-caring facilities, previously funded by the Department of Education through the Interagency Assistance Fund for Noneducational Placements of Handicapped Children;

3. Children for whom foster care services, as defined by § 63.1-55.8, are being provided to prevent foster care placements, and children placed through parental agreements, entrusted to local social service agencies by their parents or guardians or committed to the agencies by any court of competent jurisdiction for purposes of placement in suitable family homes, child-caring institutions, residential facilities or independent living arrangements, as authorized by § 63.1-56;

4. Children placed by a juvenile and domestic relations district court, in accordance with the provisions of § 16.1-286, in a private or locally operated public facility or nonresidential program; and

5. Children committed to the Department of Youth and Family Services and placed by it in a private home or in a public or private facility in accordance with § 66-14.

C. The General Assembly and the governing body of each county and city shall annually appropriate such sums of money as shall be sufficient (i) to provide special education services and foster care services for children identified in subdivisions B 1, B 2 and B 3 of this section and (ii) to meet relevant federal mandates for the provision of these services. The community policy and management team shall anticipate to the best of its ability the number of children for whom such services will be required and reserve funds from its state pool allocation to meet these needs.

D. When a community services board established pursuant to § 37.1-195, local school division, local social service agency, ~~court service unit~~ *juvenile probation and parole office*, or the Department of Youth and Family Services has referred a child and family to a family assessment and planning team and that team has recommended the proper level of treatment and services needed by that child and family and has determined the child's eligibility for funding for services through the state pool of funds, then the community services board, the local school division, local social services agency, ~~court service unit~~ *juvenile probation and parole office* or Department of Youth and Family Services has met its fiscal responsibility for that child for the services funded through the pool. Each agency shall continue to be responsible for providing services identified in individual family service plans which are within the agency's scope of responsibility and which are funded separately from the state pool.

E. In any matter properly before a court wherein the family assessment and planning team has recommended a level of treatment and services needed by the child and family, the court shall consider the recommendations of the family assessment and planning team. However, the court may make such other disposition as is authorized or required by law, and services ordered pursuant to such disposition shall qualify for funding under this section.

§ 2.1-757. (Delayed effective date) State pool of funds.

A. Effective July 1, 1993, there is established a state pool of funds to be allocated to community policy and management teams in accordance with the appropriations act and appropriate state regulations. These funds, as made available by the General Assembly, shall be expended for public or private nonresidential or residential services for troubled youths and families.

The purposes of this system of funding are:

1. To place authority for making program and funding decisions at the community level;

2. To consolidate categorical agency funding and institute community responsibility for the provision

of services;

3. To provide greater flexibility in the use of funds to purchase services based on the strengths and needs of youths and families; and

4. To reduce disparity in accessing services and to reduce inadvertent fiscal incentives for serving children according to differing required local match rates for funding streams.

B. The state pool shall consist of funds which serve the target populations identified in subdivisions 1 through 5 below in the purchase of residential and nonresidential services for children. References to funding sources and current placement authority for the targeted populations of children are for the purpose of accounting for the funds in the pool. It is not intended that children be categorized by individual funding streams in order to access services. The target population shall be the following:

1. Children placed for purposes of special education in approved private school educational programs, previously funded by the Department of Education through private tuition assistance;

2. Children with disabilities placed by local social services agencies or the Department of Youth and Family Services in private residential facilities or across jurisdictional lines in private, special education day schools, if the individualized education program indicates such school is the appropriate placement while living in foster homes or child-caring facilities, previously funded by the Department of Education through the Interagency Assistance Fund for Noneducational Placements of Handicapped Children;

3. Children for whom foster care services, as defined by § 63.1-55.8, are being provided to prevent foster care placements, and children placed through parental agreements, entrusted to local social service agencies by their parents or guardians or committed to the agencies by any court of competent jurisdiction for purposes of placement in suitable family homes, child-caring institutions, residential facilities or independent living arrangements, as authorized by § 63.1-56;

4. Children placed by a family court, in accordance with the provisions of § 16.1-286, in a private or locally operated public facility or nonresidential program; and

5. Children committed to the Department of Youth and Family Services and placed by it in a private home or in a public or private facility in accordance with § 66-14.

C. The General Assembly and the governing body of each county and city shall annually appropriate such sums of money as shall be sufficient (i) to provide special education services and foster care services for children identified in subdivisions B 1, B 2 and B 3 of this section and (ii) to meet relevant federal mandates for the provision of these services. The community policy and management team shall anticipate to the best of its ability the number of children for whom such services will be required and reserve funds from its state pool allocation to meet these needs.

D. When a community services board established pursuant to § 37.1-195, local school division, local social service agency, ~~court service unit~~ *juvenile probation and parole office*, or the Department of Youth and Family Services has referred a child and family to a family assessment and planning team and that team has recommended the proper level of treatment and services needed by that child and family and has determined the child's eligibility for funding for services through the state pool of funds, then the community services board, the local school division, local social services agency, ~~court service unit~~ *juvenile probation and parole office* or Department of Youth and Family Services has met its fiscal responsibility for that child for the services funded through the pool. Each agency shall continue to be responsible for providing services identified in individual family service plans which are within the agency's scope of responsibility and which are funded separately from the state pool.

E. In any matter properly before a court wherein the family assessment and planning team has recommended a level of treatment and services needed by the child and family, the court shall consider the recommendations of the family assessment and planning team. However, the court may make such other disposition as is authorized or required by law, and services ordered pursuant to such disposition shall qualify for funding under this section.

§ 9-168. Criminal Justice Services Board, Committee on Training, and Advisory Committee on Juvenile Justice established; appointment; terms; vacancies; members not disqualified from holding other offices; designation of chairmen; expenses; meetings.

A. There is hereby created the Criminal Justice Services Board. The Board shall be composed of twenty-seven members as set out below. Eight members of the Board shall be as follows: the Chief Justice of the Supreme Court of Virginia, or his designee; the Attorney General of Virginia, or his designee; the Superintendent of the Department of State Police; the Director of the Department of Corrections; the Director of the Department of Youth and Family Services; the Superintendent of the Department of Correctional Education; the Chairman of the Parole Board; and the Executive Secretary of the Supreme Court of Virginia. In those instances in which the Executive Secretary of the Supreme Court of Virginia, the Superintendent of the Department of State Police, the Director of the Department of Corrections, the Director of the Department of Youth and Family Services, the Superintendent of the Department of Correctional Education, or the Chairman of the Parole Board will be unavoidably absent from a board meeting, he may appoint a member of his staff to represent him at the meeting. Fifteen members shall be appointed by the Governor from among residents of this Commonwealth who are

representative of the broad categories of state and local governments, criminal justice systems, and law-enforcement agencies, including but not limited to, police officials, sheriffs, attorneys for the Commonwealth, defense counsel, the judiciary, correctional and rehabilitative activities, and other locally elected and appointed administrative and legislative officials. Among these fifteen members there shall be two sheriffs representing the Virginia State Sheriffs Association selected from among names submitted by the Association; two representatives of the Chiefs of Police Association selected from among names submitted by the Association; one attorney for the Commonwealth selected from among names submitted by the Association for Commonwealth's Attorneys; one person who is a mayor, city or town manager, or member of a city or town council representing the Virginia Municipal League selected from among names submitted by the League; one person who is a county executive, manager, or member of a county board of supervisors representing the Virginia Association of Counties selected from among names submitted by the Association; one member representing the Virginia Crime Prevention Association selected from among names submitted by the Association; one member of the Private Security Services Advisory Board; and one representative of the Virginia Association of Regional Jail Superintendents selected from among names submitted by the Association. Four members of the Board shall be members of the General Assembly appointed by the chairmen of legislative committees as follows: one member of the Appropriations Committee of the House of Delegates; one member of the Committee on Finance of the Senate; one member of the Committee for Courts of Justice of the House of Delegates, and one member of the Committee for Courts of Justice of the Senate. The legislative members shall serve for the terms for which they were elected and shall serve as ex officio members without a vote.

B. There is further created a permanent Committee on Training under the Board which shall be the policy-making body responsible to the Board for effecting the provisions of subdivisions 2 through 12 of § 9-170. The Committee on Training shall be composed of twelve members of the Board as follows: the Superintendent of the Department of State Police; the Director of the Department of Corrections; the member of the Private Security Services Advisory Board; the Executive Secretary of the Supreme Court of Virginia; the two sheriffs representing the Virginia State Sheriffs Association; the two representatives of the Chiefs of Police Association; the attorney for the Commonwealth representing the Association for Attorneys for the Commonwealth; the representative of the Virginia Municipal League; the representative of the Virginia Association of Counties; and one member designated by the Chairman of the Board from among the other appointments made by the Governor. The Committee on Training shall annually elect its chairman from among its members.

C. There is further created a permanent Advisory Committee on Juvenile Justice which shall have the responsibility for advising and assisting the Board, the Department, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, on matters related to the prevention and treatment of juvenile delinquency and the administration of juvenile justice in the Commonwealth. The Advisory Committee shall consist of no less than fifteen and no more than twenty-five members. The membership of the Advisory Committee shall include persons who have training, experience or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice as set out below. Four ex officio members with voting powers of the Advisory Committee shall be as follows: the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services; the Commissioner of the Department of Social Services; the Director of the Department of Youth and Family Services; and the Superintendent of Public Instruction. Two members shall be members from the General Assembly, appointed by the chairmen of the following legislative committees: one member of the Senate Committee for Courts of Justice and one member of the House Committee on Health, Welfare and Institutions. The legislative members shall serve as ex officio members for the terms for which they were elected. All other members shall be residents of the Commonwealth and be appointed by the Governor for a term of four years, except that appointments to terms commencing on July 1, 1991, shall be as outlined below. Five members, appointed for four-year terms, shall include: two members from the Criminal Justice Services Board; one member with expertise in juvenile services; one member representing community-based delinquency prevention or treatment programs; and one member who is under the age of twenty-four at the time of appointment. Six members shall be appointed for three-year terms and shall include one juvenile and domestic relations district court judge; one member who is a representative of local law enforcement; one member who is a local city or county administrator; one member who is a member of the Virginia State Bar; and two members who are under the age of twenty-four at the time of appointment. Six members, appointed for two-year terms, shall include one member who is employed in a private organization with a special focus on maintaining and strengthening the family unit; one member who works as a volunteer with delinquents or potential delinquents; one member who is now or formerly has been under the jurisdiction of the Virginia juvenile justice system; one member who is an employee of a local juvenile ~~and domestic relations~~

~~district court service unit~~ *probation and parole office*; one member who is a representative of business groups or businesses employing youth; and one member who represents organizations concerned with the quality of juvenile justice, education or social services for children. The majority of the Advisory Committee shall be private citizens and at least three members of the Advisory Committee, including two private citizens shall also be members of the Board. The Advisory Committee shall elect its chairman from among its members. The Advisory Committee shall have the following specific duties and responsibilities:

1. To review the operation of the juvenile justice system in the Commonwealth, including facilities and programs, and prepare appropriate reports;

2. To review statewide plans, conduct studies, and make recommendations on needs and priorities for the development and improvement of the juvenile justice system in the Commonwealth; and

3. To advise on all matters related to the federal Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415, as amended), and recommend such actions on behalf of the Commonwealth as may seem desirable to secure benefits of that or other federal programs for delinquency prevention or the administration of juvenile justice.

Each administrative entity or collegial body within the executive branch of the state government as may be requested to do so shall cooperate with the Advisory Committee as it carries out its responsibilities.

D. The members of the Board and Advisory Committee appointed by the Governor shall serve for terms of four years, provided that no member shall serve beyond the time when he holds the office or employment by reason of which he was initially eligible for appointment. Appointed members of the Board and Advisory Committee shall not be eligible to serve as such for more than two consecutive full terms. Three or more years within a four-year period shall be deemed a full term. Any vacancy on the Board and Advisory Committee shall be filled in the same manner as the original appointment, but for the unexpired term.

E. The Governor shall appoint a Chairman of the Board, and the Board shall designate one or more vice-chairmen from among its members, who shall serve at the pleasure of the Board.

F. Notwithstanding any provision of any statute, ordinance, local law, or charter provision to the contrary, membership on the Board shall not disqualify any member from holding any other public office or employment, or cause the forfeiture thereof.

G. Members of the Board and Advisory Committee shall be entitled to receive reimbursement for any actual expenses incurred as a necessary incident to such service and to receive such compensation as is provided in § 2.1-20.3.

H. The Board and Advisory Committee shall each hold no less than four regular meetings a year. Subject to the requirements of this subsection, the respective Chairman shall fix the times and places of meetings, either on his own motion or upon written request of any five members of the Board or Advisory Committee.

I. The Board and Advisory Committee may adopt bylaws for their operation.

§ 9-168. (Delayed effective date) Criminal Justice Services Board, Committee on Training, and Advisory Committee on Juvenile Justice established; appointment; terms; vacancies; members not disqualified from holding other offices; designation of chairmen; expenses; meetings.

A. There is hereby created the Criminal Justice Services Board. The Board shall be composed of twenty-seven members as set out below. Eight members of the Board shall be as follows: the Chief Justice of the Supreme Court of Virginia, or his designee; the Attorney General of Virginia, or his designee; the Superintendent of the Department of State Police; the Director of the Department of Corrections; the Director of the Department of Youth and Family Services; the Superintendent of the Department of Correctional Education; the Chairman of the Parole Board; and the Executive Secretary of the Supreme Court of Virginia. In those instances in which the Executive Secretary of the Supreme Court of Virginia, the Superintendent of the Department of State Police, the Director of the Department of Corrections, the Director of the Department of Youth and Family Services, the Superintendent of the Department of Correctional Education, or the Chairman of the Parole Board will be unavoidably absent from a board meeting, he may appoint a member of his staff to represent him at the meeting. Fifteen members shall be appointed by the Governor from among residents of this Commonwealth who are representative of the broad categories of state and local governments, criminal justice systems, and law-enforcement agencies, including but not limited to, police officials, sheriffs, attorneys for the Commonwealth, defense counsel, the judiciary, correctional and rehabilitative activities, and other locally elected and appointed administrative and legislative officials. Among these fifteen members there shall be two sheriffs representing the Virginia State Sheriffs Association selected from among names submitted by the Association; two representatives of the Chiefs of Police Association selected from among names submitted by the Association; one attorney for the Commonwealth selected from among names submitted by the Association for Attorneys for the Commonwealth; one person who is a mayor, city or town manager, or member of a city or town council representing the Virginia Municipal League

selected from among names submitted by the League; one person who is a county executive, manager, or member of a county board of supervisors representing the Virginia Association of Counties selected from among names submitted by the Association; one member representing the Virginia Crime Prevention Association selected from among names submitted by the Association; one member of the Private Security Services Advisory Board; and one representative of the Virginia Association of Regional Jail Superintendents selected from among names submitted by the Association. Four members of the Board shall be members of the General Assembly appointed by the chairmen of legislative committees as follows: one member of the Appropriations Committee of the House of Delegates; one member of the Committee on Finance of the Senate; one member of the Committee for Courts of Justice of the House of Delegates, and one member of the Committee for Courts of Justice of the Senate. The legislative members shall serve for the terms for which they were elected and shall serve as ex officio members without a vote.

B. There is further created a permanent Committee on Training under the Board which shall be the policy-making body responsible to the Board for effecting the provisions of subdivisions 2 through 12 of § 9-170. The Committee on Training shall be composed of twelve members of the Board as follows: the Superintendent of the Department of State Police; the Director of the Department of Corrections; the member of the Private Security Services Advisory Board; the Executive Secretary of the Supreme Court of Virginia; the two sheriffs representing the Virginia State Sheriffs Association; the two representatives of the Chiefs of Police Association; the attorney for the Commonwealth representing the Association for Attorneys for the Commonwealth; the representative of the Virginia Municipal League; the representative of the Virginia Association of Counties; and one member designated by the Chairman of the Board from among the other appointments made by the Governor. The Committee on Training shall annually elect its chairman from among its members.

C. There is further created a permanent Advisory Committee on Juvenile Justice which shall have the responsibility for advising and assisting the Board, the Department, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, on matters related to the prevention and treatment of juvenile delinquency and the administration of juvenile justice in the Commonwealth. The Advisory Committee shall consist of no less than fifteen and no more than twenty-five members. The membership of the Advisory Committee shall include persons who have training, experience or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice as set out below. Four ex officio members with voting powers of the Advisory Committee shall be as follows: the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services; the Commissioner of the Department of Social Services; the Director of the Department of Youth and Family Services; and the Superintendent of Public Instruction. Two members shall be members from the General Assembly, appointed by the chairmen of the following legislative committees: one member of the Senate Committee for Courts of Justice and one member of the House Committee on Health, Welfare and Institutions. The legislative members shall serve as ex officio members for the terms for which they were elected. All other members shall be residents of the Commonwealth and be appointed by the Governor for a term of four years, except that appointments to terms commencing on July 1, 1991, shall be as outlined below. Five members, appointed for four-year terms, shall include: two members from the Criminal Justice Services Board; one member with expertise in juvenile services; one member representing community-based delinquency prevention or treatment programs; and one member who is under the age of twenty-four at the time of appointment. Six members shall be appointed for three-year terms and shall include one family court judge; one member who is a representative of local law enforcement; one member who is a local city or county administrator; one member who is a member of the Virginia State Bar; and two members who are under the age of twenty-four at the time of appointment. Six members, appointed for two-year terms, shall include one member who is employed in a private organization with a special focus on maintaining and strengthening the family unit; one member who works as a volunteer with delinquents or potential delinquents; one member who is now or formerly has been under the jurisdiction of the Virginia juvenile justice system; one member who is an employee of a local ~~family court service unit~~ *juvenile probation and parole office*; one member who is a representative of business groups or businesses employing youth; and one member who represents organizations concerned with the quality of juvenile justice, education or social services for children. The majority of the Advisory Committee shall be private citizens and at least three members of the Advisory Committee, including two private citizens shall also be members of the Board. The Advisory Committee shall elect its chairman from among its members. The Advisory Committee shall have the following specific duties and responsibilities:

1. To review the operation of the juvenile justice system in the Commonwealth, including facilities and programs, and prepare appropriate reports;

2. To review statewide plans, conduct studies, and make recommendations on needs and priorities for

the development and improvement of the juvenile justice system in the Commonwealth; and

3. To advise on all matters related to the federal Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415, as amended), and recommend such actions on behalf of the Commonwealth as may seem desirable to secure benefits of that or other federal programs for delinquency prevention or the administration of juvenile justice.

Each administrative entity or collegial body within the executive branch of the state government as may be requested to do so shall cooperate with the Advisory Committee as it carries out its responsibilities.

D. The members of the Board and Advisory Committee appointed by the Governor shall serve for terms of four years, provided that no member shall serve beyond the time when he holds the office or employment by reason of which he was initially eligible for appointment. Appointed members of the Board and Advisory Committee shall not be eligible to serve as such for more than two consecutive full terms. Three or more years within a four-year period shall be deemed a full term. Any vacancy on the Board and Advisory Committee shall be filled in the same manner as the original appointment, but for the unexpired term.

E. The Governor shall appoint a Chairman of the Board, and the Board shall designate one or more vice-chairmen from among its members, who shall serve at the pleasure of the Board.

F. Notwithstanding any provision of any statute, ordinance, local law, or charter provision to the contrary, membership on the Board shall not disqualify any member from holding any other public office or employment, or cause the forfeiture thereof.

G. Members of the Board and Advisory Committee shall be entitled to receive reimbursement for any actual expenses incurred as a necessary incident to such service and to receive such compensation as is provided in § 2.1-20.3.

H. The Board and Advisory Committee shall each hold no less than four regular meetings a year. Subject to the requirements of this subsection, the respective Chairman shall fix the times and places of meetings, either on his own motion or upon written request of any five members of the Board or Advisory Committee.

I. The Board and Advisory Committee may adopt bylaws for their operation.

§ 16.1-224. Data submissions by juvenile probation and parole offices.

A. All ~~court service units~~ *juvenile probation and parole offices* serving juvenile and domestic relations district courts shall make data submissions to the Virginia Juvenile Justice Information System of any persons referred to an intake officer of a ~~court service unit~~ *juvenile probation and parole office* pursuant to § 16.1-260, except that no data submission shall be required for a juvenile charged with a traffic infraction as defined in § 46.2-100.

B. In the case of a juvenile who is alleged to be delinquent and who is referred to a ~~court service unit~~ *juvenile probation and parole office* pursuant to § 16.1-260, the data submissions required by subsection A of this section shall contain the name, date of birth and, if any, the social security number of the juvenile before the court. The data submissions concerning all other children coming before a juvenile and domestic relations district court, except those charged with traffic infractions, may in accordance with standards adopted by the Department of Youth and Family Services, contain information identifying the child.

C. The ~~court service unit~~ *juvenile probation and parole office* shall make a data submission to the Virginia Juvenile Justice Information System of the final disposition of each case reported to the System. When the ~~court service unit~~ *juvenile probation and parole office* reports a disposition of a case which is other than a finding of guilty, the name and other personal identification of the juvenile shall be deleted from the data submissions required by subsection B of this section and from the report of final disposition required by this subsection.

§ 16.1-224. (Delayed effective date) Data submissions by juvenile probation and parole offices.

A. All ~~court service units~~ *juvenile probation and parole offices* serving family courts shall make data submissions to the Virginia Juvenile Justice Information System of any persons referred to an intake officer of a ~~court service unit~~ *juvenile probation and parole office* pursuant to § 16.1-260, except that no data submission shall be required for a juvenile charged with a traffic infraction as defined in § 46.2-100.

B. In the case of a juvenile who is alleged to be delinquent and who is referred to a ~~court service unit~~ *juvenile probation and parole office* pursuant to § 16.1-260, the data submissions required by subsection A of this section shall contain the name, date of birth and, if any, the social security number of the juvenile before the court. The data submissions concerning all other children coming before a family court, except those charged with traffic infractions, may in accordance with standards adopted by the Department of Youth and Family Services, contain information identifying the child.

C. The ~~court service unit~~ *juvenile probation and parole office* shall make a data submission to the Virginia Juvenile Justice Information System of the final disposition of each case reported to the System. When the ~~court service unit~~ *juvenile probation and parole office* reports a disposition of a case

which is other than a finding of guilty, the name and other personal identification of the juvenile shall be deleted from the data submissions required by subsection B of this section and from the report of final disposition required by this subsection.

§ 16.1-233. Department to develop probation and parole offices; appointment and removal of employees; salaries.

A. Within funds appropriated for the purpose, it shall be a function of the Department to develop and operate, except as hereinafter provided, probation and ~~other court~~ *parole* services for juvenile and domestic relations district courts in order that all ~~children~~ *juveniles* coming within the jurisdiction of such courts throughout the Commonwealth shall receive the fullest protection of the court. To this end the Director is empowered to establish ~~court services units~~ *juvenile probation and parole offices* in his department. The Director shall appoint such employees as he may find to be necessary to carry out properly the responsibilities of the Department relative to the development, supervision and operation of probation and ~~other court~~ *parole* services throughout the Commonwealth as set forth in this chapter.

B. The salaries of the persons employed pursuant to this section shall be paid out of funds appropriated for such purpose to the Department of Youth and Family Services. The Director and such employees as he may find necessary to carry out properly the responsibilities of the Department pursuant to subsection A of this section shall have access to all probation *and parole* offices, other social services and to their records.

C. The State Board shall establish minimum standards for ~~court service staffs~~ *juvenile probation and parole offices* and related supportive personnel and promulgate regulations pertaining to their appointment and function to the end that uniform services, insofar as is practical, will be available to juvenile and domestic relations district courts throughout the Commonwealth. In counties or cities now served by regional juvenile and domestic relations courts or where specialized ~~court service units~~ *juvenile probation and parole offices* are not provided, and in any county or city which provided specialized services on June 30, 1973, that requests the development of a ~~court service unit~~*juvenile probation and parole office* , appointment to positions in such units shall be based on merit as provided in Chapter 10 (§ 2.1-110 et seq.) of Title 2.1.

D. No person shall be assigned to or discharged from the state-operated court service staff of a juvenile and domestic relations district court except as provided in Chapter 10 of Title 2.1, nor without the prior mutual approval of the judge thereof and the Director. However, the chief judge of any such court shall be empowered, for good cause, after due notice and opportunity to be heard, to order the transfer of any person from the court service staff of his court, and the Director shall likewise be empowered to order such transfer or separation subject only to the limitations of Chapter 10 of Title 2.1.

§ 16.1-233. (Delayed effective date) Department to develop probation and parole offices; appointment and removal of employees; salaries.

A. Within funds appropriated for the purpose, it shall be a function of the Department to develop and operate, except as hereinafter provided, probation and ~~other court~~ *parole* services for family courts in order that all ~~children~~ *juveniles* coming within the jurisdiction of such courts throughout the Commonwealth shall receive the fullest protection of the court. To this end the Director is empowered to establish ~~court services units~~ *juvenile probation and parole offices* in his department. The Director shall appoint such employees as he may find to be necessary to carry out properly the responsibilities of the Department relative to the development, supervision and operation of probation and ~~other court~~ *parole* services throughout the Commonwealth as set forth in this chapter.

B. The salaries of the persons employed pursuant to this section shall be paid out of funds appropriated for such purpose to the Department of Youth and Family Services. The Director and such employees as he may find necessary to carry out properly the responsibilities of the Department pursuant to subsection A of this section shall have access to all probation *and parole* offices, other social services and to their records.

C. The State Board shall establish minimum standards for ~~court service staffs~~ *juvenile probation and parole offices* and related supportive personnel and promulgate regulations pertaining to their appointment and function to the end that uniform services, insofar as is practical, will be available to family courts throughout the Commonwealth. In counties or cities previously served by regional juvenile and domestic relations courts or where specialized ~~court service units~~ *juvenile probation and parole offices* are not provided, and in any county or city which provided specialized services on June 30, 1973, that requests the development of a ~~court service unit~~ *juvenile probation and parole office* , appointment to positions in such units shall be based on merit as provided in Chapter 10 (§ 2.1-110 et seq.) of Title 2.1.

D. No person shall be assigned to or discharged from the state-operated court service staff of a family court except as provided in Chapter 10 of Title 2.1, nor without the prior mutual approval of the judge thereof and the Director. However, the chief judge of any such court shall be empowered, for good cause, after due notice and opportunity to be heard, to order the transfer of any person from the

~~court service staff~~ *juvenile probation and parole office* of his court, and the Director shall likewise be empowered to order such transfer or separation subject only to the limitations of Chapter 10 of Title 2.1.

§ 16.1-234. Duties of Department; provision of quarters, utilities, and office equipment to juvenile probation and parole office.

The Director shall cause the Department to study the conditions existing in the several cities and counties, to confer with the judges of the juvenile and domestic relations district courts, the superintendents and boards of public welfare, and other appropriate officials, as the case may be, and to plan, establish and operate unless otherwise provided an adequate and coordinated program of probation and related services to all juvenile and domestic relations district courts in counties or cities heretofore served by regional juvenile and domestic relations courts, and where specialized probation and related court services are not being provided as of July 1, 1973, and to counties and cities which request a development of a ~~court service unit~~ *juvenile probation and parole office* with the approval of the governing bodies after consultation with the chief juvenile and domestic relations district court judge.

In each county and city in which there is located an office for a state juvenile and domestic relations district ~~court service unit~~ *juvenile probation and parole office* such jurisdiction shall provide suitable quarters and utilities, including telephone service, for such ~~court service unit~~ *juvenile probation and parole office* staff. Such county or city shall also provide all necessary furniture and furnishings for the efficient operation of the unit. When such ~~court service unit~~ *juvenile probation and parole office* serves counties or cities in addition to the county or city where the office is located, the jurisdiction or jurisdictions so served shall share proportionately, based on the population of the jurisdictions, in the cost of the quarters and utilities, including telephone service and necessary furniture and furnishings. All other office equipment and supplies, including postage, shall be furnished by the Commonwealth and shall be paid out of the appropriation for criminal charges.

In counties and cities providing specialized court service programs prior to July 1, 1973, which do not request the development of a state-operated ~~court service unit~~*juvenile probation and parole office* , it shall be the duty of the Department to insure that minimum standards established by the State Board are adhered to, to confer with the judges of the juvenile and domestic relations district court and other appropriate officials as the case may be, and to assist in the continued development and extension of an adequate and coordinated program of court services, probation and detention facilities and other specialized services and facilities to such juvenile and domestic relations district courts.

§ 16.1-234. (Delayed effective date) Duties of Department; provision of quarters, utilities, and office equipment to juvenile probation and parole office.

The Director shall cause the Department to study the conditions existing in the several cities and counties, to confer with the judges of the family courts, the superintendents and boards of public welfare, and other appropriate officials, as the case may be, and to plan, establish and operate unless otherwise provided an adequate and coordinated program of probation and related services to all family courts in counties or cities heretofore served by regional juvenile and domestic relations courts, and where specialized probation and related court services were not being provided as of July 1, 1973, and to counties and cities which request a development of a ~~court service unit~~ *juvenile probation and parole office* with the approval of the governing bodies after consultation with the chief family court judge.

In each county and city in which there is located an office for a state family ~~court service unit~~ *juvenile probation and parole office* such jurisdiction shall provide suitable quarters and utilities, including telephone service, for such ~~court service unit~~ *juvenile probation and parole office* staff. Such county or city shall also provide all necessary furniture and furnishings for the efficient operation of the unit. When such ~~court service unit~~ *juvenile probation and parole office* serves counties or cities in addition to the county or city where the office is located, the jurisdiction or jurisdictions so served shall share proportionately, based on the population of the jurisdictions, in the cost of the quarters and utilities, including telephone service and necessary furniture and furnishings. All other office equipment and supplies, including postage, shall be furnished by the Commonwealth and shall be paid out of the appropriation for criminal charges.

In counties and cities providing specialized court service programs prior to July 1, 1973, which do not request the development of a state-operated ~~court service unit~~ *juvenile probation and parole office* , it shall be the duty of the Department to ensure that minimum standards established by the State Board are adhered to, to confer with the judges of the family court and other appropriate officials as the case may be, and to assist in the continued development and extension of an adequate and coordinated program of court services, probation and detention facilities and other specialized services and facilities to such family courts.

§ 16.1-235. How intake, probation and parole services provided.

~~Probation~~ *Intake, probation* and ~~related court~~ *parole* services shall be provided through the following means:

A. State ~~court service units~~ *juvenile probation and parole offices*. - The Department shall develop and operate *intake,* probation and ~~related court~~ *parole* services in counties or cities heretofore served by

regional juvenile and domestic relations district courts and where specialized probation and related court services are not being provided as of July 1, 1973, and make such services available to juvenile and domestic relations district courts, as required by this chapter and by regulations established by the Board. All other counties or cities may request the development of a state-operated ~~court service unit~~ *juvenile probation and parole office* with the approval of their governing bodies after consultation with the chief judge of the juvenile and domestic relations district court of such jurisdiction. In counties or cities now served by regional juvenile and domestic relations district courts and where specialized probation and related court services are not being provided as of July 1, 1973, the judge or judges of the juvenile and domestic relations district court may from a list of eligibles certified by the Director appoint one or more suitable persons as probation officers and related court service personnel in accordance with established qualifications and regulations.

B. Local ~~units~~ *juvenile probation and parole offices*. - In counties and cities providing specialized court services as of July 1, 1973, who do not request the development of a state-operated ~~court service unit~~ *juvenile probation and parole office* , the chief judge or judges of the juvenile and domestic relations district court may, from a list of eligibles certified by the Director or by the governing body or bodies of the district appoint one or more suitable persons as probation officers and related court service personnel in accordance with established qualifications and regulations and shall develop and operate probation, detention and related court services.

§ 16.1-235. (Delayed effective date) How intake, probation and parole services provided.

~~Probation~~ *Intake, probation* and ~~related court~~ *parole* services shall be provided through the following means:

A. State ~~court service units~~ *juvenile probation and parole offices*. - The Department shall develop and operate *intake,* probation and ~~related court~~ *parole* services in counties or cities heretofore served by regional juvenile and domestic relations district courts and where specialized probation and related court services are not being provided as of July 1, 1973, and make such services available to family courts, as required by this chapter and by regulations established by the Board. All other counties or cities may request the development of a state-operated ~~court service unit~~ *juvenile probation and parole office* with the approval of their governing bodies after consultation with the chief judge of the family court of such jurisdiction.

B. Local ~~units~~ *juvenile probation and parole offices*. - In counties and cities providing specialized court services as of July 1, 1973, who do not request the development of a state-operated ~~court service unit~~ *juvenile probation and parole office* , the chief judge or judges of the family court may, from a list of eligibles certified by the Director or by the governing body or bodies of the district appoint one or more suitable persons as probation officers and related court service personnel in accordance with established qualifications and regulations and shall develop and operate probation, detention and related court services.

§ 16.1-236. Supervisory officers.

In any court where more than one probation officer or other court services staff has been appointed under the provisions of this law, one or more probation officers may be designated to serve in a supervisory position by the chief judge of the juvenile and domestic relations district court.

The transfer or demotion of supervisory officers of state ~~court service units~~ *juvenile probation and parole offices* shall be made only for good cause shown, in accordance with Chapter 10 (§ 2.1-110 et seq.) of Title 2.1. The transfer or demotion of supervisory officers of local ~~court service units~~ *juvenile probation and parole offices* shall be made only for good cause shown, after due notice and opportunity to be heard.

§ 16.1-236. (Delayed effective date) Supervisory officers.

In any court where more than one probation officer or other court services staff has been appointed under the provisions of this law, one or more probation officers may be designated to serve in a supervisory position by the chief judge of the family court.

The transfer or demotion of supervisory officers of state ~~court service units~~ *juvenile probation and parole offices* shall be made only for good cause shown, in accordance with Chapter 10 (§ 2.1-110 et seq.) of Title 2.1. The transfer or demotion of supervisory officers of local ~~court service units~~ *juvenile probation and parole offices* shall be made only for good cause shown, after due notice and opportunity to be heard.

§ 16.1-237. Powers, duties and functions of probation officer.

In addition to any other powers and duties imposed by this law, a probation officer appointed hereunder shall:

A. Investigate all cases referred to him by the judge or any person designated so to do, and shall render reports of such investigation as required;

B. Supervise such persons as are placed under his supervision and shall keep informed concerning the conduct and condition of every person under his supervision by visiting, requiring reports and in

other ways, and shall report thereon as required;

C. Under the general supervision of the director of the ~~court service unit~~ *juvenile probation and parole office* , investigate complaints and accept for informal supervision cases wherein such handling would best serve the interests of all concerned;

D. Use all suitable methods not inconsistent with conditions imposed by the court to aid and encourage persons on probation and to bring about improvement in their conduct and condition;

E. Furnish to each person placed on probation a written statement of the conditions of his probation and instruct him regarding the same;

F. Keep records of his work and perform such other duties as the judge or other person designated by him or the Director shall require;

G. Have the authority to administer oaths and take acknowledgements for the purposes of §§ 16.1-259 and 16.1-260 to facilitate the processes of intake and petition; and

H. Have the powers of arrest of a police officer and the power to carry a concealed weapon when specifically so authorized by the judge.

§ 16.1-238. Compensation of probation officers and related personnel; reimbursement; traveling and other expenses.

The compensation of probation officers and other ~~court service~~ staff members *of the juvenile probation and parole office* appointed in accordance with § 16.1-235 B shall be fixed by the governing body of the city or county in which they serve, in accordance with minimum standards prescribed by the State Board. They shall be paid out of the county or city treasury. One-half of such compensation shall be reimbursed to any city or county complying with the minimum standards set by the State Board from funds appropriated to the Department. Any funds from the Department of Criminal Justice Services or from other public fund sources outside of the provisions of this law which are used in compensating such personnel shall not be considered state funds.

Compensation of all other probation officers and related ~~court service~~ *juvenile probation and parole office* personnel appointed in accordance with § 16.1-235 A shall be fixed in accordance with Chapter 10 (§ 2.1-110 et seq.) of Title 2.1. Personnel transferred from local and regional ~~court~~ *probation and parole* staffs shall suffer no reduction in pay and shall transfer into the state program all accrued leave and other benefits allowable under Chapter 10 of Title 2.1. Probation officers and related ~~court service~~ *juvenile probation and parole office* personnel appointed in accordance with § 16.1-235 A shall be paid necessary traveling and other expenses incurred in the discharge of their duties.

The salary and expenses provided for personnel appointed in accordance with § 16.1-235 A shall be paid by the Commonwealth, and no part shall be paid by or chargeable to any county or city. The governing body of any county or city, however, may add to the compensation of such personnel such an amount as the governing body may appropriate not to exceed fifty percent of the amount paid by the Commonwealth. No such additional amount paid by a local governing body shall be chargeable to the Department of Youth and Family Services nor shall it remove or supersede any authority, control or supervision of the Department.

§ 16.1-239. Payment of traveling expenses of court officers; reimbursement.

In counties and cities providing specialized court service programs prior to July 1, 1973, as provided in §§ 16.1-234 and 16.1-235, and under the rules of the Department the traveling expenses incurred by ~~a probation officer, court service~~ *an* officer *of the juvenile probation and parole office* or other officer of the court when traveling under the order of the judge, shall be paid out of the county or city treasury. One-half of such expenses shall be reimbursed to the city or county by the Department out of funds appropriated for such purposes.

§ 16.1-240. Citizens advisory council.

A. The governing bodies of each county and city served by a ~~court service unit~~ *juvenile probation and parole office* may appoint one or more members to a citizens advisory council, in total not to exceed fifteen members; and the chief judge of the juvenile and domestic relations district court may appoint one or more members to the advisory council, in total not to exceed five members. The duties of the council shall be as follows:

1. To advise and cooperate with the court upon all matters affecting the working of this law and other laws relating to children, their care and protection and to domestic relations;

2. To consult and confer with the court and director of the ~~court service unit~~ *juvenile probation and parole office* from time to time relative to the development and extension of the ~~court service~~ *juvenile probation and parole* program;

3. To encourage the member selected by the council to serve on the central advisory council to visit, as often as the member conveniently can, institutions and associations receiving children under this law, and to report to the court from time to time and at least annually in its report made pursuant to subdivision 5 hereof the conditions and surroundings of the children received by or in charge of any such persons, institutions or associations;

4. To make themselves familiar with the work of the court under this law;

5. To make an annual report to the court and the participating governing bodies on the work of the council.

B. Traveling expenses of the members of the citizens advisory council shall be paid from funds appropriated to the Department of Youth and Family Services in accordance with rules and regulations adopted by the State Board.

C. If the governing body does not exercise its option to appoint a citizens advisory council pursuant to subsection A of this section, the judge of the juvenile and domestic relations district court may appoint an advisory board of citizens, not to exceed fifteen members, who shall perform the same duties as provided in this section.

D. One member selected by each citizens advisory council shall serve on a central advisory council to consult and confer with the Director and other appropriate staff of the Department to assist in carrying out the objectives of the ~~court service~~ *probation and parole* program, insofar as possible.

§ 16.1-240. (Delayed effective date) Citizens advisory council.

A. The governing bodies of each county and city served by a ~~court service unit~~ *juvenile probation and parole office* may appoint one or more members to a citizens advisory council, in total not to exceed fifteen members; and the chief judge of the family court may appoint one or more members to the advisory council, in total not to exceed five members. The duties of the council shall be as follows:

1. To advise and cooperate with the court upon all matters affecting the working of this law and other laws relating to children, their care and protection and to domestic relations;

2. To consult and confer with the court and director of the ~~court service unit~~ *juvenile probation and parole office* from time to time relative to the development and extension of the ~~court service~~ *juvenile probation and parole* program;

3. To encourage the member selected by the council to serve on the central advisory council to visit, as often as the member conveniently can, institutions and associations receiving children under this law, and to report to the court from time to time and at least annually in its report made pursuant to subdivision 5 hereof the conditions and surroundings of the children received by or in charge of any such persons, institutions or associations;

4. To make themselves familiar with the work of the court under this law;

5. To make an annual report to the court and the participating governing bodies on the work of the council.

B. Traveling expenses of the members of the citizens advisory council shall be paid from funds appropriated to the Department of Youth and Family Services in accordance with rules and regulations adopted by the State Board.

C. If the governing body does not exercise its option to appoint a citizens advisory council pursuant to subsection A of this section, the judge of the family court may appoint an advisory board of citizens, not to exceed fifteen members, who shall perform the same duties as provided in this section.

D. One member selected by each citizens advisory council shall serve on a central advisory council to consult and confer with the Director and other appropriate staff of the Department to assist in carrying out the objectives of the ~~court service~~ *probation and parole* program, insofar as possible.

§ 16.1-254. Responsibility for and limitation on transportation of juveniles.

A. The detention home having custody or responsibility for supervision of a ~~child~~ *juvenile* pursuant to §§ 16.1-246, 16.1-247, 16.1-248.1, 16.1-249, and 16.1-250 shall be responsible for transportation of the ~~child~~ *juvenile* to all local medical appointments, dental appointments, psychological and psychiatric evaluations. Transportation of youth to special placements pursuant to § 16.1-286 shall be the responsibility of the ~~court service unit~~ *juvenile probation and parole office* .

B. However, the chief judge of the juvenile and domestic relations district court, on the basis of guidelines approved by the Board, shall designate the appropriate agencies in each county, city and town, other than the Department of State Police, to be responsible for (i) the transportation of violent and disruptive ~~children~~ *juveniles* and (ii) the transportation of ~~children~~ *juveniles* to destinations other than those set forth in subsection A of this section, pursuant to §§ 16.1-246, 16.1-247, 16.1-248.1, 16.1-249, and 16.1-250, and as otherwise ordered by the judge.

No ~~child~~ *juvenile* shall be transported with adults suspected of or charged with criminal acts.

§ 16.1-254. (Delayed effective date) Responsibility for and limitation on transportation of juveniles.

A. The detention home having custody or responsibility for supervision of a ~~child~~ *juvenile* pursuant to §§ 16.1-246, 16.1-247, 16.1-248.1, 16.1-249, and 16.1-250 shall be responsible for transportation of the ~~child~~ *juvenile* to all local medical appointments, dental appointments, psychological and psychiatric evaluations. Transportation of youth to special placements pursuant to § 16.1-286 shall be the responsibility of the ~~court service unit~~*juvenile probation and parole office* .

B. However, the chief judge of the family court, on the basis of guidelines approved by the Board, shall designate the appropriate agencies in each county, city and town, other than the Department of State Police, to be responsible for (i) the transportation of violent and disruptive ~~children~~ *juveniles* and

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(ii) the transportation of ~~children~~ *juveniles* to destinations other than those set forth in subsection A of this section, pursuant to §§ 16.1-246, 16.1-247, 16.1-248.1, 16.1-249, and 16.1-250, and as otherwise ordered by the judge.

No ~~child~~ *juvenile* shall be transported with adults suspected of or charged with criminal acts.

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

No detention order shall be issued for any ~~child~~ *juvenile* except when authorized by the judge or "intake officer" of a juvenile court.

In matters involving the issuance of detention orders, each state or local ~~court service unit~~ *juvenile probation and parole office* shall ensure the capability of a prompt response by an intake officer who is either on duty or on call.

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

No detention order shall be issued for any ~~child~~ *juvenile* except when authorized by the judge or "intake officer" of a family court.

In matters involving the issuance of detention orders, each state or local ~~court service unit~~ *juvenile probation and parole office* shall ensure the capability of a prompt response by an intake officer who is either on duty or on call.

§ 16.1-260. Intake; petition; investigation.

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

B. When the ~~court service unit~~ *juvenile probation and parole office* of any court receives a complaint alleging facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241, the ~~unit~~ *office*, through an intake officer, may proceed informally to make such adjustment as is practicable without the filing of a petition or may authorize a petition to be filed by any complainant having sufficient knowledge of the matter to establish probable cause for the issuance of the petition. The intake officer shall accept and file a petition in which it is alleged that (i) the custody, visitation or support of a child is the subject of controversy or requires determination, (ii) a person has deserted, abandoned or failed to provide support for any person in violation of law, or (iii) a child or such child's parent, guardian, legal custodian or other person standing in loco parentis is entitled to treatment, rehabilitation or other services which are required by law. If any such complainant does not file a petition, the intake officer may file it. In cases in which a child is alleged to be abused, neglected, in need of services, in need of supervision or delinquent, if the intake officer believes that probable cause does not exist, or that the authorization of a petition will not be in the best interest of the family or child or that the matter may be effectively dealt with by some agency other than the court, he may refuse to authorize the filing of a petition.

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

D. If the intake officer refuses to authorize a petition relating to an offense that if committed by an

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

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

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

E1. After a petition is filed alleging that a juvenile committed an act which would be a crime if committed by an adult, the intake officer shall, as soon as practicable, provide notice by telephone of the filing of the petition and the nature of the offense to the superintendent of the school division in which the petitioner alleges the juvenile is or should be enrolled, provided the violation involves:

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

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

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

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

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

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

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

8. Burglary, pursuant to § 18.2-89.

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

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

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

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

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

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

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

G. Failure to comply with the procedures set forth in this section shall not divest the juvenile court

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of the jurisdiction granted it in § 16.1-241.

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

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

B. When the ~~court service unit~~ *juvenile probation and parole office* of any court receives a complaint alleging facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241, the ~~unit~~ *office*, through an intake officer, may proceed informally to make such adjustment as is practicable without the filing of a petition or may authorize a petition to be filed by any complainant having sufficient knowledge of the matter to establish probable cause for the issuance of the petition. The intake officer shall accept and file a petition in which it is alleged that (i) the custody, visitation or support of a child is the subject of controversy or requires determination, (ii) a person has deserted, abandoned or failed to provide support or separate maintenance for any person in violation of law, or (iii) a child or such child's parent, guardian, legal custodian or other person standing in loco parentis is entitled to treatment, rehabilitation or other services which are required by law. If any such complainant does not file a petition, the intake officer may file it. In cases in which a child is alleged to be abused, neglected, in need of services, in need of supervision or delinquent, if the intake officer believes that probable cause does not exist, or that the authorization of a petition will not be in the best interest of the family or child or that the matter may be effectively dealt with by some agency other than the court, he may refuse to authorize the filing of a petition.

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

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

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

E. The intake officer shall notify the attorney for the Commonwealth of the filing of any petition

which alleges facts of an offense which would be a felony if committed by an adult.

E1. After a petition is filed alleging that a juvenile committed an act which would be a crime if committed by an adult, the intake officer shall, as soon as practicable, provide notice by telephone of the filing of the petition and the nature of the offense to the superintendent of the school division in which the petitioner alleges the juvenile is or should be enrolled, provided the violation involves:

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

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

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

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

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

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

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

8. Burglary, pursuant to § 18.2-89.

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

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

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

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

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

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

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

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

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

§ 16.1-267. Compensation of appointed counsel.

A. When the court appoints counsel to represent a child pursuant to § 16.1-266 A and, after an investigation by the ~~court services unit~~ *juvenile probation and parole office* , finds that the parents are financially able to pay for the attorney and refuse to do so, the court shall assess costs against the parent for such legal services in the amount awarded the attorney by the court under the circumstances of the case, considering such factors as the ability of the parents to pay and the nature and extent of the counsel's duties in the case. Such amount shall not exceed $100 if the action is in circuit court or the maximum amount specified in subdivision (1) of § 19.2-163 if the action is in district court.

When the court appoints counsel to represent a child pursuant to § 16.1-266 B and, after an investigation by the ~~court services unit~~*juvenile probation and parole office* , finds that the parents are financially able to pay for the attorney in whole or in part and refuse to do so, the court shall assess costs in whole or in part against the parents for such legal services in the amount awarded the attorney by the court. Such amount shall not exceed $100 if the action is in circuit court or the maximum amount specified in subdivision (1) of § 19.2-163 if the action is in district court. In determining the financial ability of the parents to pay for an attorney to represent the child, the court shall utilize the financial statement required by § 19.2-159.

In all other cases, except as provided in § 16.1-343, counsel appointed to represent a child shall be compensated for his services pursuant to § 19.2-163.

B. When the court appoints counsel to represent a parent, guardian or other adult pursuant to § 16.1-266, such counsel shall be compensated for his services pursuant to § 19.2-163.

§ 16.1-267. (Delayed effective date) Compensation of appointed counsel.

A. When the court appoints counsel to represent a child pursuant to § 16.1-266 A and, after an investigation by the ~~court services unit~~ *juvenile probation and parole office* , finds that the parents are financially able to pay for the attorney and refuse to do so, the court shall assess costs against the parent for such legal services in the amount awarded the attorney by the court under the circumstances of the case, considering such factors as the ability of the parents to pay and the nature and extent of the counsel's duties in the case. Such amount shall not exceed $100 if the action is in circuit court or the maximum amount specified in subdivision (1) of § 19.2-163 if the action is in family court.

When the court appoints counsel to represent a child pursuant to § 16.1-266 B and, after an investigation by the ~~court services unit~~ *juvenile probation and parole office* , finds that the parents are financially able to pay for the attorney in whole or in part and refuse to do so, the court shall assess costs in whole or in part against the parents for such legal services in the amount awarded the attorney by the court. Such amount shall not exceed $100 if the action is in circuit court or the maximum amount specified in subdivision (1) of § 19.2-163 if the action is in family court. In determining the financial ability of the parents to pay for an attorney to represent the child, the court shall utilize the financial statement required by § 19.2-159.

In all other cases, except as provided in § 16.1-343, counsel appointed to represent a child shall be compensated for his services pursuant to § 19.2-163.

B. When the court appoints counsel to represent a parent, guardian or other adult pursuant to § 16.1-266, such counsel shall be compensated for his services pursuant to § 19.2-163.

§ 16.1-274. Time for filing of reports; copies furnished to attorneys; amended reports; fees.

A. Whenever any court directs an investigation pursuant to §§ 16.1-237 A, 16.1-273, or § 9-173.8 or an evaluation pursuant to § 16.1-278.5, the probation officer, court-appointed special advocate, or other agency conducting such investigation shall file such report with the clerk of the court directing the investigation. The clerk shall furnish a copy of such report to all attorneys representing parties in the matter before the court no later than seventy-two hours, and in cases of child custody, five days, prior to the time set by the court for hearing the matter. If such probation officer or other agency discovers additional information or a change in circumstance after the filing of the report, an amended report shall be filed forthwith and a copy sent to each person who received a copy of the original report. Whenever such a report is not filed or an amended report is filed, the court shall grant such continuance of the proceedings as justice requires. All attorneys receiving such report or amended report shall return such to the clerk upon the conclusion of the hearing and shall not make copies of such report or amended report or any portion thereof.

B. Notwithstanding the provisions of §§ 14.1-112 and 14.1-125, when the court directs the appropriate local department of social services to conduct supervised visitation or directs the ~~appropriate~~ local department of social services or ~~court services unit~~ to conduct an investigation pursuant to § 16.1-273 or to provide mediation services in matters involving a child's custody, visitation, or support, the court shall assess a fee against the petitioner, the respondent, or both, in accordance with fee schedules established by the ~~appropriate~~ local board of social services ~~when the service is provided by a local department of social services and by the State Board of Youth and Family Services when the service is provided by a court services unit~~. The fee schedules shall include (i) standards for determining the paying party's or parties' ability to pay and (ii) a scale of fees based on the paying party's or parties' income and family size and the actual cost of the services provided. The fee charged shall not exceed the actual cost of the service. The fee shall be assessed as a cost of the case and shall be paid as prescribed by the court to the local department of social services~~, locally operated court services unit or Department of Youth and Family Services, whichever performed the service,~~ unless payment is waived. The method and medium for payment for such services shall be determined by the local department of social services~~, Department of Youth and Family Services, or the locally operated court services unit that provided the services~~.

C. When a local department of social services ~~or any court services unit~~ is requested by another local

department ~~or court services unit~~ in the Commonwealth or by a similar department or entity in another state to conduct an investigation involving a child's custody, visitation or support pursuant to § 16.1-273 or, in the case of a request from another state pursuant to a provision corresponding to § 16.1-273, or to provide mediation services, or for a local department of social services to provide supervised visitation, the local department ~~or the court services unit~~ performing the service may require payment of fees prior to conducting the investigation or providing mediation services or supervised visitation.

§ 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~~ *juvenile probation and parole office* and other appropriate and available public and private agencies and may be the family assessment and planning team established pursuant to § 2.1-753. A report of the evaluation shall be filed as provided in § 16.1-274 A.

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

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

2. Place the child on probation under such conditions and limitations as the court may prescribe;

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~~ *juvenile probation and parole office* and other appropriate and available public and private agencies and may be the family assessment and planning team established pursuant to § 2.1-753. A report of the evaluation shall be filed as provided in § 16.1-274 A.

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

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

2. Place the child on probation under such conditions and limitations as the court may prescribe;

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. 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.

§ 16.1-278.7. Commitment to Department of Youth and Family Services.

Unless a child found to be abused, neglected, in need of services, in need of supervision or a status offender is also found to be delinquent and is older than ten years of age, he shall not be committed to the Department of Youth and Family Services. No juvenile court or circuit court shall order the commitment of any child jointly to the Department of Youth and Family Services and to a local board of public welfare or social services or transfer the custody of a child jointly to a ~~court service unit~~ *juvenile probation and parole office* of a juvenile court and to a local board of public welfare or social services.

§ 16.1-278.7. (Delayed effective date) Commitment to Department of Youth and Family Services.

Unless a child found to be abused, neglected, in need of services, in need of supervision or a status offender is also found to be delinquent and is older than ten years of age, he shall not be committed to the Department of Youth and Family Services. No family court or circuit court shall order the commitment of any child jointly to the Department of Youth and Family Services and to a local board of public welfare or social services or transfer the custody of a child jointly to a ~~court service unit~~ *juvenile probation and parole office* of a family court and to a local board of public welfare or social services.

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

A. Upon receipt of a petition of the Department of Youth and Family Services for a hearing concerning a juvenile committed under § 16.1-285.1, the court shall schedule a hearing within thirty days and shall appoint counsel for the juvenile pursuant to § 16.1-266. The court shall provide a copy of the petition, the progress report required by this section, and notice of the time and place of the hearing to (i) the juvenile, (ii) the juvenile's parent, legal guardian, or person standing in loco parentis, (iii) the juvenile's guardian ad litem, if any, (iv) the juvenile's legal counsel, and (v) the attorney for the Commonwealth who prosecuted the juvenile during the delinquency proceeding.

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

C. At the hearing the court shall consider the progress report. The court may also consider additional evidence from (i) probation officers, the learning center, treatment professionals, and the ~~court service unit~~*juvenile probation and parole office* ; (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 the confidentiality provisions of Article 12 (§ 16.1-299 et seq.) of this chapter.

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

§ 16.1-286. Cost of maintenance; approval of placement; semiannual review; roster of placed children.

A. When the court determines that the behavior of a child within its jurisdiction is such that it cannot be dealt with in the child's own locality or with the resources of his locality, the judge shall refer the child to the locality's family assessment and planning team for assessment and a recommendation for

services. Based on this recommendation, the court may take custody and place the child, pursuant to the provisions of subdivision 5 of § 16.1-278.4 or 13 b of § 16.1-278.8 in a private or locally operated public facility, or nonresidential program, excluding those programs and facilities operating under the provisions of § 16.1-309.5, and approved by the State Board of Youth and Family Services. No child shall be placed outside the Commonwealth by a court without first complying with the appropriate provisions of Chapter 10.1 (§ 63.1-219.1 et seq.) of Title 63.1 or with regulations of the State Board of Social Services relating to resident children placed out of the Commonwealth.

The Board shall establish a per diem allowance to cover the cost of such placements. This allowance may be drawn from funds allocated through the state pool of funds to the community policy and management team of the locality where the child resides as such residence is determined by the court. The cost, however, shall not exceed that amount which would be incurred if the services required by the child were provided in a juvenile facility operated by the Department of Youth and Family Services. However, when the court determines after an investigation and a hearing that the child's parent or other person legally obligated to provide support is financially able to contribute to support of the child, the court may order that the parent or other legally obligated person pay, in such manner as the court may direct, reasonable sums commensurate with the ability to pay toward the support and treatment of the child placed in a program pursuant to this section. If the parent or other obligated person willfully fails or refuses to pay such sum, the court may proceed against him for contempt. Alternatively, the court, after reasonable notice to the obligor, may enter an order adjudicating that the obligor is delinquent and such order shall have the effect of a civil judgment when duly docketed in the manner prescribed for the docketing of other judgments for money provided.

B. The ~~court service unit~~ *juvenile probation and parole office* of the locality which made the placement shall be responsible for monitoring and supervising all children placed pursuant to this section. The court shall receive and review, at least semiannually, recommendations concerning the continued care of each child in such placements.

C. The Director shall cause a current roster to be maintained concerning the whereabouts of all children placed pursuant to this section.

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

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

The local supervising agency shall furnish the child a written statement of the conditions of his parole and shall instruct him regarding the same. Violations of parole shall be heard by the court pursuant to § 16.1-291. The director of the supervising agency may approve termination of parole supervision.

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

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

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

The local supervising agency shall furnish the child a written statement of the conditions of his parole and shall instruct him regarding the same. Violations of parole shall be heard by the court pursuant to § 16.1-291. The director of the supervising agency may approve termination of parole supervision.

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

§ 16.1-294. Placing child on parole in foster home or with institution; how cost paid.

When the child is returned to the custody of the court for parole supervision by the ~~court service unit~~ *juvenile probation and parole office* or the local department of public welfare or social services for supervision, and, after a full investigation, the court is of the opinion that the child should not be placed in his home or is in need of treatment, and there are no funds available to board and maintain the child or to purchase the needed treatment services, the ~~court service unit~~ *juvenile probation and parole office* or the local department of public welfare or social services shall arrange with the Director of the Department of Youth and Family Services for the boarding of the child in a foster home or with any private institution, society or association or for the purchase of treatment services. In determining the proper placement for such a child, the Department may refer the child to the locality's family assessment and planning team for assessment and recommendation for services. The cost of maintaining such child shall be paid monthly, according to schedules prepared and adopted by the Department, out of funds appropriated for such purposes. Treatment services for such child shall be paid from funds appropriated to the Department for such purpose.

§ 16.1-300. Confidentiality of Department records.

A. The social, medical, psychiatric and psychological reports and records of children who are or have been (i) before the court, (ii) under supervision, or (iii) receiving services from a ~~court service unit~~ *juvenile probation and parole office* or who are committed to the Department of Youth and Family Services shall be confidential and shall be open for inspection only to the following:

1. The judge, prosecuting attorney, probation officers and professional staff assigned to serve a court having the child currently before it in any proceeding;

2. Any public agency, child welfare agency, private organization, facility or person who is treating the child pursuant to a contract with the Department;

3. The child's parent, guardian, legal custodian or other person standing in loco parentis and the child's attorney;

4. Any person who previously has been a ward of the Department and who has reached the age of majority and requests access to his own records or reports;

5. Any state agency providing funds to the Department of Youth and Family Services and required by the federal government to monitor or audit the effectiveness of programs for the benefit of juveniles which are financed in whole or in part by federal funds;

6. Any other person, agency or institution, by order of the court, having a legitimate interest in the case or in the work of the court;

7. Any person, agency, organization or institution outside the Department which, at the Department's request, is conducting research or evaluation on the work of the Department or any of its divisions.

A designated individual treating or responsible for the treatment of a person who was previously a ward of the Department may inspect such reports and records as are kept by the Department on such person or receive copies thereof, when the person who is the subject of the reports and records or his parent, guardian, legal custodian or other person standing in loco parentis if the person is under the age of eighteen, provides written authorization to the Department prior to the release of such reports and records for inspection or copying to the designated individual.

B. The Department may withhold from inspection by a child's parent, guardian, legal custodian or other person standing in loco parentis that portion of the records referred to in A hereof, when the staff of the Department determines, in its discretion, that disclosure of such information would be detrimental to the child, provided that the juvenile and domestic relations district court having jurisdiction over the facility where the child is currently placed shall concur in such determination.

If a parent, guardian, legal custodian or other person standing in loco parentis requests to inspect the reports and records concerning his child and if the Department withholds from inspection any portion of such record or report pursuant to the preceding provisions, the Department shall (i) inform the individual making the request of the action taken to withhold any information and the reasons for such action; (ii) provide such individual with as much information about the child's progress as is deemed appropriate under the circumstances; and (iii) notify the individual in writing at the time of the request of his right to request judicial review of the Department's decision. The circuit court having jurisdiction over the

facility where the child is currently placed shall have jurisdiction over petitions filed by a parent, guardian, legal custodian or other person standing in loco parentis for review of the Department's decision to withhold reports or records as provided herein.

§ 16.1-300. (Delayed effective date) Confidentiality of Department records.

A. The social, medical, psychiatric and psychological reports and records of children who are or have been (i) before the court, (ii) under supervision, or (iii) receiving services from a ~~court service unit~~ *juvenile probation and parole office* or who are committed to the Department of Youth and Family Services shall be confidential and shall be open for inspection only to the following:

1. The judge, prosecuting attorney, probation officers and professional staff assigned to serve a court having the child currently before it in any proceeding;

2. Any public agency, child welfare agency, private organization, facility or person who is treating the child pursuant to a contract with the Department;

3. The child's parent, guardian, legal custodian or other person standing in loco parentis and the child's attorney;

4. Any person who previously has been a ward of the Department and who has reached the age of majority and requests access to his own records or reports;

5. Any state agency providing funds to the Department of Youth and Family Services and required by the federal government to monitor or audit the effectiveness of programs for the benefit of juveniles which are financed in whole or in part by federal funds;

6. Any other person, agency or institution, by order of the court, having a legitimate interest in the case or in the work of the court;

7. Any person, agency, organization or institution outside the Department which, at the Department's request, is conducting research or evaluation on the work of the Department or any of its divisions.

A designated individual treating or responsible for the treatment of a person who was previously a ward of the Department may inspect such reports and records as are kept by the Department on such person or receive copies thereof, when the person who is the subject of the reports and records or his parent, guardian, legal custodian or other person standing in loco parentis if the person is under the age of eighteen, provides written authorization to the Department prior to the release of such reports and records for inspection or copying to the designated individual.

B. The Department may withhold from inspection by a child's parent, guardian, legal custodian or other person standing in loco parentis that portion of the records referred to in subsection A, when the staff of the Department determines, in its discretion, that disclosure of such information would be detrimental to the child.

If a parent, guardian, legal custodian or other person standing in loco parentis requests to inspect the reports and records concerning his child and if the Department withholds from inspection any portion of such record or report pursuant to the preceding provisions, the Department shall (i) inform the individual making the request of the action taken to withhold any information and the reasons for such action; (ii) provide such individual with as much information about the child's progress as is deemed appropriate under the circumstances; and (iii) notify the individual in writing at the time of the request of his right to request judicial review of the Department's decision. The family court having jurisdiction over the facility where the child is currently placed shall have jurisdiction over petitions filed by a parent, guardian, legal custodian or other person standing in loco parentis for review of the Department's decision to withhold reports or records as provided herein.

§ 16.1-305. Confidentiality of court records.

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

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

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

3. The attorney for any party;

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

B. All or any part of the records enumerated in subsection A, or information secured from such records, which is presented to the judge in court or otherwise in a proceeding under this law shall also

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be made available to the parties to the proceedings and their attorneys.

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

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

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

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

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

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

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

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

3. The attorney for any party;

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

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

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

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

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

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

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

§ 16.1-309.1. Exception as to confidentiality.

Notwithstanding any other provision of this article, where consideration of public interest requires,

the judge shall make available to the public the name and address of a juvenile and the nature of the offense for which a juvenile has been adjudicated delinquent (i) for an act which would be a Class 1, 2 or 3 felony, forcible rape, robbery or burglary or a related offense as set out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2 if committed by an adult or (ii) in any case where a juvenile is sentenced as an adult in circuit court.

Whenever a juvenile, charged with a delinquent act which would be forcible rape, robbery, burglary or a related offense as set out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2 or a Class 1, 2, or 3 felony if committed by an adult, becomes a fugitive from justice any time prior to or after final disposition of the charge, the attorney for the Commonwealth or, upon notice to the Commonwealth's attorney, the Department of Youth and Family Services or a locally operated ~~court services unit~~ *juvenile probation and parole office* may petition the court having jurisdiction of the offense to authorize public release of the juvenile's name, age, physical description and photograph, the charge for which he is sought or for which he was adjudicated and any other information which may expedite his apprehension. Upon a showing that the juvenile is a fugitive and for good cause, the court shall order release of this information to the public.

Whenever a juvenile fourteen years of age or older is charged with a delinquent act that would be an "act of violence" as defined in subsection A of § 19.2-297.1 if committed by an adult, the court may, where consideration of the public interest requires, make the juvenile's name and address available to the public.

Upon the request of a victim of a delinquent act which would be a felony if committed by an adult, the court may order that such victim be informed of the charge or charges brought, the findings of the court, and the disposition of the case. For purposes of this section, "victim" shall be defined as in § 19.2-11.01.

Upon request, the judge or clerk may disclose if an order of emancipation of a juvenile pursuant to § 16.1-333 has been entered, provided (i) the order is not being appealed, (ii) the order has not been terminated, or (iii) there has not been a judicial determination that the order is void ab initio.

§ 16.1-309.3 Establishment of a community-based system of services; biennial local plan; quarterly report.

A. Any county, city or combination thereof may establish a community-based system pursuant to this article, which shall provide, or arrange to have accessible, a variety of predispositional and postdispositional services. These services may include diversion, house arrest, intensive juvenile supervision, substance abuse assessment and testing, intensive individual and family treatment, guaranteed access to a secure detention facility, structured day treatment and structured residential programs, aftercare/parole community supervision and residential and nonresidential services for juvenile offenders who are before the court on petitions alleging that the juvenile is delinquent, in need of services or in need of supervision. Such community-based systems shall be developed after consultation with the judge or judges of the juvenile and domestic relations district court and the director of the ~~court services unit~~ *juvenile probation and parole office* .

B. Community-based services instituted pursuant to this article shall be administered by a county, city or combination thereof, and may be administered through a community policy and management team established under § 2.1-750 or a commission established under § 16.1-315. Such programs and services may be provided by qualified public or private agencies, pursuant to appropriate contracts. Any commission established under § 16.1-315 providing predispositional and postdispositional services prior to the enactment of this article which serves a member jurisdiction that is a city having a population between 135,000 and 165,000 shall directly receive, during the period fiscal year 1995 through fiscal year 2000, the proportion of funds calculated under § 16.1-309.7 on behalf of the owner localities. During the period fiscal year 1995 through fiscal year 2000, the funds received shall be allocated directly to the member localities. Any member locality which elects to withdraw from the commission shall be entitled to its full allocation as provided in §§ 16.1-309.6 and 16.1-309.7. The Department of Youth and Family Services shall provide technical assistance to localities, upon request, for establishing or expanding programs or services pursuant to this article.

C. Funds provided to implement the provisions of this article shall not be used to supplant funds established as the state pool of funds under § 2.1-757.

D. Any county, city or combination thereof which establishes a community-based system pursuant to this article shall biennially submit to the State Board for approval a local plan for the development, implementation and operation of such services, programs and facilities pursuant to this article. The State Board shall solicit written comments on the plan from the judge or judges of the juvenile and domestic relations court and the director of the ~~court services unit~~ *juvenile probation and parole office* . Prior to the initiation of any new services, the plan shall also include a cost comparison for the private operation of such services.

E. Each locality shall report quarterly to the Director the number of child-care days registered during

the preceding quarter by each juvenile correctional program or facility operated within such locality's plan.

§ 16.1-330.1. Definition; establishment of program; disclosure of information; penalty.

A. For purposes of this article, a serious or habitual juvenile offender is a minor who has been (i) adjudicated delinquent or convicted of murder or attempted murder, armed robbery, any felony sexual assault or malicious wounding or (ii) convicted at least three times for offenses which would be felonies or Class 1 misdemeanors if committed by an adult. Qualifying convictions or adjudications shall include only those for offenses occurring after July 1, 1993. However, any Serious or Habitual Offender Comprehensive Action Program (SHOCAP) in existence on July 1, 1993, shall be deemed to have been established pursuant to this article and, notwithstanding the limitations of this subsection, may continue to supervise persons who were being supervised on July 1, 1993.

B. The Serious or Habitual Offender Comprehensive Action Program (SHOCAP) is a multidisciplinary interagency case management and information sharing system which enables the juvenile and criminal justice system, schools, and social service agencies to make more informed decisions regarding juveniles who repeatedly commit serious criminal and delinquent acts. Each SHOCAP shall supervise serious or habitual juvenile offenders in the community as well as those under probation or parole supervision and enhance current conduct control, supervision and treatment efforts to provide a more coordinated public safety approach to serious juvenile crime, increase the opportunity for success with juvenile offenders and assist in the development of early intervention strategies.

C. Any county or city in the Commonwealth may by action of its governing body establish a SHOCAP committee. The committee shall consist of representatives from local law enforcement, schools, attorneys for the Commonwealth, juvenile ~~court services~~ *probation and parole offices,* juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and the Department of Youth and Family Services. Any county or city which establishes a SHOCAP committee shall, within forty-five days of such action, notify the Department of Criminal Justice Services. The Department shall issue statewide SHOCAP guidelines and provide technical assistance to local jurisdictions on implementation of SHOCAP.

D. Each SHOCAP committee shall share among its members and with other SHOCAP committees otherwise confidential information on identified serious or habitual juvenile offenders. Every person, including members of the SHOCAP committee, who is to receive confidential information pursuant to this article shall first submit to the committee a signed statement acknowledging the duty imposed by this article to maintain the confidentiality of that information.

All records and reports concerning serious or habitual juvenile offenders made available to members of a SHOCAP committee and all records and reports identifying an individual offender which are generated by the committee from such reports shall be confidential and shall not be disclosed, except as specifically authorized by this article or other applicable law. Disclosure of the information may be made to other staff from member agencies as authorized by the SHOCAP committee for the furtherance of case management, community supervision, conduct control and locating of the offender for the application and coordination of appropriate services. Staff from the member agencies who receive such information will be governed by the confidentiality provisions of this article. The staff from the member agencies who will qualify to have access to the SHOCAP information shall be limited to those individuals who provide direct services to the offender or who provide community conduct control and supervision to the offender.

The provisions of this article authorizing information sharing between and among SHOCAP committees shall take precedence over the provisions of (i) Article 12 (§ 16.1-299 et seq.) of Chapter 11 of this title governing dissemination of court and law-enforcement records concerning juveniles, (ii) Article 5 (§ 22.1-287 et seq.) of Chapter 14 of Title 22.1 governing access to pupil records, (iii) Title 37.1 and any regulations enacted pursuant thereto governing access to juvenile mental health records and (iv) Title 63.1 and any regulations enacted pursuant thereto governing access to records concerning treatments or services provided to a juvenile.

E. It shall be unlawful for any staff person from a member agency to disclose or to knowingly permit, assist or encourage the unauthorized release of any identifying information contained in any reports or records received or generated by a SHOCAP committee. A violation of this subsection shall be punishable as a Class 3 misdemeanor.

§ 19.2-123. Release of accused on unsecured bond or promise to appear; conditions of release.

A. If any judicial officer has brought before him any person held in custody and charged with an offense, other than an offense punishable by death, or a juvenile taken into custody pursuant to § 16.1-246, the judicial officer shall consider the release pending trial or hearing of the accused on his recognizance.

In the case of a juvenile or in any case where the judicial officer determines that such a release will not reasonably assure the appearance of the accused as required, the judicial officer shall then, either in lieu of or in addition to the above methods of release, impose any one or any combination of the

following conditions of release which will reasonably assure the appearance of the accused or juvenile for trial or hearing:

1. Place the person in the custody of a designated person or organization agreeing to supervise him or in the custody and under the supervision of a pretrial services agency which, for the purposes of this section, shall not include a ~~court services unit~~ *juvenile probation and parole office* established pursuant to § 16.1-233;

2. Place restrictions on the travel, association or place of abode of the person during the period of release and restrict contacts with household members for a period not to exceed seventy-two hours;

2a. Require the execution of an unsecured bond;

3. Require the execution of a secure bond which at the option of the accused shall be satisfied with sufficient solvent sureties, or the deposit of cash in lieu thereof. Only the actual value of any interest in real estate or personal property owned by the proposed surety shall be considered in determining solvency and solvency shall be found if the value of the proposed surety's equity in the real estate or personal property equals or exceeds the amount of the bond; or

4. Impose any other condition deemed reasonably necessary to assure appearance as required, and to assure his good behavior pending trial, including a condition requiring that the person return to custody after specified hours or be placed on home electronic incarceration pursuant to § 53.1-131.2.

Upon satisfaction of the terms of recognizance, the accused shall be released forthwith.

In addition, where the accused is a resident of a state training center for the mentally retarded, the judicial officer may place the person in the custody of the director of the state facility, if the director agrees to accept custody. Such director is hereby authorized to take custody of such person and to maintain him at the training center prior to a trial or hearing under such circumstances as will reasonably assure the appearance of the accused for the trial or hearing.

B. In any jurisdiction served by a pretrial services agency which offers a drug testing program approved for the purposes of this subsection by the chief general district court judge, any such accused or juvenile charged with a crime may be requested by such agency to give voluntarily a urine sample. This sample may be analyzed for the presence of phencyclidine (PCP), barbiturates, cocaine, opiates or such other drugs as the agency may deem appropriate prior to any hearing to establish bail. The judicial officer and agency shall inform the accused or juvenile being tested that test results shall be used by a judicial officer only at a bail hearing and only to determine appropriate conditions of release or to reconsider the conditions of bail at a subsequent hearing. All test results shall be confidential with access thereto limited to judicial officers, the attorney for the Commonwealth, defense counsel and, in cases where a juvenile is tested, the parents or legal guardian or custodian of such juvenile. However, in no event shall the judicial officer have access to any test result prior to making a bail release determination or to determining the amount of bond, if any. Following this determination, the judicial officer shall consider the test results and the testing agency's report and accompanying recommendations, if any, in setting appropriate conditions of release. In no event shall a decision regarding a release determination be subject to reversal on the sole basis of such test results. Any accused or juvenile whose urine sample has tested positive for such drugs and who is admitted to bail may, as a condition of release, be ordered to refrain from use of alcohol or illegal drugs and may be required to be tested on a periodic basis until final disposition of his case to ensure his compliance with the order. Sanctions for a violation of any condition of release, which violations shall include subsequent positive drug test results or failure to report as ordered for testing, may be imposed in the discretion of the judicial officer and may include imposition of more stringent conditions of release, contempt of court proceedings or revocation of release. Any test given under the provisions of this subsection which yields a positive drug test result shall be reconfirmed by a second test if the person tested denies or contests the initial drug test positive result. The results of any drug test conducted pursuant to this subsection shall not be admissible in any judicial proceeding other than for the imposition of sanctions for a violation of a condition of release.

C. [Repealed.]

D. Nothing in this section shall be construed to prevent an officer taking a juvenile into custody from releasing that juvenile pursuant to § 16.1-247. If any condition of release imposed under the provisions of this section is violated, a judicial officer may issue a capias or order to show cause why the recognizance should not be revoked.

§ 63.1-248.3. Physicians, nurses, teachers, etc., to report certain injuries to children; penalty for failure to report.

A. The following persons who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, shall report the matter immediately, except as hereinafter provided, to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the Department of Social Services' toll-free child abuse and neglect hotline:

1. Any person licensed to practice medicine or any of the healing arts,
2. Any hospital resident or intern, and any person employed in the nursing profession,
3. Any person employed as a social worker,
4. Any probation officer,
5. Any teacher or other person employed in a public or private school, kindergarten or nursery school,
6. Any person providing full-time or part-time child care for pay on a regularly planned basis,
7. Any duly accredited Christian Science practitioner,
8. Any mental health professional,
9. Any law-enforcement officer,
10. Any mediator eligible to receive court referrals pursuant to § 8.01-576.8,
11. Any professional staff person, not previously enumerated, employed by a private or state-operated hospital, institution or facility to which children have been committed or where children have been placed for care and treatment, and
12. Any person associated with or employed by any private organization responsible for the care, custody or control of children.

If neither the locality in which the child resides or where the abuse or neglect is believed to have occurred is known, then such report shall be made to the local department of the county or city where the abuse or neglect was discovered or to the Department of Social Services' toll-free child abuse and neglect hotline.

If an employee of the local department is suspected of abusing or neglecting a child, the report shall be made to the juvenile and domestic relations district court of the county or city where the abuse or neglect was discovered. Upon receipt of such a report by the court, the judge of the juvenile and domestic relations district court shall assign the report to a local department of social services that is not the employer of the suspected employee for investigation; or, if the judge believes that no local department of social services within a reasonable geographic distance can be impartial in investigating the reported case, the judge shall assign the report to the ~~court service unit~~ *juvenile probation and parole office* of his court for investigation. The judge may consult with the State Department of Social Services in selecting a local department to conduct the investigation.

If the information is received by a teacher, staff member, resident, intern or nurse in the course of professional services in a hospital, school or similar institution, such person may, in place of said report, immediately notify the person in charge of the institution or department, or his designee, who shall make such report forthwith.

The initial report may be an oral report but such report shall be reduced to writing by the child abuse coordinator of the local department on a form prescribed by the State Board of Social Services. The person required to make the report shall disclose all information which is the basis for his suspicion of abuse or neglect of the child and, upon request, shall make available to the child-protective services coordinator and the local department investigating the reported case of child abuse or neglect any records or reports which document the basis for the report.

B. Any person required to file a report pursuant to subsection A of this section who fails to do so within seventy-two hours of his first suspicion of child abuse or neglect shall be fined not more than $500 for the first failure and for any subsequent failures not less than $100 nor more than $1,000.

§ 63.1-248.3. (Delayed effective date) Physicians, nurses, teachers, etc., to report certain injuries to children; penalty for failure to report.

A. The following persons who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, shall report the matter immediately, except as hereinafter provided, to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the Department of Social Services' toll-free child abuse and neglect hotline:

1. Any person licensed to practice medicine or any of the healing arts,
2. Any hospital resident or intern, and any person employed in the nursing profession,
3. Any person employed as a social worker,
4. Any probation officer,
5. Any teacher or other person employed in a public or private school, kindergarten or nursery school,
6. Any person providing full-time or part-time child care for pay on a regularly planned basis,
7. Any duly accredited Christian Science practitioner,
8. Any mental health professional,
9. Any law-enforcement officer,
10. Any mediator eligible to receive court referrals pursuant to § 8.01-576.8,
11. Any professional staff person, not previously enumerated, employed by a private or state-operated hospital, institution or facility to which children have been committed or where children have been

placed for care and treatment, and

12. Any person associated with or employed by any private organization responsible for the care, custody or control of children.

If neither the locality in which the child resides or where the abuse or neglect is believed to have occurred is known, then such report shall be made to the local department of the county or city where the abuse or neglect was discovered or to the Department of Social Services' toll-free child abuse and neglect hotline.

If an employee of the local department is suspected of abusing or neglecting a child, the report shall be made to the family court of the county or city where the abuse or neglect was discovered. Upon receipt of such a report by the court, the judge of the family court shall assign the report to a local department of social services that is not the employer of the suspected employee for investigation; or, if the judge believes that no local department of social services in a reasonable geographic distance can be impartial in investigating the reported case, the judge shall assign the report to the ~~court service unit~~ *juvenile probation and parole office* of his court for investigation. The judge may consult with the State Department of Social Services in selecting a local department to conduct the investigation.

If the information is received by a teacher, staff member, resident, intern or nurse in the course of professional services in a hospital, school or similar institution, such person may, in place of said report, immediately notify the person in charge of the institution or department, or his designee, who shall make such report forthwith.

The initial report may be an oral report but such report shall be reduced to writing by the child abuse coordinator of the local department on a form prescribed by the State Board of Social Services. The person required to make the report shall disclose all information which is the basis for his suspicion of abuse or neglect of the child and, upon request, shall make available to the child-protective services coordinator and the local department investigating the reported case of child abuse or neglect any records or reports which document the basis for the report.

B. Any person required to file a report pursuant to subsection A of this section who fails to do so within seventy-two hours of his first suspicion of child abuse or neglect shall be fined not more than $500 for the first failure and for any subsequent failures not less than $100 nor more than $1,000.

§ 63.1-248.4. Complaints by others of certain injuries to children.

Any person who suspects that a child is an abused or neglected child may make a complaint concerning such child, except as hereinafter provided, to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the Department of Social Services' toll-free child abuse and neglect hotline. If an employee of the local department is suspected of abusing or neglecting a child, the complaint shall be made to the juvenile and domestic relations district court of the county or city where the abuse or neglect was discovered. Upon receipt of such a report by the court, the judge of the juvenile and domestic relations district court shall assign the report to a local department of social services that is not the employer of the suspected employee for investigation; or, if the judge believes that no local department of social services in a reasonable geographic distance can be impartial in investigating the reported case, the judge shall assign the report to the ~~court service unit~~ *juvenile probation and parole office* of his court for investigation. The judge may consult with the State Department of Social Services in selecting a local department to conduct the investigation. Such a complaint may be oral or in writing and shall disclose all information which is the basis for the suspicion of abuse or neglect of the child.

§ 63.1-248.4. (Delayed effective date) Complaints by others of certain injuries to children.

Any person who suspects that a child is an abused or neglected child may make a complaint concerning such child, except as hereinafter provided, to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the Department of Social Services' toll-free child abuse and neglect hotline. If an employee of the local department is suspected of abusing or neglecting a child, the complaint shall be made to the family court of the county or city where the abuse or neglect was discovered. Upon receipt of such a report by the court, the judge of the family district court shall assign the report to a local department of social services that is not the employer of the suspected employee for investigation; or, if the judge believes that no local department of social services in a reasonable geographic distance can be impartial in investigating the reported case, the judge shall assign the report to the ~~court service unit~~ *juvenile probation and parole office* of his court for investigation. The judge may consult with the State Department of Social Services in selecting a local department to conduct the investigation. Such a complaint may be oral or in writing and shall disclose all information which is the basis for the suspicion of abuse or neglect of the child.

INTRODUCED