

REGIONAL JUVENILE AND DOMESTIC RELATIONS COURTS

**REPORT OF THE
VIRGINIA ADVISORY LEGISLATIVE COUNCIL
to
THE GOVERNOR
and
THE GENERAL ASSEMBLY OF VIRGINIA**



HO 12, 1966

COMMONWEALTH OF VIRGINIA
Department of Purchases and Supply
RICHMOND
1965

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REGIONAL JUVENILE AND DOMESTIC RELATIONS COURTS

REPORT OF THE VIRGINIA ADVISORY LEGISLATIVE COUNCIL

Richmond, Virginia, December 28, 1965

To:

HONORABLE A. S. HARRISON, JR., *Governor of Virginia*

and

THE GENERAL ASSEMBLY OF VIRGINIA

Since the regional juvenile and domestic relations court system was created by legislation in 1960, serious questions concerning its implementation and administration have arisen; they necessitated extensive amendments in the 1964 Session, and still give concern.

In response to a letter from Mr. W. L. Painter, Director of the Department of Welfare and Institutions, which suggested the need for a study of these courts, the Governor, by letter, requested the Council to make a study of the regional juvenile and domestic relations courts during its investigation of all subject matter; copy of the pertinent parts of these letters follows:

COMMONWEALTH OF VIRGINIA

DEPARTMENT OF WELFARE AND INSTITUTIONS

429 South Belvidere Street

Richmond, Virginia 23220

August 17, 1964

The Honorable A. S. Harrison, Jr., *Governor*
Commonwealth of Virginia
State Capitol
Richmond, Virginia

Dear Governor Harrison:

One of the items covered in our conference of July 29, was the administration of regional juvenile and domestic relations courts as provided for in Sections 16.1-143.1—16.1-143.7, Code of Virginia, as amended (Chapter 135, Acts of Assembly 1964). In this connection, reference was made to House Joint Resolution No. 22, of the 1964 General Assembly.

* * * *

In accordance with our discussion of this topic, I suggest that consideration be given to requesting the Council to include the regional juvenile court law in its study. This may be a means of resolving the administrative problems in the operations of such courts which have been recognized as consideration has been given to implementing this law.

Sincerely,

/s/ W. L. Painter,

Director

COMMONWEALTH OF VIRGINIA

Governor's Office

Richmond

August 19, 1964

Albertis S. Harrison, Jr., *Governor*

Dear Senator Willey:

I enclose a letter from the Director of Welfare and Institutions, with reference to the study by the Virginia Advisory Legislative Council under House Joint Resolution 22 of the 1964 Session.

The Director suggests the broadening of the study to include the regional juvenile court law. The suggestion appears to have merit and I hope that the Council will include this subject in its investigation and report.

With kindest regards, I am

Sincerely yours,

/s/ A. S. Harrison, Jr.

Pursuant to this request, the Council assigned the study of the regional courts to the committee studying youthful offenders. Charles R. Fenwick of Arlington, member of the Senate and the Council, served as Chairman of the Committee which included the following members: J. Gordon Bennett, Auditor of Public Accounts, Richmond; Paul E. Brown, Judge, Fairfax Circuit Court, Fairfax; Miles Cary, Jr., attorney, Richmond; Charles P. Chew, Director, Division of Parole, Richmond; Mrs. Charles H. Elmore, Richmond; Mrs. Marion G. Galland, member of the House of Delegates, Alexandria; Anthony C. Gaudio, Chief Parole Officer, Arlington; Garnett S. Moore, member of the House of Delegates, Pulaski; W. L. Painter, Director, Department of Welfare and Institutions, Richmond; and Robert B. Spencer, Jr., Judge, County Court, Buckingham. Mrs. Galland served as Vice-Chairman of the Committee.

John B. Boatwright, Jr., and Robert L. Masden served as Secretary and Recording Secretary, respectively, for the Committee.

The Committee discussed the regional juvenile and domestic relations courts (referred to hereinafter as regional courts) extensively at a number of meetings; it had the benefit of a written memorandum submitted by the Committee of Judges (which is charged with fixing salaries of the judges and employees of the county courts that handle, among other matters, juvenile and domestic relations cases); and it reviewed at length the provisions of law and administrative problems relevant to regional courts. Its work concluded with the submission of a report and recommendations to the Council.

After thorough consideration and review of these matters we submit the following:

Recommendations

1. The adoption of appropriate legislation to suspend, as of the effective date of such legislation, the formation of additional regional juvenile and domestic relations courts pending further study and a determination of the policies and procedures under which such courts should be established and operated.

2. The adoption of an appropriate resolution by the General Assembly calling on the Virginia Advisory Legislative Council to study and report on (1) the desirability of establishing regional juvenile and domestic relations courts on a State-wide basis; (2) alternatively, the desirability and feasibility of a system of family courts having jurisdiction of divorce and adoption cases as well as matters currently in the purview of juvenile and domestic relations courts; and (3) in addition, the appropriate procedures and policies to operate any regional court system, existing or proposed.

3. The adoption of appropriate legislation to enable the Department of Welfare and Institutions in conformity with the Virginia Personnel Act to have sole responsibility regarding the probation officers for regional courts and their compensation.

4. The amendment of §§ 51-111.10 and 65-4 to clarify the status of personnel of the currently established regional courts regarding retirement and workmen's compensation benefits through classification as State employees.

Background—Basic Conclusions

Before proceeding to a discussion of these recommendations, we submit some relevant findings and observations.

In approaching the problem of the regional juvenile and domestic relations court system, our major concern has been for the provision of sound judicial administration to serve the public and the juvenile defendant and the promotion of adequate probation service as an integral feature of the judicial system.

We are not, in any way, opposed to a regional juvenile court system as such. Indeed, the utilization of regional juvenile and domestic relations courts has much to recommend it and deserves careful and extensive consideration and study so that the entire State may be benefited thereby. In connection with the present system, we have reached the basic conclusion that, as presently constituted, it does not offer a sound organizational approach to the treatment of juveniles; and furthermore, we feel that the inherent flaw in the system—its establishment of courts on a piecemeal basis—cannot be remedied satisfactorily by amendments to the existing provisions.

The decision to recommend the suspension of the present provisions so as to prohibit the formation of additional courts is based on the underlying premise that the only way to promote and administer an effective court system of any kind is through an over-all review of the State's and the courts' needs and abilities in handling these problems. Further proliferation of a system which does not offer adequate provision for meeting these needs can only lead to entrenched problems, ever more difficult to correct, and obscure the real questions facing Virginia in dealing with its juvenile court system.

Nothing in this Report or in any of the recommendations of the Report are intended to reflect on the good services provided by currently established regional courts or designed in any way to reflect on the qualifications or abilities of the judges and the employees thereof.

The immediate and positive approach to problems confronting the courts not of record, juvenile and domestic relations courts and the existing regional courts lies, we feel, in the promotion of adequate, skilled probation services. Throughout our deliberations and hearings before the Committee, concerned people have reiterated the need for probation services

to complement and fortify the work of the courts. Indeed, the present regional court system was advanced largely to meet this need for probation service in the rural areas of the State.

Our recommendation in this Report to place regional court probation services under the supervision of the Department of Welfare and Institutions and the Virginia Personnel Act and our recommendations in the Youthful Offenders Report to enlarge and strengthen probation services for the courts not of record are all designed to fulfill this need and highlight this problem. This direct approach to the need for probation service serves the State far better, we have concluded, than would any attempt to expand the regional court system in a hasty or piecemeal fashion.

Background—The Regional Court System

The original legislation of 1960, § 16.1-143.1, was expanded and amplified by amendment in 1964 to its present form, §§ 16.1-143.1 through 16.1-143.7. Under these sections any combination of two or more cities, counties, or cities and counties can establish a regional court. There are no requirements respecting contiguity, area, population or case load work. In fact there are no criteria stated at all for establishing such courts.

To date two such courts have been established :

(1) A regional court for Spotsylvania, King George and Stafford Counties and Fredericksburg; the thirty-ninth judicial circuit; population, 51,587; and area, 812 square miles; and

(2) A court for Halifax, Mecklenburg and Pittsylvania Counties and South Boston; parts of the thirtieth and thirty-fourth judicial circuits; population 129,335; and area, 2,491 square miles.

Additional courts are in the planning stages.

All salaries of the judges, clerks and other employees of such courts are payable by the State from the appropriation for criminal charges, in contrast to the procedure under § 16.1-150 whereby the State reimburses all cities and Arlington County only one-half of the salaries of the judges, clerks and other employees of local juvenile courts.

Under the regional court procedure all that any city need do to shift the financial burden of its juvenile court to the State is to combine with another county or city (which need not be contiguous) to establish a regional court. Alexandria which has a juvenile court budget of \$118,790 for 1965 and a population of 91,023 could combine with Falls Church, population of 11,000, and thus shift over \$50,000 in expenses to the State. This action could be taken solely for financial reasons and involve the scrapping of a sound juvenile court in the process. There should be no incentive offered to induce such a step.

The regional court provisions, also, provide that the State shall pay all salaries of probation officers under § 16.1-143.3; the general practice for juvenile courts in both cities and counties is that the State reimburses only one-half the salaries paid by the city or county. Again, a purely financial incentive is provided to form regional courts.

Salaries payable under the regional courts provisions to such judges may not exceed those paid judges of courts of record (\$15,000) but may thus exceed those paid county court judges (\$13,200 maximum). Here the problem arises that a county court judge also acting as juvenile and domestic relations court judge with a heavy case load may receive less compensation than a regional court judge with only a light case load. Moreover, there is no provision made for the adjustment of a county

judge's salary in cases where a regional court reduces his case load. Since his salary is based in large part on his case load, adjustment is necessary to maintain a fair and uniform approach to fixing such judges' salaries.

With regard to probation officers, the provisions specify that salaries are to be fixed by the Committee of Judges within ranges established by the Department of Welfare and Institutions. The Department (which knows the work involved) could more easily supervise such personnel and establish salaries under a uniform classification system in conjunction with the Virginia Personnel Act.

The regional court system statute, also, presents a snarl of technical problems in the classification of personnel for retirement, workmen's compensation and insurance purposes which evolve from their being hired by localities but paid by the State.

Reasons for Recommendations

It is our view that the continued expansion of the present regional courts system offers no means, even with revision, of meeting on a uniform, rational, State-wide basis, the basic needs attending juvenile and domestic relations matters without very serious disadvantages. To prevent the uncoordinated establishment of additional courts and a further uncontrolled tapping of the State treasury, the operation of §§ 16.1-143.1 through 16.1-143.7 should be suspended so that no added courts may be created thereunder until completion of the study proposed herein. The sections should be continued in effect to permit continued operation of established courts.

The system as currently constituted and being based so largely on financial incentive gives no recognition to what we consider the most pertinent factors of adequate probation services, fair case load distribution considering the population and areas to be served, and the impact of such a new court system on other courts having like jurisdiction. The absence of any standards to accompany the establishment of such courts makes it difficult ever to achieve a workable, satisfactory regional court system for the Commonwealth.

The continued availability of the provisions for establishing such regional courts involves the risk of sizeable State expenditures without any State control and solely at the option of localities. These blind expenditures should be halted pending complete evaluation of the regional court question.

The need for such study is paramount. We feel it is vital to avoid further expansion on a piecemeal basis, permitting localities to choose the option of a regional juvenile court without justification in terms of the size of the area, population, and potential case load to be served and without any over-all guidance that can keep in view the eventual expansion of the system.

It is obvious that further creation of regions along the lines currently established can only lead to serious gaps and inequities. Isolated areas unable to procure the consent of adjoining counties or cities to form such courts and unable to provide adequate services for the population in their locale will be the inevitable end product.

We do not want to leave open a back door to the treasury without any responsible supervision and without any sensible limits pending study of the system. It is our feeling that there must be a proven need shown for the establishment of any court, at the very least, before localities should be entitled to the State funds presently available under the sys-

tem; and it is our hope that standards for showing proof of need can be determined through study before serious mistakes are made.

Another reason for halting enlargement of the present system and for further study is the effect the regional courts have upon the existing county courts and the judges thereof. This factor was apparently not considered in adopting the current system.

The judges of the county courts are paid entirely by the State and their salaries are fixed by the Committee of Judges within limits provided by law. These salaries are based upon a number of factors and prominent among them is the case load; this involves juvenile and domestic relations cases, civil cases, the trial of misdemeanors and preliminary hearings in felony cases. The system of regional courts takes from the county court all juvenile and domestic matters thereby reducing the load upon the judge of the county court. Is the Committee of Judges then to reduce the salary of the judges of the county courts involved? The regional court act is silent on this point, but the Committee of Judges has had to struggle with it. Obviously, at some stage the Committee of Judges is going to be forced to decide that when the work load of the judge of the county court is reduced his salary must be reduced pro tanto.

The problems which the Committee of Judges must face in dealing with the regional court system not only call the present system into serious doubt but also point up vividly the need for intensive further study on these matters before the adoption of any court system along these lines.

The suspension of §§ 16.1-143.1 through 16.1-143.7 is recommended for the above reasons, and legislation is appended to accomplish such suspension.

2. Suspension of the current regional court provisions sets the stage for the Council study we hereby recommend. The study should start with an examination of the current system to determine what policies and procedures are prerequisites to the operation of a sound regional system. We envision this as a first step and groundwork for a truly broad survey. It is our conviction that the Council should extend its study to consider the desirability and feasibility of either a State-wide regional juvenile or family court system such as has been established in other states.

On initial reflection, it is felt that there are good arguments to be made for a consolidation of domestic relations matters in one court system. The current practice of many circuit and corporation courts in referring support and similar questions to the regional or county courts, indicates that there is an undercurrent for the treatment of domestic relations matters, including divorce and adoption, in one court system. We recognize that this is too early a time to propose establishment of such a family court system, but we feel that it is the proper function of an extensive study to embrace such matters for at least two reasons: first, to place the study of a regional court system in perspective; and second, to consider the merits of a family court system.

We feel that any study would be incomplete and could not be persuasive unless it examined the effect of a regional court system on the county and municipal courts in the State, and the effect on the circuit and corporation courts as well when consideration is given to a family court system. The potential detriment to these other courts may possibly override the arguments for establishing either alternative.

One of the real drawbacks to the current system is the lack of sound preparation before establishment. It must be recognized that any

change in the jurisdiction of our courts is a matter for serious concern and intensive consideration. The obvious effect of the current regional system on the county courts exemplifies this need. We have not had, in conducting this study, either the directive or the time to make this survey. We therefore strongly endorse this recommendation for a careful and intensive study of the regional and family court systems.

Even beyond the question of the court system itself, such a study should consider the effect on regional detention homes, probation services, and like affiliated matters concerning the full treatment and rehabilitation of juvenile delinquents. We feel that study of the scope and thoroughness which we hereby recommend can most effectively give due consideration to these important and basic concerns in the establishment of any regional juvenile court system.

Underlying all of the considerations set forth, is our concern, and the concern we believe reflected on the part of many others both favoring and criticizing the current system, that the probation services of the State be increased to the greatest possible extent as a means of aiding and rehabilitating the juvenile delinquent and as a means of helping the courts function more effectively. It is our conviction at this time that expansion of and emphasis on probation services offer sound first steps for the improvement of the regional court system and means to support and improve the county courts pending the study we hereby recommend.

It is conceivable that the study hereby proposed might conclude that the existing county and municipal courts could, given adequate probation and related services, serve in the place of any regional system and provide the best approach to these problems. We do not foreclose this possibility at all and are impressed by work currently done by such courts. In proposing this study we consider strengthening local courts an alternative deserving real consideration. A resolution embodying these reasons and proposing the study is appended.

3. We feel that during the interim while this study is being conducted, there are minor steps which can be taken to improve the current regional court system and facilitate the work of those courts established before passage of the legislation for Recommendation 1. In line with our attempts to improve probation services, we recommend an amendment to § 16.1-143.3 to place the overall supervision of probation officers and their compensation in the Department of Welfare and Institutions and subject to the Virginia Personnel Act. Such steps would go far to promoting better probation services by placing overall supervision with the Department used to handling such matters.

The statute currently has the Committee of Judges fixing such salaries within ranges set by the Department. The Committee has itself expressed the opinion that the Department's familiarity with classifying probation personnel better qualifies it to handle such problems.

4. Along the same lines, Recommendation 4 and the accompanying legislation are designed to clarify the status of regional court employees and indicate that they are considered State employees. This minor change in legislation makes it plain that these individuals, being wholly paid by the State, are actually State employees for purposes of retirement and workmen's compensation benefits. This minor change will go far to solve some administrative problems that have arisen under the regional court act up to this time.

Acknowledgements

The efforts of the Committee which did the preliminary study for this Report and the generous help of the Committee of Judges greatly

facilitated the Council's work in preparing this Report and these recommendations. To them, we express our sincere appreciation.

Respectfully submitted,

Edward E. Willey, *Chairman*

Tom Frost, *Vice-Chairman*

C. W. Cleaton

John Warren Cooke

John H. Daniel

Charles R. Fenwick

J. D. Hagood

Edward M. Hudgins

Charles K. Hutchens

J. C. Hutcheson

Lewis A. McMurran, Jr.

Charles D. Price

Arthur H. Richardson

William F. Stone

A BILL to amend and reenact §§ 16.1-143.1, as amended, and 16.1-143.3 of the Code of Virginia, relating to regional juvenile and domestic relations courts.

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-143.1, as amended, and 16.1-143.3 of the Code of Virginia be amended and reenacted as follows:

§ 16.1-143.1. The governing bodies of two or more cities or of two or more counties or of any combination of cities and counties may, with the approval of the judge or judges of the circuit court or courts of said cities and/or counties, establish and operate a regional juvenile and domestic relations court to serve the participating counties and cities.

No regional juvenile and domestic relations court shall be established, nor any existing court be enlarged, under the terms of this section on or after the effective date of this act until July one, nineteen hundred sixty-eight.

Any regional juvenile and domestic relations court in existence prior to the effective date of this act may be continued subject to the provisions of §§ 16.1-143.1 through 16.1-143.7, as amended.

§ 16.1-143.3. The salaries of the judges and associate judges of a court established under § 16.1-143.1 shall be fixed *annually* by the committee created under § 14.1-40 at an amount not in excess of the amount paid judges of courts of record, and the salaries of the clerk, deputy clerk and other employees of said courts shall be fixed *annually* by the same committee. The salaries of such probation officers as may be appointed shall be fixed by the * Department *in accordance with the standards of classification of Chapter 9 of Title 2*. Each substitute judge of any such court shall receive for his services per diem compensation equivalent to one twenty-fifth of the monthly salary of the judge of his court in the same manner as such committee pays substitute judges for other courts not of record. All salaries payable under this section shall be paid by the State out of the appropriation for criminal charges.

SENATE JOINT RESOLUTION NO.

Directing the Virginia Advisory Legislative Council to make a study and report on the desirability and feasibility of establishing either a regional juvenile and domestic relations court or family court system.

Whereas, the problems of juvenile delinquency and need for adequate court, probation and related services for our youth are of severe and increasing concern ; and

Whereas, the present method of establishing regional juvenile and domestic relations courts appears to lead to uncontrolled expenditures of State funds inadequate to meet these problems, and is unlikely to result in an effective, State-wide solution ; and

Whereas, the impact of any change in the judicial structure warrants exacting study to determine not only the optimal solution for solving juvenile and related cases but also the soundest proposal in terms of impact on the State judicial structure ; and

Whereas, a broad study, ranging beyond an examination of the present regional juvenile and domestic relations court system to investigate available alternatives, constitutes a necessary initial step before the adoption of any new system ; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the Virginia Advisory Legislative Council is directed to continue its study of the regional juvenile and domestic relations court system, examine the policies and procedures under which such courts should be established and operated, examine the desirability and feasibility of available alternatives including a State-wide system of regional courts or of family courts. The Council shall further report its conclusions and submit appropriate accompanying legislation to the Governor and the General Assembly not later than October one, nineteen hundred sixty-seven. All agencies of the State shall assist the Council in its study.

A BILL to amend and reenact § 51-111.10, as amended, of the Code of Virginia, relating to definition of State employee.

Be it enacted by the General Assembly of Virginia:

1. That § 51-111.10, as amended, of the Code of Virginia be amended and reenacted as follows:

§ 51-111.10. As used in this chapter unless a different meaning is plainly required by the context:

(1) "Retirement system" means the Virginia Supplemental Retirement System provided for in § 51-111.11;

(2) "Board" means the board of trustees as provided by § 51-111.17;

(3) "Medical board" means the board of physicians as provided by § 51-111.26;

(4) "Teacher" means any person who is regularly employed on a salary basis as a professional or clerical employee of a county, city or other local public school board or of a corporation participating in the retirement system as provided by Article 4.1;

(5) "State employee" means any person who is regularly employed full time, on a salary basis, whose tenure is not restricted as to temporary or provisional appointment, in the service of, and whose compensation is payable, not oftener than semimonthly, in whole or in part, by the Commonwealth or any department, institution or agency thereof, *including, without limitation, judges, clerks and employees of regional juvenile and domestic relations courts*, except (a) an officer elected by popular vote or, with the exception of the Auditor of Public Accounts and the Director of the Division of Statutory Research and Drafting, by the General Assembly or either House thereof, (b) a judge of a county court, county or city treasurer, commissioner of the revenue, Commonwealth's attorney, clerk, sheriff, sergeant or constable, and, with the exception of employees of county courts, a deputy or employee of any such officer, and (c) any employee of a political subdivision of the Commonwealth;

(6) "Employee" means any teacher, State employee, officer or employee of a locality participating in the retirement system as provided in Article 4, or any employee of a corporation participating in the retirement system as provided in Article 4.1 or any civilian employee of the Army or Air National Guard participating in the retirement system as provided in Article 4.2;

(7) "Employer" means Commonwealth, in the case of a State employee, the local public school board in the case of a public school teacher, or the locality, or corporation or Army or Air National Guard participating in the retirement system as provided in Articles 4, 4.1 and 4.2;

(8) "Member" means any person included in the membership of the retirement system as provided in this chapter;

(9) "Service" means service as an employee;

(10) "Prior service" means service as an employee rendered prior to the date of establishment of the retirement system for which credit is allowable under §§ 51-111.39 to 51-111.41:1, 51-111.63 and 51-111.64 or service as an employee for such periods as provided in §§ 51-111.32 and 51-111.38:11;

(11) "Membership service" means service as an employee rendered while a contributing member of the retirement system except as provided in §§ 51-111.45, 51-111.57, 51-111.63 and 51-111.64;

(12) "Creditable service" means prior service plus membership service for which credit is allowable under this chapter;

(13) "Beneficiary" means any person entitled to receive benefits under this chapter;

(14) "Accumulated contributions" means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' contribution account, together with interest credited on such amounts and also any other amounts he shall have contributed or transferred thereto including interest credited thereon as provided in § 51-111.49;

(15) "Creditable compensation" means the full compensation payable to an employee working the full working time for his covered position which is in excess of twelve hundred dollars per annum, except when computing a disability retirement allowance in which event no exclusion shall apply; in cases where compensation includes maintenance or other perquisites, the Board shall fix the value of that part of the compensation not paid in money;

(16) "Average final compensation" means the average annual creditable compensation of a member during his five highest consecutive years of creditable service or during the entire period of his creditable service if less than five years; provided, that the retirement allowance of any person who retired under this chapter between March one, nineteen hundred fifty-two and June thirty, nineteen hundred fifty-four shall be recomputed in accordance with this section and such recomputation shall be applicable only to allowances payable on and after July one, nineteen hundred fifty-six;

(17) "Retirement allowance" means the retirement payments to which a member is entitled as provided in this chapter;

(18) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such actuarial tables as are adopted by the Board;

(19) "Normal retirement date" means a member's sixty-fifth birthday; and

(20) "Abolished system" means the Virginia Retirement Act, §§ 51-30 to 51-111, repealed by Chapter 1 of the Acts of Assembly of 1952 as of February one, nineteen hundred fifty-two.

A BILL to amend and reenact § 65-4, as amended, of the Code of Virginia, relating to the definition of "employee" for purposes of the Workmen's Compensation Act.

Be it enacted by the General Assembly of Virginia:

1. That § 65-4, as amended, of the Code of Virginia be amended and reenacted as follows:

§ 65-4. Unless the context otherwise requires "employee" includes every person, including a minor, in the service of another under any contract of hire or apprenticeship, written or implied, except one whose employment is not in the usual course of the trade, business, occupation or profession of the employer; and as relating to those so employed by the State the term "employee" includes the officers and members of the national guard, the Virginia State guard and the Virginia reserve militia, registered members on duty or in training of the United States Civil Defense Corps of this State, the forest wardens, *the judges, clerks and other employees of regional juvenile and domestic relations courts* and all other officers and employees of the State, except only such as are elected by the people or by the General Assembly, or appointed by the Governor, either with or without the confirmation of the Senate, provided that this exception shall not apply to any "State employee" as defined in paragraph (5) of § 51-111.10 nor to members of the Industrial Commission and the State Corporation Commission, nor to the Superintendent of State Police; as relating to municipal corporations and political subdivisions of the State, the term "employee" includes all officers and employees thereof, except such as are elected by the people or by the governing body of the municipal corporation or political subdivision who act in purely administrative capacities and are to serve for a definite term of office. Police-men and firemen, and sheriffs and their deputies, town and city sergeants and town and city deputy sergeants, county and city commissioners of the revenue, county and city treasurers, attorneys for the Commonwealth, clerks of courts of record, juvenile and domestic relations courts and county and municipal courts, and their deputies, officers and employees, shall be deemed to be employees of the respective cities, counties or towns in which their services are employed and by whom their salaries are paid or in which their compensation is earnable. Every executive officer elected or appointed and empowered in accordance with the charter and by-laws of a corporation, municipal or otherwise, shall be an employee of such corporation under this act, except as otherwise provided herein with respect to municipal corporations and political subdivisions of the State. Any reference to any employee who has been injured shall, when the employee is dead, include also his legal representative, dependents and other persons to whom compensation may be payable. For the purpose of this Act the average weekly wage of the noncommissioned officers and members of the national guard, the Virginia State guard and the Virginia reserve militia, registered members on duty or in training of the United States Civil Defense Corps of this State, and forest wardens, shall be deemed to be such amount as will entitle them to the maximum compensation payable under this Act; provided, however, that any award entered under the provisions of this title on behalf of officers, noncommissioned officers or members of the national guard, or their dependents, or registered members on duty or in training of the United States Civil Defense Corps of this State or their dependents, shall be subject to credit for benefits paid them under existing or future federal law on account of injury or occupational disease covered by the provisions of the Virginia Workmen's Compensation Act.

