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HOUSE JOINT RESOLUTION NO. 69

Offered January 20, 1998

Directing the Commission on Youth to study the adjudication of competency in juvenile delinquency proceedings.

Patrons—Rhodes, Cantor, Darner, Deeds, Hamilton, Jackson and Jones, J.C.; Senators: Houck and Miller, Y.B.

Referred to Committee on Rules

WHEREAS, the Code of Virginia in § 16.1-269.1 (a) (3) establishes that a juvenile must be competent to stand trial in order to be transferred to circuit court and tried as an adult; and

WHEREAS, Title 16.1 of the Code of Virginia does not provide for a juvenile's right to be competent or standards for adjudicating competency in juvenile delinquency proceedings; and

WHEREAS, judges and attorneys differ in their approaches to the adjudication of competency; and

WHEREAS, the use of adult standards for competency engenders confusion among attorneys, judges, and forensic evaluators regarding application of such standards to juveniles; and

WHEREAS, the determination of competency of a juvenile should include developmental considerations, cognitive abilities, and maturity factors, although there are no clear guidelines in the field of mental health to address the cumulative effect of these factors; and

WHEREAS, furthermore, the Commonwealth lacks clear procedures and protocols for the placement and effective treatment of juveniles found to be incompetent to stand trial; and

WHEREAS, there are no standardized payment mechanisms for treatment for the restoration of competency of juveniles; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Commission on Youth be directed to conduct a study on establishing a standard to determine competency of juveniles in delinquency proceedings. The Commission is directed to examine the state's policies and procedures and services applicable to these issues with the goal of developing statutory guidance and the mechanisms to implement appropriate Code provisions. An advisory task force shall be established to assist the Commission in its work. Membership shall be comprised of representatives of juvenile and domestic relations district court judges, Commonwealth's attorneys, the Virginia State Bar, local community service boards, court service units, and the Department of Mental Health, Mental Retardation and Substance Abuse Services.

All agencies of the Commonwealth shall assist the work of the Commission, upon request.

The Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 1999 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

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