

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 16.1-241 of the Code of Virginia, as it is currently effective and as it*  
 3 *may become effective, and to amend the Code of Virginia by adding a section numbered 16.1-241.2,*  
 4 *relating to proceedings against certain parents; penalty.*

[H 730]

Approved

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

8 **1. That § 16.1-241 of the Code of Virginia, as it is currently effective and as it may become**  
 9 **effective, is amended and reenacted and that the Code of Virginia is amended by adding a section**  
 10 **numbered 16.1-241.2 as follows:**

11 § 16.1-241. Jurisdiction.

12 The judges of the juvenile and domestic relations district court elected or appointed under this law  
 13 shall be conservators of the peace within the corporate limits of the cities and the boundaries of the  
 14 counties for which they are respectively chosen and within one mile beyond the limits of such cities and  
 15 counties. Except as hereinafter provided, each juvenile and domestic relations district court shall have,  
 16 within the limits of the territory for which it is created, exclusive original jurisdiction, and within one  
 17 mile beyond the limits of said city or county, concurrent jurisdiction with the juvenile court or courts of  
 18 the adjoining city or county over all cases, matters and proceedings involving:

19 A. The custody, visitation, support, control or disposition of a child:

20 1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status  
 21 offender, or delinquent;

22 2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical  
 23 or mental incapacity of his parents is without parental care and guardianship;

24 2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated  
 25 as having abused or neglected another child in the care of the parent or custodian;

26 3. Whose custody, visitation or support is a subject of controversy or requires determination. In such  
 27 cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, except  
 28 as provided in § 16.1-244;

29 4. Who is the subject of an entrustment agreement entered into pursuant to § 63.1-56 or § 63.1-204  
 30 or whose parent or parents for good cause desire to be relieved of his care and custody;

31 5. Where the termination of residual parental rights and responsibilities is sought. In such cases  
 32 jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided  
 33 in § 16.1-244;

34 6. Who is charged with a traffic infraction as defined in § 46.2-100.

35 The authority of the juvenile court to adjudicate matters involving the custody, visitation, support,  
 36 control or disposition of a child shall not be limited to the consideration of petitions filed by a mother,  
 37 father or legal guardian but shall include petitions filed at any time by any party with a legitimate  
 38 interest therein. A party with a legitimate interest shall be broadly construed and shall include, but not  
 39 be limited to, grandparents, stepparents, former stepparents, blood relatives and family members. The  
 40 authority of the juvenile court to consider a petition involving the custody of a child shall not be  
 41 proscribed or limited where the child has previously been awarded to the custody of a local board of  
 42 social services.

43 B. The admission of minors for inpatient treatment in a mental health facility in accordance with the  
 44 provisions of Article 16 (§ 16.1-335 et seq.) of this chapter and the commitment of a mentally ill person  
 45 or judicial certification of eligibility for admission to a treatment facility of a mentally retarded person  
 46 in accordance with the provisions of Chapters 1 (§ 37.1-1 et seq.) and 2 (§ 37.1-63 et seq.) of Title 37.1.  
 47 Jurisdiction of the commitment and certification of adults shall be concurrent with the general district  
 48 court.

49 C. Except as provided in subsections D and H hereof, judicial consent to such activities as may  
 50 require parental consent may be given for a child who has been separated from his parents, guardian,  
 51 legal custodian or other person standing in loco parentis and is in the custody of the court when such  
 52 consent is required by law.

53 D. Judicial consent for emergency surgical or medical treatment for a child who is neither married  
 54 nor has ever been married, when the consent of his parent, guardian, legal custodian or other person  
 55 standing in loco parentis is unobtainable because such parent, guardian, legal custodian or other person  
 56 standing in loco parentis (i) is not a resident of this Commonwealth, (ii) his whereabouts is unknown,  
 57 (iii) he cannot be consulted with promptness, reasonable under the circumstances or (iv) fails to give

58 such consent or provide such treatment when requested by the judge to do so.

59 E. Any person charged with deserting, abandoning or failing to provide support for any person in  
60 violation of law.

61 F. Any parent, guardian, legal custodian or other person standing in loco parentis of a child:

62 1. Who has been abused or neglected;

63 2. Who is the subject of an entrustment agreement entered into pursuant to § 63.1-56 or § 63.1-204  
64 or is otherwise before the court pursuant to subdivision A 4 of this section;

65 3. Who has been adjudicated in need of services, in need of supervision, or delinquent, if the court  
66 finds that such person has by overt act or omission induced, caused, encouraged or contributed to the  
67 conduct of the child complained of in the petition.

68 G. Petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian or other  
69 person standing in loco parentis for the purpose of obtaining treatment, rehabilitation or other services  
70 which are required by law to be provided for that child or such child's parent, guardian, legal custodian  
71 or other person standing in loco parentis. Jurisdiction in such cases shall be concurrent with and not  
72 exclusive of that of courts having equity jurisdiction as provided in § 16.1-244.

73 H. Judicial consent to apply for work permit for a child when such child is separated from his  
74 parents, legal guardian or other person standing in loco parentis.

75 I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or  
76 neglect of children or with any violation of law which causes or tends to cause a child to come within  
77 the purview of this law, or with any other offense against the person of a child. In prosecution for  
78 felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not  
79 there is probable cause.

80 J. All offenses in which one family or household member is charged with an offense in which  
81 another family or household member is the victim. In prosecution for felonies over which the court has  
82 jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause. For  
83 purposes of this subsection, "family or household member," as defined in § 16.1-228, shall also be  
84 construed to include parent and child, stepparent and stepchild, brothers and sisters, and grandparent and  
85 grandchild, regardless of whether such persons reside in the same home.

86 K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily  
87 relinquished pursuant to a court proceeding, to seek a reversal of the court order terminating such  
88 parental rights. No such petition shall be accepted, however, after the child has been placed in the home  
89 of adoptive parents.

90 L. Any person who seeks spousal support after having separated from his spouse. A decision under  
91 this subdivision shall not be res judicata in any subsequent action for spousal support in a circuit court.  
92 A circuit court shall have concurrent original jurisdiction in all causes of action under this subdivision.

93 M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1 or  
94 § 16.1-279.1.

95 N. Any person who escapes or remains away without proper authority from a residential care facility  
96 in which he had been placed by the court or as a result of his commitment to the Virginia Department  
97 of Youth and Family Services.

98 O. Petitions for emancipation of a minor pursuant to Article 15 (§ 16.1-331 et seq.) of this chapter.

99 P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 13  
100 (§ 63.1-249 et seq.) of Title 63.1, or by another state in the same manner as if the orders were entered  
101 by a juvenile and domestic relations district court upon the filing of a certified copy of such order in the  
102 juvenile and domestic relations district court.

103 Q. Petitions for a determination of parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20.

104 R. Petitions for the purpose of obtaining an emergency protective order pursuant to § 16.1-253.4.

105 S. *Petitions filed by school boards against a parent pursuant to §§16.1-241.2 and 22.1-276.01.*

106 The ages specified in this law refer to the age of the child at the time of the acts complained of in  
107 the petition.

108 § 16.1-241. (Delayed effective date) Jurisdiction.

109 The judges of the family court elected or appointed under this law shall be conservators of the peace  
110 within the corporate limits of the cities and the boundaries of the counties for which they are  
111 respectively chosen and within one mile beyond the limits of such cities and counties. Except as  
112 hereinafter provided, each family court shall have, within the limits of the territory for which it is  
113 created, exclusive original jurisdiction, and within one mile beyond the limits of said city or county,  
114 concurrent jurisdiction with the family court or courts of the adjoining city or county over all cases,  
115 matters and proceedings involving:

116 A. The custody, visitation, support, control or disposition of a child:

117 1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status  
118 offender, or delinquent;

119 2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical  
120 or mental incapacity of his parents is without parental care and guardianship;

121 2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated  
122 as having abused or neglected another child in the care of the parent or custodian;

123 3. Whose custody, visitation or support is a subject of controversy or requires determination;

124 4. Who is the subject of an entrustment agreement entered into pursuant to § 63.1-56 or § 63.1-204  
125 or whose parent or parents for good cause desire to be relieved of his care and custody;

126 5. Where the termination of residual parental rights and responsibilities is sought;

127 6. Who is charged with a traffic infraction as defined in § 46.2-100.

128 The authority of the family court to adjudicate matters involving the custody, visitation, support,  
129 control or disposition of a child shall not be limited to the consideration of petitions filed by a mother,  
130 father or legal guardian but shall include petitions filed at any time by any party with a legitimate  
131 interest therein. A party with a legitimate interest shall be broadly construed and shall include, but not  
132 be limited to, grandparents, stepparents, former stepparents, blood relatives and family members. The  
133 authority of the family court to consider a petition involving the custody of a child shall not be  
134 proscribed or limited where the child has previously been awarded to the custody of a local board of  
135 social services.

136 B. The admission of minors for inpatient treatment in a mental health facility in accordance with the  
137 provisions of Article 16 (§ 16.1-335 et seq.) of this chapter and the commitment of a mentally ill person  
138 or judicial certification of eligibility for admission to a treatment facility of a mentally retarded person  
139 in accordance with the provisions of Chapters 1 (§ 37.1-1 et seq.) and 2 (§ 37.1-63 et seq.) of Title 37.1.  
140 Jurisdiction of the commitment and certification of adults shall be concurrent with the general district  
141 court.

142 C. Except as provided in subsections D and H hereof, judicial consent to such activities as may  
143 require parental consent may be given for a child who has been separated from his parents, guardian,  
144 legal custodian or other person standing in loco parentis and is in the custody of the court when such  
145 consent is required by law.

146 D. Judicial consent for emergency surgical or medical treatment for a child who is neither married  
147 nor has ever been married, when the consent of his parent, guardian, legal custodian or other person  
148 standing in loco parentis is unobtainable because such parent, guardian, legal custodian or other person  
149 standing in loco parentis (i) is not a resident of this Commonwealth, (ii) his whereabouts is unknown,  
150 (iii) cannot be consulted with promptness, reasonable under the circumstances or (iv) fails to give such  
151 consent or provide such treatment when requested by the judge to do so.

152 E. Any person charged with deserting, abandoning or failing to provide support for any person in  
153 violation of law pursuant to Chapter 5 (§ 20-61 et seq.) of Title 20.

154 F. Any parent, guardian, legal custodian or other person standing in loco parentis of a child:

155 1. Who has been abused or neglected;

156 2. Who is the subject of an entrustment agreement entered into pursuant to § 63.1-56 or § 63.1-204  
157 or is otherwise before the court pursuant to subdivision A 4 of this section;

158 3. Who has been adjudicated in need of services, in need of supervision, or delinquent, if the court  
159 finds that such person has by overt act or omission induced, caused, encouraged or contributed to the  
160 conduct of the child complained of in the petition.

161 G. Petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian or other  
162 person standing in loco parentis for the purpose of obtaining treatment, rehabilitation or other services  
163 which are required by law to be provided for that child or such child's parent, guardian, legal custodian  
164 or other person standing in loco parentis.

165 H. Judicial consent to apply for work permit for a child when such child is separated from his  
166 parents, legal guardian or other person standing in loco parentis.

167 I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or  
168 neglect of children or with any violation of law which causes or tends to cause a child to come within  
169 the purview of this law, or with any other offense against the person of a child. In prosecution for  
170 felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not  
171 there is probable cause.

172 J. All offenses in which one family or household member is charged with an offense in which  
173 another family or household member is the victim. In prosecution for felonies over which the court has  
174 jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause. For  
175 purposes of this subsection, "family or household member," as defined in § 16.1-228, shall also be  
176 construed to include parent and child, stepparent and stepchild, brothers and sisters, and grandparent and  
177 grandchild, regardless of whether such persons reside in the same home.

178 K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily  
179 relinquished pursuant to a court proceeding, to seek a reversal of the court order terminating such

180 parental rights. No such petition shall be accepted, however, after the child has been placed in the home  
181 of adoptive parents.

182 L. Any person who seeks spousal support after having separated from his spouse.

183 M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1 or  
184 § 16.1-279.1.

185 N. Any person who escapes or remains away without proper authority from a residential care facility  
186 in which he had been placed by the court or as a result of his commitment to the Virginia Department  
187 of Youth and Family Services.

188 O. Petitions for emancipation of a minor pursuant to Article 15 (§ 16.1-331 et seq.) of this chapter.

189 P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 13  
190 (§ 63.1-249 et seq.) of Title 63.1, or by another state in the same manner as if the orders were entered  
191 by a family court upon the filing of a certified copy of such order in the family court.

192 Q. Petitions for a determination of parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20.

193 R. Petitions for the purpose of obtaining an emergency protective order pursuant to § 16.1-253.4.

194 S. Suits for divorce and for annulling or affirming marriage in accordance with Title 20.

195 T. Suits for separate maintenance.

196 U. Suits for equitable distribution based on a foreign decree in accordance with § 20-107.3.

197 V. Petitions for adoption.

198 W. Petitions for change of name when incident to suits for annulling or affirming marriage, divorce,  
199 or adoption or when ancillary to any action within the jurisdiction of the family court.

200 X. Petitions regarding records of birth pursuant to Chapter 7 (§ 32.1-249 et seq.) of Title 32.1.

201 Y. Judicial review of school board actions pursuant to § 22.1-87 and of hearing officer decisions  
202 pursuant to §§ 22.1-214 and 22.1-214.1.

203 Z. *Petitions filed by school boards against a parent pursuant to §§ 16.1-241.2 and 22.1-276.01.*

204 The ages specified in this law refer to the age of the child at the time of the acts complained of in  
205 the petition.

206 § 16.1-241.2. *Proceedings against certain parents.*

207 A. *Upon the failure of a parent to comply with the provisions of § 22.1-276.01, the school board*  
208 *may, by petition to the juvenile and domestic relations court, proceed against such parent for willful and*  
209 *unreasonable refusal to participate in efforts to improve the student's behavior as follows:*

210 1. *If the court finds that the parent has willfully and unreasonably failed to return the statement*  
211 *required by subsection C of § 22.1-276.01, it may impose a civil penalty not to exceed \$50;*

212 2. *If the court finds that the parent has willfully and unreasonably failed to meet, pursuant to a*  
213 *request of the principal as set forth in subsection D of § 22.1-276.01, to review the school board's*  
214 *standards of student conduct and the parent's responsibility to assist the school in disciplining the*  
215 *student and maintaining order and to discuss improvement of the child's behavior and educational*  
216 *progress, it may order the parent to so meet; or*

217 3. *If the court finds that the parent has willfully and unreasonably failed to accompany a suspended*  
218 *student to meet with school officials pursuant to subsection F of § 22.1-276.01, or upon the student*  
219 *receiving a second suspension or being expelled, it may order (i) the student or his parent to participate*  
220 *in such programs or such treatment as the court deems appropriate to improve the student's behavior or*  
221 *(ii) the student or his parent to be subject to such conditions and limitations as the court deems*  
222 *appropriate for the supervision, care, and rehabilitation of the student or his parent; in addition, the*  
223 *court may order the parent to pay a civil penalty not to exceed \$500.*

224 *The court shall not use its contempt power to enforce any order entered under this section.*

225 B. *The civil penalties established pursuant to this section shall be enforceable in the juvenile and*  
226 *domestic relations court in which the student's school is located and shall be paid into a fund*  
227 *maintained by the appropriate local governing body to support programs or treatments designed to*  
228 *improve the behavior of students as described in clause (iii) of subsection G of § 22.1-276.01. Upon the*  
229 *failure to pay any civil penalties imposed by this section and § 22.1-276.01, the attorney for the*  
230 *appropriate county, city, or town shall enforce the collection of such civil penalties.*

231 C. *For the purposes of this section and § 22.1-276.01, "parent" or "parents" means any parent,*  
232 *guardian, legal custodian, or other person having control or charge of a child.*