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SENATE BILL NO. 669

Offered January 26, 1998

A BILL to amend and reenact § 16.1-227 of the Code of Virginia, relating to purpose and intent of juvenile and domestic relations district court law.

Patrons—Lambert and Quayle; Delegates: Albo, Hargrove, Katzen and Reid

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-227 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-227. Purpose and intent.

The provisions set forth in this chapter shall assure the fundamental rights and liberty interests to autonomy in child rearing by each parent, and that state interference with those rights and interests must be justified by clear and convincing evidence of imminent harm to the child's health or welfare.

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

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

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

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

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

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

INTRODUCED

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