

**REPORT OF THE SUBCOMMITTEE  
OF THE COMMITTEE FOR COURTS OF JUSTICE  
STUDYING THE JURISDICTIONAL LIMITS OF  
GENERAL DISTRICT COURTS AND JUVENILE AND  
DOMESTIC RELATIONS DISTRICT COURTS  
TO  
THE GENERAL ASSEMBLY OF VIRGINIA**



**HOUSE DOCUMENT NO. 27**

**COMMONWEALTH OF VIRGINIA  
Richmond, Virginia  
1980**

**MEMBERS OF SUBCOMMITTEE**

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**Report of the Subcommittee of  
the Committee on Courts of Justice  
Studying the Jurisdictional Limits of  
General District Courts and Juvenile  
and Domestic Relations District Courts  
To  
The General Assembly of Virginia  
Richmond, Virginia  
January, 1980**

To: The General Assembly of Virginia

**INTRODUCTION**

The Committee on Courts of Justice of the House of Delegates was authorized by House Resolution No. 34 to conduct a study of the jurisdictional limits of general district courts and juvenile and domestic relations district courts. A subcommittee of the Committee on Courts of Justice was duly appointed and conducted this study. Accordingly, the subcommittee submits the following report.

**HOUSE RESOLUTION NO. 34**

WHEREAS, the pertinent provisions of Title 16.1 of the Code of Virginia set up jurisdictional limits in civil matters before both general district courts and juvenile and domestic relations district courts; and

WHEREAS, these jurisdictional amounts have been amended by the General Assembly on a year-to-year basis without any study into the financial and practical necessity for doing so; and

WHEREAS, the cost of goods and services which comprise the vast majority, if not the totality, of cases heard before district courts has risen at an alarming rate; and

WHEREAS, it is the responsibility of the General Assembly, as elected representatives of the people, to see that these people have access to the lower courts of this Commonwealth so that the bulk of their everyday problems can be handled more quickly, efficiently and less expensively; now, therefore, be it

RESOLVED by the House of Delegates, That the Committee on Courts of Justice is hereby requested to conduct a comprehensive study of the jurisdictional limits of both general district courts and juvenile and domestic relations district courts. The study shall formulate findings and recommendations for presentation to the General Assembly for its legislative consideration during the nineteen hundred eighty session of the General Assembly.

**MATTERS CONSIDERED**

During the course of the study of the jurisdictional limits of general district courts and juvenile and domestic relations district courts, the subcommittee considered the following matters.

1. Whether the concurrent jurisdictional limit for general district courts should be raised above \$5,000.00?

2. Whether the amount in controversy required for removal of a case from general district court to circuit court should be raised above \$1,000.00?

Whether a small claims court or a simplified small claims procedure should be established for the trial of small claims?

4. Whether the juvenile and domestic relations district court should be made a court of record in custody cases only, with appeals to the circuit court based solely on the record?

5. Whether the jurisdiction of traffic cases involving juveniles should be removed from the juvenile and domestic relations district court and given to the general district court?

6. Whether the amount in controversy required for removal of an unlawful detainer case from general district court to circuit court should be raised above \$500.00?

## **RESEARCH**

The subcommittee considered the results of a questionnaire which polled the Commonwealth's judges and selected members of the Virginia State Bar on the first five matters set out above. Two hundred ninety-five copies of the questionnaire were distributed to circuit, general district and juvenile and domestic relations district judges, as well as to members of the Executive Committee and the Board of Governors of the Criminal and Family Law sections of the State Bar. One hundred forty-seven of the judges and attorneys polled responded within the required deadline. A copy of the questionnaire results is attached to the Report as Appendix A.

In addition to the questionnaire results, the subcommittee also considered a Consumers Union survey of ninety-two 1979 cars which revealed that seventy of the cars, equipped with the options suggested by the Consumers Union (radial tires, air conditioning, day/night rearview mirror, rear-window defogger, body side molding, and radio), had a dealer's list price of over \$5,000.00. The survey also showed that all but two of the ninety-two cars surveyed, the Renault LeCar and the Honda Civic CVCC, when fully equipped with the options available, had a dealer's list price of more than \$5,000.00.

The subcommittee considered the jurisdictional limits of courts of limited jurisdiction in states other than Virginia. While the subcommittee discovered that courts of limited jurisdiction in most other states had jurisdictional limits no higher than those of Virginia's general district courts, the subcommittee did find that some other states have courts of limited jurisdiction which have jurisdictional limits above \$5,000.00. For example, the subcommittee discovered that county courts in New York have a jurisdictional limit of \$6,000.00, county courts in Mississippi, municipal courts in Ohio and district courts in Alaska have a limit of \$10,000.00, and district courts in Maine have jurisdiction up to \$20,000.00.

Evidence of whether other states had established a small claims court or procedure for the trial of small claims was also considered by the subcommittee. A chart indicating whether other states had or had not adopted a small claims court or procedure was examined by the subcommittee. A copy of the chart is attached to this Report as Appendix B.

The subcommittee also considered evidence of what other states had done with respect to the jurisdiction of traffic offenses committed by juveniles. The subcommittee considered a chart which showed for each state whether jurisdiction over traffic cases involving juveniles was in the state's juvenile court, an "adult" court, or both. The chart also contained footnotes explaining unusual aspects of juvenile traffic jurisdiction in certain states. A copy of the chart is attached to this Report as Appendix C.

While studying juvenile traffic jurisdiction in other states, the subcommittee also considered in depth the statutes of three states, Delaware, Florida and Idaho, which vest jurisdiction over routine traffic offenses in an "adult" court, but which provide that more serious traffic offenses, such as driving under the influence of intoxicating liquor or involuntary manslaughter, shall be heard in juvenile court.

Finally, the subcommittee studied the caseloads of the juvenile and domestic relations district courts for each judicial district to determine whether the time spent by juvenile judges in hearing traffic cases may have cut into the time they needed to spend on the rest of their caseload which required their special expertise. In this regard, the subcommittee considered a chart which showed a breakdown by judicial district of the number of traffic hearings compared to the total number of hearings heard by the juvenile and domestic relations district courts in 1978. A copy of the chart is attached to this Report as Appendix D.

## **FINDINGS AND RECOMMENDATIONS**

The subcommittee makes the following findings and recommendations.

The subcommittee finds that inflation has affected the jurisdiction of general district courts, particularly when new automobiles are involved. The subcommittee likewise finds that general district court judges are competent to handle cases where more than \$5,000.00 is in controversy, and that raising the jurisdictional limits of general district courts will lead to a quicker, simpler resolution of more disputes. Accordingly, the subcommittee recommends that the exclusive original and concurrent jurisdictional limits of general district courts be raised to \$2,500.00 and \$10,000.00, respectively.

The subcommittee finds that many cases are removed from general district court to circuit court merely as a delaying tactic, and that many cases would be resolved more expeditiously at the general district court level if the amount required for removal were raised above \$1,000.00. Accordingly, the subcommittee recommends that there be no removal of cases where less than \$2,500.00 is in controversy.

The subcommittee finds that the general district court is essentially a small claims court at present, and that the establishment of a small claims court or procedure would merely duplicate what the general district court is already doing very well. Accordingly, the subcommittee does not recommend that a small claims court or procedure be established.

The subcommittee finds that the present system for appeals of custody cases from juvenile and domestic relations district courts to circuit courts is adequate. The subcommittee likewise finds that changing the system so that appeals would be based solely on the record would be too confining to the circuit court on appeal, and that the cost of preparing a lengthy record could be an undue economic burden on the appellants in some cases. Accordingly, the subcommittee does not recommend that the juvenile and domestic relations district court be made a court of record in custody cases, with appeals to the circuit court based solely on the record.

The subcommittee finds that there is no reason to draw a distinction between juveniles and adults in the jurisdiction of routine traffic offenses. The subcommittee finds, however, that juvenile and domestic relations district courts have more expertise and are better able to handle juveniles who are charged with most of the more serious traffic offenses which are misdemeanors or felonies. Accordingly, the subcommittee recommends that jurisdiction over traffic infractions, as defined in § 46.1-1(40), and reckless driving cases involving juveniles be removed from juvenile and domestic relations district courts and be given to general district courts. The subcommittee further recommends that juvenile and domestic relations district courts retain jurisdiction over traffic offenses involving juveniles, other than reckless driving, which are punished as misdemeanors or felonies.

Finally, the subcommittee considered, but makes no finding nor recommendation, whether the amount in controversy required for removal of an unlawful detainer case from general district court to circuit court should be raised above \$500.00.

#### **RECOMMENDED LEGISLATION**

The subcommittee recommends that legislation similar to the drafts attached in Appendix E and Appendix F be enacted during the 1980 Session of the General Assembly.

Respectfully submitted,

Franklin M. Slayton, Chairman  
A. L. Philpott\*  
C. Hardaway Marks  
J. Samuel Glasscock

\*Dissenting Statement

**Dissenting Statement of A. L. Philpott**

I concur in the basic recommendations of the subcommittee except that I believe that the jurisdictional limit for the General District Court should be established at \$7,500, as I believe the increase to \$10,000 would be too great under the existing conditions.

I concur in establishing the original and exclusive jurisdiction at \$2,500 and the transfer of jurisdiction for traffic infractions and reckless driving charges from the Juvenile and Domestic Relations Court to the General District Court.

A. L. Philpott

**APPENDIX A**

**QUESTIONNAIRE RESULTS**

Total Number of Questionnaires Distributed	295
Total Number of Responses:	
Circuit Court Judges	57
General District Court Judges	48
Juvenile Court Judges	31
Attorneys	<u>11</u>
Total	147

**1. WOULD YOU FAVOR RAISING THE JURISDICTIONAL LIMIT OF GENERAL DISTRICT COURTS TO MORE THAN \$5,000.00?**

	<u>Circuit</u>	<u>District</u>	<u>Juvenile</u>	
Favor	22	23	5	6
Oppose	32	23	6	5
No Opinion	3	2	20	0

**Reasons Given:**

A) Inflation.

B) District Judges have improved in quality and there is no reason why they are not capable of hearing cases involving more than \$5,000.00.

C) Raising the limit would help decrease the heavy caseload carried by circuit courts.

D) Raising the limit would provide for a quicker, simpler resolution of more disputes.

E) The expense and delay of discovery is burdensome in cases under \$10,000.00, and many cases under \$10,000.00 do not require a jury trial.

F) Raising the limit would increase the responsibilities of general district judges and make their jobs more attractive.

**Oppose**

A) The present limit is reasonable and adequate.

B) The circuit court's docket presently is not cluttered with cases involving claims between \$5,000.00 and \$10,000.00.

C) Because of appeals, raising the limit would probably only result in more duplication of trials and more work for both the district and circuit courts.

D) A case involving a claim of more than \$5,000.00 is substantial litigation which should be held in a court of record.

E) The district court is substantially a small claims court and raising the limit would change this.

F) A \$5,000.00 limit is a reasonable maximum for a case where discovery is not available.

G) Raising the limit would change the character of the district court by giving it jurisdiction

over more complex cases.

**2. IF YOUR ANSWER TO QUESTION NUMBER 1 WAS "YES" WHAT JURISDICTIONAL LIMIT WOULD YOU SET FOR GENERAL DISTRICT COURTS?**

Answers to this question ranged from \$7,500.00 to unlimited jurisdiction. Far and away the most popular answer given by those who favored an increase in the limit, however, was \$10,000.00. Forty-one of those responding indicated that they thought the limit should be set at \$10,000.00.

**3. TO GENERAL DISTRICT COURT JUDGES: WOULD A SIGNIFICANT INCREASE IN THE JURISDICTIONAL LIMIT OF YOUR COURT (e.g., \$10,000.00) REQUIRE AN INCREASE IN PERSONNEL? IF SO, HOW MUCH OF AN INCREASE?**

	<u>District</u>
Yes	25
No	17
No Opinion	6

Answers that an increased jurisdictional limit would lead to additional personnel ranged from 1/2 additional clerk to 5 additional judges and 5 additional clerks. The most popular answers, however, were that 1 additional clerk or 1 additional judge or both would be required.

**4. WOULD YOU FAVOR BARRING THE REMOVAL OF CASES FROM GENERAL DISTRICT COURTS TO CIRCUIT COURTS WHEN LESS THAN \$5,000.00 IS IN CONTROVERSY?**

	<u>Circuit</u>	<u>District</u>	<u>Juvenile</u>	<u>Bar</u>
Favor	27	11	2	7
Oppose	27	32	10	3
No Opinion	3	5	19	1

**Reasons Given:**

- A) Many cases are removed merely as a delaying tactic.
- B) Many cases removed to the circuit court could be resolved more expeditiously at the district court level.
- C) Barring removal would further utilize an improved general district court judiciary.
- D) Removal is merely a form of judge shopping.
- E) There is no reason for removal since the case can be appealed.
- F) Removal defeats the purpose of giving the district court jurisdiction in the first place.

**Oppose**

- A) Barring removal would lead to 2 trials in many cases because the cases would be appealed anyway.
- B) A defendant should have the option of removing his case and only having to go through one trial.
- C) A defendant should have the option to remove his case and ask for a jury trial.
- D) Barring removal may have the effect of impeding a defendant's right to a jury trial because posting an appeal bond may be an undue burden on him.



E) Barring removal could create delay because 2 trials might be required.

F) Barring removal could present hardship to a defendant who could not prove his case without discovery. He would have to post an appeal bond to get his case into the circuit court where discovery would be available.

G) Barring removal would lead to much congestion on general district court dockets.

5. WOULD YOU FAVOR THE ESTABLISHMENT OF SMALL CLAIMS COURT OR A SIMPLIFIED SMALL CLAIMS PROCEDURE TO BE USED WHERE A SMALL CLAIM (e.g., less than \$1,000.00) IS IN CONTROVERSY?

	<u>Circuit</u>	<u>District</u>	<u>Juvenile</u>	<u>Bar</u>
Favor	10	18	4	6
Oppose	42	28	10	4
No Opinion	5	2	17	1

Reasons Given:

A) A small claims court would expedite the handling of small claims.

B) A small claims court would enable parties to pursue claims without the expense of legal representation.

C) A small claims procedure would allow a judge to disregard procedural rules and do equity.

D) A small claims court or procedure is needed to meet the arguments of consumer groups.

E) Many of the judges responding indicated that they would favor the adoption of a simplified procedure for the handling of small claims in the general district court, but would not favor the adoption of a separate small claims court.

Oppose

A) The general district court is essentially a small claims court at present, and a small claims court or procedure would merely duplicate what the general district court is presently doing well.

B) Creation of a new small claims court would be an additional economic burden to taxpayers.

6. WOULD YOU FAVOR MAKING THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT A COURT OF RECORD IN CUSTODY MATTERS ONLY, WITH APPEALS TO THE CIRCUIT COURT BASED SOLELY ON THE RECORD?

	<u>Circuit</u>	<u>District</u>	<u>Juvenile</u>	<u>Bar</u>
Favor	23	11	21	2
Oppose	33	7	10	8
No Opinion	1	30	0	1

Reasons Given:

A) It is a waste of time and money to require 2 trials.

B) Two trials are an emotional strain on the parties, particularly the children, involved.

C) Most of the hotly contested custody cases are a waste of the juvenile court's time because

either side will usually appeal regardless of the outcome.

D) The juvenile court has more time, expertise and professional help to devote to family problems, and more weight should be accorded to its decisions.

E) The circuit courts do not have the time, staff or expertise to devote to custody cases.

F) New or better evidence is rarely produced at the circuit court hearing, so a record of the proceedings in the juvenile court should be sufficient for the circuit court's review.

G) Some attorneys use the juvenile court hearing as merely a dry run to prepare for the circuit court hearing.

H) The usual reason for an appeal of right is to give the parties the option to have a jury trial, but that rationale is not present in custody cases.

Oppose

A) The present system is working well.

B) One of the purposes of the recent court revision was to eliminate courts of record with limited jurisdiction.

C) To make the juvenile court a court of record in custody cases would be the opening of a wedge to create a family court, which is unnecessary.

D) Many custody cases would produce a lengthy record which would take the circuit judge as long to read as to try.

E) A review of the record alone would be too confining to the circuit court on appeal.

F) Custody cases are so important and sensitive in nature that it is necessary for the circuit court to be able to see and judge the credibility of the witnesses.

G) The parties should have the option to offer additional evidence on appeal.

H) Limiting the appeal to a review of the record of the proceeding in juvenile court might bind the circuit court to rendering a decision on a state of facts 4 to 6 months old.

I) The parties at the initial custody hearing before the juvenile court often do not have counsel, and counsel would be largely ineffective before the circuit court if they were limited to the record adduced before the juvenile court.

J) The juvenile court may have difficulty obtaining a court reporter.

K) An appeal based on the record may be an undue burden on some parties because they may not be able to afford the considerable expense of having a record prepared.

L) The juvenile court and its jurisdiction should not be further bastardized. If it is going to be made a court of record, it should be made a court of record for all domestic relations cases, with an appeal directly to the Supreme Court.

**7. WOULD YOU FAVOR REMOVING THE JURISDICTION OF TRAFFIC CASES INVOLVING JUVENILES FROM JUVENILE AND DOMESTIC RELATIONS DISTRICT COURTS AND GIVING SUCH JURISIDICION TO GENERAL DISTRICT COURTS?**

	<u>Circuit</u>	<u>District</u>	<u>Juvenile</u>	<u>Bar</u>
Favor	26	14	7	5
Oppose	19	27	22	4
No Opinion	12	7	2	2

**Reasons Given:**

- A) There is no reason for a distinction between juveniles and adults; the responsibilities and penalties are the same.
- B) If a juvenile is old enough to be licensed to drive, he's old enough to be held accountable in an "adult" court.
- C) The general district court has more experience dealing with errant drivers.
- D) The general district court can handle traffic cases more efficiently than the juvenile court.
- E) A hearing in the general district court would be more impressive to a juvenile.
- F) Having all traffic cases in one court would create less confusion for police officers and would promote better utilization of their time.

**Oppose**

- A) The distinction between the way juveniles and adults are handled should be maintained in all cases, even traffic.
  - B) Juvenile judges have the expertise and are better able to handle juveniles.
  - C) The juvenile courts have many juveniles on probation, and they can better enforce a juvenile's probation by retaining jurisdiction over traffic cases.
  - D) Juvenile traffic offenses are so often tied to other juvenile offenses that removing them from the jurisdiction of juvenile courts would be undesirable.
  - E) A juvenile's traffic record may be pertinent to disposition in another matter.
  - F) Traffic cases may give a juvenile judge some early insight into a problem that a juvenile may be having.
  - G) Removing traffic jurisdiction would serve no purpose other than to relieve juvenile court dockets and further clog already overcrowded general district court dockets.
  - H) The juvenile court should at the very least retain jurisdiction over multiple offenses where one or more is a traffic offense, over serious traffic offenses such as hit and run or driving under the influence, and over traffic offenses committed by juveniles under 16.
  - I) The juvenile court may suspend a child's license as a dispositional alternative in delinquency cases (16.1-279 E 6), and this is a valuable tool in dealing with delinquents.
8. PLEASE LIST ANY OTHER COMMENTS THAT YOU HAVE REGARDING ANY MATTERS RAISED BY THE ABOVE QUESTIONS.

**Comments**

- 1) A number of those responding indicated they thought the present court structure was working very well and they did not think that it should be changed.
- 2) A number of those responding also indicated they thought the juvenile and domestic relations district court should be made a family court of record in all domestic relations cases, with appeals directly to the Supreme Court.
- 3) A couple of respondents, both general district court judges, stated it was their opinion that some thought should be given to making the general district court a court of record, with

appeals based solely on the record.

4) One respondent, a general district court judge, recommended that the district and circuit courts be turned into one trial court of record, with jury trials and appeals based solely on the record.

5) One respondent, a circuit court judge, stated that it would be a great service to circuit courts for them to be rid of all domestic relations cases.

## SMALL CLAIMS COURT

	Has Small Claims Court or Procedure	Does Not Have Small Claims Court or Procedure
Alabama	X	
Alaska	X	
Arizona		X
Arkansas		X
California	X	
Colorado	X	
Connecticut	X	
Delaware		X
Florida		X
Georgia		X
Hawaii	X	
Idaho	X	
Illinois	X	
Indiana	X	
Iowa	X	
Kansas	X	
Kentucky	X	
Louisiana	X	
Maine	X	
Maryland		X <sup>1</sup>
Massachusetts	X	
Michigan	X	
Minnesota		X
Mississippi		X
Missouri	X	
Montana	X	
Nebraska	X	
Nevada	X	
New Hampshire	X	
New Jersey	X	
New Mexico	X <sup>2</sup>	
New York	X	
North Carolina	X	
North Dakota	X	
Ohio	X	
Oklahoma	X	
Oregon	X	
Pennsylvania		X <sup>3</sup>
Rhode Island	X	
South Carolina		X
South Dakota	X	
Tennessee		X
Texas	X	
Utah	X	
Vermont	X	
Virginia		
Washington	X	
West Virginia		X
Wisconsin	X	
Wyoming	X	

- <sup>1</sup> While there does not appear to be any formal small claims procedure in Maryland, the Maryland Code provides that in district courts, if the amount in controversy is \$1,000.00 or less, there shall be no formal pleadings.
- <sup>2</sup> The New Mexico Code creates a small claims court in counties of 100,000 or more. The regular rules of civil procedure for district courts apply in these small claims courts, however, and the judge of the small claims court has the authority to appoint a court reporter. Accordingly, New Mexico's small claims court exists in only a few jurisdictions and is not typical of other small claims courts.
- <sup>3</sup> The City of Philadelphia does have a small claims court which has concurrent jurisdiction with the court of common pleas of claims not exceeding \$1,000.00.

TRAFFIC CASES INVOLVING JUVENILES

	Jurisdiction in Juvenile Court	Jurisdiction in An "Adult" Court	Concurrent Jurisdiction
Alabama			X <sup>1</sup>
Alaska		X	
Arizona	X <sup>2</sup>		
Arkansas		X	
California	X <sup>3</sup>		
Colorado		X <sup>4</sup>	
Connecticut	X		
Delaware	X <sup>5</sup>		
Florida		X <sup>6</sup>	
Georgia		X <sup>7</sup>	
Hawaii	X		
Idaho		X <sup>8</sup>	
Illinois		X	
Indiana		X	
Iowa		X	
Kansas		X	
Kentucky		X	
Louisiana	X		
Maine		X	
Maryland		X	
Massachusetts		X	
Michigan	X		
Minnesota		X	
Mississippi	X		
Missouri			X <sup>9</sup>
Montana			X
Nebraska			X <sup>10</sup>
Nevada		X <sup>11</sup>	
New Hampshire		X	
New Jersey		X	
New Mexico		X <sup>12</sup>	
New York		X	
North Carolina	X		
North Dakota		X	
Ohio	X		
Oklahoma		X <sup>13</sup>	
Oregon	X		
Pennsylvania	X		
Rhode Island		X	
South Carolina			X
South Dakota		X	
Tennessee	X <sup>14</sup>		
Texas		X	
Utah	X <sup>15</sup>		
Vermont		X	
Virginia			
Washington		X	
West Virginia			X <sup>16</sup>
Wisconsin		X	
Wyoming			X

- <sup>1</sup> In Alabama the "adult" court originally has jurisdiction over traffic offenses committed by juveniles but may transfer such cases to the juvenile court for adjudication as an act of delinquency.
- <sup>2</sup> In Arizona the juvenile court may appoint a magistrate, justice of the peace, or probation officer as a traffic hearing officer to hear traffic cases involving juveniles. The traffic hearing officer may order any of the dispositions available to the juvenile judge, but the juvenile judge may thereafter modify the traffic hearing officer's order.
- <sup>3</sup> In California, like Arizona, the juvenile judge may appoint a traffic hearing officer to hear traffic cases involving juveniles.
- <sup>4</sup> In Colorado "adult" courts have jurisdiction of traffic offenses committed by juveniles over 16, but the juvenile court has jurisdiction over traffic cases where juveniles are under 16.
- <sup>5</sup> In Delaware the family court has jurisdiction over juveniles charged with 20 enumerated major traffic infractions. The family court has the power to impose the general penalties provided in the motor vehicle code.
- <sup>6</sup> In Florida "adult" courts have jurisdiction over "juvenile traffic offenses". The court may make special dispositions in cases involving juveniles, however. Further, certain serious offenses such as driving under the influence and leaving the scene of an accident are denominated "delinquent" acts and are within the jurisdiction of the juvenile court.
- <sup>7</sup> In Georgia the juvenile court has jurisdiction of traffic offenses committed by juveniles under 16 only.
- <sup>8</sup> In Idaho a prosecutor may bring a prosecution under the Youth Rehabilitation Act where a juvenile is charged with driving without a license, driving under the influence, reckless driving, or driving a motor vehicle after having been convicted of 3 motor vehicle violations. Other than that, motor vehicle violations are not handled under the Youth Rehabilitation Act.
- <sup>9</sup> In Missouri, when a petition alleges that a juvenile has violated a traffic law or ordinance, the juvenile judge may order the petition dismissed and the juvenile prosecuted under the general law.
- <sup>10</sup> In Nebraska the juvenile court has concurrent original jurisdiction with the district court, county court and municipal court as to any child who was under 16 at the time that he committed a traffic offense.
- <sup>11</sup> In Nevada, in counties of more than 200,000, justice's courts and municipal courts have original jurisdiction of juveniles charged with minor traffic violations. Such courts may, upon adjudication of guilt, refer any juvenile to the juvenile court for sentencing.
- <sup>12</sup> In New Mexico the juvenile court has jurisdiction over traffic offenses committed by juveniles under 15. The juvenile court also has jurisdiction over certain serious traffic offenses such as driving under the influence, leaving the scene of an accident, and reckless driving when they are committed by juveniles over 15. Regular traffic offenses committed by juveniles over 15 are heard in "adult" court.
- <sup>13</sup> In Oklahoma the juvenile court does not have jurisdiction over juvenile traffic offenders unless the juvenile is an habitual traffic offender.
- <sup>14</sup> In Tennessee the juvenile court has jurisdiction of juvenile traffic cases. The juvenile judge, however, may transfer jurisdiction of traffic violators 16 or over to the "adult" courts.
- <sup>15</sup> In Utah the juvenile court has jurisdiction of juvenile traffic offenders, and a board of juvenile judges may adopt special rules of procedure to govern proceedings involving violations of traffic laws or ordinances.
- <sup>16</sup> In West Virginia, magistrate's courts have concurrent jurisdiction with juvenile courts of traffic offenses other than hit and run, negligent homicide, driving under the influence, and reckless driving committed by juveniles.



**APPENDIX D**

**HEARINGS CONDUCTED BY JUVENILE AND  
DOMESTIC RELATIONS DISTRICT COURTS**

<b>District</b>	<b><u>Traffic Hearings</u></b>	<b><u>Total Hearings</u></b>
1	1,620	7,596
2	4,599	13,472
3	924	4,006
4	2,278	14,826
5	806	3,680
6	1,044	4,061
7	1,274	9,386
8	2,684	9,255
9	1,737	5,690
10	1,394	4,338
11	1,349	4,543
12	1,822	6,245
13	2,919	12,230
14	2,355	7,712
15	1,976	6,669
16	1,858	6,213
17	1,460	8,083
18	1,066	5,741
19	10,889	20,797
20	1,267	4,374
21	693	2,871
22	1,379	6,329
23	2,582	11,394
24	2,638	10,339
25	1,437	5,476
26	2,366	4,999
27	1,716	7,431
28	867	4,184

29	940	4,511
30	987	3,316
31	3,305	14,274
32	16	767

## APPENDIX E

A BILL to amend and reenact §§ 16.1-77 and 16.1-92 of the Code of Virginia, pertaining to the jurisdiction of general district courts.

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-77 and 16.1-92 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-77. Civil jurisdiction of courts not of record. Each court not of record which prior to July one, nineteen hundred fifty-six had jurisdiction of civil matters, and each such court hereafter created upon which is conferred civil jurisdiction, shall have, within the limits of the territory it serves, civil jurisdiction as follows:

(1) Exclusive original jurisdiction of any claim to specific personal property or to any debt, fine or other money, or to damages for breach of contract or for injury done to property, real or personal, or for any injury to the person, which would be recoverable by action at law or suit in equity, when the amount of such claim does not exceed ~~one thousand~~ *two thousand five hundred* dollars exclusive of interest and any attorney's fees contracted for in the instrument, and concurrent jurisdiction with the courts of record having jurisdiction in such territory of any such claim when the amount thereof exceeds ~~one thousand~~ *two thousand five hundred* dollars but does not exceed *five ten* thousand dollars, exclusive of interest and any attorney's fees contracted for in the instrument.

(2) Jurisdiction to try and decide attachment cases when the amount of the plaintiff's claim does not exceed *five ten* thousand dollars exclusive of interest and any attorney's fees contracted for in the instrument.

(3) Jurisdiction of actions of unlawful entry or detainer as provided in article 1 [article 13 (§ 8.01-124 et seq.) of chapter 3 of Title 8.01] of chapter 36 of Title 8, and in chapter 13 (§ 55-217 et seq.) of Title 55.

(4) Except where otherwise specifically provided, all jurisdiction, power and authority over any civil action or proceeding conferred upon any trial justice, civil justice, civil and police justice, or police justice under or by virtue of any provisions of the Code of Virginia.

§ 16.1-92. Removal of action involving more than \$2,500.—When the amount in controversy in any action at law except cases of unlawful entry and detainer in a general district court exceeds the sum of ~~one thousand~~ *two thousand five hundred* dollars, exclusive of interest, attorney's fees contracted for in the instrument, and costs, the judge shall, at any time on or before the return day of the process, or within ten days after such return day, if trial of the case has not commenced or if judgment has not been rendered, upon the application of any defendant, the filing by him of an affidavit of himself, his agent or attorney, that he has a substantial defense to the action, which affidavit shall state the grounds of such defense, and the payment by him of the costs accrued to the time of removal, the writ tax as fixed by law, and the costs in the court to which it is removed as fixed by subsection (17) of § 14.1-112, remove the action and all the papers thereof to a court having jurisdiction of appeals from the court wherein the action was brought; and the clerk if there be one, or the judge if there be no clerk of the court, shall promptly transmit the papers in the case and the writ tax and costs to the clerk of the court to which the action is removed. If the defendant fails to pay the accrued costs, writ tax, and the costs in the court to which the case is removed at the time the application for removal is filed, the judge shall proceed to try the case.

On the trial of the case in the circuit court the proceedings shall conform as nearly as may be to proceedings prescribed by the Rules of Court for other actions at law, but the court may permit all necessary amendments, enter such orders, and direct such proceedings as may be necessary or proper to correct any defects, irregularities and omissions in the pleadings and bring about a trial of the merits of the controversy.

In no event shall an objection to venue be considered by the circuit court unless raised by a defendant in his affidavit of substantial defense filed in the general district court.

## APPENDIX F

A BILL to amend and reenact §§ 16.1-228, 16.1-260, 16.1-273, 16.1-279, 16.1-302 and 19.2-254.1 of the Code of Virginia, pertaining to the jurisdiction and disposition of traffic offenses committed by juveniles.

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-228, 16.1-260, 16.1-273, 16.1-279, 16.1-302 and 19.2-254.1 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-228. Definitions.—Then used in this chapter, unless the context otherwise requires:

A. “Abused or neglected child” means any child whose parents or other person responsible for his care:

1. Creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions;

2. Neglects or refuses to provide care necessary for his health; provided, however, that no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child;

3. Abandons such child; or

4. Commits or allows to be committed any sexual act upon a child in violation of the law.

B. “Adoptive home” means the place of residence of any natural person in which a child resides as a member of the household and in which he or she has been placed for the purposes of adoption or in which he or she has been legally adopted by another member of the household.

C. “Adult” means a person eighteen years of age or older.

D. “Child,” “juvenile” or “minor” means a person less than eighteen years of age.

E. “Child welfare agency” means a child-placing agency, child-caring institution or independent foster home as defined in § 63.1-195.

F. “Child in need of services” means:

1. A child who while subject to compulsory school attendance is habitually and without justification absent from school; or

2. A child who is habitually disobedient of the reasonable and lawful commands of his or her parent, guardian, legal custodian or other person standing in loco parentis; or

3. A child who remains away from or habitually deserts or abandons his or her family; or

4. A child who commits an act, which is otherwise lawful, but is designated a crime only if committed by a child.

Provided, however, to find that a child falls within any of classes 1, 2 or 3 above (i) the conduct complained of must present a clear and substantial danger to the child’s life or health or (ii) the child or his or her family must be in need of treatment, rehabilitation or services not presently being received and (iii) the intervention of the court must be essential to provide the treatment, rehabilitation or services needed by the child or his or her family.

G. “The court” or the “juvenile court” or the “juvenile and domestic relations court” means the juvenile and domestic relations district court of each county or city.

H. "Delinquent act" means an act designated a crime under the law of this State, or an ordinance of any city, county, town or service district, or under federal law ; ~~including traffic infractions as defined under § 46.1-1 (40)~~ ; except an act, which is otherwise lawful, but is designated a crime only if committed by a child. *Traffic infractions as defined in § 46.1-1(40) and reckless driving under §§ 46.1-189, 46.1-190, 46.1-191, 46.1-191.1 or 46.1-192.1 shall not be considered delinquent acts, and jurisdiction of such proceedings concerning a child shall be within the appropriate general district court; provided, however, that when a child is charged with a traffic infraction as defined in 46.1-1(40) or reckless driving under §§ 46.1-189, 46.1-190, 46.1-191, 46.1-191.1 or 46.1-192.1 and is at the same time charged with another offense or offenses involving his operation of a motor vehicle over which the juvenile and domestic relations district court does have jurisdiction, jurisdiction shall lie with the juvenile and domestic relations district court to try and dispose of all of the charges against the child arising out of his operation of a motor vehicle. Any child sentenced to jail by a general district court for reckless driving in violation of §§ 46.1-189, 46.1-190, 46.1-191, 46.1-191.1 or 46.1-192.1 shall be subject to the limitations enumerated in § 16.1-249 B (i), (ii) and (iii).*

I. "Delinquent child" means a child who has committed a delinquent act or an adult who has committed a delinquent act prior to his or her eighteenth birthday.

J. "Department" means the Department of Corrections and "Director" means the administrative head in charge thereof or such of his assistants and subordinates as are designated by him to discharge the duties imposed upon him under this law.

K. "Foster care" or "temporary foster care" means the provision of substitute care and supervision, for a child committed or entrusted to a local board of public welfare or child welfare agency or for whom the board or child welfare agency has accepted supervision, in a temporary living situation until the child can return to his or her family or be placed in a permanent foster care placement or in an adoptive home.

L. "Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this chapter.

M. "The judge" means the judge, or the substitute judge of the juvenile and domestic relations district court of each county or city.

N. "This law," "the law" means the Juvenile and Domestic Relations District Court Law embraced in this chapter.

O. "Legal custody" means a legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine where and with whom he shall live, the right and duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities.

P. "Permanent foster care placement" means the place of residence in which a child resides and in which he or she has been placed pursuant to the provisions of §§ 63.1-56 and 63.1-206.1 with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he or she reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or § 63.1-248.9. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

Q. "Shelter care" means the temporary care of children in physically unrestricting facilities.

R. "State Board" means the State Board of Corrections.

S. "Residual parental rights and responsibilities" means all rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including but not limited to the right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility for support.

§ 16.1-260. Intake; petition; investigation.—A. All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of a petition, except as provided in subsection E herein

and in § 16.1-259. Complaints, requests and the processing of petitions shall be the responsibility of the intake officer. Provided, however, the Commonwealth's attorney of the city or county may file a petition on his own motion. Complaints alleging abuse or neglect of a child shall be referred initially to the local department of public welfare or social services in accordance with the provisions of chapter 12.1 (§ 63.1-248.1 et seq.) of Title 63.1 of the Code.

B. When the court service unit of any court receives a complaint or a warrant issued pursuant to subparagraphs 2 or 3 of § 16.1-256 alleging facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241, the unit, through an intake officer, may proceed informally to make such adjustment as is practicable without the filing of a petition or may authorize a petition to be filed by any complainant having sufficient knowledge of the matter to establish probable cause for the issuance of the petition. The intake officer shall accept and file a petition in which it is alleged that (i) the custody, visitation or support of a child is the subject of controversy or requires determination, (ii) a person has deserted, abandoned or failed to provide support for any person in violation of law or (iii) a child or such child's parent, guardian, legal custodian or other person standing in loco parentis is entitled to treatment, rehabilitation or other services which are required by law or (iv) the child has committed an offense which if committed by an adult would be a felony or a Class 1 misdemeanor, if sufficient information to establish probable cause therefor is brought to the attention of the intake officer. If any such complainant does not file a petition, the intake officer may file it. Provided, however, in cases where a child is alleged to be abused, neglected, in need of services or delinquent, if the intake officer believes that probable cause does not exist, or that the authorization of a petition will not be in the best interest of the family or child or that the matter may be effectively dealt with by some agency other than the court, he may refuse to authorize the filing of a petition.

C. If the intake officer refuses to authorize a petition, the complainant shall be notified in writing at that time of the complainant's right to apply to a magistrate for a warrant. In the event a magistrate shall find probable cause to believe that an offense if committed by an adult would constitute a felony or a Class 1 misdemeanor, he shall issue a warrant returnable to the juvenile and domestic relations district court. The warrant shall be delivered forthwith to the juvenile court, and the intake officer shall accept and file a petition founded upon the warrant. If the court is closed and the magistrate finds that the criteria for detention or shelter care set forth in § 16.1-248 have been satisfied, the child may be detained pursuant to the warrant issued in accordance with this subsection C.

D. The intake officer shall notify the Commonwealth's Attorney of the filing of any petition which alleges facts of an offense which would be a felony if committed by an adult.

E. The filing of a petition shall not be necessary:

1. In the case of violations of the ~~traffic laws~~, game and fish laws or a violation of the ordinance of any city regulating surfing or any ordinance establishing curfew violations or animal control violations. In such cases the court may proceed on a summons issued by the officer investigating the violation in the same manner as provided by law for adults.

2. In the case of issuance of a work permit pursuant to subsection H of § 16.1-241. The court shall issue such permits on the forms prescribed in chapter 5 (§ 40.1-78 et seq.) of Title 40.1 of the Code.

F. Failure to comply with the procedures set forth in this section shall not divest the juvenile court of the jurisdiction granted it in § 16.1-241.

§ 16.1-273. Court may require investigation of social history.—When the juvenile court or the circuit court as the case may be has adjudicated any case involving a child subject to the jurisdiction of the court hereunder, except for a ~~traffic violation~~ or violation of the game and fish law or a violation of the ordinance of any city regulating surfing, or the violation of any ordinance establishing curfew violations, the court may before final disposition thereof require an investigation, which may include the physical, mental and social conditions and personality of the child and the facts and circumstances surrounding the violation of law.

§ 16.1-279. Disposition.—A. If a child is found to be abused or neglected, the juvenile court or the circuit court, as the case may be, may make any of the following orders of disposition to protect

the welfare of the child:

1. Enter an order pursuant to the provisions of § 16.1-278.

2. Permit the child to remain with his or her parent, guardian, legal custodian or other person standing in loco parentis subject to such conditions and limitations as the court may order with respect to such child, and his or her parent, guardian, legal custodian or other person standing in loco parentis.

3. After a finding that there is no less drastic alternative, transfer legal custody subject to the provisions of § 16.1-281 to any of the following:

a. A relative or other individual who, after study, is found by the court to be qualified to receive and care for the child.

b. A child welfare agency, private organization or facility which is licensed or otherwise authorized by law to receive and provide care for such child; provided, however, no court shall transfer legal custody of an abused or neglected child to an agency, organization or facility out of the State without the approval of the Commissioner of Public Welfare.

c. The local board of public welfare or social services of the county or city in which the court has jurisdiction or, at the discretion of the court, to the local board of the county or city in which the child has residence if other than the county or city in which the court has jurisdiction, which board shall accept such child for care and custody; provided, however, that such local board if one other than in the county or city in which the court has jurisdiction, shall not be required to accept such child until it has been given reasonable notice of the pendency of the case and an opportunity to be heard. Nothing herein shall be construed as prohibiting the commitment of a child to any local board of public welfare or social services in the State when such local board consents to the commitment. The board to which the child is committed shall have the final authority to determine the appropriate placement for the child.

4. Transfer legal custody pursuant to subsection A 3 hereof and order the parent, guardian, legal custodian or other person standing in loco parentis to participate in such services and programs or to refrain from such conduct as the court may prescribe.

5. Terminate the rights of such parent, guardian, legal custodian or other person standing in loco parentis pursuant to § 16.1-283.

B. Where a parent or other custodian seeks to be relieved of the care and custody of any child pursuant to subsection A 4 of § 16.1-241 or where a public or private agency seeks to gain approval of an entrustment agreement pursuant to § 63.1-56 or § 63.1-204, the juvenile court or the circuit court may, after compliance with § 16.1-277, make any of the orders of disposition permitted in a case involving an abused or neglected child. If the parent or other custodian seeks to be relieved permanently of the care and custody of any child or where a public or private agency seeks to gain approval of a permanent entrustment agreement entered into pursuant to § 63.1-56 or § 63.1-204, the juvenile court or the circuit court may, after compliance with § 16.1-277, terminate the parental rights of the parent or other custodian and appoint a local board of public welfare or social services or a licensed child-placing agency as custodian of the child with the authority to place the child for adoption and consent thereto; provided, however, that no order of disposition pursuant to this paragraph B shall be made over the objection of any party, which was not provided for or requested in the entrustment agreement or in the petition's prayer for relief.

C. If a child is found to be in need of services, the juvenile court or the circuit court, as the case may be, may make any of the following orders of disposition for the supervision, care and rehabilitation of the child:

1. Enter an order pursuant to the provisions of § 16.1-278.

2. Permit the child to remain with his or her parent, guardian, legal custodian or other person standing in loco parentis subject to such condition and limitations as the court may order with respect to such child and his or her parent, guardian, legal custodian or other person standing in loco parentis.

2a. Order the parent, guardian, legal custodian or other person standing in loco parentis of a child living with such person to participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as the court may order and as are designed for the rehabilitation of the child and parent, guardian, legal custodian or other person standing in loco parentis of such child.

3. Place the child on probation under such conditions and limitations as the court may prescribe.

4. In the case of any child, fourteen years of age or older, where the court finds that the school officials have made a diligent effort to meet the child's educational needs, and after study, the court further finds that the child is not able to benefit appreciably from further schooling, the court may:

a. Excuse the child from further compliance with any legal requirement of compulsory school attendance, and

b. Authorize the child, notwithstanding the provisions of any other law, to be employed in any occupation which is not legally declared hazardous for children under the age of eighteen.

5. Transfer legal custody to any of the following:

a. A relative or other individual who, after study, is found by the court to be qualified to receive and care for the child.

b. A child welfare agency, private organization or facility which is licensed or otherwise is authorized by law to receive and provide care for such child; provided, however, no court shall transfer legal custody of a child in need of services to an agency, organization or facility out of the State without the approval of the Commissioner of Public Welfare.

c. The local board of public welfare or social services of the county or city in which the court has jurisdiction or, at the discretion of the court, to the local board of the county or city in which the child has residence if other than the county or city in which the court has jurisdiction, which board shall accept such child for care and custody; provided, however, that such local board if one other than in the county or city in which the court has jurisdiction, shall not be required to accept such child until it has been given reasonable notice of the pendency of the case and an opportunity to be heard. Nothing herein shall be construed as prohibiting the commitment of a child to any local board of public welfare or social services in the State when such local board consents to the commitment. The board to which the child is committed shall have the final authority to determine the appropriate placement for the child.

D. Unless a child found to be abused, neglected or in need of services shall also be found to be delinquent and shall be older than ten years of age, he shall not be committed to the State Board of Corrections. No juvenile court or circuit court shall order the commitment of any child jointly to the State Board of Corrections and to a local board of public welfare or social services or transfer the custody of a child jointly to a court service unit of a juvenile court and to a local board of public welfare or social services pursuant to this section.

E. If a child is found to be delinquent, the juvenile court or the circuit court may make any of the following orders of disposition for his supervision, care and rehabilitation:

1. Enter an order pursuant to the provisions of § 16.1-278.

2. Permit the child to remain with his or her parent, guardian, legal custodian or other person standing in loco parentis subject to such conditions and limitations as the court may order with respect to such child and his or her parent, guardian, legal custodian or other person standing in loco parentis.

3. Order the parent, guardian, legal custodian or other person standing in loco parentis of a child living with such person to participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as the court may order and as are designed for the rehabilitation of the child and parent, guardian, legal custodian or other person standing in loco parentis of such child.



4. Place the child on probation under such conditions and limitations as the court may prescribe.
  5. Impose a fine not to exceed five hundred dollars upon such child.
  6. Suspend the motor vehicle and operator's license of such child.
  7. Require the child to make restitution or reparation to the aggrieved party or parties for actual damages or loss caused by the offense for which the child was found to be delinquent.
  8. In case of traffic violations ~~or traffic infractions~~, impose only those penalties which are authorized to be imposed on adults for such violations ~~or infractions~~.
  9. Transfer legal custody to any of the following:
    - a. A relative or other individual who, after study, is found by the court to be qualified to receive and care for the child.
    - b. A child welfare agency, private organization or facility which is licensed or otherwise authorized by law to receive and provide care for such child; provided, however, no court shall transfer legal custody of a delinquent child to an agency, organization or facility outside of the State without the approval of the Director.
    - c. The local board of public welfare or social services of the county or city in which the court has jurisdiction or, at the discretion of the court, to the local board of the county or city in which the child has residence if other than the county or city in which the court has jurisdiction, which board shall accept such child for care and custody; provided, however, that such local board if one other than in the county or city in which the court has jurisdiction, shall not be required to accept such child until it has been given reasonable notice of the pendency of the case and an opportunity to be heard. Nothing herein shall be construed as prohibiting the commitment of a child to any local board of public welfare or social services in the State when such local board consents to the commitment. The board to which the child is committed shall have the final authority to determine the appropriate placement for the child.
  10. Commit the child to the State Board of Corrections; provided, however, no child ten years of age and under shall be committed to the State Board.
  11. Impose the penalty authorized by § 16.1-284.
- F. In cases involving the custody, visitation or support of a child pursuant to subsection A 3 of § 16.1-241, the court may make any order of disposition to protect the welfare of the child and family as may be made by the circuit court.
- G. In cases involving a child who is adjudged mentally ill or is judicially certified as eligible for admission to a treatment facility for the mentally retarded, disposition shall be in accordance with the provisions of chapters 1 (§ 37.1-1 et seq.) and 2 (§ 37.1-63 et seq.) of Title 37.1 of the Code; provided, however, no child shall be committed pursuant to this section or the provisions of Title 37.1 of this Code to a maximum security unit within any State mental hospital where adults determined to be criminally insane reside.
- H. In cases involving judicial consent to the matters set out in subsections C and D of § 16.1-241, the juvenile court or the circuit court may make any appropriate order to protect the health and welfare of the child.
- I. In cases involving charges of desertion, abandonment or failure to provide support by any person in violation of law, disposition shall be made in accordance with chapter 5 (§ 20-61 et seq.) of Title 20 of the Code. Each juvenile and domestic relations district court may enter judgment for money in any amount for arrears of support and maintenance of any person in cases where (1) the court has previously acquired personal jurisdiction over all necessary parties or a proceeding in which such jurisdiction has been obtained has been referred or transferred to the court by a circuit court or another juvenile and domestic relations district court and (2) payment of such money has been previously ordered by the court, a circuit court, or another juvenile and domestic relations district court. Provided, however, that no such judgment shall be entered unless a petition of a

party, a probation officer, a superintendent of public welfare, or on the court's own motion, is duly served on the person against whom judgment is sought, in accordance with the applicable provisions of law, relating to notice when proceedings are reopened, which petition shall contain a caption stating forth the name of the court, the title of the action, the names of all parties and the address of the party against whom judgment is sought, and which states the amount of arrearage for which judgment is sought, and the date and time when such judgment will be sought. The judge or clerk of the court shall certify and deliver an abstract of any judgment entered pursuant to this section to the clerk of the circuit court of the same judicial district, and executions upon such judgment may be issued by the clerk of such circuit court. If the amount of the judgment does not exceed five thousand dollars, exclusive of interest and any attorney's fees, an abstract of any such judgment entered pursuant to this section may be delivered to the clerk of the general district court of the same judicial district, and executions upon such judgment may be issued by the clerk of such general district court. Arrearages accumulated prior to July one, nineteen hundred seventy-six, shall also be subject to the provisions hereof.

J. In cases involving a child who is not able to obtain a work permit under other provisions of law, the juvenile court or the circuit court may grant a special work permit on forms furnished by the Department of Labor and Industry, subject to such restrictions and conditions as it may deem appropriate and as may be set out in chapter 5 (§ 40.1-78 et seq.) of Title 40.1 of the Code.

K. In cases involving petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian or other person standing in loco parentis for the purpose of obtaining treatment, rehabilitation or other services required by law to be provided for such persons, the juvenile court or the circuit court, as the case may be, may enter an order in accordance with § 16.1-278.

L. In cases involving the violation of any law, regulation or ordinance for the education, protection or care of children or involving offenses committed by one spouse against another, the juvenile court or the circuit court may impose a penalty prescribed by applicable sections of the Code; provided, however, in cases involving offenses committed by one spouse against another, the court may impose conditions and limitations in an effort to effect the reconciliation and rehabilitation of the parties, including, but not limited to, treatment and counseling for either or both spouses and payment by the defendant spouse for crisis shelter care for the complaining spouse.

§ 16.1-302. Dockets and order books; hearings and records private; right to public hearing; presence of child in court.—Every juvenile court and every circuit court shall keep a separate docket, order book or file for the entries of its orders in cases arising under this law. The general public shall be excluded from all juvenile court hearings and only such persons admitted as the judge shall deem proper, except that in any hearing held for the purpose of adjudicating the alleged violation of any criminal law, or law defining a traffic infraction, the child or adult so charged shall have a right to be present and shall have the right to a public hearing unless expressly waived by such person. The chief judge may provide by rule that any juvenile licensed to operate a motor vehicle who has been charged with a traffic infraction may waive court appearance and admit to the infraction or infractions charged if he or she and a parent, legal guardian, or person standing in loco parentis to the juvenile appear in person at the court or before a magistrate or sign and either mail or deliver to the court or magistrate a written form of appearance, plea and waiver, provided that the written form contains the notarized signature of the parent, legal guardian, or person standing in loco parentis to the juvenile. An emancipated juvenile charged with a traffic infraction shall have the opportunity to waive court appearance and admit to the infraction or infractions if he or she appears in person at the court or before a magistrate or signs and either mails or delivers to the court or magistrate a written form of appearance, plea, and waiver, provided that the written plea form containing the signature of the emancipated juvenile is accompanied by a notarized sworn statement which details the facts supporting the claim of emancipated status. Whenever the sole purpose of a proceeding is to determine the custody of a child of tender years, the presence of such child in court may be waived by the judge at any stage thereof.

§ 19.2-254.1. Procedure in traffic infraction cases.—In a traffic infraction case, as defined in § 46.1-1(40), and for which offense has been included in the uniform fine schedule established by Rule 3B:2 of the Rules of the Supreme Court of Virginia as authorized by § 16.1-69.40:1, a defendant may elect to enter a written appearance and waive court hearing, except in instances in which property damage or personal injury resulted. Arraignment is not necessary when waived by the accused or his counsel, when the accused fails to appear, or when such written appearance has been elected.

*The chief judge may provide by rule that any juvenile licensed to operate a motor vehicle who has been charged with a traffic infraction may waive court appearance and admit to the infraction or infractions charged if he or she and a parent, legal guardian, or person standing in loco parentis to the juvenile appear in person at the court or sign and either mail or deliver to the court a written form of appearance, plea, and waiver, provided that the written form contains the notarized signature of the parent, legal guardian, or person standing in loco parentis to the juvenile. An emancipated juvenile charged with a traffic infraction shall have the opportunity to waive court appearance and admit to the infraction or infractions if he or she appears in person at the court or signs and either mails or delivers to the court a written form of appearance, plea, and waiver, provided that the written plea form containing the signature of the emancipated juvenile is accompanied by a notarized sworn statement which details the facts supporting the claim of emancipated status.*

An accused may plead not guilty, guilty, or nolo contendere; and the court shall not refuse to accept a plea of nolo contendere. A plea of guilty may be entered in writing without court appearance.

When an accused tenders payment by mail without executing a written waiver of court hearing and entry of guilty plea, such tender of payment shall itself be deemed a waiver of court hearing and entry of guilty plea.

In districts with traffic violations bureaus on July one, nineteen hundred seventy-seven, the chief judge of the district may designate the traffic violations bureau for the receipt of a written appearance, waiver of court hearing and guilty plea.

