

Juvenile and Domestic Relations
Courts and Senate Bill 175, 1948
Session of the General Assembly

REPORT OF THE
VIRGINIA ADVISORY LEGISLATIVE COUNCIL
TO
THE GOVERNOR
AND
THE GENERAL ASSEMBLY OF VIRGINIA



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**Juvenile and Domestic Relations Courts and
Senate Bill 175, 1948 Session of the
General Assembly**

**A REPORT OF THE VIRGINIA ADVISORY
LEGISLATIVE COUNCIL**

RICHMOND, VIRGINIA, *November 30, 1949.*

To:

HONORABLE WM. M. TUCK, *Governor of Virginia*
and

THE GENERAL ASSEMBLY OF VIRGINIA:

At the 1948 session of the General Assembly a bill, known as Senate Bill 175, was introduced. This bill provided, among other things which will be detailed elsewhere, that the State be divided into seventeen Juvenile and Domestic Relations Court districts—each of the seventeen courts to be a court of record.

The General Assembly, desiring further information upon this bill and matters affected thereby, directed the Virginia Advisory Legislative Council to make a study and report thereon to the 1950 session of the General Assembly. This study was directed by Chapter 390 of the Acts of 1948 which is as follows:

An Act to provide for a study, by the Virginia Advisory Legislative Council, of a system of juvenile and domestic relations courts for Virginia.

Be it enacted by the General Assembly of Virginia:

1. Section 1. The public policy of Virginia has been to provide for the correction of youthful offenders rather than to rely upon punitive methods. The General Assembly views with favor the general principle of enlarging the jurisdiction of juvenile and domestic relations courts in the Commonwealth of Virginia and improving the functions of such courts in the several counties and cities.

Section 2. The Virginia Advisory Legislative Council accordingly is hereby directed to make further study and report on the advisability of establishing a state-wide

system of juvenile and domestic relations courts. The Council shall particularly consider the proposals contained in Senate Bill one hundred seventy-five, session of nineteen hundred forty-eight, as originally introduced. The Council shall also carefully consider the jurisdiction to be given such courts, the question of whether the right to trial by jury is involved in cases coming before such courts, and all other matters which it deems pertinent to such study. The Council shall also consider the proper integration of such courts into the judicial system of the State, the cost of such a system of juvenile and domestic relations courts, and to what extent the same would be compensated for by lowered criminal and welfare costs.

Section 3. The Council shall complete its study and make a report containing its findings and recommendations to the Governor and the General Assembly not later than September one, nineteen hundred forty-nine.

This subject was assigned by the Council to Delegate W. R. Broadus, Jr., Martinsville, member of the Council, as chairman of the committee to be appointed by the Council. The following were nominated by him and approved by the Council to serve on this committee: Earl L. Abbott, Judge, Nineteenth Judicial Circuit, Clifton Forge; Mrs. Charles G. Baber, Lynchburg; Edwin Clements, Judge, Juvenile and Domestic Relations, Civil and Police Court, Petersburg; Hale Collins, member, House of Delegates, Attorney-at-Law, Covington; James Hoge Ricks, Judge, Juvenile and Domestic Relations Court, Richmond. Judge Ricks was elected Vice-Chairman and Cassius M. Chichester and John B. Boatwright, Jr., served as Secretary and Recording Secretary, respectively. Col. Richard W. Copeland, Director, Department of Welfare and Institutions, served ex-officio as a member of the committee.

Meetings were held on May 6 and 7, 1949, June 3 and 4 and 24, 1949, August 5 and 6, 1949, September 16, 1949. In addition to these regular meetings the members engaged extensively in individual research. Questionnaires on specific questions were sent to local superintendents of welfare and the members of the Trial Justice Association. After wide publicity, public hearings were held on May 7, in Roanoke and June 4, in Richmond. Special notices urging their attendance were sent to the Council of Juvenile Judges, the Trial Justice Association, the Bar Associations, the League of Local Welfare Executives, the National Probation Association, State Department officials and to organizations in the State known for their interest in child welfare.

The committee completed its work and made its report to the Council. The Council has carefully studied the report and

accompanying data. After mature consideration the Council now sets forth its report.

Before setting forth our comments relative to Senate Bill 175, or discussing the proposals contained in the Bill appended, a few preliminary remarks about our present juvenile court law, and what appears to be its defects and disadvantages, would seem essential for a proper understanding and evaluation of the recommendations in regard to Senate Bill 175 (1948) and the bill appended. For convenience the report is divided into the following four parts:

PART I—*The Present Juvenile Court Law*: its development and effectiveness.

PART II—*Senate Bill 175*: its principles, provisions and recommendations in regard thereto.

PART III—*The Bill Appended*: its intent, general plan, drafting and system of numbering; certain new provisions with explanatory notes; estimated cost.

PART IV—*Conclusion*: General recommendations.

PART I

THE PRESENT JUVENILE COURT LAW

The present judicial system, whereby the trial justice serves as the juvenile and domestic relations court judge in each county and the police court justice so serves in each city not having provision for a separate such judge was inaugurated in 1936. The first juvenile court legislation, however, was passed as far back as 1914, and as long ago as 1922 it was provided that a juvenile and domestic relations court be established in every city and county in the State.

There has been much amending of these original statutes in an endeavor to make them more effective; but regardless of the many legislative attempts at implementation one of the most obvious weaknesses in our present system appears to be the inadequacy, or often the complete absence, of the probation, detention and psychiatric services which are indispensable to the proper administration of a juvenile court.

Another striking weakness in our present law appears to be the question of jurisdiction. This was brought to the fore in a recent case involving an aggravated crime, when upon appeal to the Supreme Court of Appeals it was held that a child could be indicted and tried without the necessity of any proceedings of a preliminary nature in the Juvenile and Domestic Relations Court.

A less serious but equally pronounced defect was found to be the duplication, ambiguities, overlappings and inconsistencies in the statutes themselves which have naturally resulted from a quarter of a century of piece-meal amending. The Commission on Code Recodification in the 1950 Code has corrected many of these defects but, as was pointed out, the need for certain revisions, amendments and new statutes could be done only by legislative action.

PART II

SENATE BILL 175

The Council carefully considered Senate Bill 175, as directed. It endorses the basic principle of Senate Bill 175 of providing uniform and standardized Juvenile and Domestic Relations Courts throughout the State, and sees the merit in and desirability of having a judge specially qualified for the work and able to devote his full time to it; but in its opinion the provision to divide the State into seventeen Juvenile and Domestic Relations Court districts is impractical. The disadvantages of the size of the districts, as delineated therein, with the resulting inaccessibility of the Judge to all parts of the district, would undoubtedly outweigh the advantages to be derived from having a specially qualified Juvenile and Domestic Relations Court judge devoting his full time to this function. And to consider dividing the State into a sufficient number of districts to make it possible for the Judge to be available, would be financially prohibitive. Therefore, it is not recommended at this time that Juvenile and Domestic Relations Court districts be established in Virginia.

The Council recognizes a need for, endorses and recommends the establishment of a State-wide system of juvenile probation and also a State-wide system of juvenile detention as provided for in Senate Bill 175. It does not, however, feel that it is necessary to establish an independent Commission to provide the necessary overall supervision and administration to the courts and their related services. This could be adequately handled as a subdivision of the existing Department of Welfare and Institutions.

The Council does not recommend that Juvenile and Domestic Relations Courts should at this time be made courts of record as provided for in Senate Bill 175.

Senate Bill 175 clarifies the jurisdiction of the Juvenile and Domestic Relations Court, but the Council feels that its provisions in regard thereto need modifying.

In conclusion: Many of the provisions of Senate Bill 175 are impractical and undesirable and some significant details not clearly thought through; but its basic principles and other of its provisions are good and have been carefully

considered as to how they might best be worked into our proposed law. Senate Bill 175 has apparently stimulated a good deal of thinking on an important State-wide problem and has been helpful in this subsequent legislative study of this problem.

PART III

THE BILL APPENDED

The Council presents herewith, a complete Virginia Juvenile Court Law. This is an attempt to correct the weaknesses of the present law by substituting therefor this clearer, more uniform, more standardized and more comprehensive juvenile court law. Most of the provisions of our present Act have been retained, verbatim or in substance. Necessary new provisions have been included by amendment, revision or addition. The form and terminology of the Standard Juvenile Court Act have been generally followed, but the bill adheres as closely as possible to the drafting principles used by the Commission on Code Recodification, whose Report and 1950 Code were carefully studied. The Council has not, however, attempted to number the sections of our bill to fit into the 1950 Code considering that this could be better done at a later date by the Code Commission.

Realizing that there are doubtless a number of people who are not familiar with the details of the present law, we have indicated at the end of each section whether it is a section from the present law reenacted—and if so, the section number in the present law; or whether it is substantially the same as the present law—and if so have given the section number or numbers from which it was taken; or whether it is a new provision—and if so have so indicated.

An enumeration follows of some of the more significant new provisions of law contained in this bill and a brief explanation of the reasons for some of the changes:

Section 4. This section, providing for the appointment of Juvenile and Domestic Relations Court Judges by the circuit court judges in the counties and the hustings or corporation court judges in the cities, seems preferable to the existing diversity of methods: i. e. by the General Assembly, by local governing bodies, by general election, by appointment by circuit court judges. This section also contains a provision that the juvenile and domestic relations judge in the county "may" be the same as the trial justice instead of "shall" as in the present law because of the fact that there are some trial justices who do not have the time necessary to adequately handle juvenile and domestic relations cases in addition to their duties as trial justice and often a private law practice on the side.

Section 11. This section, relating to the categories of cases over which the juvenile and domestic relations court is given jurisdiction, has been restated in such a way as to eliminate the definitions in the present law of a "delinquent", "neglected" and "dependent" child and substitute therefor the language, "children within the purview of this law." It is generally agreed that in dealing with the child as an individual the attempt to classify and label him is unnecessary and often impractical and harmful. The categories of cases over which the court is given jurisdiction are substantially the same as in present law except: (1) the Juvenile and Domestic Relations Court is also given jurisdiction over the case of a minor (defined as a person between 18-21 years), who commits an offense before he is eighteen. It is provided that he shall be dealt with under the provisions of this law relating to juveniles; and (2) the Juvenile and Domestic Relations Court shall have jurisdiction over proceedings to adjudge a child, who is within the purview of this law, mentally defective and to commit a child so adjudged to a mental institution. It is also provided that this Court may, upon recommendation of a physician or psychiatrist commit an adult, minor or child to a mental institution for observation.

Section 11, Section 15, Section 16, and Section 17. These sections relate to the exclusive original jurisdiction of the juvenile and domestic relations court and set forth the procedure relative to certain serious offenses committed by a child. These sections were difficult and have been drawn after much deliberation. An attempt has been made to safeguard the prerogative of the juvenile court to deal with children and at the same time to recognize that some children and some offenses cannot be properly handled under either our existing or proposed juvenile court system. Therefore, it is provided that certain cases "may" be transferred and certain offenses "shall" be transferred to courts having criminal jurisdiction. The bill also provides for the transfer from other courts to the juvenile court of cases that might through error, or for other reasons, have originated in another court.

Section 40. This section relating to juvenile court procedure is slightly different from our present law in that it is here provided that the court may make an investigation upon receiving a complaint to determine if, in its opinion, the filing of a petition is necessary. This is the current practice in many of our juvenile courts even though at present there is no statutory provision for this practice. It is felt that such a provision is desirable in that it will tend to have as many cases as possible handled outside of court leaving the child in such cases with no "record". It is further provided how-

ever that "nothing herein shall affect the right of any person to file a petition if he so desires."

Section 29 provides that instead of all children who are returned from the Industrial Schools or the State Department of Welfare and Institutions having to be returned to the local superintendent of welfare for continued supervision, as in the present law, that the Director shall decide as between the local Department of Welfare and the Probation Department as to which the child shall be returned for continued supervision. This is considered definitely preferable to the present requirement that all such children must be returned to the local welfare departments, in that it is frequently most unsatisfactory when an older boy needing a man's supervision has to be returned to one of the welfare departments that has only women on its staff—and all but six of the local departments have only women on their staffs. In fact some idea of the scope and complexity of this problem can be best gathered from the fact that approximately 2,000 of these children returned from the industrial schools are at present under the supervision of these welfare superintendents throughout the State—a number larger than is the total of adults on parole. Furthermore it was emphasized by many of these superintendents that in far too many of their cases so-called supervision amounted to nothing more than an occasional "reporting"—and if a child failed to report as directed they didn't usually have time or staff to find out why. In the opinion of these superintendents this inadequate control and guidance of this most vulnerable stage in the child's life was responsible for a large number of these children gradually "slipping back" and eventually turning up on the dockets of our criminal courts. This is a major weakness in our present law and strongly indicates the need for a State-wide juvenile probation system.

Section 22 empowers the Director of Welfare and Institutions to establish a division in his Department and to appoint necessary employees to coordinate and supervise the juvenile probation officers and juvenile detention facilities. The division would divide the State into probation districts and establish and supervise the State-wide juvenile probation system. In addition to a chief executive it will doubtless be necessary to appoint two field workers to serve as a link between the probation officers and the main office. This system would be, in effect, parallel to the Adult Probation and Parole System.

Section 25. This section relates to the appointment of juvenile probation officers. It provides for their appointment by the Juvenile and Domestic Relations Court judges in cities of 25,000, and each such city shall constitute a separate pro-

bation district. In districts composed of counties only such appointment shall be made by the circuit court judge or the majority vote of the judges if a district embraces a whole or part of more than one circuit. In districts composed of counties and cities of less than 25,000 the appointment shall be by majority vote of the judges of the Circuit Court and the judge of the Corporation or Hustings Court if there be one in said city. It furthermore provides that all appointments shall be made from a list of eligibles submitted by the State Department of Welfare and Institutions as in the case of the adult probation officers appointments. The present provision that local superintendents of welfare may serve as ex-officio probation officers is retained here in that in the several localities where this is working satisfactorily it is anticipated by the Council that this will be taken into consideration in the setting up of the new probation districts.

Section 28 relates to the duties of the juvenile probation officers which are substantially the same as the adult officers. They have, however, the very important and time consuming added responsibility of making investigations in juvenile cases which are supposedly basic to determining dispositions under juvenile court law. It is difficult to overemphasize the seriousness of failing to provide adequate probation service to juvenile courts, and our present situation in regard thereto is a pronounced weakness in our present set up. Only *one* county has a probation officer other than the sheriff, chief of police or local superintendent of welfare, who have been authorized to serve ex-officio as such. And while the Council is impressed with the very excellent probation service some of these officers, especially the local welfare superintendents, are rendering, considering the State as a whole this serving in a dual capacity could not be considered satisfactory.

Sections 22 and 24 provide for the payment of salaries of juvenile probation officers by the State as in the adult system. It is provided, however, that localities so desiring may have appointed additional probation officers over and above those authorized by the Director provided that the full salary of such officers is paid out of local funds. This system of financing seemed preferable to the present system of reimbursing the locality half of all salaries in that it assures *every* juvenile court in the State essential probation service, which is not true under present set up which is dependent on the locality taking the initial step, which it appears too often they don't take.

Sections 32 and 32.1. This is not a new provision but it has been pointed out that the potentialities of this section would be greatly increased with the establishment of a State-wide juvenile probation system. It provides for the transfer of a

child on probation from one place to another—in event, for instance, of a probationer's family moving its place of abode. This transferring is at present generally impossible because of the absence of or inadequacy of the probation service in the place to which the child's family might be moving.

Section 53 through Section 57. These sections, relating to juvenile detention facilities, are the same as in the present law except for Section 53, which is new. This new section provides for a state supervisor and coordinator of juvenile detention facilities who would be responsible for assisting localities in working out their detention problem either on a local or a district basis. His function in fact would be somewhat parallel to the state supervisor of jails; and the need for this state supervisor of juvenile detention is as clearly indicated now as was the need for the appointment of the State supervisor of jails when this need was recognized and provision made therefor. For it is obvious that something is lacking in our present set up when we observe that regardless of the liberal provisions of our present statutes and the substantial reimbursements allowed by the State to all localities for carrying out the provisions of these statutes, yet with few exceptions no city or county in the State has worked out an effective or satisfactory plan of juvenile detention and despite the mandate of law approximately 2,650 children were detained in the jails of our Commonwealth last year.

Section 31 provides that employees of the court, all of whose salary is paid by the State, shall be members of and contribute to the State retirement system, and in the case of employees a portion of whose salary is paid by the State, the State shall contribute toward their retirement upon the basis that it contributes to their salary.

Section 10 permits full time juvenile and domestic relations court judges who do not practice law to be members of and contribute to the retirement system for judges of courts of record.

Section 49. This section is designed to clearly define the circumstances and conditions under which a child may be arrested or taken into custody. This should remedy much of the current confusion which has lead to promiscuous and unnecessary arrests.

Section 50. This section sets forth the limitations as to the issuance of warrants for children.

Section 51. This section explains in detail the procedure that an officer shall follow after taking a child into custody.

Section 14. In this section there is a new provision that, "The presence of the child in court may be waived by the judge at any stage of the proceedings."

Section 4 provides that judges, etc., in office at the effective date hereof shall serve until the expiration of their terms.

Section 75 repeals all inconsistent provisions of law and of city charters.

Section 76 is the usual severability clause.

The Estimated Cost

The only real cost to carrying out the provisions of this bill would be the expense of establishing and operating the juvenile probation system in that the Council is advised by the Director of Welfare and Institutions that the appropriation for assistance to localities with juvenile detention facilities and the salary of a State supervisor of detention have hitherto been approved and are included in the current budget.

An estimate of the approximate cost can best be ascertained by comparing the proposed juvenile system with the adult system of which *cost* would appear insignificant when offset by the savings in expenditures for institutional care; the ultimate savings in the welfare department's aid to dependents program; and the many intangibles of rehabilitation.

In this connection, it may or may not be applicable to Virginia but nevertheless it is interesting to observe that the recent Child Welfare Commission of Illinois in its report to their General Assembly states that thirty children can be placed on probation for the cost of sending one child to the industrial school; and that nine adults may be placed on probation for the cost of sending one to the Illinois penitentiary. It furthermore reports that an adequate juvenile probation system will reduce the population of their industrial schools by one-fourth.

PART IV

CONCLUSION

Despite the many legislative attempts to make more effective our present juvenile court law it was conclusive from the Council's study that: *most of the juvenile courts in the State are still without the services held by authorities to be indispensable to the proper functioning of a juvenile court, and as a result the present juvenile court law is being administered with striking inconsistency.* That such a condition or situation, once realized, would be allowed to continue seemed to the Council improbable in that it is difficult to reconcile with the

intent of the Legislature as so forcefully expressed in our present law: “. . . . the court shall proceed upon the theory that the welfare of the child is the paramount concern of the State”

It is, therefore, the recommendation of the Council that the appended bill be adopted and put into operation as soon as possible. In the case of the probation service provided for in the bill, this should be made effective as soon as the State is in a position to finance it.

Respectfully submitted,

M. M. LONG, Chairman

EDMUND T. DEJARNETTE, Vice-Chairman

W. R. BROADDUS, JR.

BEN T. GUNTER, JR.

J. D. HAGOOD

E. BLACKBURN MOORE

MOSBY G. PERROW, JR.

Suggested Bill

A BILL

To provide a State-wide system of juvenile and domestic relations courts with juvenile probation officers and juvenile detention facilities under the supervision of the Department of Welfare and Institutions and to repeal §§ 16-130-16-172, inclusive; §§ 63-257-63-273, inclusive; §§ 63-274-63-287, inclusive; § 63-288; § 63-291; §§ 63-294-63-307, inclusive of the Code of 1950.

Be it enacted by the General Assembly of Virginia:

1. § 1. 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 concerning the disposition, custody or control of children coming within the provisions hereof, the court shall proceed upon the theory that the welfare of the child is the paramount concern of the State and to the end this humane purpose may be attained, the judge shall possess all necessary and incidental powers and authority, whether legal or equitable in their nature.

A child coming within the purview of this law, whose custody the court assumes, shall be considered a "ward of the State"; and for his or her minority shall be subject to such watchful care, custody, discipline, supervision, guardianship and control as may be conducive to the welfare of the child and the best interests of the State.

(This is partly the 8th paragraph of § 1953(e) and in part § 1905)

§ 2. Short Title.—The short title of this law is "Juvenile and Domestic Relations Court Law".

(This is a new section.)

§ 3. Definitions.—When used in this law, unless the context otherwise requires:

(1) "The court" or the "juvenile court" means the Juvenile and Domestic Relations Court of each county or city;

(2) "The judge" means the judge, the associate judge, or the substitute judge of the juvenile and domestic relations court of each county or city;

(3) "Child" or "juvenile" means a person less than eighteen years of age;

(4) "Adult" means a person eighteen years of age or older;

(5) "Department" means the Department of Welfare and Institutions and "Director" means the administrative head in charge thereof or such of his assistants and subordinates as designated by him to discharge any duties imposed upon him under this law;

(6) "Minor" means a person over eighteen and under twenty-one years of age;

(7) "This law", "the law" means the Juvenile and Domestic Relations Court law as now enacted or hereafter amended;

(8) "Juvenile probation officer" may be called a "counselor" or "probation officer", and

(9) "State Board" means the State Board of Welfare and Institutions.

(This is a new section.)

§ 4. In every county and in every city of the State there shall be a Juvenile and Domestic Relations Court. In the counties and cities of less than twenty-five thousand (25,000) population the judge of said court shall be appointed by the judge of the circuit court of the judicial circuit within which such county or city is situated for a term of four years. He may be the same person as the trial justice of such county or city. In the cities of twenty-five thousand (25,000) or more the judge of such court shall be appointed by the judge of the hustings or corporation court for a term of six years; or if there be more than two courts of record in such city then by a majority vote of all the judges of the courts of record therein. In the case of a tie vote then the appointment shall be made by the Governor. If there be no hustings or corporation court in the city, then the appointment shall be made by the judge of the circuit court for the city. Each such court and the judge thereof shall have and exercise within the territorial jurisdiction thereof, the powers and duties hereinafter conferred upon them.

In cities of less than fifty thousand (50,000) population the Police Justice, Civil Justice or Civil and Police Justice of such city shall be eligible for appointment as judge of the Juvenile and Domestic Relations Court.

In cities of more than twenty-five thousand (25,000) inhabitants the person selected as judge of the Juvenile and Domestic Relations Court shall be a person licensed to practice law provided that this requirement shall not apply to any judge now holding such office.

In cities having a population of one hundred ninety thousand (190,000) or more, there shall be an associate judge of the Juvenile Court to assist the judge thereof in the exercise of powers and jurisdiction conferred on such court and in

performing the duties thereof. All of the provisions of the law concerning the qualifications, appointment and removal of the judge of the court, his term of office and filling a vacancy therein, shall apply in all respects to the associate judge. The salary of the associate judge shall be fixed and paid in the same manner as the salary of the judge is fixed and paid and the city shall be entitled to the same reimbursement from the State on account of the salary paid the associate judge. Appeals from the judgments of the associate judge shall lie to the same courts and under the same circumstances and conditions as provided by law for appeals from the juvenile court.

Neither the judge nor the associate judge of the juvenile court in any city having a population of more than one hundred twenty-five thousand (125,000) shall engage in the private practice of the law. All judges elected or appointed under this law shall enter upon the discharge of their duties the first day of January next succeeding their election, provided that every judge holding office on the effective date of this law shall continue in office under the provisions of this law and exercise the powers and jurisdiction herein prescribed until his term of office shall expire.

(This combines portions of Sections 1945, 1947a, 1948, 1953a, 1953c, 1953d.)

§ 4.1. The judge is authorized in his discretion to destroy or otherwise dispose of any misdemeanor warrant together with other papers pertaining thereto when any such case has been tried and finally disposed of for a period of at least ten years.

(This is the last paragraph of § 1945a)

§ 5. The judge or judges of each city or county who have authority to appoint the several juvenile judges shall by proper order of record appoint, upon the recommendation of the judge of the Juvenile and Domestic Relations Court, as a substitute judge of such court, a discreet and competent person and may at any time revoke the appointment and make a new appointment in like manner in the event of revocation or of the resignation, death, absence or disability of the substitute judge. In the event of the absence or disability of the judge or associate judge of the Juvenile and Domestic Relations Court to perform the duties of his office or the impropriety of his acting, the substitute judge shall perform the duties and possess the powers of the judge during such period and in the event of the resignation, death, removal or permanent disability of the judge or associate judge the substitute judge shall act until a successor has been appointed and has qualified.

(This follows Section 1948 in part.)

§ 6. The judge of the Juvenile Court in any city having a population of one hundred twenty-five thousand (125,000) or more may appoint one or more discreet and suitable persons trained either in the law or in social case work, to act as referee for the purpose of hearing and determining any matters or cases assigned to him by the court, to conduct the hearing of the case and to report to the court his findings and recommendations. Any person appointed as referee hereunder shall have the power and authority of a justice of the peace in administering oaths and performing the duties of his office. He shall be subject to removal by the judge. The referee's findings and recommendations, if any, when approved by the judge, shall become the judgment of the court. Any person in interest shall have the right to secure a review of the report of the referee with the right to introduce further evidence provided a motion or request for such review is made to the court at any time within five days after the entry of the referee's judgment upon the records of the court. Such referee shall be eligible for appointment as substitute judge. From any final order or judgment entered by the court under the provisions of this section an appeal may be taken in accordance with the provisions of this law governing appeals. Each referee appointed under the provisions in this section shall receive compensation for his services as fixed by the governing body of the city upon the recommendation of the judge of the court.

(This follows § 1948a)

§ 7. The judge of the juvenile court of any county or city shall have power to appoint a clerk and a bailiff, and with the approval of the governing body of such city or county such other employees as may be necessary for the proper conduct of his court. The compensation that such clerk, bailiff and other employees receive for their services shall be fixed by the governing body of the county or city and paid out of the treasury thereof.

The clerk shall keep the court docket and shall perform such other duties as the judge of the court may prescribe or the governing body of the county or city direct.

The bailiff shall have charge of the court room and the offices connected therewith, and he shall be held responsible for the safekeeping and proper protection of the furniture and other property contained therein. He shall have charge of the cleaning, warming and lighting of the court room and offices. He shall attend all sessions of the court and shall perform such other services as may be required of him by the judge. The bailiff shall have the power and authority of a police officer.

(This is in part § 1952)

§ 8. Every judge, associate judge, substitute judge, referee, clerk, bailiff and juvenile probation officer before entering into the performance of his duties, shall take before the corporation, hustings or circuit court of his city or county for which he is appointed, the official oath required by law.

(This follows Sections 1946, and 1953b)

§ 9. Every judge, associate judge, substitute judge and referee appointed to serve in any city of the State shall receive out of the treasury of the city for which he is appointed such salary as the council or other governing body of such city prescribes. The salary so fixed shall be in lieu of all fees which may accrue to him by virtue of his office provided that all such fees, when collected, shall be accounted for and paid by him into the treasury of the city on or before the tenth of each month. Such salary shall not be reduced during the term of office of the judge. The Commonwealth shall reimburse each such city annually at the end of each fiscal year one-half of the difference between the salary paid to such judge, associate judge, substitute judge and referee and the fees so accounted for during each such year by the Juvenile Court.

The salaries of the judges of Juvenile Courts in the counties shall be paid in full by the State as the trial justices are now paid.

(This follows Sections 1947 and 1953c and is
in part new)

§ 9.1. The judges and associate judges appointed for cities having a population of twenty-five thousand (25,000) inhabitants or over under the provision of this act, may be removed in accordance with the provisions of §§ 15-500 to 15-502, inclusive, of the Code of 1950, and judges appointed for the counties and cities of less than twenty-five thousand (25,000) inhabitants may be removed for cause by the court or courts making the appointment.

(This is part of § 1953a)

§ 9.2. Every judge or associate judge of the Juvenile and Domestic Relations Court in cities of twenty-five thousand (25,000) inhabitants or over shall be entitled to a vacation period annually of at least thirty (30) days with salary. The vacation period for all other juvenile judges shall be fixed by the judge making the appointment or by the governing body of the locality for which he was appointed.

(This follows § 1948 in part)

§ 10. Every judge or associate judge of the Juvenile and Domestic Relations Court who devotes his entire time to the duties of his office and does not practice law nor engage in any other profession or business shall contribute to and be entitled

to participate in the retirement system for judges of courts of record in the same manner and to the same extent as the judges of the courts of record of this State. The State shall contribute to the retirement of such judges to the extent that it pays or reimburses their salaries.

(This is new)

§ 11. Jurisdiction—child, minor, adult.—The Judges of the Juvenile Court elected or appointed under this law shall be conservators of the peace within the corporate limits of the cities and the boundaries of the counties for which they are respectively chosen and within one mile beyond the corporate limits of such cities.

Except as hereinafter limited they shall have within the corporate limits of a city or the boundaries of a county in which they sit exclusive original jurisdiction, and within one mile beyond the corporate limits of said city concurrent jurisdiction with the Juvenile Court or Courts of the adjoining county or counties over all cases, matters and proceedings involving:

1. The custody, control or disposition of a child:
 - (a) whose parent or other person legally responsible for the care and support of such child is unable, or neglects or refuses when able so to do, to provide proper or necessary support, education as required by law, or medical, surgical or other care necessary for his well being;
 - (b) who is without proper parental care, custody, or guardianship;
 - (c) who is abandoned by his parent or parents or other custodian;
 - (d) whose parent or parents or custodian for good cause desire to be relieved of his care and custody;
 - (e) whose parents live in a state of separation or whose custody is a subject of controversy—provided however that in such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction;
 - (f) whose occupation, behavior, environment, condition, association, habits or practices are injurious to his welfare;
 - (g) who deserts, or is a fugitive from his home or who is habitually disobedient or beyond the control of his parents or other custodian; or is incorrigible;
 - (h) who being required by law or his parents or custodian to attend school willfully violates rules thereof or is a persistent truant therefrom;
 - (i) who violates any State or Federal law, municipal or county ordinance—provided however that in

violation of Federal law jurisdiction in such cases shall be concurrent and shall be assumed only if waived by the Federal Court.

- (j) whose condition or situation is alleged to be such that its welfare demands adjudication as to its disposition, control and custody, provided that jurisdiction in such cases shall be concurrent with and not exclusive of that of courts having equity jurisdiction.
2. The commitment of a mentally defective or mentally disordered child who is within the purview of this law. Such commitment shall be in accordance with the provisions of Chapters 3 and 6 of Title 37 of the Code of 1950.
3. Judicial consent to the marriage of a child, or for his enlistment in the Armed Forces, or for surgical or medical treatment for a child, who has been separated from his parents or guardian and is in the custody of the court, when such consent is required by law.
4. A minor who is charged with having violated, prior to the time he became eighteen years of age, any State or Federal law, municipal or county ordinance, provided that jurisdiction in Federal offenses shall be concurrent with Federal Courts and shall be assumed only if waived by the Federal Court. Such minor shall be dealt with under the provisions of this law relating to juveniles.
5. An adult or person sixteen years of age or over charged with deserting, abandoning or failing to provide support for any person in violation of law.
6. The enforcement of any law, regulation, or ordinance for the education, protection or care of children.
7. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or neglect of children or with any violation of law which causes or tends to cause a child to come within the purview of this law, or with any other offense against a child except murder and manslaughter provided that in prosecution for other felonies over which the court shall have jurisdiction, such jurisdiction shall be limited to that of examining magistrate.
8. All offenses except murder and manslaughter committed by one member of the family against another member of the family; and the trial of all criminal warrants in which one member of the family is complainant against

another member of the family; provided that in prosecution for other felonies over which the court shall have jurisdiction, said jurisdiction shall be limited to that of examining magistrate. The word "family" as herein used shall be construed to include husband and wife, parent and child, brothers and sisters, grandparent and grandchild; and

9. Any violation of law the effect or tendency of which is to cause or contribute in any way to the disruption of marital relations or a home.

(This is in part §§ 1906, 1950 and 1953e)

§ 11.1. The actual presence in a county or city within the jurisdiction of the court of any child within the purview of this law shall determine the venue of any proceeding concerning any such child under this law, unless the court for good cause shall otherwise determine.

(This is new)

§ 12. Nothing contained in this law shall deprive any other court of the concurrent jurisdiction to determine the custody of children upon a writ of habeas corpus under the law or to determine the custody or guardianship of children when such custody or guardianship is incidental to the determination of causes pending in such courts. Such courts may certify such matters to the juvenile and domestic relations court for hearing and determination or for recommendation.

(This is new)

§ 13. Contempt of court.—The judge shall have, the same powers in matters of contempt as are conferred on courts and judges by § 18-255 but in no case shall the fine exceed fifty dollars and imprisonment exceed thirty days for the same contempt. From any such fine or sentence an appeal shall be allowed as provided by § 18-257 of the Code of 1950.

(This follows § 1953f)

§ 14. Every juvenile court shall keep a separate docket or order book for the entry of its orders in cases arising under this law and the trial of all such cases shall be held at a different time from the hearing of other cases in such courts. The general public shall be excluded from all juvenile court hearings and only such persons admitted as the judge shall deem proper. The presence of the child in court may be waived by the judge at any stage of the proceedings. The records of all such cases shall be withheld from public inspection but the record shall be, at reasonable times, open

to those persons including an attorney representing the child or its parents as the judge decides, in his discretion, have direct interest therein.

The police departments of the cities of the State, sheriffs of the counties and the Division of Motor Vehicles shall keep separate records as to violations of law committed by juveniles and such records shall be withheld from public inspection and shall be exhibited only to persons having a legal interest therein and with the express approval of the chief of police, sheriff or Commissioner of Motor Vehicles.

(This is partly § 1906 and in part new)

§ 15. Transfer from other courts.—If during the pendency of a criminal or quasi-criminal proceeding against any person in any other court it shall be ascertained that the person was under the age of eighteen years at the time of committing the alleged offense, such court shall forthwith transfer the case, together with all papers, documents and evidence connected therewith, to the juvenile court of the city or county having jurisdiction. The court making the transfer shall order the child to be taken forthwith to the place of detention, designated by the juvenile court or by the transferring court, or release on bail or otherwise the child to the custody of some suitable person to be brought before the juvenile court at the time designated.

(This is new in part; in part it follows
§ 1911)

§ 16. In all cases under the preceding sections the court shall require a full and complete investigation of the physical, mental and social condition and personality of the juvenile and the facts and circumstances surrounding the violation of the law which is the cause of his being before the court. If, after receiving the report, the court deems that any juvenile before it who is fourteen years of age or over cannot be adequately controlled or made to lead a correct life by use of the various disciplinary measures available to the court, then the court may, in such cases, send or transfer such juvenile to the appropriate court having criminal jurisdiction for trial by the court as if he were an adult.

In the hearing and disposition of cases properly before a court having general criminal jurisdiction the court may sentence or commit the juvenile offender in accordance with the criminal laws of this State or may in its discretion deal with the juvenile in the manner prescribed in this law for the hearing and disposition of cases in the juvenile court.

(This is largely new; a portion follows
§ 1913)

§ 17. Transfers to other courts.—If a child fourteen years of age or over is charged with an offense which, if committed by an adult, would be punishable by confinement in the penitentiary for less than life, the court after full investigation and hearing may, in its discretion, retain jurisdiction or certify such child for proper criminal proceedings to the appropriate court of record having criminal jurisdiction of such offenses if committed by an adult; but if the punishment for such offense could be death or confinement in the penitentiary for life the juvenile court after full investigation and hearing, may retain jurisdiction or certify such child to the proper court of record which would have trial jurisdiction of such offense, provided however, that in the event the juvenile court does not so certify a child fourteen years of age or over, charged with an offense which, if committed by an adult, would be punishable by death or confinement in the penitentiary for life, the Commonwealth's attorney of the city or county, if he deems it to the public interest, may present the case to the grand jury of the proper court of record. In no case shall any child under the age of fourteen be so certified.

(This is new)

§ 18. Retention or resumption of jurisdiction.—When jurisdiction has been obtained by the court in the case of any child, jurisdiction may be retained or reassumed by the court until he becomes twenty-one years of age except when actually under commitment to the Department.

(This follows in part § 1910)

§ 19. Review of order of commitment.—The court of its own motion or on written complaint of a parent, guardian or next friend of a child who has been placed in the care, custody or guardianship of any person or private agency may at any time make a reinvestigation of the case and may reopen the case and may amend, modify or revoke its order. The court shall before amending, modifying or revoking such order grant a hearing after notice in writing to the complainant, if any, and the person, or private agency having custody of the child.

(This is new)

§ 20. Each city and county shall provide a suitable court room and offices for the court, and shall furnish all necessary furniture, filing cabinets, dockets, books, stationery, et cetera. The judge, after consultation with the Director shall have the power to determine the form and character of his records and to determine and publish the rules to regulate the proceedings in all cases coming within the provisions of this law when not otherwise provided, and for the

conduct of all officers of the court and such rules shall be enforced and construed liberally for the remedial purposes embraced therein. Insofar as practicable all such records and rules shall be uniform throughout the State.

(This follows § 1951 and § 1953g)

§ 21. Reimbursement by State.—The Commonwealth shall reimburse each city and county annually at the end of each fiscal year one-half of the compensation paid the clerk, bailiff and other employees during each such year. Such reimbursement shall be paid by the State Treasurer out of funds appropriated in the general appropriations act for criminal costs, on warrants of the Comptroller issued upon vouchers approved and signed by the Director or by such person as designated by the Director.

(This largely follows Section 1952)

§ 22. Division for supervision of probation and detention in Department of Welfare and Institutions.—The Director of Welfare and Institutions is empowered to establish a division in his Department and appoint such other employees as deemed necessary to propely carry out the provisions of law relative to the creation of a probation system and to supervise, under his direction, the detention provisions of this law. The salaries of such employees herein authorized shall be paid by the State out of funds appropriated for such purpose to the Department of Welfare and Institutions.

(This is new)

§ 23. State-wide probation system.—The Division of Probation and Detention, subject to the approval and control of the State Department of Welfare and Institutions shall:

1. Establish a State-wide juvenile probation system, dividing the State into as many separate juvenile probation districts as it deems necessary, and changing from time to time the area embraced in any said district to conform to circumstances, needs, or demands as they arise.
2. Determine number of probation officers needed in each said district to properly serve all juvenile courts within said district, provided, however, that there be authorized at least one probation officer for each city of 25,000 inhabitants. The salaries of all probation officers authorized under this section shall be fixed by the Department of Welfare and Institutions in accordance with the provisions of the State Personnel Act.

3. Prepare and make available to the judges who appoint juvenile probation officers lists of those eligible for appointment as such in accordance with provisions of the State Personnel Act, and upon request of any judge or judges shall submit additional lists of additional eligible persons until an appointment satisfactory to the judge or judges may be made.
4. Supervise, direct and coordinate the work of all juvenile probation officers in order that a standardized, uniform and coordinated probation service may be made available to every city and county juvenile court in the State, and that said probation services may be properly coordinated with the other local and State Child Welfare Services.
5. Coordinate and supervise and be responsible for assisting localities in working out their detention problems either on a local or district basis.

(This is new)

§ 24. Authorization of additional probation officers for certain cities and counties; their salaries.—The Director shall authorize the appointment of an additional probation officer or officers over and above the number determined upon if any district or political division or divisions of any district so request and agree to pay in full the salary of said additional officer or officers. If the request is from one city or county the amount of the salary shall be fixed and paid by the local governing body of said city or county. If a city and county, or several cities or several counties, unite in their request for additional officer or officers to serve their respective localities, the local governing bodies of the cities or counties involved shall agree upon the amount of the salary or salaries to be paid said officer or officers, and how said amount shall be proportioned among the cities or counties concerned.

(This is new)

§ 25. Probation officers; appointment.—Wherever the territorial jurisdiction of a juvenile court shall coincide with a single probation district, the appointment of the juvenile probation officer shall be made by the judge of the juvenile court; when the area of a district lies in counties located partly in two or more judicial circuits, the juvenile probation officers shall be appointed by the joint action of the judges of the several circuits. If there be more than two such judges, a majority vote shall control the appointment. When the area of a district lies partly in counties comprising part of a judicial circuit and partly in a city having a corpo-

ration or hustings court, the appointment shall be made by the joint action of the circuit and corporation or hustings court with the majority vote controlling.

Such appointments shall be made from lists of eligible persons submitted by the Director.

Superintendents of public welfare in the various counties and cities shall on request of the court act as ex officio probation officers for the court in matters pertaining to the receiving of complaints within the purview of the law, filing petitions hereunder, the release of children from custody or detention supervision of such children and other matters within the purview of this law, under such regulations as the judge or the Director makes in regard thereto.

(This is new)

§ 26. Probation officers—failure of judges to agree on appointment.—Whenever the appointment of a probation officer is to be made by two or more judges and they fail to agree upon an appointment, or fail to notify the Director that a list of eligible persons submitted by him is not satisfactory, after the expiration of sixty days from the time the list was submitted, the Director of the Department of Welfare and Institutions shall appoint the juvenile probation officer or officers for the district involved.

(This is new)

§ 27. Probation officers—term of office, removal.—Every juvenile probation officer shall be appointed for a term of four years, unless the appointment is to fill a vacancy in which case the appointment shall be for the unexpired term. Any such officer may be suspended or removed for cause by the judge or judges having the appointing power and shall be suspended or removed upon the recommendation of the Director.

(This is new)

§ 28. Probation Officers—powers, duties, functions.—In addition to any other powers and duties imposed on them by this law, probation officers appointed hereunder shall:

1. Investigate all cases referred to him by the judge or any person designated by the judge so to do, and shall render reports of such investigation as required.
2. 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.

3. 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.
4. Furnish to each person placed on probation a written statement of the conditions of their probation and shall instruct him regarding the same.
5. Keep records of his work and perform such other duties as the judge or other person designated by him or the Director shall require.

(This is new)

§ 28.1. All information obtained in discharge of official duties by any officer or employee of the court shall be privileged and shall not be disclosed to anyone other than the judge unless and until otherwise ordered by the judge.

(This is new)

§ 29. Each juvenile probation officer shall upon request of the Director or judge supervise and help readjust children returned from the State Industrial Schools or from the Department.

(This is new)

§ 29.1. When the Department returns a child who has been committed to its custody to the local community from which he was received the Director may place the child under the supervision of the probation department or the local department of public welfare. The agency to which the child is returned shall accept responsibility for his future supervision and control.

(This is new)

§ 30. Probation officers—designation of a supervisory officer.—In any court where more than one probation officer has been appointed under the provisions of this law, the judge of said court may designate one or more probation officers to serve in a supervisory position. In such instance their salaries may be supplemented by the locality.

(This is new)

§ 31. Retirement benefits.—All employees of the court whose salary is paid by the State shall contribute to and be eligible for the benefits of the State Retirement System.

Any judge, associate judge, referee, clerk, juvenile probation officer or other employee of any juvenile court whose salary is paid in part by the State, shall continue to belong to his county or city retirement system or pension system if any; the State shall contribute toward the retirement of such persons to

the same extent that it reimburses the county or city of their employment for their salary.

(This is new)

§ 32. Probation Officers; transfer of supervision from one officer to another.—If any person on probation to or under the supervision of any juvenile probation officer or other officer of the court remove his residence or place of abode from the county or city in which he was so placed on probation or under supervision to another county or city in the State, the probation officer in the city or county from which he removed his residence or place of abode shall notify the Director who shall arrange the transfer of supervision to the city or county to which he moves his place of residence or abode.

The Director of Department of Welfare and Institutions may make provision for the transfer of a juvenile placed on probation in this State to another state to be there placed on probation under the terms of Article 4 of Chapter 11 of Title 53 of the Code.

(This follows in part § 1922c)

§ 33. Under rules of the Department the traveling expenses incurred by a probation officer or other officer of the court when traveling under the order of the judge, shall be paid by the State Treasurer out of funds appropriated in the general appropriations act for criminal costs, on warrants of the Comptroller issued upon vouchers approved by the judge.

The judge may authorize the payment of necessary traveling expenses incurred by any witness or person summoned or otherwise required to appear at the hearing of any case coming within the jurisdiction of the court.

(This follows Section 1951b)

§ 34. Each juvenile probation officer shall also be paid all necessary traveling and other expenses incurred by him in the discharge of his duties hereunder, not to exceed, however, twelve hundred dollars during any fiscal year. The salary and expenses herein provided for shall be paid by the State and no part shall be paid by or chargeable to any county or city, except as hereinafter provided.

(This is new)

§ 35. Each clerk, deputy clerk, and any other officer of the court handling funds shall give bond if same be required by the court.

(This is new)

§ 36. The appointing authority may remove for cause any clerk, juvenile probation officer, or other employee or officer after due notice and an opportunity to be heard.

(This is new)

§ 37. Each probation officer appointed under the terms of this law shall have the authority of a police officer.

(This is new)

§ 38. The judge, clerk and deputy clerk shall have the same powers with respect to the issuance of warrants, petitions or other process as are conferred on courts and judges by the provisions of §§ 16-6 through 16-9 of the Code of 1950 as from time to time amended, or other provisions of law and they shall have power to administer oaths and affirmations.

(This is in part § 1951f)

§ 39. Interference or obstruction of officer.—No person shall interfere with or obstruct any officer, juvenile probation officer or other officer or employee of the court in the discharge of his duties under this law nor remove or conceal or cause to be removed or concealed any child in order that it may not be brought before the court nor interfere with or remove or attempt to remove any child which is in the custody of the court or of an officer or who has been lawfully committed under this law. Any person violating any provision of this section is guilty of a misdemeanor.

(This follows § 1919)

§ 40. Information; investigation; petition.—Whenever any person informs the court, or any officer thereof, that a child is within the purview of this law or subject to the jurisdiction of the court hereunder, the court may make a preliminary inquiry to determine whether the interest of the public or of the child requires that further action be taken. The court may proceed informally and make such adjustment as is practicable without a petition or may authorize a petition to be filed by any person and if any such person does not file a petition a juvenile probation officer or police officer shall file it. In case of violation of the traffic laws the court may proceed on the traffic summons without the filing of a petition.

(This is new)

§ 41. The petition may be informal but may be in the following form and shall contain the facts below indicated:

“Commonwealth of Virginia, In Re
(Name of child or juvenile)
a child or juvenile under eighteen years of age.
“In the Juvenile and Domestic Relations Court of the
county (or city) of”.

- (1) Statement of name, age and residence of the child.
- (2) Statement of names and residence of his parents.

(3) Statement of name and residence of his legal guardian if there be one.

(4) Statement of name and residence of the person or persons having custody or control of the child.

(5) Statement of name and residence of the nearest known relative if no parent or guardian can be found.

(6) Statement of the facts which bring the child within the purview of this law.

If any of the facts herein required to be stated are not known by the petitioner the petition shall so state. The petition shall be verified and may be upon information.

(This is new in part and partly § 1907)

§ 42. Summons, notice; custody of child.—After a petition has been filed and after such further investigation as the court directs, unless the parties hereinafter named voluntarily appear, the court shall issue a summons reciting briefly the substance of the petition or that the child is within the purview of this law and requiring all proper or necessary persons to appear personally before the court at a time and place stated. If the person so summoned shall be other than a parent or guardian of a child, then the parent or parents or the guardian or both shall be notified of the pendency of the case and of the time and place appointed for the hearing, if their address be known.

If it appear that the child is in such condition or surroundings that his welfare requires or there is other good reason that his custody be immediately assumed by the court the judge may order by endorsement upon the summons or other process issued, that the officer serving or executing the same shall at once take the child into custody.

(This is in part § 1908)

§ 43. How service made and when necessary.—Service of such summons within the county or city shall be made by delivering to and leaving with the person summoned a true copy thereof. If the child mentioned in the petition is present in court, no summons to the child shall be necessary to give the court jurisdiction of the child.

(This is partly § 1909)

§ 44. When guardian ad litem appointed.—When the person named in the summons, other than the child, is present in court, or is a non-resident of the State, or cannot be found after reasonably diligent search or when the child is in court by reason of the violation of a State or Federal penal law; or any ordinance of a county, town or city, service of a summons upon the other person named in the summons shall not

be necessary to give the court jurisdiction; but if the other person is not present in court, and if for any of the reasons set out above has not been served with a summons, the court shall appoint a probation officer, or a discreet and competent attorney at law, to act as guardian ad litem to represent the interest of the child and the guardian ad litem shall be present at the hearing of the case to represent the child.

(This is partly § 1909)

§ 45. Notice to parents.—In no case shall the trial proceed until the parent or parents of the child, if residing within the State, have been duly notified of the pendency of the proceedings, unless the judge shall certify on his record that diligent efforts have been made to locate and notify the parent or parents without avail.

(This is partly § 1909)

§ 46. Time of service and hearing.—In cases in which a summons is necessary it shall be sufficient to confer jurisdiction if service is effected at any time before the time fixed in the summons for the return thereof, but the court shall not proceed with the hearing earlier than the third day after the date of service, if objection be made by the parties served, or by a guardian ad litem appointed to represent the interests of the child.

(This is partly § 1909)

§ 47. Proof of service.—Proof of service may be made by the affidavit of the person who delivers a copy of the summons to the person summoned, if the summons be not served by an officer, but if served by a State, county or municipal officer his return shall be sufficient without oath.

(This is partly § 1909)

§ 48. Failure to obey summons constitutes contempt.—The summons shall be considered a mandate of the court, and wilful failure to obey its requirements shall subject any person guilty thereof to liability for punishment as for a contempt.

(This is partly § 1909)

§ 49. When and how a child may be taken into immediate custody; arresting.—No child may be taken into immediate custody except with a summons endorsed by the judge of the juvenile court in accordance with the provisions of this law or with a warrant, except:

1. When in the presence of the officer who makes the arrest, a child has violated a city, town or county ordinance or a State or Federal penal law and the

officer believes that such is necessary for the protection of the public interest or;

2. When the officer finds a child in such surroundings or conditions that he considers it necessary that he take the child into immediate custody for the child's welfare or;
3. When there is reasonable suspicion to believe that a child has committed an offense which if committed by an adult would be a felony of a serious and aggravated nature.

(This is in part § 1911 and in part new)

§ 50. Limitation as to issuance of warrants for children.—No warrant of arrest shall be issued for any child under the age of twelve years except by the judge of a juvenile court or a judge of a court of record or for a child between the ages of twelve and eighteen years except when use of such process is imperative.

(This is part of § 1912)

§ 51. Children taken into custody, how released or detained.—Whenever a child is taken into custody unless the officer deems it impractical or inadvisable or he has been otherwise ordered by the court, he shall release the child to the custody of a parent, guardian, or custodian upon promise of such parent, guardian or custodian to bring the child to the court at such time as is fixed by rules of the court. If not so released he shall take the child to the special place of detention for juveniles provided by each city and county; or during such hours as the court is open he shall take the child immediately to the court and the court may order that the child be released to the custody of a parent or other person appointed by the court, on bail or recognizance or otherwise; or the court may order that the child shall be detained in such manner as it determines subject to further order of the court.

(This is in part § 1912)

§ 52. No child shall be transported, conveyed or ridden in a police patrol wagon, or confined in any police station, prison, jail or lockup or be transported or detained in association with criminals, vicious, or dissolute persons; except that a child fourteen years of age or older may, with the consent of the judge or the juvenile probation officer, be placed in a jail or other place of detention for adults, but in a room or ward entirely separate from adults.

(This follows Section 1911)

§ 53. It shall be the duty of the Department of Welfare and Institutions to devise, develop and promulgate a State-wide plan for the establishment and maintenance of suitable detention facilities in every probation district set up under the provisions of this law.

The Director shall have authority to appoint a State supervisor of juvenile detention and other necessary agents for the carrying out of such a plan and the State supervisor shall cooperate with the proper local authorities in establishing and maintaining suitable detention facilities in accordance with the provisions of this law.

(This is new)

§ 54. Establishment of homes and other places for temporary detention.—Provision shall be made for the temporary detention of children coming within the purview of this law in a detention home or parental school to be conducted as an agency of the city, county or probation district for that purpose, or the judge of the court having jurisdiction may arrange for the boarding of such children temporarily in a private home or homes in the custody of some fit person or persons subject to the provisions of the court, or the judge may arrange with any incorporated institution, society, or association, approved by the State Board or with any other court which maintains a suitable place of detention for children for the use thereof as a temporary detention home, but the court or judge shall not send any child to a jail or station house while awaiting trial or disposition unless such child is extremely vicious or unruly or is charged with an offense of an aggravated nature.

(This follows § 1914)

§ 55. Visitation and management of such homes.—In the event that a detention home or parental school is established by the court it shall be subject to visitation and inspection by the State Board, and shall be furnished and carried on so far as possible as a family home under the management of a superintendent or matron, appointed from a list of eligibles submitted by the State Board, and such other employees for such home as may be necessary.

(This follows § 1914)

§ 56. Expenses of such homes; cost of maintenance elsewhere.—The necessary expenses incurred in maintaining such detention home shall be a charge upon the county or city, as the case may be, and the county board of supervisors or the city council or other governing body shall make provision therefor. The Commonwealth shall reimburse the city or county, as the case may be, two-thirds of the salaries of officers and employees engaged in the operation and

maintenance of detention homes; and it shall further reimburse the city or county for the entire reasonable cost of food and of the clothing, medicines, lights, water, heat, disinfectants, beds and bedding, and other necessary supplies required for the care of children held in detention homes awaiting trial or disposition under the juvenile laws of this State. Such reimbursements shall be paid in monthly installments by the State Treasurer out of funds appropriated in the general appropriations act for criminal costs on warrants of the Comptroller, issued upon vouchers approved and signed by the Director, or by such person as may be designated by the Director.

(This follows § 1914)

§ 57. In case the court shall arrange for the boarding of children temporarily detained in private homes or with any incorporated institution, society or association, or in detention homes conducted by another city or county, the cost of maintaining such children held awaiting trial or disposition under the juvenile laws of this State in boarding homes or other institutions shall be paid monthly, according to schedules prepared and adopted by the State Board, by the State Treasurer out of funds appropriated in the general appropriations act for criminal costs, on warrants of the Comptroller, issued upon vouchers approved by the Director, or such other person as may be designated by the Director.

(This follows § 1914)

§ 58. Decree.—If the court shall find that the child is within the purview of this law it shall so decree and by order duly entered proceed as follows:

(1) Take custody and place the child on probation, under such conditions as the court shall determine.

(2) Leave the child in his own home under the supervision of the court with or without taking custody; or take custody and place the child in a suitable foster home, under supervision of the court pending final disposition of the case.

(3) Take custody and commit the child to the guardianship and custody of the local department of welfare which shall accept the custody of any child so committed.

(4) Take custody and commit the child to the guardianship and custody of the State Board of Welfare and Institutions if the child's behavior or condition is such that the court deems it cannot be satisfactorily or adequately dealt with in his own locality or with its resources. All children intended to be placed in one of the industrial schools of the State shall be committed to the State Board of Welfare and Institutions, it being the purpose of this law that the Director shall determine which children shall be so placed.

(5) Take custody and commit the child to the custody and guardianship of a private agency or organization approved and authorized by the Director to care for and place children in foster homes. No court shall commit a child to an agency or organization out of the State without the approval of the Director.

(6) Commit the child if adjudged mentally defective, to a mental institution, in accordance with the provisions of the law.

(7) Refer or send the child, if fourteen years of age or older, for proceedings and trial to a court having criminal jurisdiction, in accordance with the provisions of this law.

(8) In case of traffic violations the court may suspend an operator's license, or require restitution in accordance with provisions of this law, or it may impose the penalties which are authorized to be imposed on adults for such violations,

(9) The court may impose a fine not exceeding fifty dollars as a disciplinary measure upon a juvenile of working age found by the court to have violated a State or Federal law or local ordinance. All sums so ordered to be paid may be paid by the child in monthly or weekly instalments; such child may also be required to make restitution or reparation for damages resulting from his wrongful conduct.

(10) Order such other care and treatment, medical or otherwise as the court deems to be for the best interests of the child.

(11) In the event that any child is placed on probation, require either the child, if of working age, or the parent of the child, or both, to pay a service charge to cover expenses of probation, at such times and in such manner as stated in the decree of the court. In the event payment of this charge by the child is decreed, the total amount thereof shall not exceed fifty dollars; and if payment by the parent, or child and parent, is decreed the total amount shall not exceed one hundred dollars. Any funds collected by the court as provided in this paragraph shall be paid into the general fund of the State treasury not later than the tenth of the month following collection.

(This is in part § 1911 and § 1918,
§ 1923b and part new)

§ 59. Payment for support from estate of child.—If a child has an estate in the hands of a guardian or trustee, the guardian or trustee may be required to pay for its education and maintenance in connection therewith so long as there may be funds for that purpose.

(This is part of § 1912)

§ 60. Effect of adjudication on status of child.—No adjudication or judgment upon the status of any child under

the provisions of this law shall operate to impose any of the disabilities ordinarily imposed by a conviction, nor shall any such child be denominated a criminal by reason of any such adjudication, nor shall such adjudication be denominated a conviction.

The disposition made of a child or any evidence given in court concerning him shall not operate to disqualify the child in any future civil service application or appointment or military or naval enlistment.

(This is part of §. 1905 and part new)

§ 61. Duration of commitments and contracts for placement.—All commitments under this law shall be for an indeterminate period having regard to the welfare of the child and interests of the public, but no child committed hereunder shall be held or detained after such child shall have attained the age of twenty-one years; and the State Board and aid societies, associations or institutions may place under contract children committed under this law in suitable family homes, institutions or industrial schools for the care of children without further process of law for a term of years not exceeding the period of minority of such child, and whenever such child shall be so placed by such society, association or institution a report of such action shall be made to the State Board in such form as may be required by it.

(This follows § 1910)

§ 62. Whenever the court commits a child to any institution or agency it shall transmit with the order of commitment a summary of its information concerning the child, and such institution or agency shall give to the court such information concerning the child as the court at any time requires. All such information shall be treated as confidential.

(This is part of § 1935(12))

§ 63. Protection of religious affiliations.—In placing a child under the guardianship or custody of an individual or of a private agency or institution, the court shall whenever practicable select a person, or an agency or institution governed by persons, of the same religious faith as that of the parents of the child, or in case of a difference in the religious faith of the parents and religious faith of the child, or, if the religious faith of the child is not ascertainable, then of the faith of either of the parents, unless the parent or parents of the child waive such selection.

(This follows § 1910)

§ 64. Support of child committed to a custodial agency or person.—Whenever a child is committed by the court to any person, institution or agency public or private, the court may,

after giving the parents reasonable opportunity to be heard, order and decree that such parents shall pay in such manner as the court may direct such sum, within their ability to pay, as will cover in whole or in part the support of such child, and if the parents wilfully fail or refuse to pay such sum, the court may proceed against them as for contempt or for non-support; when the child is committed to an institution or agency supported by the State or any political subdivision thereof, the court shall order that such payment be made to the court which shall pay the same on or before the tenth day of the month following receipt thereof into the treasury of the political subdivision or to the credit of local department of public welfare or into the general fund of the State treasury as the case may be.

(This in part is new and in part § 1912)

§ 65. Procedure in adult cases.—All provisions of this law relative to procedure in cases of children, when not inconsistent with provisions of law relating to the conduct of adult cases, shall so far as practicable also apply to cases against adults brought under the provisions of this law, and also under the provisions of law in regard to non-support. Proceedings may be instituted on petition or complaint by any interested party or on warrant issued as provided by law or upon the court's own motion and a reasonable opportunity to appear shall be afforded the defendant. The court may make an informal preliminary investigation and may make such adjustment as is practicable or may authorize a petition or complaint to be filed and summons or warrant to be issued; provided that nothing herein shall have the effect of denying to any person the right to file a petition if he so desires. The court may issue a summons, a warrant of arrest or other appropriate process in order to compel the attendance of any necessary person.

(This is mostly new)

§ 66. Suspension of sentence; probation; charge may be imposed to partially defray expenses.—Upon the trial of such cases the court may upon a plea of guilty or upon conviction impose such sentence as the law provides; or may suspend the imposition of sentence or the execution of sentence or any part thereof, and may also place the defendant on probation during good behavior for such time and under such conditions as it determines. In case the defendant has been sentenced for a misdemeanor and committed, the court may at any time before the sentence has been fully served, suspend the unserved portion of such sentence. The court may subsequently increase or decrease the probation period and may revoke or modify any condition of probation. While on probation the court may require any such person to pay in one or several sums any

fine imposed at the time of sentence and in addition may require the payment by such person of a service charge to cover the expenses of probationary supervision. Such charge shall not exceed the sum of one hundred dollars. Moneys collected by the court under the provisions of this law for expenses of probationary supervision shall be paid into the general fund of the State treasury not later than the tenth of the month following their collection. The court may also require any such person to make restitution or reparation to the aggrieved party or parties for actual damages or loss caused by the offense for which conviction was had and to provide for the support of his wife, children or others for whose support he may be legally responsible. The court may transfer the defendant to the court of another county or city to which such defendant is removing, there to be placed and kept on probation as such latter court deems proper.

Persons sentenced under this law to jail or the State convict road force for non-support shall be returned when released to the court which exercised original jurisdiction and by such court be placed on probation upon the terms and conditions prescribed for the probation of original offenders in such cases.

(This follows in part § 1922b)

§ 67. Revocation of order of suspension; resumption of jurisdiction of the court.—The court may, for any cause deemed by it sufficient, revoke the suspension of sentence and any probation, if the defendant be on probation, and cause the defendant to be arrested and brought before the court at any time within the probation period or the period of suspension, or if no probation period or period of suspension has been prescribed then within the maximum period for which the defendant might originally have been sentenced to be imprisoned; whereupon, in case the imposition of sentence has been suspended, the court may pronounce whatever sentence might have been originally imposed; and in case the execution of the sentence has been suspended, the original sentence shall be in full force and effect, and the time of probation shall not be taken into account to diminish the original sentence. In the event that any person placed on probation or under suspension of sentence leaves the jurisdiction of the court without the consent of the judge, or having obtained leave to remove to another locality violates any of the terms of his probation or suspension of sentence, he may be apprehended and returned to the court and dealt with as provided above.

(This follows § 1922b)

§ 68. Physical and mental examinations and treatment.—The court may cause any person within its jurisdiction under

the provisions of this law to be examined and treated by a physician, psychiatrist or clinical psychologist; and upon the written recommendation of the physician or psychiatrist the court shall have the power to send any such person to a State mental hospital for observation.

Whenever a child concerning whom a petition has been filed appears to be in need of nursing, medical or surgical care, the court may order the parent or other person responsible for the care and support of the child to provide such care in a hospital or otherwise and to pay the expenses thereof. If the parent or other person is unable or fails to provide such care the court may enter an order requiring that the expenses thereof be a charge upon the county or city in which such child or his parent has residence or legal domicile.

In any such case, if a parent, able to do so, fails or refuses to comply with the order the court may proceed against him as for contempt or may proceed against him for non-support.

(This follows § 1913)

§ 69. Service of process; bonds; writs; et cetera.—The sheriffs and their deputies in the respective counties and the city sergeants and their deputies and police officers in the cities shall serve summons and execute warrants or other process issued by the court in their respective jurisdictions.

All bonds and other undertakings taken and approved by the judge, either for the appearance of any person or for the performance of any other duty or undertaking set forth in the bond, shall be valid and enforceable even if the principal in the bond shall be a person under twenty-one years of age. In the event of a failure upon the part of the principal or sureties in any bond taken in such court to faithfully carry out and discharge the undertakings of such bond then, in that event, the judge shall have the right to declare the bond forfeited and to certify the same to the clerk of the circuit, corporation or hustings court of his city or county. And in the event of such certification by the judge to the clerk of any such court it shall be the duty of the clerk thereof to bring the same at once to the attention of the judge of his court, who shall proceed thereon in the manner prescribed by law.

The complainant in non-support cases shall not be required to furnish an indemnifying bond.

(This follows § 1908, § 1951d and part new)

§ 70. Appeals.—From any final order or judgment of the juvenile court affecting the rights or interests of any person under the age of eighteen years coming within its jurisdiction, an appeal may be taken by the person aggrieved to the circuit, corporation or hustings court having equity jurisdic-

tion of such city or county within ten days. Provided, however, that in either case the appeal may be withdrawn by the person taking same at any time before the appeal papers shall have been actually filed in the higher court and thereafter with the consent of the judge of that court; and provided further that in any case the judge may grant a re-hearing within thirty days upon good cause shown, after due notice to interested parties. Proceedings in juvenile cases in such courts shall conform to the equity practice where evidence is taken ore tenus; provided, however, that an issue out of chancery may be had as a matter of right upon the request of either party. In the city of Richmond all appeals shall, as to matters arising within the said city north of the James River, or arising upon the islands therein, be to the Hustings Court of the city of Richmond, and as to matters arising within the city south of the James River such appeals shall be to the Hustings Court of the city of Richmond, Part Two.

Upon the rendition of final judgment upon an appeal from the juvenile and domestic relations court, the appellate court shall cause to be filed with the juvenile court, a copy of its judgment, which shall thereupon become the judgment of the juvenile court. In the event such appellate court does not dismiss the proceedings or discharge such child or adult person, the appellate court may in its discretion remand the child or adult person to the jurisdiction of the juvenile court for its supervision and care, under the terms of its order or judgment and thereafter such child or adult person shall be and remain under the jurisdiction of the juvenile court in the same manner as if such court had rendered the judgment in the first instance.

Petition for or the pendency of an appeal or writ of error shall not suspend any judgment, order or decree of the juvenile court in any case nor operate to discharge any child concerned or involved in the case from the custody of the court or other person, institution, or agency to which the child has been committed, unless so directed in a writ of supersedeas issued by the Supreme Court of Appeals or a judge thereof.

(This follows § 1920, § 1951e and § 1953j)

§ 71. Certain officers to aid juvenile and domestic relations court; service of process.—The court may, in its discretion, call upon the Commonwealth's attorney of his city to assist the court in any proceeding under this law, and the Commonwealth's attorney shall render such assistance when so requested.

And the Commonwealth's attorney shall represent the State in all cases appealed from the juvenile and domestic relations court to other courts. The sheriffs of the counties of this State and police officers of the cities shall serve all papers directed by the court or justice to be served by them, but any

paper, summons or process issued by the court may be served by any person designated by the court or judge for that purpose.

(This follows § 1951a and § 1953b)

§ 72. Cooperation of certain agencies and officials may be sought; their duties.—The court may seek the cooperation of all societies, organizations or institutions, public or private, having for their object the protection, aid or care of children, to the end that the court may be assisted in every reasonable way to give all children coming under its jurisdiction the care, protection and assistance which will best conserve the welfare of such children. Every official of such city or county and every department thereof shall render such assistance and cooperation to the court as will best further the object of this law. All institutions, associations or other custodial agencies in which any child coming within the provisions of this law may be are hereby required to give such information to the court or to any of its officers as the court or officers may require for the purpose of this law.

(This follows § 1951 and § 1951c)

§ 73. Court's advisory board.—The judge of any court may appoint a board of not more than fifteen citizens of the county or city, known for their interest in the welfare of children, who shall serve without compensation, to be called the advisory board of the court. The members of the board shall hold office during the pleasure of the court or the judge thereof. The duties of the board shall be as follows:

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

(2) To visit as often as they conveniently can institutions and associations receiving children under this law and to report to the court from time to time the conditions and surroundings of the children received by or in charge of any such persons, institutions or associations;

(3) To make themselves familiar with the work of the court under this law and make from time to time a report to the public of the work of the court.

(This follows § 1917)

§ 74. City and county uniting in establishment of court; appointment of judge; his jurisdiction.—If the governing body of any city and the governing body of any adjoining county shall, by ordinance, resolution, or by-law, signify their desire to unite in the establishment of a juvenile and domestic relations court with jurisdiction over the city and the county or any district or districts thereof, the circuit court or courts

of such counties and cities shall thereupon appoint as juvenile judge of such county or specified district or districts thereof, a person nominated by the governing body of the city, who shall thereupon exercise jurisdiction under the provisions of this law within the boundaries of such city and county or counties or the specified district or districts thereof.

(This follows § 1953 L)

If any city and county or counties, or part thereof, or any two or more counties shall unite in the establishment of a juvenile and domestic relations court, as provided by law, the expense of operation and maintenance of the court and of caring for the wards of the court shall be jointly borne in proportion to their respective populations or as may be agreed upon by the constituted authorities of the respective cities and counties.

(This follows § 1953m)

§ 75. The provisions of this law shall supersede and repeal any provision of any charter of any city, or any State law to the contrary or in conflict herewith.

(This is new)

§ 76. Severability of provisions.—If any provision of this law or the application thereof to any person or circumstances, is held invalid, the remainder of this law and the application of such provision to other persons or circumstances shall not be affected thereby.

2. §§ 16-130 through 16-172, inclusive; §§ 63-257 through 63-273 inclusive; §§ 63-274 through 63-287 inclusive; § 63-288; § 63-291; and §§ 63-294 through 63-307, inclusive; of the Code of 1950 are repealed.