

**REPORT OF THE  
JOINT SUBCOMMITTEE  
STUDYING**

# **Division of Youth Services**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



## **Senate Document No. 21**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
1989**

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Report of the  
Joint Subcommittee Studying the  
Division of Youth Services  
To  
The Governor and the General Assembly of Virginia  
January, 1989

To: Honorable Gerald L. Baliles, Governor of Virginia  
and  
The General Assembly of Virginia

## INTRODUCTION

The Joint Subcommittee was established by Senate Joint Resolution No. 29, agreed to during the 1988 Session of the General Assembly as result of the carry-over of Senate Bill No. 278, which called for the Division of Youth Services to be separated from the Department of Corrections. Such problems as the expanding services provided by the Division, the increasing priority by the Department of Corrections on adult corrections, and the fact that adequately supervised and coordinated youth programs have been shown to reduce the number of persons who enter the adult correctional system were cited as rationales for the study of such separation prior to the passage of a bill which would accomplish such reorganization.

A copy of Senate Joint Resolution No. 29 is contained in Appendix A of this report.

## RECOMMENDATIONS

The Joint Subcommittee agreed to the following recommendations:

The subcommittee endorses legislation which would effect the separation of the Division of Youth Services from the Department of Corrections in the following manner:

- That the name be the Department of Youth Services to accurately reflect the statewide scope and authority of the new department.
- That a board empowered with policy-making authority be created effective July 1, 1989, to provide transition for the transfer of authority from the Department of Corrections and to develop policy and direction for the new Department of Youth Services.
- That a director for the new Department of Youth Services be appointed by the Governor prior to July 1, 1990.
- That the new Department of Youth Services become an independent agency apart from the Department of Corrections effective July 1, 1990.

- That \$150,000 be appropriated to the Division of Youth Services to effect this transition.

A copy of this legislation is contained in Appendix B.

## BACKGROUND

### Operation and Mission

The primary focus of the Department of Corrections is legitimately that of public safety, while the purpose and intent of the Juvenile and Domestic Relations District Court as set forth in Virginia Code § 16.1-227 extends well beyond the areas of public safety and places the child and the family as the paramount concern of the state. The primary focus of the Division of Youth Services is seen to be prevention, intervention, treatment, protection and overall welfare. Currently the public's understanding and support of the needs of children and the operations of the Division of Youth Services is perceived to be hindered by both the confidential aspect of the Division's work and the highly visible aspect of the adult criminal element in the state.

The Division sees its goals to be the provision of a family-focused system of services that ensures accountability of the natural parent or surrogates whenever possible and which fosters the concept of family importance and effectiveness; the treatment of youths as close to home as possible in the least restrictive environment consistent with public safety; the provision of a continuum of services; the development and implementation of programs which support and provide for developmental needs; and the development of accessible and appropriate youth programs which seek to prevent juvenile justice involvement and promote positive youth development.

Currently, the Division has 15,565 clients being served by one central office, four regional offices, seven juvenile learning centers and the reception and diagnostic center, 34 state and local court services units, 76 state and local juvenile detention homes, groups homes and the like, and 36 juvenile delinquency prevention programs.

### How the System Works

When a person under the age of 18 is charged with a crime, the case is sent to the local Juvenile and Domestic Relations District Court where juveniles have the same legal rights as do adults. Juveniles have an additional protection in that neither court officials nor the police may release the name of a juvenile charged with a crime, although this does not apply to the news media. Upon conviction, a judge's option include probation, restitution, a private program for troubled youths or the Department of Corrections. Most juveniles sent to the Department are put in one of six learning centers where they serve "indeterminate" sentences in that they can be held until they are "rehabilitated" or until they reach the age of 21. A juvenile aged 15 to 17 accused of a serious crime can be tried as an adult as determined by the judge.

## FINDINGS

Virginia is one of only seventeen states in the nation which merge youth and adult corrections services into the same agency. The remaining states and the District of Columbia separate the two functions either by a separate agency or by combining youth correctional services with other human services into a multi-service agency. Rationales for having youth correctional services separate from adult in other states using such a configuration include the different populations being served, differing organizational missions, specific staff expertise needed for this distinct population, better access to financial resources and superior control of those resources, smaller, more specialized and efficient organization and more direct accountability for programs.

Virginia's juvenile justice system is seen by some as having serious deficiencies especially when dealing with those who have committed minor offenses. More than ninety percent of young people in state learning centers are not serious offenders, but in many cases they live with and are treated the same as those who are. Minor offenders as well as serious ones spend an average of thirty-seven weeks in state reform schools. A recent survey of adults in state prisons showed that one-half had juvenile records and more than one-fourth had served time in reformatories.

Juveniles are seen as being at a stage of life which warrants specialized treatment. Children of this age are emerging from complete dependence on their parents and are now being told by society that they have to account for their decisions and actions. Most families have sufficient structure to see them through these somewhat volatile times but those that do not need assistance in coping with and in treating the situation. When a criminal act is committed, there correctly must be sanctions, but some see that as properly being treatment and education of the youth as well as the family. The family must be an integral part of the treatment in order for it to be effective. The goal of the Division of Youth Services is seen by many as necessarily being a "habilitating" one in which youth are given the necessary life skills to live within our society, skills which most do not have when they begin to have problems.

### Perceived Problems with Juvenile Justice

Juvenile justice within the Commonwealth is perceived to have some substantial problems in general which must be dealt with by whomever has that charge. These problems include:

- Crowding, escapes and violence at adult prisons are taking attention and money from juvenile facilities;
- State learning centers' psychological and educational programs are limited and many workers lack training.
- The state has few community programs to offer a separation of violent and non-violent offenders and provide a deterrent to future crime. According to recent statistics, the rate at which Virginia locks up juveniles is 35 percent higher than the average for southern states.

- The system is not seen to be enough of a deterrent for hard-core offenders.
- Juveniles are committing more crimes at increasingly younger ages.
- Graduates of the juvenile system are not tracked to measure success or failure.
- Many juveniles come from abusive or violent family backgrounds, a problem which needs to be addressed in treatment.
- Educational attainment of juveniles committed to the system is poor. The average age of juveniles entering the reformatories is 15 1/2 years but the average reading level is about fourth grade.
- There are no intensive programs for sex offenders or drug or alcohol abusers.
- Approximately 10 percent of juveniles in learning centers are severely emotionally disturbed. In 1977 a recommendation for a program run by mental health officials was made but it took until the 1988 fiscal year for \$1 million to be appropriated for a consortium to be created by education, corrections, welfare and mental health to improve mental health services.
- Confidentiality discourages attention.
- At least four state agencies must play a part in the current provision of services and this leaves open the opportunity for juveniles to "fall through the cracks of the system."

#### Rationale for Separation

During the course of the study by the joint subcommittee, many different individuals and organizations testified in favor of the separation of the Division of Youth Services from the Department of Corrections. All participants spoke favorably of the Department of Corrections and its director, Edward Murray, but they were unanimous in their conviction that youth would be better served by a separate agency for a variety of reasons.

Numerous interested organizations and individuals spoke in favor of the separation, including:

- Virginia Coalition of Youth Services
- Virginia Juvenile Officers Association
- Virginia Interfaith Center for Public Policy
- League of Women Voters of Virginia
- Virginia Community Residential Youth Care Association
- Virginia Delinquency Prevention and Youth Development Association

- Virginia Council of Juvenile and Domestic Relations District Court Judges

- Virginia Bar Association, Commission on the Needs of Children
- Virginia Association of Independent Special Education Facilities
- Virginia Association of Children's Homes
- Virginia Association of Residential Care Facilities
- Volunteer Emergency Foster Care
- Fraternal Order of Police
- Virginia Juvenile Justice and Delinquency Prevention Advisory Committee

Support of a Division of Youth Services generally rests upon the following benefits as demonstrated by other states which have separated the two functions:

- The operational missions of the Division of Adult Services and the Division of Youth Services are divergent in that Adult Services sees the protection of the public as its primary goal, while the goals of the Division of Youth Services are prevention, diversion, rehabilitation and protection. The operational priorities of Youth Services as well as its service population are distinct but their needs in the areas of personnel, funding and support services have been and continue to be superseded by the overwhelming demands of Adult Services.

- An agency dedicated solely to youth would have the ability to prioritize financial resources to establish where funding would have the greatest impact, whether it be prevention, probation, or treatment. Proper funding would help to reorder the salary scales at state-operated learning centers which would allow Youth Services to attract and keep qualified individuals who can provide first rate treatment on a consistent basis. Currently, the Department of Corrections has a budget of approximately \$800 million and Youth Services receives \$80 million, or only about ten percent. Budgetary considerations need to have a higher profile because they are now filtered through the DOC budget process with a somewhat lower priority than it is felt desirable.

- In most cases, the difficulties of adolescence, that is, family problems, abuse and neglect, and drug and alcohol abuse are the factors that lead to adult criminal behavior. A properly directed Division of Youth Services with clear goals and objectives may some day decrease the business of the Department of Corrections and the constant demand for new prisons. In order to accomplish this an intensive program of treatment and prevention is needed rather than just new beds in facilities.

- Incarceration is the most expensive alternative for law violators, but without early intervention and treatment a high percentage of our troubled youth will wind up in a penal institution. This is expensive not only in terms of actual dollars for care but also in the waste of valuable human life. Families must also be involved in treatment and prevention efforts.

- Early intervention programs have been shown to improve attendance, classroom behavior and social adjustment as well as academic performance, but many are not continuing to be funded by the schools because it is viewed as a community rather than a school problem.

- Internal reorganizations within the Department of Corrections have not adequately addressed the needs of the Division of Youth Services, and, since 1974, there have been six reorganizations within the DOC.

- The philosophical and practical effect of creating a new Department would result in shifted attention felt to be due to the complex and special needs of youth and families.

- Only approximately 5% of the youth served by DYS programs require secure facilities.

- Because of the juvenile justice system's association with the Department of Corrections, there is limited public support and advocacy for juvenile justice issues due to the public perception that the clients of the juvenile system are juvenile criminals who pose a threat to society. While some clients do fit that stereotype, they are the minority of children served by Youth Services. The public is virtually unaware of the services being provided by the Division due to competition with adult prison breaks, cramped conditions or other situations given high priority by the Department and the media. Citizen advocacy and the watchdog function which have been so successful on behalf of abused and neglected children are for the most part absent from juvenile justice issues.

- The absence of a comprehensive juvenile justice policy which has the capacity to be responsive to public agencies has resulted in a lack of comprehensive service provisions.

- Availability of funds for treatment services has been inconsistent and therefore some local courts do not utilize these services due to their unpredictability.

- The practice of reallocating funds to Adult Services to cover institutional shortfalls at the end of the year has been documented. Approximately one million dollars in 1984-85 and again in 1985-86 were transferred out of the Division's budget to cover Adult institutional deficits.

- Inadequate staffing levels in Youth Services is seen to be a problem, both in the provision of services and the morale of the employees of the Division. Juvenile courts have received no new probation officers since 1982 and existing staff positions have been reallocated, resulting in large caseloads and limited program expansion. The only addition of workers has been in the local court services units. When the Appalachian Learning Center was closed in 1986, all staff positions were reallocated to Adult Corrections.

- Service professionals working with youth and their families many times are not provided with the necessary specialized training required for effective intervention, and training, when provided by the locality, is usually not specialized enough to meet the needs of the increasingly complex cases coming before the juvenile justice system.



• There is a long-standing absence of verifiable and accurate data on the juvenile justice system which impairs the state's ability to project its needs or evaluate the effectiveness of its intervention.

## COSTS

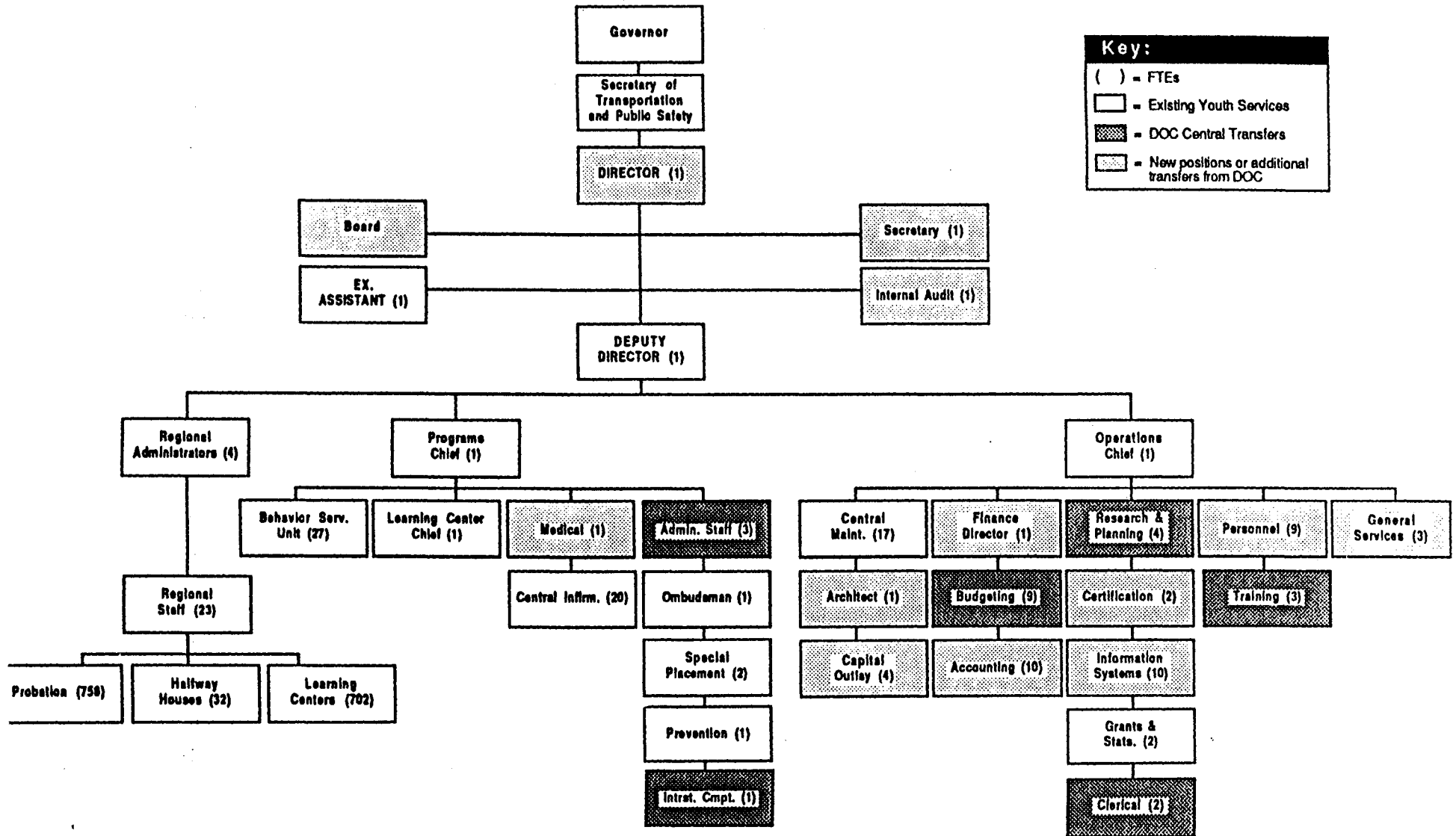
In response to questions concerning the actual fiscal impact of the separation of the Division of Youth Services from the Department of Corrections, the House Appropriations Committee, assisted by the Senate Finance Committee, provided the subcommittee with an estimate for the actual separation. These costs did not involve any new programs or expanded provision of services, although it was pointed out that in order to efficiently carry out its mission Youth Services would probably require additional resources in the future. Working with the Department of Corrections and the Department of Criminal Justice Services, the Appropriations staff broke the costs down into three areas: transfer of current Division personnel, transfers from the Department of Corrections central support services, and other needs as identified. These figures appear in Table 1.

At the request of the subcommittee, the staff of the House Appropriations and Senate Finance Committees created an organizational chart to reflect the changes in the new Department of Youth Services based on the figures, position transfers and additions as provided in Table 1. A copy of this organizational chart is located in Table 2.

Respectfully submitted,

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# Proposed Youth Services Department



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DOC/DIVISION OF YOUTH SERVICES FY 89 APPROPRIATIONS

	Current FTE	Transfer FTE	General Funds
Central Office	860.0	860.0	\$30,534,402
Grants & Reimb.	0.0	0.0	\$30,704,260
Recp. & Diag. Cntr	122.0	122.0	\$4,831,149
Barrett	85.0	85.0	\$2,728,970
Beaumont	164.0	164.0	\$5,183,831
Bon Air	104.0	104.0	\$3,337,603
Hanover	111.0	111.0	\$3,428,333
Natural Bridge	60.0	60.0	\$1,990,239
Oak Ridge	56.0	56.0	\$1,723,435
Halfway Houses	32.00	32.00	\$1,153,531
<b>Operating Subtotal</b>	<b>1,594.0</b>	<b>1,594.0</b>	<b>\$85,615,753</b>
<b>DOC RECOMMENDED TRANSFERS FROM CENTRAL SUPPORT SERVICES</b>			
<b>EMPL. REL. &amp; TR.</b>			
Training	56.5	3.0	\$89,754
<b>CORRECTIONS CENTRAL</b>			
Planning	16.0	3.0	\$89,754
Research	15.0	1.0	\$25,253
Budget/Acct.	76.0	8.5	\$254,304
Clerical/WP	11.0	2.0	\$42,671
Computer Syst.	35.0	1.0	\$27,476
Dir. Office	34.0	1.0	\$35,515
<b>CORR. ADULT SERV.</b>			
Medical	14.0	1.0	\$25,253
Intst. Compact	26.0	1.0	\$29,918
<b>Transfer Subtotal</b>	<b>283.5</b>	<b>21.5</b>	<b>\$619,900</b>
<b>OTHER NEEDS IDENTIFIED BY DOC/DCJS</b>			
P & E Management		1.0	\$59,683
Capital Outlay		4.0	\$130,358
Personnel		9.0	\$319,636
Certification		2.0	\$59,836
Budget/Accounting		11.0	\$329,099
General Services		3.0	\$69,625
Computer Services		11.0	\$302,241
Auditing		0.5	\$16,295
Director's Office		1.0	\$27,476
Director		1.0	\$88,313
Medical		1.0	\$45,990
<b>Subtotal New</b>		<b>44.5</b>	<b>\$1,448,553</b>

Source: HAC Staff 080388

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## YOUTH SERVICES OPTIONS

1. Do Nothing. Leave the Division of Youth Services within the Department of Corrections.

FY 1990 Cost: \$-0-

2. Create A New Agency Immediately. Separate the Division of Youth Services into a new Department of Youth Services effective July 1, 1989.

FY 1990 Cost: \$1.4 million (GF)

3. Create A New Agency in the Next Biennium. Separate the division into a new department effective July 1, 1990.

FY 1990 Cost: \$-0-

4. Provide A Transitional Period. Separate the division into a new department effective July 1, 1990, and in addition, authorize the appointment of a director as of July 1, 1989, and fund a transitional period during Fiscal Year 1990.

FY 1990 Cost: \$150,000 (GF)

## BIBLIOGRAPHY

"Juvenile Justice," Mike Hudson, Roanoke Times and World News, May 8-11. 1988.

"Position Paper on the Separation of the Division of Youth Services From the Department of Corrections," The Virginia Juvenile Justice and Delinquency Prevention Advisory Committee, September, 1988.

## APPENDICES

Appendix A

Senate Joint Resolution No. 29

Appendix B

Legislation

SENATE JOINT RESOLUTION NO. 29

*Establishing a joint subcommittee to evaluate the Division of Youth Services.*

Agreed to by the Senate, March 11, 1988

Agreed to by the House of Delegates, March 9, 1988

WHEREAS, the scope of services provided by the Division of Youth Services of the Department of Corrections is expanding at a rapid rate; and

WHEREAS, the Department of Corrections is projecting an increasing adult population which will increase the need for adult corrections to remain a priority; and

WHEREAS, the programs provided by the Division of Youth Services are increasing in number and becoming more diverse in nature; and

WHEREAS, it has been shown that youth services programs, which are adequately supervised and coordinated, reduce the number of persons who enter the correctional system; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to evaluate the functions of the Division of Youth Services.

The joint subcommittee shall be composed of nine members in the following manner: three members of the House Committee on Health, Welfare and Institutions, and two members of the House Committee on Appropriations, all to be appointed by the Speaker; two members each of the Senate Committees on Rehabilitation and Social Services and Finance, to be appointed by the Senate Committee on Privileges and Elections.

The joint subcommittee shall be assisted by other state agencies as appropriate.

The joint subcommittee shall complete its work and make recommendations to the 1989 Session of the General Assembly.

The indirect costs of this study are estimated to be \$8,255; the direct costs of this study shall not exceed \$4,860.

## 1989 SESSION

LD6193105

**SENATE BILL NO. 278**  
**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
 (Proposed by the Senate Committee on Finance  
 on January 17, 1989)

(Patron Prior to Substitute—Senator Bird)

A *BILL to amend and reenact §§ 2.1-1.1, 2.1-1.3, 2.1-1.6, 2.1-51.18, 2.1-121, 2.1-700, 2.1-701, 2.1-703, 9-6.25:2, 9-168, 9-268, 9-271, 16.1-222, 16.1-228, 16.1-233, 16.1-238, 16.1-240, 16.1-241, 16.1-246, 16.1-275, 16.1-279, 16.1-284.1, 16.1-286, 16.1-287, 16.1-294, 16.1-295, 16.1-300, 16.1-309, 16.1-310, 16.1-318, 18.2-64.1, 18.2-473, 18.2-477.1, 18.2-480.1, 20-48, 20-49, 22.1-340, 22.1-341, 23-35.3, 29.1-317, 36-99.4, 53.1-31, 54-325.2, 63.1-248.16 and 63.1-314.3 of the Code of Virginia; to amend the Code of Virginia by adding a title numbered 66, consisting of chapters numbered 1 through 3, consisting of sections numbered 66-1 through 66-35; and to repeal Chapter 14, consisting of §§ 53.1-237 through 53.1-260, of Title 53.1 of the Code of Virginia, creating a Department and State Board of Youth Services and transferring thereto the powers and duties of the Department and Board of Corrections for the care of certain children.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-1.1, 2.1-1.3, 2.1-1.6, 2.1-51.18, 2.1-121, 2.1-700, 2.1-701, 2.1-703, 9-6.25:2, 9-168, 9-268, 9-271, 16.1-222, 16.1-228, 16.1-233, 16.1-238, 16.1-240, 16.1-241, 16.1-246, 16.1-275, 16.1-279, 16.1-284.1, 16.1-286, 16.1-287, 16.1-294, 16.1-295, 16.1-300, 16.1-309, 16.1-310, 16.1-318, 18.2-64.1, 18.2-473, 18.2-477.1, 18.2-480.1, 20-48, 20-49, 22.1-340, 22.1-341, 23-35.3, 29.1-317, 36-99.4, 53.1-31, 54-325.2, 63.1-248.16 and 63.1-314.3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a title numbered 66, containing chapters numbered 1 through 3, consisting of sections numbered 66-1 through 66-35, as follows:

§ 2.1-1.1. Departments generally.—There shall be, in addition to such others as may be established by law, the following administrative departments and divisions of the state government:

- Chesapeake Bay Local Assistance Department.
- Department of Accounts.
- Department for the Aging.
- Department of Agriculture and Consumer Services.
- Department of Air Pollution Control.
- Department of Alcoholic Beverage Control.
- Department of Aviation.
- Department for Children.
- Department of Commerce.
- Department of Conservation and Historic Resources.
- Department of Corporations.
- Department of Correctional Education.
- Department of Corrections.
- Department of Criminal Justice Services.
- Department for the Deaf and Hard-of-Hearing.
- Department of Economic Development.
- Department of Education.
- Department of Emergency Services.
- Department of Employee Relations Counselors.
- Department of Fire Programs.
- Department of Forestry.
- Department of Game and Inland Fisheries.
- Department of General Services.
- Department of Health.
- Department of Health Professions.



- 1 Department of Information Technology.
- 2 Department of Labor and Industry.
- 3 Department of Law.
- 4 Department of Medical Assistance Services.
- 5 Department of Mental Health, Mental Retardation and Substance Abuse Services.
- 6 Department of Military Affairs.
- 7 Department of Mines, Minerals and Energy.
- 8 Department of Minority Business Enterprise.
- 9 Department of Motor Vehicles.
- 10 Department of Personnel and Training.
- 11 Department of Planning and Budget.
- 12 Department of Rehabilitative Services.
- 13 Department for Rights of the Disabled.
- 14 Department of Social Services.
- 15 Department of State Police.
- 16 Department of Taxation.
- 17 Department of Transportation.
- 18 Department of the Treasury.
- 19 Department of Veterans' Affairs.
- 20 Department for the Visually Handicapped.
- 21 Department of Volunteerism.
- 22 Department of Waste Management.
- 23 Department of Workers' Compensation.
- 24 *Department of Youth Services.*
- 25 Governor's Employment and Training Department.
- 26 § 2.1-1.3. Entities subject to standard nomenclature.--The following independent
- 27 administrative entities are subject to the standard nomenclature provisions of § 2.1-1.2:
- 28 Chesapeake Bay Local Assistance Department.
- 29 Department of Accounts.
- 30 Department for the Aging.
- 31 Department of Agriculture and Consumer Services.
- 32 Department of Alcoholic Beverage Control.
- 33 Department of Air Pollution Control.
- 34 Department of Aviation.
- 35 Department for Children.
- 36 Department of Commerce.
- 37 Department of Conservation and Historic Resources.
- 38 Department of Correctional Education.
- 39 Department of Corrections.
- 40 Department of Criminal Justice Services.
- 41 Department for the Deaf and Hard-of-Hearing.
- 42 Department of Economic Development.
- 43 Department of Education.
- 44 Department of Emergency Services.
- 45 Department of Employee Relations Counselors.
- 46 Department of Fire Programs.
- 47 Department of Forestry.
- 48 Department of Game and Inland Fisheries.
- 49 Department of General Services.
- 50 Department of Health.
- 51 Department of Health Professions.
- 52 Department of Housing and Community Development.
- 53 Department of Information Technology.
- 54 Department of Labor and Industry.

- 1 Department of Medical Assistance Services.
- 2 Department of Mental Health, Mental Retardation and Substance Abuse Services.
- 3 Department of Military Affairs.
- 4 Department of Mines, Minerals and Energy.
- 5 Department of Minority Business Enterprises.
- 6 Department of Motor Vehicles.
- 7 Department of Personnel and Training.
- 8 Department of Planning and Budget.
- 9 Department of Rehabilitative Services.
- 10 Department for Rights of the Disabled.
- 11 Department of Social Services.
- 12 Department of State Police.
- 13 Department of Taxation.
- 14 Department of Transportation.
- 15 Department of the Treasury.
- 16 Department of Veterans' Affairs.
- 17 Department for the Visually Handicapped.
- 18 Department of Volunteerism.
- 19 Department of Waste Management.
- 20 *Department of Youth Services.*
- 21 Governor's Employment and Training Department.
- 22 § 2.1-1.6. State boards.—A. There shall be, in addition to such others as may be
- 23 established by law, the following permanent collegial bodies affiliated with a state agency
- 24 within the executive branch:
- 25 Accountancy, Board for
- 26 Aging, Advisory Board on the
- 27 Agriculture and Consumer Services, Board of
- 28 Air Pollution, State Advisory Board on
- 29 Alcoholic Beverage Control Board
- 30 Apple Board, Virginia State
- 31 Appomattox State Scenic River Advisory Board
- 32 Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
- 33 Art and Architectural Review Board
- 34 Athletic Board
- 35 Auctioneers Board
- 36 Audiology and Speech Pathology, Board of
- 37 Aviation Board, Virginia
- 38 Barbers, Board for
- 39 Boating Advisory Board
- 40 Branch Pilots, Board for
- 41 Bright Flue-Cured Tobacco Board, Virginia
- 42 Building Code Technical Review Board, State
- 43 Catoctin Creek State Scenic River Advisory Board
- 44 Cattle Industry Board, Virginia
- 45 Cave Board
- 46 Certified Seed Board, State
- 47 Chesapeake Bay Local Assistance Board
- 48 Child Abuse and Neglect, Advisory Board on
- 49 Children, Advisory Board for the Department for
- 50 Chippokes Plantation Farm Foundation, Board of Trustees
- 51 Coal Research and Development Advisory Board, Virginia
- 52 Coal Surface Mining Reclamation Fund Advisory Board
- 53 Commerce, Board of
- 54 Commercial Driver Training Schools, Board of

- 1 Conservation and Development of Public Beaches, Board on
- 2 Conservation and Historic Resources, Board of
- 3 Continuing Education Advisory Board
- 4 Contractors, Board for
- 5 Corn Board, Virginia
- 6 Correctional Education, Board of
- 7 Corrections, State Board of
- 8 Cosmetology, Board for
- 9 Criminal Justice Services Board
- 10 Dark-Fired Tobacco Board, Virginia
- 11 Deaf and Hard-of-Hearing, Advisory Board for the Department for the
- 12 Dentistry, Board of
- 13 Education, State Board of
- 14 Education for Health Professions and Occupations, Board on
- 15 Egg Board, Virginia
- 16 Emergency Medical Services Advisory Board
- 17 Employment Agency Advisory Board
- 18 Fire Services Board, Virginia
- 19 Forestry, Board of
- 20 Funeral Directors and Embalmers, Board of
- 21 Game and Inland Fisheries, Board of
- 22 Geology, Board for
- 23 Goose Creek Scenic River Advisory Board
- 24 Health, State Board of
- 25 Health Professions, Board of
- 26 Hearing Aid Specialists, Board for
- 27 Hemophilia Advisory Board
- 28 Historic Landmarks Board, Virginia
- 29 Housing and Community Development, Board of
- 30 Industrial Development Services Advisory Board
- 31 Insurance Advisory Board, State
- 32 Irish Potato Board, Virginia
- 33 Laboratory Services Advisory Board
- 34 Marine Products Board, Virginia
- 35 Medical Advisory Board, Department of Motor Vehicles
- 36 Medical Board of the Virginia Supplemental Retirement System
- 37 Medicare and Medicaid, Advisory Board on
- 38 Medicine, State Board of
- 39 Mental Health, Mental Retardation and Substance Abuse Services Board, State
- 40 Migrant and Seasonal Farmworkers Board
- 41 Military Affairs, Board of
- 42 Mine Safety Board
- 43 Mines, Minerals and Energy, Board of Examiners in the Department of
- 44 Minority Business Enterprise, Interdepartmental Board of the Department of
- 45 Motor Vehicle Dealers' Advisory Board
- 46 Networking Users Advisory Board, State
- 47 Nottoway State Scenic River Advisory Board
- 48 Nursing, Board of
- 49 Nursing Home Administrators, Board of
- 50 Oil and Gas Conservation Board, Virginia
- 51 Opticians, Board for
- 52 Optometry, Board of
- 53 Outdoor Recreation Advisory Board
- 54 Peanut Board, Virginia

- 1 Perinatal Services Advisory Board, State
- 2 Personnel Advisory Board
- 3 Pesticide Advisory Board
- 4 Pharmacy, Board of
- 5 Physical Therapy to the Board of Medicine, Advisory Board on
- 6 Plant Pollination Advisory Board
- 7 Polygraph Examiners Advisory Board
- 8 Pork Industry Board, Virginia
- 9 Poultry Products Board, Virginia
- 10 Private College Advisory Board
- 11 Private Security Services Advisory Board
- 12 Professional Counselors, Board of
- 13 Professional Soil Scientists, Board for
- 14 Psychiatric Advisory Board
- 15 Psychology, Board of
- 16 Public Buildings Board, Virginia
- 17 Public Telecommunications Board, Virginia
- 18 Radiation Advisory Board
- 19 Real Estate Board
- 20 Reciprocity Board, Department of Motor Vehicles
- 21 Reforestation Board
- 22 Rehabilitative Services, Board of
- 23 Retirement System Review Board
- 24 Safety and Health Codes Board
- 25 Seed Potato Board, State
- 26 Sewage Handling and Disposal Appeal Review Board, State Health Department
- 27 Shenandoah State Scenic River Advisory Board
- 28 Small Business Advisory Board
- 29 Social Services, Board of
- 30 Social Work, Board of
- 31 Soil and Water Conservation Board, Virginia
- 32 Soybean Board, Virginia
- 33 State Air Pollution Control Board
- 34 Substance Abuse Certification Board
- 35 Surface Mining Review, Board of
- 36 Sweet Potato Board, Virginia
- 37 Teacher Education Advisory Board
- 38 Tourism and Travel Services Advisory Board
- 39 Toxic Substances Advisory Board
- 40 Transportation Board, Commonwealth
- 41 Transportation Safety, Board of
- 42 Treasury Board, The, Department of the Treasury
- 43 Veterans' Affairs, Board on
- 44 Veterinary Medicine, Board of
- 45 Virginia Employment Commission, State Advisory Board for
- 46 Virginia Supplemental Retirement System, Board of Trustees
- 47 Virginia Waste Management Board
- 48 Visually Handicapped, Board for the
- 49 Voluntary Formulary Board, Virginia
- 50 Volunteerism, Advisory Board for the Department of
- 51 War Memorial Board, Virginia
- 52 Water Resources Research Center Statewide Advisory Board, Virginia
- 53 Waterworks and Wastewater Works Operators, Board for

1 *Youth Services, State Board of*

2 B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following  
3 entities shall be referred to as boards:

4 Compensation Board

5 State Board of Elections

6 State Water Control Board

7 Virginia Parole Board.

8 § 2.1-51.18. Agencies for which responsible.—The Secretary of Transportation and Public  
9 Safety shall be responsible to the Governor for the following agencies: Department of  
10 Transportation, Department of Aviation, Commission on the Virginia Alcohol Safety Action  
11 Program, Department of Alcoholic Beverage Control, Department of Corrections ,  
12 *Department of Youth Services* , Department of Correctional Education, Department of  
13 Criminal Justice Services, Department of State Police, Department of Motor Vehicles,  
14 Department of Fire Programs and the Commonwealth's Attorneys' Services and Training  
15 Council. The Governor may, by executive order, assign any other state executive agency to  
16 the Secretary of Transportation and Public Safety, or reassign any agency listed above to  
17 another secretary.

18 § 2.1-121. Legal service in civil matters.—All legal service in civil matters for the  
19 Commonwealth, the Governor and every state department, institution, division, commission,  
20 board, bureau, agency, entity, official, court or judge, including the conduct of all civil  
21 litigation in which any of them are interested, shall be rendered and performed by the  
22 Attorney General, except as hereinafter provided in this chapter and except for any  
23 litigation concerning a justice or judge initiated by the Judicial Inquiry and Review  
24 Commission. No regular counsel shall be employed for or by the Governor or any state  
25 department, institution, division, commission, board, bureau, agency, entity or official. The  
26 Attorney General, in his discretion, may represent personally or through one or more of  
27 his assistants any number of state departments, institutions, divisions, commissions, boards,  
28 bureaus, agencies, entities, officials, courts or judges which are parties to the same  
29 transaction or which are parties in the same civil or administrative proceeding and may  
30 represent multiple interests within the same department, institution, division, commission,  
31 board, bureau, agency or entity. The Attorney General in his discretion may represent  
32 personally or through one of his assistants any of the following persons who are made  
33 defendant in any civil action for damages arising out of any matter connected with their  
34 official duties: any member, agent or employee of the Alcoholic Beverage Control Board;  
35 agent, inspector or investigator appointed by the State Corporation Commission; agent,  
36 investigator or auditor employed by the Department of Taxation; member, agent or  
37 employee of the State Mental Health, Mental Retardation and Substance Abuse Services  
38 Board, the Department of Mental Health, Mental Retardation and Substance Abuse Services,  
39 the State Board of Health, the State Department of Health, the Department of General  
40 Services, the State Board of Social Services, the Department of Social Services, the State  
41 Board of Corrections, the Department of Corrections, *the State Board of Youth Services,*  
42 *the Department of Youth Services,* the Virginia Parole Board or the Department of  
43 Agriculture and Consumer Services; person employed by the Commonwealth Transportation  
44 Board; person employed by the Commissioner of Motor Vehicles; person appointed by the  
45 Commissioner of Marine Resources; police officer appointed by the Superintendent of State  
46 Police; any game warden appointed by the Department of Game and Inland Fisheries; or  
47 any third impartial panel member appointed to hear a teacher's grievance pursuant to §  
48 22.1-312. If, in the opinion of the Attorney General, it is impracticable or uneconomical for  
49 such legal service to be rendered by him or one of his assistants, he may employ special  
50 counsel for this purpose, whose compensation shall be fixed by the Attorney General.

51 The Attorney General, in his discretion, may represent personally or through one of his  
52 assistants any emergency medical service agency that is a licensee of the Department of  
53 Health in any civil matter.

54 The compensation for such special counsel shall be paid out of the funds appropriated

1 for the administration of the board, commission, division or department whose members,  
 2 officers, inspectors, investigators, or other employees are defended pursuant to this section.  
 3 Notwithstanding any provision of this section to the contrary, the Supreme Court, in its  
 4 discretion, may employ its own counsel in any matter arising out of its official duties in  
 5 which it, or any justice, is a party.

6 § 2.1-700. Interagency Coordinating Committee on Delivery of Related Services to  
 7 Handicapped Children continued as Council.—The Interagency Coordinating Committee on  
 8 Delivery of Related Services to Handicapped Children is continued and shall hereafter be  
 9 known as the Interagency Coordinating Council on Delivery of Related Services to  
 10 Handicapped Children. The Interagency Coordinating Council shall consist of one  
 11 representative to be appointed by the agency executives from each of the following:  
 12 Department of Education, Department of Social Services, Department of ~~Corrections~~ *Youth*  
 13 *Services*, Department of Health, Department of Correctional Education, Department of  
 14 Rehabilitative Services, Department for the Visually Handicapped, Department for Children,  
 15 Department of Mental Health, Mental Retardation and Substance Abuse Services,  
 16 Department of Housing and Community Development, Virginia Housing Development  
 17 Authority, Department for the Deaf and Hard-of-Hearing and the Department for the Rights  
 18 of the Disabled. The Coordinating Council shall annually elect a chairman. Each agency  
 19 shall contribute a pro rata share of the required support services. Additional members may  
 20 be appointed by the agency executives as required.

21 The Interagency Coordinating Council shall be responsible for (i) coordination of service  
 22 delivery to handicapped children, birth through twenty-one years of age; (ii) developing and  
 23 implementing an interagency state plan for the provision of such services; (iii) initiating  
 24 cooperative arrangements at the local level; (iv) receiving comments and recommendations  
 25 from the local public service agencies, private providers and citizens concerning problems  
 26 in service delivery to handicapped children; (v) designing strategies to mediate such  
 27 problems; (vi) monitoring the changes in programs and delivery of services in order to  
 28 provide services that are needed and to prevent duplicative or unnecessary services; and  
 29 (vii) developing a strategy for meeting the anticipated educational and vocational needs of  
 30 handicapped children aged fifteen or over, and for identifying existing barriers to a  
 31 successful transition from special education to adult life. The Coordinating Council shall  
 32 make and submit to the various agency executives a report and recommendations annually,  
 33 and at such other times as it deems necessary and expedient.

34 § 2.1-701. Interagency Assistance Fund for Noneducational Placements of Handicapped  
 35 Children.—A. There shall be established in the Department of Education, Department of  
 36 ~~Corrections~~ *Youth Services* and Department of Social Services an Interagency Assistance  
 37 Fund for Noneducational Placements of Handicapped Children. This Fund shall be for the  
 38 purpose of providing payment of tuition, required related services and living expenses for  
 39 handicapped children placed by the local social services or welfare agencies or the  
 40 Department of ~~Corrections~~ *Youth Services* in private residential, special education facilities  
 41 or across jurisdictional lines in (i) public schools while living in foster homes or  
 42 child-caring facilities or (ii) private, special education day schools, if the individualized  
 43 educational program indicates such school is the appropriate placement while living in  
 44 foster homes or child-caring facilities.

45 B. The portion of this Fund for foster-care handicapped children shall be administered  
 46 by the Department of Social Services, which shall provide for such payments from local  
 47 departments of welfare or social services using funds appropriated for such purpose. The  
 48 portion of this Fund for children who are in custody of the Department of ~~Corrections~~  
 49 *Youth Services* shall be administered by that Department, which shall contribute the costs  
 50 of maintaining such handicapped children. The Department of Education shall maintain and  
 51 administer the portion of the Fund for the payment of direct instructional costs for such  
 52 handicapped children. This part of the Fund shall be established as an allocation for  
 53 special education in the appropriations act each year. The local school boards shall not be  
 54 required to pay any costs for educating handicapped children who are placed by another

1 public agency having custody, across jurisdictional lines or in a residential special education  
2 facility.

3 C. The Board of Education, Board of ~~Corrections~~ *Youth Services* and Board of Social  
4 Services shall jointly adopt such regulations as are necessary to implement this Fund.

5 § 2.1-703. Interdepartmental Committee on Rate-setting for Children's Facilities continued  
6 as Council.—A. The Interdepartmental Committee on Rate-setting for Children's Facilities is  
7 continued and shall hereafter be known as the Interdepartmental Council on Rate-setting  
8 for Children's Facilities. The Council shall consist of nine members as follows: one  
9 representative of the Department of Education, who shall be appointed by the  
10 Superintendent of Public Instruction; one representative of local school divisions, who shall  
11 be appointed by the Governor; one representative of the Department of Social Services,  
12 who shall be appointed by the Commissioner of Social Services; one representative of local  
13 departments of social services or welfare, who shall be appointed by the Governor; one  
14 representative of the Department of ~~Corrections~~ *Youth Services*, who shall be appointed  
15 by the Director of ~~Corrections~~ *Youth Services*; three representatives of the providers, two  
16 private and one public, one of whom shall represent residential special education providers,  
17 one of whom shall represent day-school special education providers and one of whom shall  
18 represent providers of child care, and one citizen, all to be appointed by the Governor.  
19 The appointees of the Governor shall be subject to confirmation by the General Assembly  
20 at its next regular session.

21 B. Every appointment to the Council shall be for a term of two years, except that  
22 appointments to fill vacancies other than by expiration of term shall be for the unexpired  
23 term. The first members of the Council shall serve a term commencing on July 1, 1983,  
24 and ending on June 30, 1985. All appointments thereafter, including those to fill vacancies,  
25 shall expire at the end of the second fiscal year following appointment. The Council shall  
26 elect one of its members as chairman at the first meeting of each fiscal year, which shall  
27 be held no later than July 30.

28 C. The Council shall: (i) establish uniform policies and procedures for reviewing the  
29 costs of the services; (ii) establish uniform rules for allowable costs consistent with relevant  
30 laws and regulations; (iii) establish uniform guidelines for calculating, granting waivers of  
31 and granting exceptions to the maximum percentage increase, including the use of advisory  
32 review panels; (iv) supervise the formulation and dissemination of a comprehensive list of  
33 all relevant institutions and facilities in the private sector and the public sector and the  
34 programs available and costs in each; and (v) establish training requirements and  
35 qualifications for hearing officers.

36 All providers, whether day or residential special education schools for the handicapped,  
37 residential providers of child care or regional public special education programs for the  
38 handicapped for which a unit cost for publicly paid participant fees must be established,  
39 shall be subject to these rules and policies. The rules and policies shall be developed by  
40 the Council and recommended to the respective boards. Such rules and policies shall be  
41 controlling after being adopted by the Board of Education, the Board of Social Services and  
42 the Board of ~~Corrections~~ *Youth Services*.

43 The rules shall be published as the "Rules of the Interdepartmental Council on  
44 Rate-setting: The Joint Regulations on Rate-setting for Children's Facilities of the Board of  
45 Education, the Board of Social Services and the Board of ~~Corrections~~ *Youth Services*."  
46 These rules shall be subject to the Administrative Process Act (§ 9-6.14:1 et seq.), and all  
47 public hearings on such rules shall be conducted as a joint effort of the Board of  
48 Education, the Board of Social Services and the Board of ~~Corrections~~ *Youth Services*. The  
49 Department of Education, the Department of Social Services and the ~~Department of~~  
50 ~~Corrections~~ *Department of Youth Services* shall set rates and establish guidelines for  
51 calculating, granting waivers of and exceptions to maximum percentage increases using  
52 procedures consistent with these rules and policies.

53 D. The Council shall appoint three persons, who shall not be members of the Council,  
54 to serve as the Rate Review Appeals Panel. The Rate Review Appeals Panel shall hear all

1 disputes or complaints of any party aggrieved including local school boards regarding the  
 2 recommendations of the three departments concerning the rates allowable, costs and denia  
 3 of waivers of or exceptions to the maximum percentage increase. The Rate Review Appeals  
 4 Panel shall not review the maximum percentage increases established by the Departments  
 5 of Education, Social Services and ~~Corrections~~ *Youth Services* or the amount of the  
 6 appropriation allocated for these purposes by the General Assembly.

7 Any party aggrieved, including local school boards, by the decision of the Rate Review  
 8 Appeals Panel may obtain a final decision from a hearing officer, who shall be chosen  
 9 from a list maintained by the Office of the Executive Secretary of the Supreme Court of  
 10 Virginia as provided in § 9-6.14:14.1. The hearing officers shall receive training in the  
 11 relevant law, regulations and procedures as developed by the Council and prescribed in the  
 12 Joint Regulations on Rate-setting for Children's Facilities of the Board of Education, the  
 13 Board of Social Services and the Board of ~~Corrections~~ *Youth Services* prior to being placed  
 14 on the list.

15 Any party aggrieved, including local school boards, by the decision of the hearing  
 16 officer shall have a right to judicial review in accordance with the provisions of the  
 17 Administrative Process Act (§ 9-6.14:1 et seq.).

18 The due process procedure set forth in this paragraph shall take effect at such time as  
 19 the "Rules of the Interdepartmental Council on Rate-setting: The Joint Regulations on  
 20 Rate-setting for Children's Facilities of the Board of Education, the Board of Social  
 21 Services, and the Board of ~~Corrections~~ *Youth Services*" are adopted by the respective  
 22 boards and shall be applicable only to rates determined under these regulations.

23 E. The Department of Education, the Department of Social Services or the Department  
 24 of ~~Corrections~~ *Youth Services* shall execute term agreements with the appropriate  
 25 providers. Any provider who executes a term agreement shall be bound by this agreement  
 26 and the rates stated therein whenever contracting with the school divisions, local social  
 27 services or welfare agencies or other state or local agencies. All such contracts or purchase  
 28 orders shall reference the appropriate term agreement.

29 § 9-6.25:2. Policy boards, commissions and councils.— There shall be, in addition to such  
 30 others as may be designated in accordance with § 9-6.25, the following policy boards,  
 31 commissions and councils:

- 32 Apprenticeship Council
- 33 Athletic Board
- 34 Auctioneers Board
- 35 Board for Accountancy
- 36 Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects
- 37 Board for Barbers
- 38 Board for Commercial Driver Training Schools
- 39 Board for Contractors
- 40 Board for Cosmetology
- 41 Board for Geology
- 42 Board for Hearing Aid Specialists
- 43 Board for Librarians
- 44 Board for Opticians
- 45 Board for Professional Soil Scientists
- 46 Board for Rights of the Disabled
- 47 Board for Waterworks and Wastewater Works Operators
- 48 Board for the Visually Handicapped
- 49 Board of Agriculture and Consumer Services
- 50 Board of Audiology and Speech Pathology
- 51 Board of Commerce
- 52 Board of Correctional Education
- 53 Board of Dentistry
- 54 Board of Directors, State Education Assistance Authority



- 1 Board of Directors, Virginia Education Loan Authority
- 2 Board of Examiners in the Department of Mines, Minerals and Energy
- 3 Board of Funeral Directors and Embalmers
- 4 Board of Housing and Community Development
- 5 Board of Medical Assistance Services
- 6 Board of Medicine
- 7 Board of Nursing
- 8 Board of Nursing Home Administrators
- 9 Board of Optometry
- 10 Board of Pharmacy
- 11 Board of Professional Counselors
- 12 Board of Psychology
- 13 Board of Rehabilitative Services
- 14 Board of Social Services
- 15 Board of Social Work
- 16 Board of Surface Mining Review
- 17 Board of Veterinary Medicine
- 18 Board on Conservation and Development of Public Beaches
- 19 Chesapeake Bay Local Assistance Board
- 20 Child Day-Care Council
- 21 Commission on Local Government
- 22 Commonwealth Transportation Board
- 23 Council on the Environment
- 24 Council on Human Rights
- 25 Council on Information Management
- 26 Criminal Justice Services Board
- 27 Interdepartmental Council on Rate-setting for Children's Facilities
- 28 Library Board, the Virginia State Library and Archives
- 29 Marine Resources Commission
- 30 Milk Commission
- 31 Real Estate Board
- 32 Reciprocity Board, Department of Motor Vehicles
- 33 Safety and Health Codes Board
- 34 State Air Pollution Control Board
- 35 State Board of Corrections
- 36 State Board of Elections
- 37 State Board of Health
- 38 *State Board of Youth Services*
- 39 State Health Department, Sewage Handling and Disposal Appeal Review Board
- 40 State Mental Health, Mental Retardation and Substance Abuse Services Board
- 41 State Seed Potato Board
- 42 State Water Control Board
- 43 Statewide Health Coordinating Council
- 44 Substance Abuse Certification Board
- 45 The Treasury Board, Department of the Treasury
- 46 Virginia Aviation Board
- 47 Virginia Fire Services Board
- 48 Virginia Health Services Cost Review Council
- 49 Virginia Historic Landmarks Board
- 50 Virginia Oil and Gas Conservation Board
- 51 Virginia Parole Board
- 52 Virginia Public Telecommunications Board
- 53 Virginia Soil and Water Conservation Board
- 54 Virginia Voluntary Formulary Board

- 1 Virginia Waste Management Board
- 2 Virginia Well Review Board
- 3 Virginia World Trade Council.

4 § 9-168. Board, Committee on Training and Advisory Committee on Juvenile Justice  
5 established; appointment; terms; vacancies; members not disqualified from holding other  
6 offices; designation of chairmen; expenses; meetings.—A. There is hereby created the  
7 Criminal Justice Services Board. The Board shall be composed of twenty-three members as  
8 set out below. Six members of the Board shall be as follows: the Chief Justice of the  
9 Supreme Court of Virginia, or his designee; the Attorney General of Virginia, or his  
10 designee; the Superintendent of the Department of State Police; the Director of the  
11 Department of Corrections; *the Director of the Department of Youth Services*; the  
12 Chairman of the Parole Board; and the Executive Secretary of the Supreme Court of  
13 Virginia. In those instances in which the Executive Secretary of the Supreme Court of  
14 Virginia, the Superintendent of the Department of State Police, the Director of the  
15 Department of Corrections, *the Director of the Department of Youth Services*, or the  
16 Chairman of the Parole Board will be unavoidably absent from a board meeting, he may  
17 appoint a member of his staff to represent him at the meeting. Twelve members shall be  
18 appointed by the Governor from among residents of this Commonwealth who are  
19 representative of the broad categories of state and local governments, criminal justice  
20 systems, and law-enforcement agencies, including but not limited to, police officials,  
21 sheriffs, Commonwealth's attorneys, defense counsel, the judiciary, correctional and  
22 rehabilitative activities, and other locally elected and appointed administrative and  
23 legislative officials. Among these twelve members there shall be two sheriffs representing  
24 the Virginia State Sheriffs Association selected from among names submitted by the  
25 Association; two representatives of the Chiefs of Police Association selected from among  
26 names submitted by the Association; one Commonwealth's attorney selected from among  
27 names submitted by the Association for Commonwealth's Attorneys; one person who is a  
28 mayor, city or town manager, or member of a city or town council representing the  
29 Virginia Municipal League selected from among names submitted by the League; and one  
30 person who is a county executive, manager, or member of a county board of supervisors  
31 representing the Virginia Association of Counties selected from among names submitted by  
32 the Association. Four members of the Board shall be members of the General Assembly  
33 appointed by the chairmen of legislative committees as follows: one member of the  
34 Appropriations Committee of the House of Delegates; one member of the Committee on  
35 Finance of the Senate; one member of the Committee for Courts of Justice of the House of  
36 Delegates, and one member of the Committee for Courts of Justice of the Senate. The  
37 legislative members shall serve for the terms for which they were elected and shall serve  
38 as ex officio members without a vote. In addition, one member representing the Virginia  
39 Crime Prevention Association shall be appointed by the Governor and selected from among  
40 names submitted by the Association.

41 B. There is further created a permanent Committee on Training under the Board which  
42 shall be the policy-making body responsible to the Board for effecting the provisions of  
43 subdivisions 2 through 11 of § 9-170. The Committee on Training shall be composed of  
44 eleven members of the Board as follows: the Superintendent of the Department of State  
45 Police; the Director of the Department of Corrections; the Executive Secretary of the  
46 Supreme Court of Virginia; the two sheriffs representing the Virginia State Sheriffs  
47 Association; the two representatives of the Chiefs of Police Association; the Commonwealth's  
48 attorney representing the Association for Commonwealth's Attorneys; the representative of  
49 the Virginia Municipal League; the representative of the Virginia Association of Counties;  
50 and one member designated by the Chairman of the Board from among the other  
51 appointments made by the Governor. The Committee on Training shall annually elect its  
52 chairman from among its members.

53 B1. There is further created a permanent Advisory Committee on Juvenile Justice which  
54 shall have the responsibility for advising and assisting the Board, the Department, all

1 agencies, departments, boards and institutions of the Commonwealth, and units of general  
2 local government, or combinations thereof, on matters related to the prevention and  
3 treatment of juvenile delinquency and the administration of juvenile justice in the  
4 Commonwealth. The Advisory Committee shall consist of no less than fifteen and no more  
5 than twenty-five members appointed by the Governor. The membership of the Advisory  
6 Committee shall include representatives of state and local governmental agencies and  
7 institutions who provide services to children, juvenile and domestic relations district courts,  
8 and private organizations, associations, and citizens interested in juvenile justice,  
9 delinquency prevention and children's rights. The majority of the Advisory Committee shall  
10 be private citizens and at least three members of the Advisory Committee, including the  
11 Chairman, and two other private citizens shall also be members of the Board. The Advisory  
12 Committee shall have the following specific duties and responsibilities:

13 1. To review the operation of the juvenile justice system in the Commonwealth,  
14 including facilities and programs, and prepare appropriate reports;

15 2. To review statewide plans, conduct studies, and make recommendations on needs and  
16 priorities for the development and improvement of the juvenile justice system in the  
17 Commonwealth; and

18 3. To advise on all matters related to the federal Juvenile Justice and Delinquency  
19 Prevention Act of 1974 (P.L. 93-415, as amended), and recommend such actions on behalf  
20 of the Commonwealth as may seem desirable to secure benefits of that or other federal  
21 programs for delinquency prevention or the administration of juvenile justice.

22 Each administrative entity or collegial body within the executive branch of the state  
23 government as may be requested to do so shall cooperate with the Advisory Committee as  
24 it carries out its responsibilities.

25 C. The members of the Board and Advisory Committee appointed by the Governor shall  
26 serve for terms of four years, provided that no member shall serve beyond the time when  
27 he holds the office or employment by reason of which he was initially eligible for  
28 appointment. Appointed members of the Board and Advisory Committee shall not be  
29 eligible to serve as such for more than two consecutive full terms. Three or more years  
30 within a four-year period shall be deemed a full term. Any vacancy on the Board and  
31 Advisory Committee shall be filled in the same manner as the original appointment, but for  
32 the unexpired term.

33 D. The Governor shall appoint a Chairman of the Board and a Chairman of the  
34 Advisory Committee, and the Board shall designate one or more vice-chairmen from among  
35 its members, who shall serve at the pleasure of the Board.

36 E. Notwithstanding any provision of any statute, ordinance, local law, or charter  
37 provision to the contrary, membership on the Board shall not disqualify any member from  
38 holding any other public office or employment, or cause the forfeiture thereof.

39 F. Members of the Board and Advisory Committee shall be entitled to receive  
40 reimbursement for any actual expenses incurred as a necessary incident to such service  
41 and to receive such compensation as is provided in § 2.1-20.3.

42 G. The Board and Advisory Committee shall each hold no less than four regular  
43 meetings a year. Subject to the requirements of this subsection, the respective Chairman  
44 shall fix the times and places of meetings, either on his own motion or upon written  
45 request of any five members of the Board or Advisory Committee.

46 H. [Repealed.]

47 I. The Board and Advisory Committee may adopt bylaws for their operation.

48 § 9-268. Virginia Council on Coordinating Prevention; members; terms.—The Virginia  
49 Council on Coordinating Prevention is hereby established and shall be composed of  
50 eighteen members.

51 There shall be one member each from the Advisory Board for the Aging, Advisory  
52 Board for the Department for Children, Board of Correctional Education, State Board of  
53 Corrections, *State Board of Youth Services*, Criminal Justice Services Board, State Board of  
54 Education, State Board of Health, Board of Medical Assistance Services, Advisory Board for

1 the Department of Volunteerism, Council on the Status of Women, State Mental Health,  
 2 Mental Retardation and Substance Abuse Services Board and Board of Social Services, to  
 3 be appointed by the chairman of the respective board or council. Persons appointed to the  
 4 Council by virtue of their membership on a board or council listed above may serve on  
 5 the Council only while a member of the respective board or council and may not serve on  
 6 the Council for more than two consecutive terms.

7 Five members shall be representatives of the private sector who are interested in  
 8 prevention, to be appointed by the Governor. Representatives of the private sector shall  
 9 serve for terms of four years, except that two of the five members initially appointed shall  
 10 be appointed for three-year terms. Members appointed to the Council by the Governor shall  
 11 not be eligible to serve more than two consecutive full terms.

12 The Secretary of Human Resources shall be an ex officio member of the Council. The  
 13 Governor shall appoint a chairman from the membership of the Council.

14 § 9-271. Comprehensive Prevention Plan.—A Comprehensive Prevention Plan shall be  
 15 jointly developed biennially by the following agencies:

16 Department for the Aging, Department for Children, Department of Correctional  
 17 Education, Department of Corrections, *Department of Youth Services*, Department of  
 18 Criminal Justice Services, Department of Education, Department of Health, Department of  
 19 Medical Assistance Services, Department of Volunteerism, Council on the Status of Women,  
 20 Department of Mental Health, Mental Retardation and Substance Abuse Services and  
 21 Department of Social Services. The Secretary of Human Resources shall designate an  
 22 agency to coordinate development of the Plan. The Comprehensive Prevention Plan shall  
 23 coordinate and integrate the planning efforts of the state agencies listed above and the  
 24 private sector in order to provide a broad prevention agenda for the Commonwealth,  
 25 enable communities to design and implement prevention programs that meet the identified  
 26 needs of the community and facilitate the development of interagency and broad-based  
 27 community involvement in the development of prevention programs. The Comprehensive  
 28 Prevention Plan shall identify priority prevention issues and challenges, prevention goals  
 29 and objectives and public and private strategies to achieve goals and objectives. For the  
 30 purposes of the Plan, prevention activities, issues and programs shall be those activities  
 31 which promote the objective identified in subsection B of § 9-270.

32 § 16.1-222. Established; powers of Director.—A. There is hereby established within the  
 33 Department of ~~Corrections~~ *Youth Services* the Virginia Juvenile Justice Information System  
 34 which shall operate separate and apart from the Central Criminal Records Exchange.

35 B. The Director of the Department of ~~Corrections~~ *Youth Services* is authorized to  
 36 employ such personnel, establish such offices, acquire such equipment and use such  
 37 available equipment as shall be necessary to carry out the purpose of this chapter. He is  
 38 further authorized to enter into agreements with other State agencies for services to be  
 39 performed for the Virginia Juvenile Justice Information System by employees of such other  
 40 agencies.

41 § 16.1-228. Definitions.—When used in this chapter, unless the context otherwise requires:

42 "Abused or neglected child" means any child:

43 1. Whose parents or other person responsible for his care creates or inflicts, threatens  
 44 to create or inflict, or allows to be created or inflicted upon such child a physical or  
 45 mental injury by other than accidental means, or creates a substantial risk of death,  
 46 disfigurement or impairment of bodily or mental functions;

47 2. Whose parents or other person responsible for his care neglects or refuses to provide  
 48 care necessary for his health; however, no child who in good faith is under treatment  
 49 solely by spiritual means through prayer in accordance with the tenets and practices of a  
 50 recognized church or religious denomination shall for that reason alone be considered to be  
 51 an abused or neglected child;

52 3. Whose parents or other person responsible for his care abandons such child;

53 4. Whose parents or other person responsible for his care commits or allows to be  
 54 committed any sexual act upon a child in violation of the law; or

1 5. Who is without parental care or guardianship caused by the unreasonable absence or  
2 the mental or physical incapacity of the child's parent, guardian, legal custodian or other  
3 person standing in loco parentis.

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

8 "Adult" means a person eighteen years of age or older.

9 "Child," "juvenile" or "minor" means a person less than eighteen years of age.

10 "Child welfare agency" means a child-placing agency, child-caring institution or  
11 independent foster home as defined in § 63.1-195.

12 "Child in need of services" means a child whose behavior, conduct or condition  
13 presents or results in a serious threat to the well-being and physical safety of the child;  
14 however, no child who in good faith is under treatment solely by spiritual means through  
15 prayer in accordance with the tenets and practices of a recognized church or religious  
16 denomination shall for that reason alone be considered to be a child in need of services,  
17 nor shall any child who habitually remains away from or habitually deserts or abandons  
18 his family as a result of what the court or the local child protective services unit  
19 determines to be incidents of physical, emotional or sexual abuse in the home be  
20 considered a child in need of services for that reason alone.

21 However, to find that a child falls within these provisions, (i) the conduct complained  
22 of must present a clear and substantial danger to the child's life or health or (ii) the child  
23 or his or her family is in need of treatment, rehabilitation or services not presently being  
24 received, and (iii) the intervention of the court is essential to provide the treatment,  
25 rehabilitation or services needed by the child or his family.

26 "Child in need of supervision" means:

27 1. A child who, while subject to compulsory school attendance, is habitually and without  
28 justification absent from school, and (i) the child has been offered an adequate opportunity  
29 to receive the benefit of any and all educational services and programs that are required  
30 to be provided by law and which meet the child's particular educational needs, and (ii) the  
31 school system from which the child is absent or other appropriate agency has made a  
32 reasonable effort to effect the child's regular attendance without success; or

33 2. A child who, without reasonable cause and without the consent of his or her parent,  
34 lawful custodian or placement authority, remains away from or habitually deserts or  
35 abandons his or her family or lawful custodian or escapes or remains away without proper  
36 authority from a residential care facility in which he has been placed by the court, and (i)  
37 such conduct presents a clear and substantial danger to the child's life or health, (ii) the  
38 child or his family is in need of treatment, rehabilitation or services not presently being  
39 received, and (iii) the intervention of the court is essential to provide the treatment,  
40 rehabilitation or services needed by the child or his family.

41 "The court" or the "juvenile court" or the "juvenile and domestic relations court"  
42 means the juvenile and domestic relations district court of each county or city.

43 "Delinquent act" means an act designated a crime under the law of this  
44 Commonwealth, or an ordinance of any city, county, town or service district, or under  
45 federal law, or a violation of a court order as provided for in § 16.1-292, except an act,  
46 which is otherwise lawful, but is designated a crime only if committed by a child.

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

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

52 "Foster care" or "temporary foster care" means the provision of services or substitute  
53 care and supervision, for a child identified as needing services to prevent or eliminate the  
54 need for foster care placement or who has been committed or entrusted to a local board

1 of public welfare or child welfare agency or for whom the board or child welfare agency  
2 has accepted supervision, in a temporary living situation until the child can return to his or  
3 her family or be placed in a permanent foster care placement or in an adoptive home.

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

6 "Jail" or "other facility designed for the detention of adults" means a local or regional  
7 correctional facility as defined in § 53.1-1, except those facilities utilized on a temporary  
8 basis as a court holding cell for a child incident to a court hearing.

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

11 "This law" or "the law" means the Juvenile and Domestic Relations District Court Law  
12 embraced in this chapter.

13 "Legal custody" means (i) a legal status created by court order which vests in a  
14 custodian the right to have physical custody of the child, to determine where and with  
15 whom he shall live, the right and duty to protect, train and discipline him and to provide  
16 him with food, shelter, education and ordinary medical care, all subject to any residual  
17 parental rights and responsibilities or (ii) the legal status created by court order of joint  
18 custody as defined in § 20-107.2.

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

27 "Secure facility" or "detention home" means a local or regional public or private  
28 locked residential facility which has construction fixtures designed to prevent escape and to  
29 restrict the movement and activities of children held in lawful custody.

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

32 "Spouse abuse" means any act of violence, including any forceful detention, which  
33 results in physical injury or places one in reasonable apprehension of serious bodily injury  
34 and which is committed by a person against such person's spouse, notwithstanding that such  
35 persons are separated and living apart.

36 "State Board" means the State Board of ~~Corrections~~ *Youth Services* .

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

41 § 16.1-233. Department to develop court services; court services units; appointment and  
42 removal of employees; salaries.—A. Within funds appropriated for the purpose, it shall be a  
43 function of the Department to develop and operate, except as hereinafter provided,  
44 probation and other court services for juvenile and domestic relations district courts in  
45 order that all children coming within the jurisdiction of such courts throughout the State  
46 shall receive the fullest protection of the court. To this end the Director is empowered to  
47 establish court services units in his department. The Director shall appoint such employees  
48 as he may find to be necessary to carry out properly the responsibilities of the Department  
49 relative to the development, supervision and operation of probation and other court services  
50 throughout the State as set forth in this chapter.

51 B. The salaries of the persons employed pursuant to this section, except as otherwise  
52 provided in § 16.1-311 as it pertains to employees of juvenile detention homes and  
53 probation houses, shall be paid out of funds appropriated for such purpose to the  
54 Department of ~~Corrections~~ *Youth Services* . The Director and such employees as he may

1 find necessary to carry out properly the responsibilities of the Department pursuant to  
2 ~~paragraph subsection~~ A of this section shall have access to all probation offices, other  
3 social services and to their records.

4 C. The State Board shall establish minimum standards for court service staffs and  
5 related supportive personnel and promulgate regulations pertaining to their appointment and  
6 function to the end that uniform services, insofar as is practical, will be available to  
7 juvenile and domestic relations district courts throughout the State. In counties or cities  
8 now served by regional juvenile and domestic relations courts or where specialized court  
9 service units are not provided, and in any county or city which provided specialized  
10 services on June 30, 1973, that requests the development of a court service unit,  
11 appointment to positions in such units shall be based on merit as provided in Chapter 10 (§  
12 2.1-110 et seq.) of Title 2.1.

13 D. No person shall be assigned to or discharged from the state-operated court service  
14 staff of a juvenile and domestic relations district court except as provided in Chapter 10 (§  
15 2.1-110 et seq.) of Title 2.1, nor without the prior mutual approval of the judge thereof and  
16 the Director ; ~~provided, however, that~~ . However, the chief judge of any such court shall  
17 be empowered, for good cause, after due notice and opportunity to be heard, to order the  
18 transfer of any person from the court service staff of his court ; , and ~~provided further,~~  
19 ~~that~~ the Director shall likewise be empowered to order such transfer or separation subject  
20 only to the limitations of Chapter 10 (§ 2.1-110 et seq.) of Title 2.1.

21 § 16.1-238. Compensation of probation officers, court service staff members and related  
22 court service personnel; reimbursement; traveling and other expenses.—The compensation of  
23 probation officers and other court service staff members appointed in accordance with §  
24 16.1-235 B shall be fixed by the governing body of the city or county in which they serve,  
25 in accordance with minimum standards prescribed by the State Board. They shall be paid  
26 out of the county or city treasury. One-half of such compensation shall be reimbursed to  
27 any city or county complying with the minimum standards set by the State Board from  
28 funds appropriated to the Department. Any funds from the Department of Criminal Justice  
29 Services or from other public fund sources outside of the provisions of this law which are  
30 used in compensating such personnel shall not be considered state funds.

31 Compensation of all other probation officers and related court service personnel  
32 appointed in accordance with § 16.1-235 A shall be fixed in accordance with Chapter 10 (§  
33 2.1-110 et seq.) of Title 2.1. Personnel transferred from local and regional court staffs shall  
34 suffer no reduction in pay and shall transfer into the state program all accrued leave and  
35 other benefits allowable under Chapter 10 (§ 2.1-110 et seq.) of Title 2.1. Probation officers  
36 and related court service personnel appointed in accordance with § 16.1-235 A shall be  
37 paid necessary traveling and other expenses incurred in the discharge of their duties.

38 The salary and expenses provided for personnel appointed in accordance with § 16.1-235  
39 A shall be paid by the Commonwealth, and no part shall be paid by or chargeable to any  
40 county or city. The governing body of any county or city, however, may add to the  
41 compensation of such personnel such an amount as the governing body may appropriate  
42 not to exceed fifty percent of the amount paid by the Commonwealth. No such additional  
43 amount paid by a local governing body shall be chargeable to the Department of  
44 ~~Corrections Youth Services~~ nor shall it remove or supersede any authority, control or  
45 supervision of the Department.

46 § 16.1-240. Citizens advisory council.—A. The governing bodies of each county and city  
47 served by a court service unit may appoint one or more members to a citizens advisory  
48 council, in total not to exceed fifteen members ; , and the chief judge of the juvenile and  
49 domestic relations district court may appoint one or more members to the advisory council,  
50 in total not to exceed five members. The duties of the council shall be as follows:

- 51 1. To advise and cooperate with the court upon all matters affecting the working of this  
52 law and other laws relating to children, their care and protection and to domestic relations;
- 53 2. To consult and confer with the court and director of the court service unit from time  
54 to time relative to the development and extension of the court service program;

1 3. To encourage the member selected by the council to serve on the central advisory  
2 council to visit as often as the member conveniently can institutions and associations  
3 receiving children under this law, and to report to the court from time to time and at  
4 least annually in its report made pursuant to ~~subparagraph~~ *subdivision* 5 hereof the  
5 conditions and surroundings of the children received by or in charge of ~~any~~ such persons,  
6 institutions or associations;

7 4. To make themselves familiar with the work of the court under this law;

8 5. To make an annual report to the court and the participating governing bodies on the  
9 work of the council.

10 B. Traveling expenses of the members of the citizens advisory council shall be paid  
11 from funds appropriated to the Department of ~~Corrections to the extent of and Youth~~  
12 *Services* in accordance with rules and regulations adopted by the state Board.

13 C. If the governing body does not exercise its option to appoint a citizens advisory  
14 council pursuant to subsection A of this section, the judge of the juvenile and domestic  
15 relations district court may appoint an advisory board of citizens, not to exceed fifteen  
16 members, who shall perform the same duties as provided in this section.

17 D. One member selected by each citizens advisory council shall serve on a central  
18 advisory council to consult and confer with the Director and other appropriate staff of the  
19 Department to assist in carrying out the objectives of the court service program, insofar as  
20 possible.

21 § 16.1-241. Jurisdiction.—The judges of the juvenile and domestic relations district court  
22 elected or appointed under this law shall be conservators of the peace within the corporate  
23 limits of the cities and the boundaries of the counties for which they are respectively  
24 chosen and within one mile beyond the limits of such cities and counties. Except as  
25 hereinafter provided, each juvenile and domestic relations district court shall have, within  
26 the limits of the territory for which it is created, exclusive original jurisdiction, and within  
27 one mile beyond the limits of said city or county, concurrent jurisdiction with the juvenile  
28 court or courts of the adjoining city or county over all cases, matters and proceedings  
29 involving:

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

31 1. Who is alleged to be abused, neglected, in need of services, in need of supervision,  
32 or delinquent;

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

35 2a. Who is at risk of being abused or neglected by a parent or custodian who has been  
36 adjudicated as having abused or neglected another child in the care of the parent or  
37 custodian;

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

41 4. Who is the subject of an entrustment agreement entered into pursuant to § 63.1-56 or  
42 § 63.1-204 or whose parent or parents for good cause desire to be relieved of his care and  
43 custody;

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

47 6. Who is charged with a traffic infraction as defined in § 46.1-1 (40).

48 The authority of the juvenile court to adjudicate matters involving the custody,  
49 visitation, support, control or disposition of a child shall not be limited to the consideration  
50 of petitions filed by a mother, father or legal guardian but shall include petitions filed at  
51 any time by any party with a legitimate interest therein. A party with a legitimate interest  
52 shall be broadly construed and shall include, but not be limited to, grandparents and other  
53 blood relatives and family members. The authority of the juvenile court to consider a  
54 petition involving the custody of a child shall not be proscribed or limited where the child



1 has previously been awarded to the custody of a local board of social services. In any  
2 decree involving visitation, the juvenile and domestic relations district court may provide in  
3 such decree for visitation privileges for grandparents, stepparents or other family members.

4 B. The commitment of a mentally ill person or judicial certification of eligibility for  
5 admission to a treatment facility of a mentally retarded person. Such commitment and  
6 certification shall be in accordance with the provisions of Chapters 1 (§ 37.1-1 et seq.) and  
7 2 (§ 37.1-63 et seq.) of Title 37.1. Jurisdiction of the commitment and certification of adults  
8 shall be concurrent with the general district court.

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

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

20 D1. [Repealed.]

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

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

1. Who has been abused or neglected;

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

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

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

37 H. In any case where a child is not qualified to obtain a work permit under other  
38 provisions of law.

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

44 J. All offenses in which one family member is charged with an offense in which  
45 another family member is the victim. In prosecution for felonies over which the court shall  
46 have jurisdiction, said jurisdiction shall be limited to determining whether or not there is  
47 probable cause. The word "family" as herein used shall be construed to include husband  
48 and wife, parent and child, brothers and sisters, grandparent and grandchild, regardless of  
whether such persons reside in the same home.

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

54 L. Any person who seeks spousal support after having separated from his or her spouse.

1 A decision under this subdivision shall not be res judicata in any subsequent action for  
 2 spousal support in a circuit court. A circuit court shall have concurrent original jurisdiction  
 3 in all causes of action under this subdivision.

4 M. Petitions filed by a spouse for the purpose of obtaining an order of protection  
 5 pursuant to § 16.1-253.1 or § 16.1-279.1 as a result of spouse abuse.

6 N. Any person who escapes or remains away without proper authority from a  
 7 residential care facility in which he had been placed by the court or as a result of his  
 8 commitment to the Virginia Department of ~~Corrections~~ *Youth Services*.

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

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

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

17 § 16.1-246. When and how child may be taken into immediate custody.—No child may be  
 18 taken into immediate custody except:

19 A. With a detention order issued by the judge, the intake officer or the clerk, when  
 20 authorized by the judge, of the juvenile and domestic relations district court in accordance  
 21 with the provisions of this law or with a warrant issued by a magistrate; or

22 B. When a child is alleged to be in need of services and (i) there is a clear and  
 23 substantial danger to the child's life or health or (ii) the assumption of custody is  
 24 necessary to insure the child's appearance before the court; or

25 C. When, in the presence of the officer who makes the arrest, a child has committed  
 26 an act designated a crime under the law of this Commonwealth, or an ordinance of an  
 27 city, county, town or service district, or under federal law and the officer believes that  
 28 such is necessary for the protection of the public interest; or

29 C1. When a child has committed a misdemeanor offense involving shoplifting in  
 30 violation of § 18.2-103 and, although the offense was not committed in the presence of the  
 31 officer who makes the arrest, the arrest is based on probable cause on reasonable  
 32 complaint of a person who observed the alleged offense; or

33 D. When there is probable cause to believe that a child has committed an offense  
 34 which if committed by an adult would be a felony; or

35 E. When a law-enforcement officer has probable cause to believe that a person  
 36 committed to the Department of ~~Corrections~~ *Youth Services* as a child has run away or  
 37 that a child has escaped from a jail or detention home; or

38 F. When a law-enforcement officer has probable cause to believe a child has run away  
 39 from a residential, child-caring facility or home in which he had been placed by the court,  
 40 the local department of public welfare or social services or a licensed child welfare  
 41 agency; or

42 G. When a law-enforcement officer has probable cause to believe that a child (i) has  
 43 run away from home or (ii) is without adult supervision at such hours of the night and  
 44 under such circumstances that the law-enforcement officer reasonably concludes that there  
 45 is a clear and substantial danger to the child's welfare; or

46 H. With a temporary detention order issued in accordance with § 37.1-67.1 by a special  
 47 justice appointed pursuant to § 37.1-88, who shall receive no fee, or by a magistrate.

48 § 16.1-275. Physical and mental examinations and treatment; nursing and medical care.—  
 49 The juvenile court or the circuit court may cause any child within its jurisdiction unde  
 50 the provisions of this law to be physically examined and treated by a physician or to be  
 51 examined and treated at a local mental health center. If no such appropriate facility is  
 52 available locally, the court may order the child to be examined and treated by any  
 53 physician or psychiatrist or examined by a clinical psychologist. The Commissioner of  
 54 Mental Health, Mental Retardation and Substance Abuse Services shall provide for

1 distribution a list of appropriate mental health centers available throughout the  
2 Commonwealth. Upon the written recommendation of the physician, psychiatrist or clinical  
3 psychologist the court shall have the power to send any such child to a state mental  
4 hospital for not more than thirty days for the purpose of obtaining a recommendation for  
5 the treatment of the child. No child sent to a state mental hospital pursuant to this  
6 provision shall be held or cared for in any maximum security unit where adults  
7 determined to be criminally insane reside; the child shall be kept separate and apart from  
8 such adults. However, the Commissioner of the Department of Mental Health, Mental  
9 Retardation and Substance Abuse Services may place a child fifteen years of age or older  
10 who has been certified to the circuit court for trial as an adult pursuant to § 16.1-269 or §  
11 16.1-270 or who has been convicted as an adult of a felony in the circuit court in a unit  
12 appropriate for the care and treatment of persons under a criminal charge when, in his  
13 discretion, such placement is necessary to protect the security or safety of other patients,  
14 staff or the public.

15 Whenever the parent or other person responsible for the care and support of a child is  
16 determined by the court to be financially unable to pay the costs of such examination as  
17 ordered by the juvenile court or the circuit court, such costs may be paid according to  
18 standards, procedures and rates adopted by the State Board, from funds appropriated in the  
19 general appropriation act for the Department.

20 The juvenile court or the circuit court may cause any child within its jurisdiction who  
21 is alleged to be delinquent or in need of services to be placed in the temporary custody of  
22 the Department of ~~Corrections~~ *Youth Services* for a period of time not to exceed thirty  
23 days for diagnostic assessment services after the adjudicatory hearing and prior to final  
24 disposition of his or her case. Prior to such a placement, the Department shall determine  
25 that the personnel, services and space are available in the appropriate correctional facility  
26 for the care, supervision and study of such child and that the child's case is appropriate  
27 for referral for diagnostic services.

28 Whenever a child concerning whom a petition has been filed appears to be in need of  
29 nursing, medical or surgical care, the juvenile court or the circuit court may order the  
30 parent or other person responsible for the care and support of the child to provide such  
31 care in a hospital or otherwise and to pay the expenses thereof. If the parent or other  
32 person is unable or fails to provide such care, the juvenile court or the circuit court may  
33 refer the matter to the authority designated in accordance with law for the determination  
34 of eligibility for such services in the county or city in which such child or his parents have  
35 residence or legal domicile.

36 In any such case, if a parent who is able to do so fails or refuses to comply with the  
37 order, the juvenile court or the circuit court may proceed against him as for contempt or  
38 may proceed against him for nonsupport.

39 § 16.1-279. Disposition.—A. If a child is found to be abused or neglected, or is at risk of  
40 being abused or neglected by a parent or custodian who has been adjudicated as having  
41 abused or neglected another child in the care of the parent or custodian, or is abandoned  
42 by his parent or other custodian or who by reason of the absence or physical or mental  
43 incapacity of his parents is without parental care and guardianship, the juvenile court or  
44 the circuit court, as the case may be, may make any of the following orders of disposition  
45 to protect the welfare of the child:

46 1. Enter an order pursuant to the provisions of § 16.1-278.  
47 2. Permit the child to remain with his or her parent, guardian, legal custodian or other  
48 person standing in loco parentis subject to such conditions and limitations as the court may  
49 order with respect to such child, and his or her parent, guardian, legal custodian, other  
50 person standing in loco parentis or other adult occupant of the same dwelling.

51 2a. Prohibit or limit contact as the court deems appropriate between the child and his  
52 or her parent, guardian, legal custodian, other person standing in loco parentis or other  
53 adult occupant of the same dwelling whose presence tends to endanger the child's life,  
54 health or normal development. Such prohibition may include the exclusion of any such

1 individual from the home under such conditions as the court may prescribe for a period to  
2 be determined by the court but in no event for longer than 180 days from the date of such  
3 determination. A hearing shall be held within 150 days to determine further disposition of  
4 the matter.

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

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

9 b. A child welfare agency, private organization or facility which is licensed or otherwise  
10 authorized by law to receive and provide care for such child; however, no court shall  
11 transfer legal custody of an abused or neglected child to an agency, organization or facility  
12 out of the Commonwealth without the approval of the Commissioner of Social Services.

13 c. The local board of public welfare or social services of the county or city in which  
14 the court has jurisdiction or, at the discretion of the court, to the local board of the county  
15 or city in which the child has residence if other than the county or city in which the court  
16 has jurisdiction, which board shall accept such child for care and custody. However, such  
17 local board shall not be required to accept such child until it has been given reasonable  
18 notice of the pendency of the case and an opportunity to be heard, provided that, in an  
19 emergency in the county or city in which the court has jurisdiction, such local board may  
20 be required to accept a child for a period not to exceed fourteen days without prior notice  
21 or an opportunity to be heard if the judge entering the placement order describes the  
22 emergency and the need for such temporary placement in the order. Nothing herein shall  
23 be construed as prohibiting the commitment of a child to any local board of public welfare  
24 or social services in the Commonwealth when such local board consents to the  
25 commitment. The board to which the child is committed shall have the final authority to  
26 determine the appropriate placement for the child. Any order authorizing removal from the  
27 home and transferring legal custody of a child to a local board of public welfare or social  
28 services as provided in this subdivision shall be entered only upon a finding by the court  
29 that reasonable efforts have been made to prevent removal and that continued placement  
30 in the home would be contrary to the welfare of the child, and the order shall so state.

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

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

36 B. When a parent or other custodian seeks to be relieved of the care and custody of  
37 any child pursuant to subdivision A 4 of § 16.1-241 or when a public or private agency  
38 seeks to gain approval of an entrustment agreement pursuant to § 63.1-56 or § 63.1-204, the  
39 juvenile court or the circuit court may, after compliance with § 16.1-277, make any of the  
40 orders of disposition permitted in a case involving an abused or neglected child. If the  
41 parent or other custodian seeks to be relieved permanently of the care and custody of any  
42 child or when a public or private agency seeks to gain approval of a permanent  
43 entrustment agreement entered into pursuant to § 63.1-56 or § 63.1-204, the juvenile court  
44 or the circuit court may, after compliance with § 16.1-277, terminate the parental rights of  
45 the parent or other custodian and appoint a local board of public welfare or social services  
46 or a licensed child-placing agency as custodian of the child with the authority to place the  
47 child for adoption and consent thereto. The parental rights of the remaining parent may be  
48 terminated even though that parent has not entered into an entrustment agreement if the  
49 court finds, based upon clear and convincing evidence, that it is in the best interests of the  
50 child and that (i) the identity of the parent is not reasonably ascertainable or (ii) the  
51 identity and whereabouts of the parent are known or reasonably ascertainable, and the  
52 parent is personally served with notice of the termination proceeding pursuant to § 8.01-296  
53 or § 8.01-320, or (iii) the whereabouts of the parent are not reasonably ascertainable and  
54 the parent is given notice of termination proceedings by certified or registered mail to the

1 last known address and such parent fails to object to the proceedings within twenty-one  
2 days of the mailing of such notice or (iv) the whereabouts of the parent are not  
3 reasonably ascertainable and the parent is given notice of termination proceedings through  
4 an order of publication, published at least once per week in a newspaper having general  
5 circulation in the area for a period of four weeks, and such parent fails to object to the  
6 proceedings. Proceedings under this subsection shall be advanced on the docket so as to  
7 provide for their earliest practicable disposition. No order of disposition pursuant to this  
8 subsection B shall be made over the objection of any party, which was not provided for or  
9 requested in the entrustment agreement or in the petition's prayer for relief.

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

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

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

18 2a. Order the parent, guardian, legal custodian or other person standing in loco parentis  
19 of a child living with such person to participate in such programs, cooperate in such  
20 treatment or be subject to such conditions and limitations as the court may order and as  
21 are designed for the rehabilitation of the child and parent, guardian, legal custodian or  
22 other person standing in loco parentis of such child.

23 3. [Repealed.]

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

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

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

33 5. Transfer legal custody to any of the following:

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

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

40 c. The local board of public welfare or social services of the county or city in which  
41 the court has jurisdiction or, at the discretion of the court, to the local board of the county  
42 or city in which the child has residence if other than the county or city in which the court  
43 has jurisdiction, which board shall accept such child for care and custody. Such local board  
44 shall not be required to accept such child until it has been given reasonable notice of the  
45 pendency of the case and an opportunity to be heard, provided that, in an emergency in  
46 the county or city in which the court has jurisdiction, such local board may be required to  
47 accept a child for a period not to exceed fourteen days without prior notice or an  
48 opportunity to be heard if the judge entering the placement order describes the emergency  
49 and the need for such temporary placement in the order. Nothing herein shall be  
50 construed as prohibiting the commitment of a child to any local board of public welfare or  
51 social services in the Commonwealth when such local board consents to the commitment.  
52 The board to which the child is committed shall have the final authority to determine the  
53 appropriate placement for the child. Any order authorizing removal from the home and  
54 transferring legal custody of a child to a local board of public welfare or social services as

1 provided in this subdivision shall be entered only upon a finding by the court that  
 2 reasonable efforts have been made to prevent removal and that continued placement in t'  
 3 home would be contrary to the welfare of the child, and the order shall so state.

4 6. Require the child to participate in a public service project under such conditions as  
 5 the court prescribes.

6 C1. If a child is found to be in need of supervision, the court may make any of the  
 7 following orders of disposition for the supervision, care and rehabilitation of the child. Any  
 8 order entered pursuant to this subsection shall be provided in writing to the child, his or  
 9 her parent or legal custodian and to the child's attorney and shall contain adequate notice  
 10 of the provisions of § 16.1-292 regarding willful violation of such order.

11 1. Enter any order of disposition authorized by subsection C of this section.

12 2. Place the child on probation under such conditions and limitations as the court may  
 13 prescribe.

14 3. Order the child, the child's parent, guardian or legal custodian to participate in such  
 15 programs, cooperate in such treatment or be subject to such conditions and limitations as  
 16 the court may order and as are designed for the rehabilitation of the child.

17 4. Require the child to participate in a public service project as authorized by  
 18 subdivision E 7a of this section, under such conditions as the court may prescribe.

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

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

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

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

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

38 3a. Defer disposition for a period of time not to exceed twelve months, after which  
 39 time the charge may be dismissed by the judge if the child exhibits good behavior during  
 40 the period which disposition is deferred.

41 3b. Without entering a judgment of guilty and with the consent of the child and his  
 42 attorney, defer disposition of the delinquency charge for a period not to exceed twelve  
 43 months and place the child on probation under such conditions and limitations as the court  
 44 may prescribe. Upon fulfillment of the terms and conditions, the court shall discharge the  
 45 child and dismiss the proceedings against him. Discharge and dismissal under these  
 46 provisions shall be without adjudication of guilt.

47 3c. Order the parent of a child with whom the child does not reside to participate in  
 48 such programs, cooperate in such treatment or be subject to such conditions and limitation<sup>s</sup>  
 49 as the court may order and as are designed for the rehabilitation of the child where t  
 50 court determines this participation to be in the best interest of the child and other partic  
 51 concerned and where the court determines it reasonable to expect the parent to be able to  
 52 comply with such order.

53 4. Place the child on probation under such conditions and limitations as the court may  
 54 prescribe.

- 1 5. Impose a fine not to exceed \$500 upon such child.
- 2 6. Suspend the motor vehicle and driver's license of such child.
- 3 7. Require the child to make restitution or reparation to the aggrieved party or parties
- 4 for actual damages or loss caused by the offense for which the child was found to be
- 5 delinquent.
- 6 7a. Require the child to participate in a public service project under such conditions as
- 7 the court prescribes. For purposes of this section a "public service project" shall mean any
- 8 governmental or quasi-governmental agency project or any project of a nonprofit
- 9 corporation or association operated exclusively for charitable or community purposes.
- 10 8. In case of traffic violations, impose only those penalties which are authorized to be
- 11 imposed on adults for such violations. However, for those violations punishable by
- 12 confinement if committed by an adult, confinement shall be imposed only as authorized by
- 13 this title.
- 14 9. Transfer legal custody to any of the following:
- 15 a. A relative or other individual who, after study, is found by the court to be qualified
- 16 to receive and care for the child.
- 17 b. A child welfare agency, private organization or facility which is licensed or otherwise
- 18 authorized by law to receive and provide care for such child; however, no court shall
- 19 transfer legal custody of a delinquent child to an agency, organization or facility outside of
- 20 the Commonwealth without the approval of the Director.
- 21 c. The local board of public welfare or social services of the county or city in which
- 22 the court has jurisdiction or, at the discretion of the court, to the local board of the county
- 23 or city in which the child has residence if other than the county or city in which the court
- 24 has jurisdiction, which board shall accept such child for care and custody. Such local board
- 25 shall not be required to accept such child until it has been given reasonable notice of the
- 26 pendency of the case and an opportunity to be heard, provided that, in an emergency in
- 27 the county or city in which the court has jurisdiction, such local board may be required to
- 28 temporarily accept a child for a period not to exceed fourteen days without prior notice or
- 29 an opportunity to be heard if the judge entering the placement order describes the
- 30 emergency and the need for such temporary placement in the order. Nothing herein shall
- 31 be construed as prohibiting the commitment of a child to any local board of public welfare
- 32 or social services in the Commonwealth when such local board consents to the
- 33 commitment. The board to which the child is committed shall have the final authority to
- 34 determine the appropriate placement for the child. Any order authorizing removal from the
- 35 home and transferring legal custody of a child to a local board of public welfare or social
- 36 services as provided in this subdivision shall be entered only upon a finding by the court
- 37 that reasonable efforts have been made to prevent removal and that continued placement
- 38 in the home would be contrary to the welfare of the child, and the order shall so state.
- 39 10. Commit the child to the Department of ~~Corrections~~ *Youth Services* ; however, no
- 40 child ten years of age or under shall be committed to the Department.
- 41 11. Impose the penalty authorized by § 16.1-284.
- 42 12. Impose the penalty authorized by § 16.1-284.1.
- 43 13. Impose the penalty authorized by § 16.1-285.1.
- 44 F. In cases involving the custody, visitation or support of a child pursuant to subdivision
- 45 A 3 of § 16.1-241, the court may make any order of disposition to protect the welfare of
- 46 the child and family as may be made by the circuit court, including an order that support
- 47 be paid for a child who is (i) a full-time high school senior, (ii) not self-supporting and
- 48 (iii) living in the home of the parent seeking or receiving child support, until the child
- 49 reaches the age of nineteen or graduates from high school, whichever occurs first. In any
- 50 case involving the custody of a child, custody may be awarded upon petition to any party
- 51 with a legitimate interest therein, including, but not limited to, grandparents and other
- 52 blood relatives and family members. The term "legitimate interest" shall be broadly
- 53 construed to accommodate the best interest of the child. The authority of the juvenile court
- 54 to consider a petition involving the custody of a child shall not be proscribed or limited

1 where the child has previously been awarded to the custody of a local board of social  
2 services. In any determination of support obligation under this section, the support  
3 obligation as it becomes due and unpaid creates a judgment by operation of law. Su  
4 judgment becomes a lien against real estate only when docketed in the county or ci  
5 where such real estate is located. Nothing herein shall be construed to alter or amend the  
6 process of attachment of any lien on personal property.

7 F1. In cases involving a child who is charged with a traffic infraction, impose only  
8 those penalties which are authorized to be imposed on adults for such infractions.

9 G. In cases involving a person who is adjudged mentally ill or is judicially certified as  
10 eligible for admission to a treatment facility for the mentally retarded, disposition shall be  
11 in accordance with the provisions of Chapters 1 (§ 37.1-1 et seq.) and 2 (§ 37.1-63 et seq.)  
12 of Title 37.1. No child shall be committed pursuant to this section or the provisions of Title  
13 37.1 to a maximum security unit within any state mental hospital where adults determined  
14 to be criminally insane reside.

15 H. In cases involving judicial consent to the matters set out in subdivisions C and D of  
16 § 16.1-241, the juvenile court or the circuit court may make any appropriate order to  
17 protect the health and welfare of the child.

18 I. In cases involving charges of desertion, abandonment or failure to provide support by  
19 any person in violation of law, disposition shall be made in accordance with Chapter 5 (§  
20 20-61 et seq.) of Title 20.

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

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

31 L. In cases involving the violation of any law, regulation or ordinance for the education,  
32 protection or care of children or involving offenses committed by one spouse against  
33 another, the juvenile court or the circuit court may impose a penalty prescribed by  
34 applicable sections of the Code. However, in cases involving offenses committed by one  
35 spouse against another, the court may impose conditions and limitations in an effort to  
36 effect the reconciliation and rehabilitation of the parties, including, but not limited to, an  
37 order of protection as provided in § 16.1-279.1, treatment and counseling for either or both  
38 spouses and payment by the defendant spouse for crisis shelter care for the complaining  
39 spouse.

40 M. In cases involving a spouse who seeks spousal support after having separated from  
41 his or her spouse, the court may enter any appropriate order to protect the welfare of the  
42 spouse seeking support.

43 N. In any matter properly before the court, the court may make such award of  
44 attorneys' fees and costs on behalf of any party as the court may deem appropriate for  
45 retained attorneys based on the relative financial ability of the parties.

46 O. Each juvenile and domestic relations district court may enter judgment for money in  
47 any amount for arrears of support and maintenance of any person in cases in which (i)  
48 the court has previously acquired personal jurisdiction over all necessary parties or a  
49 proceeding in which such jurisdiction has been obtained has been referred or transferre  
50 to the court by a circuit court or another juvenile and domestic relations district court, a  
51 (ii) payment of such money has been previously ordered by the court, a circuit court, or  
52 another juvenile and domestic relations district court. However, no such judgment shall be  
53 entered unless the motion of a party, a probation officer, a superintendent of public  
54 welfare, or the court's own motion, is duly served on the person against whom judgment is



1 sought, in accordance with the applicable provisions of law relating to notice when  
2 proceedings are reopened. The motion shall contain a caption stating the name of the  
3 court, the title of the action, the names of all parties and the address of the party against  
4 whom judgment is sought, the amount of arrearage for which judgment is sought, and the  
5 date and time when such judgment will be sought. No support order may be retroactively  
6 modified, but may be modified with respect to any period during which there is a pending  
7 petition for modification, but only from the date that notice of such petition has been given  
8 to the responding party.

9 P. The judge or clerk of the court shall, upon written request of the obligee under a  
10 judgment entered pursuant to this section, certify and deliver an abstract of that judgment  
11 to the obligee or Department of Social Services.

12 Q. If the amount of the judgment does not exceed the jurisdictional limits of § 16.1-77  
13 (1), exclusive of interest and any attorneys' fees, an abstract of any such judgment entered  
14 pursuant to this section may be delivered to the clerk of the general district court of the  
15 same judicial district, and executions upon such judgment shall be issued by the clerk of  
16 such general district court.

17 R. Arrearages accumulated prior to July 1, 1976, shall also be subject to the provisions  
18 of this section.

19 S. In cases involving (i) the custody, visitation or support of a child arising under  
20 subdivision A 3 of § 16.1-241, (ii) spousal support arising under subdivision L of § 16.1-241  
21 or (iii) support, maintenance, care, and custody of a child or support and maintenance of a  
22 spouse transferred to the juvenile and domestic relations district court pursuant to § 20-79,  
23 or (iv) motions to enforce administrative support orders entered pursuant to Chapter 13 of  
24 Title 63.1 (§ 63.1-249 et seq.), when the court finds that the respondent (i) has failed to  
25 perform or comply with a court order concerning the custody and visitation of a child or a  
26 court or administrative order concerning the support and maintenance of a child or a court  
27 order concerning the support and maintenance of a spouse, or (ii) under existing  
28 circumstances, is under a duty to render support or additional support to a child or pay  
29 the support and maintenance of a spouse, the court may order a payroll deduction as  
30 provided in § 20-79.1, or the giving of a recognizance as provided in § 20-114. If the court  
31 finds that the respondent has failed to perform or comply with such order, the court also  
32 may order the commitment of the person as provided in § 20-115 or the court may, in its  
33 discretion, impose a sentence of up to twelve months in jail, notwithstanding the provisions  
34 of §§ 16.1-69.24 and 18.2-458, relating to punishment for contempt. If the court finds that an  
35 employer, who is under a payroll deduction order pursuant to § 20-79.1, has failed to  
36 comply with such order after being given a reasonable opportunity to show cause why he  
37 failed to comply with such order, then the court may proceed to impose sanctions on the  
38 employer pursuant to subsection G of § 20-79.1.

39 T. In cases involving (i) the custody, visitation or support of a child arising under  
40 subdivision A 3 of § 16.1-241, (ii) spousal support arising under subdivision L of § 16.1-241  
41 or (iii) support, maintenance, care, and custody of a child or support and maintenance of a  
42 spouse transferred to the juvenile and domestic relations district court pursuant to § 20-79,  
43 the court may enter support orders in pendente lite proceedings, provided such proceedings  
44 shall not be ex parte.

45 § 16.1-284.1. Placement in secure local facility.—A. If a child sixteen years of age or  
46 older is found to have committed an offense which if committed by an adult would be  
47 punishable by confinement in a state or local correctional facility as defined in § 53.1-1,  
48 and the court determines (i) after receipt of a social history compiled pursuant to §  
49 16.1-273 that the child has not previously been found guilty of a delinquent act within the  
50 preceding twelve months, (ii) that the interests of the child and the community require  
51 that the child be placed under legal restraint or discipline, and (iii) that other placements  
52 authorized by this title will not serve the best interests of the child, then the court may  
53 order the child confined in a detention home or other secure facility for juveniles for a  
54 period not to exceed thirty calendar days from the date the order is entered, inclusive of

1 time served in a detention home or other secure facility, for a single offense or multiple  
2 offenses.

3 B. If a child sixteen years of age or older is found to have committed an offense which  
4 if committed by an adult would be punishable by confinement in a state or local  
5 correctional facility as defined in § 53.1-1, and the court determines (i) after receipt of a  
6 social history compiled within the immediately preceding twelve months pursuant to §  
7 16.1-273 that the child has been adjudged a delinquent within the immediately preceding  
8 twelve months and has failed to respond to past treatment efforts, (ii) that the child is  
9 amenable to continued treatment efforts in the community, and (iii) the interests of the  
10 community and the child require that the child be placed under legal restraint or  
11 discipline, based on the nature of the present offense, the nature of the child's prior  
12 delinquency record, and the nature of the past treatment efforts, then the court may order  
13 the child committed to the Department, but suspend such commitment and order the child  
14 confined in a detention home or other secure facility for juveniles for a period not to  
15 exceed six months, inclusive of time served in detention while awaiting disposition, for a  
16 single offense or for multiple offenses. In suspending the commitment to the Department as  
17 provided for in this paragraph, the court shall specify conditions for the child's  
18 participation in one or more community treatment programs as may be appropriate for the  
19 child's rehabilitation.

20 C. During any period of confinement ordered pursuant to this section, the court shall  
21 conduct a mandatory review hearing at least once during each thirty days of the period of  
22 confinement and at such other times upon the request of the child's probation officer, for  
23 good cause shown. If it appears at such hearing that the purpose of the order of  
24 confinement has been achieved, the child shall be released on probation for such period  
25 and under such conditions as the court may specify and remain subject to the order  
26 suspending commitment to the State Department of ~~Corrections~~ *Youth Services*. If the  
27 court determines at the first or any subsequent review hearing that the child is consistently  
28 failing to comply with the conditions specified by the court or the policies and program  
29 requirements of the facility, then the court shall order that the child either be (i) released  
30 under such conditions as the court may specify subject to the suspended commitment, or  
31 (ii) committed to the State Department of ~~Corrections~~ *Youth Services* pursuant to §  
32 16.1-291. If the court determines at the first or any subsequent review hearing that the  
33 child is not actively involved in any community treatment program through no fault of his  
34 own, then the court shall order that the child be released under such conditions as the  
35 court may specify subject to the suspended commitment.

36 D. A child may only be ordered confined pursuant to this section to a facility in  
37 compliance with standards established by the State Board for such placements; standards  
38 for these facilities shall have regard for reasonable utilization of these facilities and the  
39 requirements of § 16.1-310, consistent with the intent of this section.

40 E. The Department of ~~Corrections~~ *Youth Services* shall assist the localities or  
41 combinations thereof in implementing this section consistent with the statewide plan  
42 required by § 16.1-310 and pursuant to standards promulgated by the State Board, in order  
43 to ensure the availability and reasonable access of each court to the facilities the use of  
44 which is authorized by this section.

45 § 16.1-286. Cost of maintenance; approval of placement; semiannual review; roster of  
46 placed children.—A. When the court determines that the behavior of a child within its  
47 jurisdiction is such that it cannot be dealt with in the child's own locality or with the  
48 resources of his locality, it may take custody and place the child, pursuant to the  
49 provisions of subdivisions C 5 b or E 9 b of § 16.1-279 in a private or locally operated  
50 public facility, or nonresidential program, excluding those facilities operating under the  
51 provisions of § 16.1-313, and approved by the State Board. If such placement is made in  
52 accordance with policies and procedures established by the State Board and is not outside  
53 the political boundaries of the Commonwealth of Virginia, the cost of such placements shall  
54 be paid by the Treasurer out of the general appropriation for criminal costs on warrants of

1 the Comptroller issued upon vouchers approved and signed by the Director or his designee.  
2 The Board shall establish a per diem allowance to cover the cost of such placements. The  
3 cost, however, shall not exceed that amount which would be incurred if the services  
4 required by the child were provided in a juvenile facility operated by the Department of  
5 ~~Corrections~~ *Youth Services* . However, when the court determines after an investigation  
6 and a hearing that the child's parent or other person legally obligated to provide support is  
7 financially able to contribute to support of the child, the court may order that the parent  
8 or other legally obligated person pay, in such manner as the court may direct, reasonable  
9 sums commensurate with the ability to pay toward the support and treatment of the child  
10 placed in a program pursuant to this section. If the parent or other obligated person  
11 willfully fails or refuses to pay such sum, the court may proceed against him for contempt.  
12 Alternatively, the court, after reasonable notice to the obligor, may enter an order  
13 adjudicating that the obligor is delinquent and such order shall have the effect of a civil  
14 judgment when duly docketed in the manner prescribed for the docketing of other  
15 judgments for money provided.

16 B. Pursuant to regulations established by the Board, the Director or his designee shall  
17 be responsible for the placement or approval of placement of all children placed pursuant  
18 to the provisions of this section in facilities or programs which can provide appropriate  
19 care and for the provision of proper supervision by the court or court service unit making  
20 the placement. The court shall receive and review, at least semiannually, recommendations  
21 concerning the continued care of each child in such placements.

22 C. The Director shall cause a current roster to be maintained concerning the  
23 whereabouts of all children placed pursuant to this section.

24 § 16.1-287. Transfer of information upon commitment; information to be furnished by  
25 and to local school boards.—Whenever the court commits a child to the Department of  
26 ~~Corrections~~ *Youth Services* , or to any other institution or agency, it shall transmit with the  
27 order of commitment copies of the clinical reports, predisposition study and other  
28 information it has pertinent to the care and treatment of the child. The Department shall  
29 not be responsible for any such committed child until it has received the court order and  
30 the information concerning the child. All local school boards shall be required to furnish  
31 the Department promptly with any information from its files which the Department deems  
32 to be necessary in the classification, evaluation, placement or treatment of any child  
33 committed to the Department. The Department shall likewise be required to furnish local  
34 school boards academic, vocational and related achievement information promptly from its  
35 files which the local school board may deem necessary when children are returned to the  
36 community from the Department's care. The Department and other institutions or agencies  
37 shall give to the court such information concerning the child as the court at any time  
38 requires. All such information shall be treated as confidential.

39 § 16.1-294. Placing child on parole in foster home or with institution; how cost paid.—  
40 When the child is returned to the custody of the court for parole supervision by the court  
41 service unit or the local department of public welfare or social services for supervision,  
42 and, after a full investigation, the court is of the opinion that the child should not be  
43 placed in his or her home or is in need of treatment, and there are no funds available to  
44 board and maintain the child or to purchase the needed treatment services, the court  
45 service unit or the local department of public welfare or social services shall arrange with  
46 the Director of the Department of ~~Corrections~~ *Youth Services* for the boarding of the child  
47 in a foster home or with any private institution, society or association or for the purchase  
48 of treatment services. The cost of maintaining such child shall be paid monthly, according  
49 to schedules prepared and adopted by the Department, out of funds appropriated for such  
50 purposes. Treatment services for such child shall be paid from funds appropriated to the  
51 Department for such purpose.

52 § 16.1-295. Transfer of supervision from one county or city to another, or to another  
53 state.—If any person on probation to or under the supervision of any juvenile probation  
54 officer or other officer of the court remove his residence or place of abode from the

1 county or city in which he was so placed on probation or under supervision to another  
 2 county or city in the *State Commonwealth*, the court in the city or county from which he  
 3 removed his residence or place of abode may then arrange the transfer of the supervision  
 4 to the city or county to which he moves his place of residence or abode, or such transfer  
 5 may be ordered by the transferring court.

6 The Director of the Department of ~~Corrections~~ *Youth Services* may make provision for  
 7 the transfer of a juvenile placed on probation in this *State Commonwealth* to another state  
 8 to be there placed on probation under the terms of Article 4 (§53-288 et seq.) of Chapter  
 9 11 of Title 53 of the Code.

10 The costs of returning juveniles on probation or parole to their places of residence,  
 11 whether within or outside of this *State Commonwealth*, shall be paid in accordance with  
 12 regulations established by the State Board from funds appropriated in the general  
 13 appropriation act for criminal costs.

14 § 16.1-300. Confidentiality of Department records.—A. The social, medical, psychiatric  
 15 and psychological reports and records of children who are committed to the Department of  
 16 ~~Corrections~~ *Youth Services* shall be confidential and shall be open for inspection only to  
 17 the following:

18 1. The judge, prosecuting attorney, probation officers and professional staff assigned to  
 19 serve a court having the child currently before it in any proceeding;

20 2. Any public agency, child welfare agency, private organization, facility or person who  
 21 is treating the child pursuant to a contract with the Department;

22 3. The child's parent, guardian, legal custodian or other person standing in loco parentis  
 23 and the child's attorney;

24 4. Any person who previously has been a ward of the Department and who has reached  
 25 the age of majority;

26 5. Any state agency providing funds to the Department of ~~Corrections~~ *Youth Services*  
 27 and required by the federal government to monitor or audit the effectiveness of programs  
 28 for the benefit of juveniles which are financed in whole or in part by federal funds;

29 6. Any other person, agency or institution, by order of the court, having a legitimate  
 30 interest in the case or in the work of the court;

31 7. Any person, agency, organization or institution outside the Department which, at the  
 32 Department's request is conducting research or evaluation on the work of the Department  
 33 or any of its divisions.

34 A designated individual treating or responsible for the treatment of a person who was  
 35 previously a ward of the Department may inspect such reports and records as are kept by  
 36 the Department on such person or receive copies thereof, when the person who is the  
 37 subject of the reports and records or his parent, guardian, legal custodian or other person  
 38 standing in loco parentis if the person is under the age of eighteen, provides written  
 39 authorization to the Department prior to the release of such reports and records for  
 40 inspection or copying to the designated individual.

41 B. The Department may withhold from inspection by a child's parent, guardian, legal  
 42 custodian or other person standing in loco parentis that portion of the records referred to  
 43 in A hereof, when the staff of the Department determines, in its discretion, that disclosure  
 44 of such information would be detrimental to the child, provided that the juvenile and  
 45 domestic relations district court having jurisdiction over the facility where the child is  
 46 currently placed shall concur in such determination.

47 If a parent, guardian, legal custodian or other person standing in loco parentis requests  
 48 to inspect the reports and records concerning his child and if the Department withholds  
 49 from inspection any portion of such record or report pursuant to the preceding provisions,  
 50 the Department shall (i) inform the individual making the request of the action taken to  
 51 withhold any information and the reasons for such action; (ii) provide such individual with  
 52 as much information about the child's progress as is deemed appropriate under the  
 53 circumstances; and (iii) notify the individual in writing at the time of the request of his  
 54 right to request judicial review of the Department's decision. The circuit court having

1 jurisdiction over the facility where the child is currently placed shall have jurisdiction over  
2 petitions filed by a parent, guardian, legal custodian or other person standing in loco  
3 parentis for review of the Department's decision to withhold reports or records as provided  
4 herein.

5 § 16.1-309. Penalty.—Except as provided in §§ 16.1-299, 16.1-300, 16.1-301, 16.1-305 and  
6 16.1-307, any person who files a petition, receives a petition or has access to court records  
7 in an official capacity, participates in the investigation of allegations which form the basis  
8 of a petition, is interviewed concerning such allegations and whose information is derived  
9 solely from such interview or is present during any court proceeding who discloses or  
10 makes use of or knowingly permits the use of identifying information concerning a juvenile  
11 who is suspected of being or is the subject of a proceeding within the jurisdiction of the  
12 juvenile court pursuant to ~~subsections subdivisions~~ 1 through 5 of ~~paragraph subsection A~~  
13 of § 16.1-241 or who is in the custody of the State ~~Board~~ *Department of Corrections Youth*  
14 *Services*, which information is directly or indirectly derived from the records or files of a  
15 law-enforcement agency, court or the Department of ~~Corrections Youth Services~~ or  
16 acquired in the course of official duties, shall be guilty of a Class 3 misdemeanor.

17 § 16.1-310. Statewide plan for detention and other care facilities.—It shall be the duty of  
18 the Department of ~~Corrections Youth Services~~ to devise, develop and promulgate a  
19 statewide plan for the establishment and maintenance of suitable local and regional  
20 detention homes, group homes and other residential care facilities for children in need of  
21 services, delinquent or alleged delinquent youth, reasonably accessible to each court.

22 § 16.1-318. Powers of commission generally; supervision by Director of Department of  
23 Youth Services.—Each commission created hereunder shall have all powers necessary or  
24 convenient for carrying out the general purposes of this article, including the following  
25 powers in addition to others herein granted, and subject to such supervision by the  
26 Director of the Department of ~~Corrections Youth Services~~ as is provided in §§16.1-310  
27 through 16.1-312 of this law:

28 A. In general. - To adopt a seal and alter the same at pleasure; to have perpetual  
29 succession; and to make and execute contracts and other instruments necessary or  
30 convenient to the exercise of its powers.

31 B. Officers, agents and employees. - To employ such technical experts, and such other  
32 officers, agents and employees as it may require, to fix their qualifications, duties and  
33 compensation and to remove such employees at pleasure.

34 C. Acquisition of property. - To acquire within the territorial limits of the political  
35 subdivisions for which it is formed, by purchase, lease, gift, or exercise of the right of  
36 eminent domain, subject to conditions hereinafter set forth, whatever lands, buildings and  
37 structures may be reasonably necessary for the purpose of establishing, constructing,  
38 enlarging, maintaining and operating one or more juvenile detention homes or facilities for  
39 the reception of juveniles committed thereto under the provisions of this chapter; provided,  
40 however, that such lands, buildings and structures may be acquired by purchase, lease or  
41 gift, although not within said territorial limits, if the location thereof be feasible and  
42 practicable with relation to the several political subdivisions for which such commission is  
43 formed; provided further, that such location be approved by resolution of the governing  
44 bodies of the participating political subdivisions and of the governing body of the political  
45 subdivision in which such lands, buildings and structures are to be located, and the consent  
46 in writing of the Director of the Department of ~~Corrections~~ is given thereto.

47 D. Construction. - To acquire, establish, construct, enlarge, improve, maintain, equip and  
48 operate any juvenile detention home or facility.

49 E. Rules and regulations for management. - To make and enforce rules and regulations  
50 for the management and conduct of its business and affairs and for the use, maintenance  
51 and operation of its facilities and properties.

52 F. Acceptance of donations. - To accept gifts and grants from the ~~State~~ *Commonwealth*  
53 or any political subdivision thereof, and from the United States and any of its agencies;  
54 and to accept donations of money, personal property or real estate. and take title thereto

1 from any person, firm, corporation or association.

2 G. Rules and Regulations as to juveniles under care. - To make rules, regulations a  
3 policies governing the care, guidance and training of juveniles in such detention facilities.

4 § 18.2-64.1. Carnal knowledge of certain minors.—If any person providing services, paid  
5 or unpaid, to juveniles under the purview of the Juvenile and Domestic Relations District  
6 Court Law, or to juveniles who have been committed to the custody of the State Board  
7 Department of Corrections Youth Services , carnally know, without the use of force, any  
8 minor fifteen years of age or older, when such minor is confined or detained in jail, is  
9 detained in any facility mentioned in § ~~16.1-199(a)~~ 16.1-249 , or has been committed to the  
10 custody of the Board Department of Corrections Youth Services pursuant to § 16.1-178  
11 16.1-279 , knowing or having good reason to believe that (i) such minor is in such  
12 confinement or detention status, or (ii) such minor is a ward of the Board Department of  
13 Corrections Youth Services , or (iii) such minor is on probation, furlough, or leave from or  
14 has escaped or absconded from such confinement, detention, or custody; he shall be guilty  
15 of a Class 6 felony; ~~provided, however, that~~ if such minor is less than three years the  
16 junior of the accused, the accused shall be guilty of fornication. In calculating whether  
17 such minor is less than three years the junior of the accused, the actual dates of birth of  
18 the minor and the accused shall be used.

19 § 18.2-473. Persons aiding escape of prisoner or child.—When a person is lawfully  
20 detained as a prisoner in any jail or prison or held in custody, or when a child is placed  
21 in a local juvenile detention home, or committed to the Department of Corrections Youth  
22 Services in any learning center, or Reception and Diagnostic Center for Children or held in  
23 custody, if any person: (1) conveys anything into the jail, prison, juvenile detention home,  
24 learning center or Reception and Diagnostic Center for Children with intent to facilitate a  
25 person's escape therefrom, (2) in any way aids such prisoner or child to escape, or in  
26 attempt to escape, from such jail, prison, juvenile detention home, learning cent  
27 Reception and Diagnostic Center for Children or custody, or (3) forcibly takes, or attempts  
28 to take him therefrom, such person, if the taking or escape is effected, shall, if the  
29 prisoner or child was detained on conviction, commitment or charge of felony, be confined  
30 in the penitentiary not less than one year nor more than five years. If the same is not  
31 effected, or if the prisoner or child was not detained on such conviction, commitment or  
32 charge, he shall be guilty of a Class 1 misdemeanor.

33 § 18.2-477.1. Escapes from residential care facility.—It shall be unlawful for any person  
34 eighteen years of age or older to escape or remain away without proper authority from a  
35 detention home, group home or other residential care facility for children in need of  
36 services, delinquent or alleged delinquent youths in which he had been placed by the  
37 juvenile and domestic relations court or as a result of his commitment as a juvenile to the  
38 Department of Corrections Youth Services . Any person violating this section shall be taken  
39 into custody and brought before the juvenile and domestic relations court. The court may  
40 find the person in violation of § 16.1-292 of this Code or, if the court finds the person  
41 amenable to further treatment in a juvenile facility, the court may return him to the  
42 custody of the Department of Corrections .

43 § 18.2-480.1. Admissibility of records of Department of Corrections in escape cases.—In  
44 any prosecution for, or preliminary hearing for, the offense of escape under this article or  
45 Title 53 53.1 of this Code, the records maintained by the Department of Corrections or the  
46 Department of Youth Services , when such records are duly attested by the custodian of  
47 such records, shall be admissible in evidence as evidence of the fact, location and dates of  
48 confinement, provided that the records shall be filed with the clerk of the court hearing  
49 the case at least seven days prior to the trial or preliminary hearing. On motion of t  
50 accused, the court may require the custodian to appear as a witness and be subject to  
51 cross-examination; provided such motion is made within a reasonable time prior to the day  
52 on which the case is set for trial; and provided further, that the custodian so appearing  
53 shall be considered the State's state's witness.

54 § 20-48. Minimum age of marriage with consent of parents.—The minimum age at which

1 persons may marry, with consent of the parent or guardian, shall be sixteen.

2 In case of pregnancy when either party is under sixteen, the clerk authorized to issue  
3 marriage licenses in the county or city wherein the female resides shall issue a proper  
4 marriage license with the consent of the parent or guardian of the person or persons under  
5 the age ~~aforsaid~~ *of sixteen* only upon presentation of a doctor's certificate showing he has  
6 examined the female and that she is pregnant, or has been pregnant within the nine  
7 months previous to such examination, which certificate shall be filed by the clerk, and  
8 such marriage consummated under such circumstances shall be valid. If any such person  
9 under the age ~~aforsaid~~ *be of sixteen is* a ward of the ~~State~~ *Commonwealth* by virtue of  
10 having been adjudicated a delinquent, dependent, or neglected child, instead of the consent  
11 of the parent or natural guardian there shall be required the consent of the judge having  
12 jurisdiction to control the custody of such person; or, if such person so adjudicated shall  
13 have been committed to the ~~Board~~ *Department of Corrections Youth Services* or to any  
14 society, association, or institution approved by it for this purpose, such consent shall be  
15 given by some person thereto authorized by the Director of the Department of ~~Corrections~~  
16 *Youth Services*, or by the principal executive officer of such society, association, or  
17 institution, as the case may be.

18 Nothing herein contained shall be construed to prevent clerks from issuing a marriage  
19 license under circumstances mentioned in § 18.2-66, or to prevent persons under  
20 circumstances mentioned therein from marrying.

21 § 20-49. When consent required and how given.—If any person intending to marry ~~be is~~  
22 under eighteen years of age, and ~~have has~~ not been previously married, the consent of  
23 the father or mother or guardian of such person or persons, shall be given either  
24 personally to the clerk or judge, or in writing subscribed by a witness, who shall make  
25 oath before the clerk or judge that the writing was signed or sworn to in his presence by  
26 such father, guardian, or mother, as the case may be, or the writing shall be sworn to  
27 before a notary public or some person authorized to take acknowledgments to deeds under  
28 the laws of this ~~State~~ *Commonwealth*, which oath shall be properly certified by such  
29 officer. If there ~~be is~~ no father, guardian, or mother, or if such person or persons ~~be are~~  
30 abandoned by his ~~or her~~ *or their* parents, the judge of the circuit court of the county or  
31 city wherein such person or either of them resides, either in term or vacation, may on  
32 verified petition of such person or persons intending to marry, authorize a marriage license  
33 to be issued, or issue the same, as the case may be.

34 If any such person under eighteen years of age ~~be is~~ a ward of the ~~State~~  
35 *Commonwealth* by virtue of having been adjudicated a delinquent, in need of services,  
36 abused or neglected child pursuant to § 16.1-279 of this Code, the consent required by this  
37 section shall be given by the judge having jurisdiction to control the custody of such  
38 person; or, if such person so adjudicated ~~shall have has~~ been committed to the ~~Board~~  
39 *Department of Corrections Youth Services*, such consent shall be given personally by the  
40 Director of the Department of ~~Corrections~~ *Youth Services* or by some person thereto  
41 authorized by him, such authorization to be in writing, attested or sworn to as hereinabove  
42 provided.

43 § 22.1-340. Authority continued as Department of Correctional Education.—The  
44 Rehabilitative School Authority is continued and shall hereafter be known as the  
45 Department of Correctional Education. The Department shall be composed of all the  
46 educational facilities of all institutions operated by the Department of Corrections *and the*  
47 *Department of Youth Services*.

48 § 22.1-341. Supervision of Department; composition of Board; terms and vacancies.—The  
49 Board of the Rehabilitative School Authority is continued and shall hereafter be known as  
50 the Board of Correctional Education. The supervision of the Department shall be vested in  
51 the Board of Correctional Education. The Board shall be composed of seven members who  
52 shall be appointed by the Governor, subject to confirmation by the General Assembly.  
53 Members shall be appointed for terms of four years each except that whenever a vacancy  
54 occurs other than by expiration of a term, the Governor shall appoint a member for the

1 remainder of that term. No member shall serve more than two consecutive four-year  
 2 terms. The chairman of the Virginia Parole Board, two persons designated by the Director  
 3 of the Department of Corrections *and the Director of Youth Services* and the director  
 4 Vocational Education in the Department of Education shall serve as ex officio member  
 5 without vote.

6 § 23-35.3. Same; written contract required; conditions and provisions; scholarship deemed  
 7 repaid upon death of recipient.—(a) [Repealed.]

8 (b) Before any dental scholarship is awarded under the provisions of § 23-35.1 B, the  
 9 applicant must sign a written contract, under which he agrees to pursue the dental course  
 10 of the school awarding the scholarship until his graduation and, upon being graduated or  
 11 upon completing a term not to exceed two years in an accredited general dentistry  
 12 residency or intern program at a hospital or institution, shall promptly begin and thereafter  
 13 engage continuously in the general practice of general dentistry in an area of need or as  
 14 an employee of the Virginia Department of Mental Health, Mental Retardation and  
 15 Substance Abuse Services, the Virginia Health Department, the Virginia Department of  
 16 Social Services , *the Department of Youth Services*, nor the Virginia Department of  
 17 Corrections for a period of years equal in number to the years which he has been a  
 18 beneficiary of such scholarship. The State Board of Health shall define “area of need” and  
 19 “practice of general dentistry” for the purposes of this subsection. In promulgating such  
 20 definitions, the Board shall consider the distribution of dentists within the Commonwealth  
 21 and the concept of the practice of general dentistry prevailing in the dental community.

22 (c) [Repealed.]

23 (d) No scholarship shall be awarded under the provisions of § 23-35.1 A unless and  
 24 until the applicant shall have signed a written contract under the terms of which he agrees  
 25 to pursue the medical course of the school awarding the scholarship until his graduation or  
 26 to pursue his first year of postgraduate training at the hospital or institution approved by  
 27 the school awarding the scholarship and upon completing a term not to exceed three years  
 28 as an intern or resident at some hospital or institution approved by the school, shall  
 29 promptly begin and thereafter engage continuously in the practice of family medicine in an  
 30 area of need in Virginia or serve as an employee of the Virginia Department of Health,  
 31 the Virginia Department of Mental Health, Mental Retardation and Substance Abuse  
 32 Services, the Virginia Department of Social Services , *the Department of Youth Services*,  
 33 or the Virginia Department of Corrections for a period of years equal to the number of  
 34 years which he has been a beneficiary of such scholarship. In the case of a scholarship  
 35 awarded pursuant to § 23-35.1D, such contract shall stipulate services within the  
 36 Department of Corrections.

37 The State Board of Health shall define “area of need” and “practice of family  
 38 medicine” for the purposes of this subsection. In promulgating such definitions, the Board  
 39 shall consider the distribution of physicians within the Commonwealth and the concept of  
 40 the practice of family medicine prevailing in the medical community.

41 (d1) As used in this section, the term “area of need” may include both rural and urban  
 42 localities in the Commonwealth.

43 (e) In the event the holder of any medical or dental school scholarship awarded  
 44 pursuant to §§ 23-35.1 through 23-35.8 of this chapter dies while receiving instruction under  
 45 such a scholarship or while practicing family medicine or general dentistry, pursuant to the  
 46 contract provided for in this section, his obligation under the contract shall be deemed  
 47 discharged, and no liability shall be attached to his estate.

48 § 29.1-317. Special fishing permits for certain juveniles.—A. Upon application from the  
 49 superintendent of any juvenile learning center maintained and operated by the Department  
 50 of Corrections *Youth Services* , the Director may issue a permit to allow the residents  
 51 of such learning center to fish under supervision without licenses in public waters open to  
 52 fishing. The permits shall not be issued for use in designated waters stocked with trout or  
 53 in waters where a daily fishing fee has been imposed pursuant to § 29.1-318.

54 B. The application for the permit shall state the name and description of the group, the



1 period of time during which it will be used, the general area in which it will be used, and  
2 the name of the person who will be responsible for the group.

3 § 36-99.4. Smoke detectors in certain juvenile care facilities.—Battery or AC-powered  
4 smoke detector devices shall be installed in all local and regional detention homes, group  
5 homes, and other residential care facilities for children or juveniles which are operated by  
6 or under the auspices of the Department of ~~Corrections~~ *Youth Services*, regardless of  
7 when the building was constructed, in accordance with the provision of the Uniform  
8 Statewide Building Code by July 1, 1986. Administrators of such homes and facilities shall  
9 be responsible for the installation and maintenance of the smoke detector devices.

10 § 53.1-31. Sale or lease of gas, oil or minerals.—The Director, with the approval of the  
11 Board, is empowered to make and execute contracts, easements and leases in the name of  
12 the Commonwealth for the removal or mining of gas, oil or any valuable minerals that  
13 may be found in any real estate, title of which is vested in the Board, whenever it appears  
14 to the Board that it will be in the best interest of the Commonwealth to make such  
15 disposition of such gas, oil or minerals. Before a contract, easement or lease is made, the  
16 same shall be approved by the Governor, and any contract, easement or lease shall be  
17 approved as to form by the Attorney General.

18 Bids therefor shall be received after notice by publication once a week for four  
19 successive weeks in at least two newspapers of general circulation. The Director shall have  
20 the right to reject any or all bids and to readvertise for bids. The accepted bidder shall  
21 give bond with good and sufficient surety to the satisfaction of the Director and in such  
22 amount as he may fix for the faithful performance of all the conditions and covenants of  
23 such contract, easement or lease.

24 Each such contract, easement or lease may be for a period not exceeding five years,  
25 may include the right to renew the same for an additional period not exceeding five years  
26 each and shall specify the rent royalties and other terms deemed expedient and proper.  
27 Such contracts, easements and leases may, in addition to any other rights, authorize the  
28 grantees and lessees to prospect for and take from the real estate oil, gas and such other  
29 minerals as are therein specified. No such contract, easement or lease shall in any way  
30 affect or interfere with the orderly operation of any state correctional facility ~~or any~~  
31 ~~facility established pursuant to § 53.1-237~~. All rents or royalties collected from such  
32 contracts, easements or leases shall be paid into the state treasury to the credit of the  
33 general fund.

34 § 54-325.2. Authority to consent to surgical and medical treatment of certain minors.—A.  
35 Whenever any minor who has been separated from the custody of his parent or guardian  
36 is in need of surgical or medical treatment, authority commensurate with that of a parent  
37 in like cases is conferred, for the purpose of giving consent to such surgical or medical  
38 treatment, as follows:

39 1. Upon judges with respect to minors whose custody is within the control of their  
40 respective courts.

41 2. Upon local superintendents of public welfare or social services or their designees  
42 with respect to (i) minors who are committed to the care and custody of the local board  
43 by courts of competent jurisdiction, (ii) minors who are taken into custody pursuant to §  
44 63.1-248.9 of the Code and (iii) minors who are entrusted to the local board by the parent,  
45 parents or guardian, when the consent of the parent or guardian cannot be obtained  
46 immediately and, in the absence of such consent, a court order for such treatment cannot  
47 be obtained immediately.

48 3. Upon the Director of the Department of ~~Corrections~~ *Youth Services* or his designees  
49 with respect to any minor who is sentenced or committed to his custody ~~or the custody of~~  
50 ~~the Board of Corrections~~.

51 4. Upon the principal executive officers of state institutions with respect to the wards of  
52 such institutions.

53 5. Upon the principal executive officer of any other institution or agency legally  
54 qualified to receive minors for care and maintenance separated from their parents or

1 guardians, with respect to any minor whose custody is within the control of such institution  
2 or agency.

3 6. Upon any person standing in loco parentis, or upon a conservator or custodian of  
4 his ward or other charge under disability.

5 B. Whenever the consent of the parent or guardian of any minor who is in need of  
6 surgical or medical treatment is unobtainable because such parent or guardian is not a  
7 resident of this Commonwealth or his whereabouts is unknown or he cannot be consulted  
8 with promptness reasonable under the circumstances, authority commensurate with that of  
9 a parent in like cases is conferred, for the purpose of giving consent to such surgical or  
10 medical treatment, upon judges of juvenile and domestic relations district courts.

11 C. Whenever delay in providing medical or surgical treatment to a minor may  
12 adversely affect such minor's recovery and no person authorized in this section to consent  
13 to such treatment for such minor is available within a reasonable time under the  
14 circumstances, no liability shall be imposed upon a licensed health professional or licensed  
15 hospital by reason of lack of consent to such medical or surgical treatment, provided  
16 however that in such case of a minor fourteen years of age or older who is physically  
17 capable of giving consent, such consent must be first obtained.

18 D. A minor shall be deemed an adult for the purpose of consenting to:

19 1. Medical or health services needed to determine the presence of or to treat venereal  
20 disease or any infectious or contagious disease which the State Board of Health requires to  
21 be reported;

22 2. Medical or health services required in case of birth control, pregnancy or family  
23 planning except for the purposes of sexual sterilization;

24 3. Medical or health services needed in the case of outpatient care, treatment or  
25 rehabilitation for substance abuse as defined in § 37.1-203 of this Code;

26 4. Medical or health services needed in the case of outpatient care, treatment  
27 rehabilitation for mental illness or emotional disturbance.

28 E. Except for the purposes of sexual sterilization, any minor who is or has been  
29 married shall be deemed an adult for the purpose of giving consent to surgical and  
30 medical treatment.

31 F. Any minor seventeen years of age may, with the consent of a parent or legal  
32 guardian, consent to donate blood and may donate blood if such minor meets donor  
33 eligibility requirements. ~~Provided, however~~ *However*, such parental consent to donate  
34 blood by any minor seventeen years of age shall not be required if such minor receives no  
35 consideration for his blood donation and the procurer of the blood is a nonprofit, voluntary  
36 organization.

37 G. Any judge, local superintendent of public welfare or social services, Director of the  
38 Department of ~~Corrections Youth Services~~, or principal executive officer of any state or  
39 other institution or agency who consents to surgical or medical treatment of a minor in  
40 accordance with this section shall make a reasonable effort to notify the minor's parent or  
41 guardian of such action as soon as practicable.

42 § 63.1-248.16. Advisory Committee continued as Advisory Board.—The Advisory  
43 Committee on Child Abuse and Neglect is continued and shall hereafter be known as the  
44 Advisory Board on Child Abuse and Neglect. The Advisory Board shall be composed of  
45 seven persons appointed by the Governor for three-year staggered terms, and permanent  
46 members including the Director of the Virginia Department for Children, the  
47 Superintendent of Public Instruction, the Commissioner of the Department of Health, the  
48 Commissioner of the Department of Mental Health, Mental Retardation and Substance  
49 Abuse Services, the Commissioner of the Department of Social Services, the Director of the  
50 Department of ~~Corrections Youth Services~~ and the Attorney General of Virginia, or their  
51 designees. The Advisory Board shall meet quarterly and as the need may arise, to advise  
52 the Department, Board of Social Services and Governor on matters concerning programs  
53 for the prevention and treatment of abused and neglected children and their families.

54 § 63.1-314.3. Members of Council; terms; vacancies; chairman.—A. The Council shall

1 consist of a representative of the Department for the Aging, the Virginia Department for  
 2 the Visually Handicapped, the Department for Children, the Department for the Deaf and  
 3 Hard-of-Hearing, the Department of Health, the Department of Mental Health, Mental  
 4 Retardation and Substance Abuse Services, the Department of Rehabilitative Services, the  
 5 Department of Social Services, the Advocacy Department for the Developmentally Disabled,  
 6 the Virginia Employment Commission, the Department of Education, the Department of  
 7 Corrections, *the Department of Youth Services*, the State Library and Archives, the Virginia  
 8 Cooperative Extension Service of Virginia Polytechnic Institute and State University, the  
 9 Department of Volunteerism, and a citizen, to be appointed by the Governor, from each of  
 10 the information and referral service regions as defined by the Council. The Secretary of  
 11 Human Resources and the Commissioner of the Department of Social Services shall serve  
 12 ex officio on the Council.

13 B. Members of the Council shall be appointed for two-year terms except that persons  
 14 appointed to fill vacancies shall be appointed for the unexpired term.

15 C. Persons appointed to the Council shall be knowledgeable about the development and  
 16 implementation of information and referral programs and the services to be provided by  
 17 the program.

18 D. The members of the Council shall elect a chairman from the Council membership.  
 19 The representative from the Department of Social Services shall be ineligible to serve as  
 20 chairman.

21 *Title 66.*

22 *Youth Services.*

23 *CHAPTER 1.*

24 *DEPARTMENT AND STATE BOARD OF YOUTH SERVICES.*

25 *§ 66-1. Creation of Department of Youth Services.—There is hereby created within the*  
 26 *executive branch, responsible to the Governor, a Department of Youth Services. The*  
 27 *Department shall be under the immediate supervision of a Director who shall be*  
 28 *appointed by the Governor, subject to confirmation by the General Assembly. The Director*  
 29 *shall serve at the pleasure of the Governor or until his successor shall be appointed and*  
 30 *qualified. Vacancies shall be filled in the same manner as original appointments are made.*

31 *§ 66-2. Supervision of the Department.—The Director of the Department of Youth*  
 32 *Services shall, under the direction of the Governor, be responsible for the supervision of*  
 33 *the Department and shall exercise such other powers and perform such other duties as*  
 34 *may be conferred or imposed by law upon him. He shall perform such other duties as*  
 35 *may be required of him by the Governor and Secretary of Transportation and Public*  
 36 *Safety.*

37 *§ 66-3. Powers of the Director.—The Director of the Department shall have the*  
 38 *following general powers:*

39 *1. To employ such personnel as may be required to carry out the purposes of this title.*

40 *2. To make and enter into all contracts and agreements necessary or incidental to the*  
 41 *performance of its duties and the execution of its powers under this title, including, but*  
 42 *not limited to, contracts and agreements with the United States, other states, and agencies*  
 43 *and governmental subdivisions of the Commonwealth.*

44 *3. To do all acts necessary or convenient to carry out the purposes of this title.*

45 *§ 66-4. State Board of Youth Services.—There shall be a State Board of Youth Services,*  
 46 *consisting of seven members appointed by the Governor. In making appointments the*  
 47 *Governor shall endeavor to select appointees of such qualifications and experience that the*  
 48 *membership of the Board shall include persons suitably qualified to consider and act upon*  
 49 *the various problems which may come before the Board. The appointments shall be*  
 50 *subject to confirmation by the General Assembly if in session and, if not, then at its next*  
 51 *succeeding session.*

52 *§ 66-5. Term of office of members; suspension or removal.—The members of the Board*  
 53 *shall be appointed initially as follows: three members for a term of two years each and*  
 54 *four members for a term of four years each. Thereafter, the appointment of such members*

1 or their successors shall be for terms of four years except an appointment to fill a  
 2 vacancy shall be for the unexpired term. No person shall be eligible to serve for or durin-  
 3 more than two successive four-year terms. However, any person appointed to f  
 4 vacancy may be eligible for two additional successive terms after the term of the vaca...  
 5 for which he was appointed has expired. Members of the Board may be suspended or  
 6 removed by the Governor at his pleasure.

7 § 66-6. Chairman, vice-chairman and secretary.—The Board shall select a chairman from  
 8 its membership, and under rules adopted by itself may elect one of its members as  
 9 vice-chairman. It shall elect one of its members as secretary.

10 § 66-7. Compensation and expenses.—The members of the Board shall receive no  
 11 salaries. They shall be paid their necessary traveling and other expenses incurred in  
 12 attendance at meetings, or while otherwise engaged in the discharge of their duties, and  
 13 the sum of fifty dollars a day for each day or portion thereof in which they are engaged  
 14 in the performance of their duties.

15 § 66-8. Meetings.—The Board shall meet at such times as it deems appropriate and on  
 16 call of the chairman when in his opinion meetings are expedient or necessary. However,  
 17 the Board shall meet at least four times each calendar year.

18 § 66-9. Quorum.—A majority of the current membership of the Board shall constitute a  
 19 quorum for all purposes.

20 § 66-10. Powers and duties of Board.—The Board shall have the following powers and  
 21 duties:

22 1. To develop and establish programmatic and fiscal policies governing the operation of  
 23 programs and facilities for which the Department is responsible under this law.

24 2. To ensure the development and implementation of a long-range youth services  
 25 policy.

26 3. To review and comment on all budgets and requests for appropriations for  
 27 Department prior to their submission to the Governor and on all applications for sea-  
 28 funds.

29 4. To monitor the activities of the Department and its effectiveness in implementing  
 30 the policies of the Board.

31 5. To advise the Governor, Director and the General Assembly on matters relating to  
 32 youth services.

33 6. To promulgate such regulations as may be necessary to carry out the provisions of  
 34 this title and other laws of the Commonwealth administered by the Director or the  
 35 Department.

36 7. To ensure the development of programs to educate citizens and elicit public support  
 37 for the activities of the Department.

38 § 66-11. Properties formerly held by the Board or Department of Corrections.—All right,  
 39 title and interest in and to any real estate upon which is or may be situated any  
 40 child-care institution or community residential children's facility heretofore or hereafter  
 41 established with funds appropriated from the state treasury and any tangible personal  
 42 property relating thereto, formerly vested in the Board or Department of Corrections, shall  
 43 on July 1, 1990, be transferred to and taken as standing in the name of the State Board  
 44 of Youth Services.

45 § 66-12. Definitions.—Unless a different meaning clearly appears from the context, as  
 46 used in this title:

47 "Board" or "State Board" means the Board of Youth Services;

48 "Child" means any natural person under eighteen years of age;

49 "Department" means the Department of Youth Services;

50 "Director" means the Director of Youth Services.

51

## CHAPTER 2.

52

### CARE OF CHILDREN COMMITTED TO DEPARTMENT.

53

54 § 66-13. Authority of Department as to children committed to it; establishment of  
 facilities; arrangements for temporary care.—The Department is authorized and empowered

1 to receive children committed to it by the courts of the Commonwealth pursuant to §  
2 16.1-279. The Department shall establish, staff and maintain facilities for the rehabilitation,  
3 training and confinement of such children. The Department may make arrangements with  
4 satisfactory persons, institutions or agencies, or with cities or counties maintaining places  
5 of detention for children, for the temporary care of such children.

6 § 66-14. Allowance for maintenance of children placed by Commonwealth in private  
7 homes, etc.—For the maintenance of each child committed to the Department and placed  
8 by it in a private home or in a facility other than one operated by the Commonwealth,  
9 there shall be paid by the Commonwealth out of funds appropriated to the Department a  
10 per diem allowance which shall be established by the Department. The cost of such care  
11 shall not exceed that amount which would be incurred if the services required by the  
12 child were provided in a juvenile facility operated by the Department.

13 § 66-15. Schedules of per diem cost of maintenance in detention homes; reimbursements  
14 of cities and counties.—The Department shall establish schedules setting forth the per diem  
15 cost to each locality for maintaining a child in a detention home. In accordance with the  
16 schedule, the Department, in addition to all other reimbursements on account of such  
17 detention homes, shall reimburse each city or county for the cost of maintaining in such  
18 homes any children committed to the Department.

19 § 66-16. Acceptance and expenditure of certain funds for children committed to  
20 Department.—The Department is authorized to accept and expend for the benefit of any  
21 child committed to it, or for reimbursement purposes, any funds made available from any  
22 source, solely for the current maintenance and support of any such child, whether such  
23 funds be provided by the child's parents, or other person, or by the Veterans  
24 Administration, the Railroad Retirement Act, the old age and survivor's insurance  
25 provisions of the federal Social Security Act, as amended, or from any other source. In no  
26 event shall the sums so accepted exceed an amount in excess of the cost to the  
27 Department of supporting the child.

28 § 66-17. Disposition of property left by child.—If any child, having been in the custody  
29 of the Department by virtue of § 16.1-279, upon being released or having escaped  
30 therefrom leaves any personal property valued at less than \$100 in the custody of the  
31 Department for six months after his release or escape, the Director may sell such personal  
32 property at public sale or otherwise dispose of the property. The proceeds of such sale  
33 shall be kept for one year from the date of the child's attaining the age of majority.  
34 Thereafter, any unclaimed proceeds shall be paid into the state treasury and credited to  
35 the Literary Fund.

36 § 66-18. Examination and placing of such children.—The Department shall make a  
37 careful physical and mental examination of every child committed to it by the courts,  
38 investigate the personal and family history of the child and his environment, and place  
39 such children at such facilities as are available. Any children committed to the  
40 Department and afterwards found to be eligible for commitment by proper proceedings to  
41 any state hospital or admission to a training center for the mentally retarded shall take  
42 precedence as to admission over all others and shall in all cases be received into the state  
43 hospital or training center within forty-five days.

44 § 66-19. Behavioral services unit; director and personnel; examination of children.—To  
45 assist in the performance of the duties imposed by § 66-18, the Department shall maintain  
46 a behavioral services unit and employ as director thereof a clinically competent person.  
47 The Department shall also employ such other medical, technical and clinical personnel  
48 skilled in the diagnosis and treatment of physical and mental diseases of children as may  
49 be desirable for the operation of such unit. The personnel of the unit, when visiting the  
50 various facilities maintained by the Department for the care of children committed to the  
51 Department, shall conduct a thorough examination of each child at such facilities not  
52 theretofore examined by the unit, and other children at the facilities for whom such  
53 examination is indicated. Such examination shall be for the purpose of determining,  
54 diagnosing and treating physical, mental and learning ailments or impairments with a

1 view to improving the general functioning of such children and hastening their  
2 rehabilitation.

3 § 66-20. *Observation and treatment of mentally ill and mentally retarded children.*—Aft  
4 commitment of any child to the Department, if the Department finds, as a result of  
5 psychiatric examinations and case study, that such child is mentally ill or mentally  
6 retarded, it shall be the duty of the Department to obtain treatment for the child's mental  
7 condition. If the Department determines that transfer to a state hospital, training center,  
8 or other appropriate treatment facility is required to further diagnose or treat the child's  
9 mental condition, the proceedings shall be in accordance with the provisions of § 37.1-65.1  
10 or §§ 37.1-67.1 through 37.1-67.4. No child transferred to a state hospital pursuant to this  
11 section or the provisions of Title 37.1 shall, however, be held or cared for in any  
12 maximum security unit where adults determined to be criminally insane reside, but such  
13 child shall be kept separate and apart from such adults.

14 § 66-21. *Superintendents and agents of facilities to have powers of sheriff.*—The  
15 superintendents of the facilities established by the Department pursuant to § 66-13 and  
16 their authorized agents shall have the powers of a sheriff for the purpose of preserving  
17 order at their facilities and for the conveyance of children committed to their care to and  
18 from such facilities.

19 § 66-22. *Daily and additional allowance to children.*—The Director may allow every  
20 child in any facility established by the Department a daily allowance in an amount  
21 established by the Board. Additional allowance may be made by the Director to provide  
22 necessary funds for incidental needs for required activities in schools, foster care and other  
23 special placements for other special activities that such children would normally be  
24 engaged in resulting from their placement. The allowance so made may be drawn upon by  
25 the child for such purposes as may be authorized by the regulations of the Board.

26 § 66-23. *Authority of superintendents with regard to application for operator's licen.*  
27 and employment certificates.—The superintendents of facilities established by the  
28 Department shall have the authority, commensurate with that of a parent in like cases, to  
29 give consent for those children placed in their respective facilities to (i) application for a  
30 motor vehicle operator's license and (ii) issuance of an employment certificate. Such  
31 authority shall be exercised in accordance with regulations established by the Board.

32 § 66-24. *Community group homes and other residential facilities for certain children;*  
33 *personnel.*—The Department is authorized to establish and maintain such a system of  
34 community group homes or other residential care facilities as the Department may from  
35 time to time acquire, construct or rent for the care of children in direct state care,  
36 pending development of more permanent placement plans. Such placement plans shall  
37 consider adequate care and treatment, and suitable education, training and employment  
38 for such children, as is appropriate. The Department is further authorized to employ  
39 necessary personnel for such facilities. The Board shall adopt such regulations for the  
40 operation of such facilities as it may deem appropriate.

41 § 66-25. *Collection of information concerning religious preferences by correctional*  
42 *facilities.*—Notwithstanding any provision of law to the contrary, any correctional facility  
43 established pursuant to this chapter or Chapter 11 of Title 16.1 may collect and  
44 disseminate information concerning the religious preferences and affiliations of persons  
45 committed to its custody. No person shall be required to indicate his religious preference  
46 or affiliation, and no dissemination of the information shall be made except to categories  
47 of persons designated by the person who has given his consent to such dissemination.

#### 48 CHAPTER 3.

#### 49 DELINQUENCY PREVENTION AND YOUTH DEVELOPMENT ACT.

50 § 66-26. *Delinquency prevention and youth development programs; agents.*—The Direc.  
51 shall develop and supervise delinquency prevention and youth development programs in  
52 order that better services and coordination of services are provided to children. The  
53 Director shall have the authority to appoint necessary agents for the carrying out of these  
54 programs as may be needed. To this end the Director shall cooperate with state and local

1 *authorities in establishing and maintaining suitable delinquency prevention and youth*  
2 *development programs.*

3 § 66-27. *Authority of Director to make grants to localities.—The Director is authorized*  
4 *to make grants to counties and cities pursuant to the provisions of this chapter to*  
5 *promote efficiency and economy in the delivery of youth services and to provide support*  
6 *to localities seeking to respond positively to the growing rate of juvenile delinquency.*

7 § 66-28. *Policies.—The Department shall prescribe policies governing applications for*  
8 *grants pursuant to this chapter and standards for the operation of programs developed*  
9 *and implemented under the grants. The Department shall cooperate with and seek the*  
10 *assistance of representatives of county and city governing bodies, private nonprofit youth*  
11 *service agencies and private citizens having expertise in the development of the standards*  
12 *required by this section.*

13 § 66-29. *Ordinances to be enacted by participating localities; applications by localities*  
14 *for grants.—Prior to applying to the Director for a grant pursuant to this chapter, each*  
15 *governing body of a county or city which is to participate in the grant shall enact an*  
16 *appropriate ordinance or resolution which provides for the creation of a youth services*  
17 *citizen board pursuant to § 66-34 hereof, annual - preparation of a comprehensive plan*  
18 *based on an objective assessment of the community's needs and resources for developing,*  
19 *coordinating and evaluating youth services and funding of the local share of the grant.*

20 *Any county or city or combination thereof may apply to the Director for a grant*  
21 *pursuant to this chapter. The Director shall provide consultation and technical assistance,*  
22 *if requested, to localities in the development of applications for such grants. The Director*  
23 *shall approve or disapprove applicants for grants.*

24 § 66-30. *Annual renewal of grants; suspension for failure to comply with standards;*  
25 *notice and hearing.—Grants approved by the Director pursuant to § 66-29 shall be annually*  
26 *renewed subject to approval by the Director of the comprehensive plan for youth services*  
27 *submitted by the participating counties or cities.*

28 *If the Director shall determine that a program operating under an approved grant is*  
29 *not in compliance with minimum standards promulgated by the Board, he may suspend all*  
30 *or any portion of the grant until the required standards of operation are met after thirty*  
31 *days' notice to each participating county and city and after a hearing is held on the*  
32 *matter.*

33 § 66-31. *Funding; records to be kept by localities; use of funds.—A. Grants made to a*  
34 *county or city or combination thereof pursuant to this chapter shall be of an amount up*  
35 *to seventy-five percent of the total program budget for the proposed program for salaries*  
36 *and all other operating expenses including the lease of facilities, subject to funds provided*  
37 *by the General Assembly.*

38 *B. Each county and city receiving moneys under this chapter shall keep records of*  
39 *receipts and disbursements thereof which records shall be open for audit and evaluation*  
40 *by the appropriate state authorities.*

41 *C. Participating counties and cities may not use funds provided under this chapter to*  
42 *decrease those funds allocated by the governing body for existing citizen boards as*  
43 *provided for in § 66-34 hereof with the exception of those programs being funded by*  
44 *federal grant moneys.*

45 § 66-32. *Withdrawal from program.—Any participating county or city may, at the*  
46 *beginning of any calendar quarter, by ordinance or resolution of its governing authority,*  
47 *notify the Director of its intention to withdraw from the grant program. Such withdrawal*  
48 *shall be effective the last day of the quarter in which such notice is given.*

49 § 66-33. *Unexpended funds.—In any case in which any portion of state funds obtained*  
50 *through a grant authorized pursuant to this chapter remains unencumbered or*  
51 *unexpended at the end of the fiscal year, such funds shall be returned by the locality to*  
52 *the State Treasurer, who shall deposit such moneys in the state general fund.*

53 § 66-34. *Youth services citizen boards; appointment and qualifications of members.—*  
54 *Each county and city participating in a program funded by an approved grant shall be*

1 represented on a youth services citizen board. The board shall be appointed by the county  
 2 or city governing body or combination thereof and may include in its membr  
 3 representative elected officials, representatives of public and private agencies  
 4 youths, citizens not employed by government or service agencies and at least one member  
 5 who is below the age of eighteen years. A majority of the board shall be citizens who are  
 6 not employed by government or service agencies and who are not elected governmental  
 7 officials.

8 § 66-35. Responsibilities of boards.—It shall be the responsibility of the youth services  
 9 citizen board to:

10 1. Assist community agencies and organizations in establishing and modifying programs  
 11 and services to youth on the basis of an objective assessment of the community's needs  
 12 and resources;

13 2. Evaluate and monitor community programs and services to determine their impact  
 14 on youth;

15 3. Provide a mechanism whereby all youths and their families with needs for services  
 16 will be linked to appropriate services; and

17 4. Attempt to resolve agency policies and procedures that make it difficult for youths  
 18 and their families to receive services.

19 The board shall actively participate with community representatives in the formulation  
 20 of a comprehensive plan for the development, coordination and evaluation of the youth  
 21 services program and shall make formal recommendations to the governing authority or  
 22 authorities at least annually concerning the comprehensive plan and its implementation  
 23 during the ensuing year.

24 2. That Chapter 14, consisting of §§ 53.1-237 through 53.1-260, of Title 53.1 of the Code of  
 25 Virginia is repealed.

26 3. That the Governor shall appoint a Director of Youth Services and the State Bc  
 27 Youth Services in accordance with the provisions of this act, such appointments  
 28 effective as soon as practicable after July 1, 1989. The powers of the Director and the  
 29 Board prior to July 1, 1990, shall be limited to those necessary to effect a smooth  
 30 transition of powers and duties from the Department of Corrections to the Department of  
 31 Youth Services and to render the Department fully operational by July 1, 1990. Duties shall  
 32 include budget preparation for the new Department and review of operations of the  
 33 Division of Youth Services to create an effective organizational structure for the  
 34 Department.

35 4. That the Governor may transfer any employees as necessary to support the changes in  
 36 organization or responsibility resulting from or required by this act.

37 5. That the Governor shall provide administrative support services from the Department of  
 38 Corrections to the Director and Board as needed prior to July 1, 1990.

39 6. That the first and second enactment clauses of this act shall become effective on July 1,  
 40 1990, and that the third, fourth and fifth enactment clauses of this act shall become  
 41 effective July 1, 1989.

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Official Use By Clerks	
<p style="text-align: center;"><b>Passed By The Senate</b></p> <p>without amendment <input type="checkbox"/></p> <p>with amendment <input type="checkbox"/></p> <p>substitute <input type="checkbox"/></p> <p>substitute w/amdt <input type="checkbox"/></p>	<p style="text-align: center;"><b>Passed By The House of Delegates</b></p> <p>without amendment <input type="checkbox"/></p> <p>with amendment <input type="checkbox"/></p> <p>substitute <input type="checkbox"/></p> <p>substitute w/amdt <input type="checkbox"/></p>
Date: _____	Date: _____
Clerk of the Senate	Clerk of the House of Delegates