

**REPORT OF THE  
OFFICE OF THE EXECUTIVE SECRETARY**

**STUDY OF THE SCHEDULING OF  
JUVENILE TRAFFIC CASES AND  
ISSUANCE OF LICENSES**

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



**SENATE DOCUMENT NO. 15**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
1999**



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**MEMORANDUM**

December 17, 1998

TO: The Honorable James S. Gilmore III  
Governor of Virginia

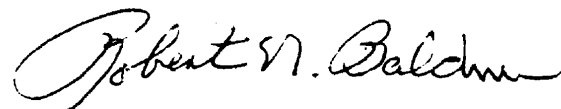
And

The General Assembly of Virginia

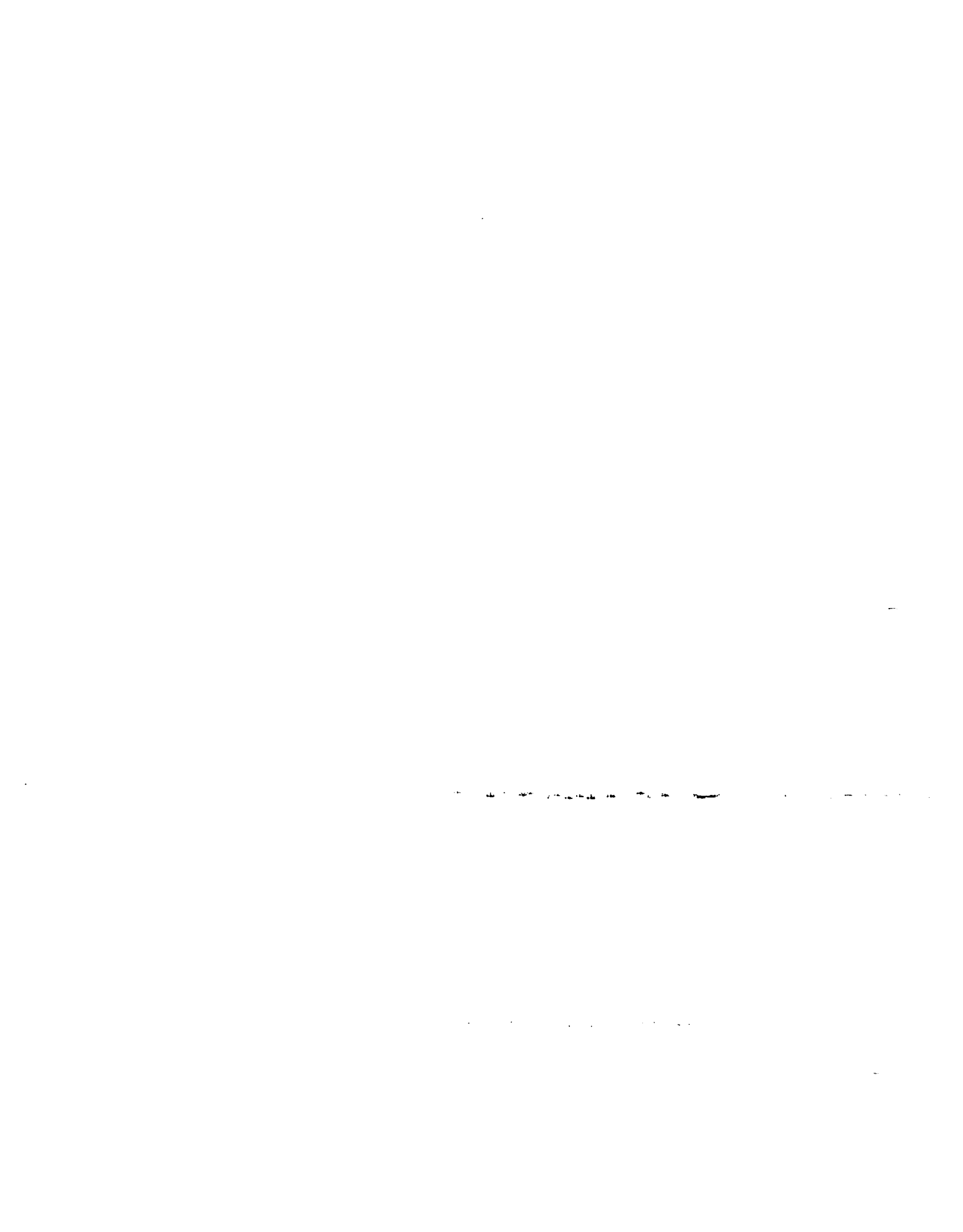
IN RE: Senate Joint Resolution No. 180

Pursuant to House Joint Resolution No. 180, I am pleased to submit this report on the "Scheduling of Juvenile Traffic Cases and Issuance of Licenses".

Respectfully submitted,



Robert N. Baldwin  
Executive Secretary



# **Study of Scheduling of Juvenile Traffic Cases and Issuance of Licenses**

## **Prepared in Response to Senate Joint Resolution No. 180**

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### **Executive Summary**

#### *Background*

The 1998 General Assembly adopted Senate Joint Resolution 180 requesting the Office of the Executive Secretary (OES) “to study alternatives for the scheduling of juvenile traffic cases and the issuance of licenses” to juveniles in the juvenile and domestic relations district (J&DR) courts. The resolution raised two specific issues:

- (1) Many J&DR courts schedule traffic hearings early in the day causing juveniles charged with traffic offenses to miss school.
- (2) Virginia law requires juveniles to appear before a J&DR court in order to obtain a driver’s license. When large numbers of juveniles and parents participate in such licensing ceremonies at any one time, crowd control rather than driver responsibility may become the focus of the event.

The resolution reflected the sense of the General Assembly that the processes developed to handle both the issuance of licenses and the sanctions for violations of the responsibilities imposed upon issuance of the license should reflect the importance with which the Commonwealth views both school attendance and driver responsibility.

#### *Approach*

In response to SJR 180, the following actions were undertaken.

- (1) A comprehensive review of current traffic case scheduling procedures and practices in Virginia’s J&DR courts was conducted by the OES. This included the development and distribution of a survey of juvenile court judges in cooperation with the Department of Motor Vehicles (DMV) and Department of Education (DOE) traffic safety programs. Approximately two-thirds of the state’s 101 J&DR court judges completed the survey which sought their input

on current scheduling practices for traffic cases as well as the juvenile driver's license ceremonies.

(2) Telephone interviews were conducted with several J&DR court clerks from across the state in order to discuss both the scheduling of juvenile traffic matters and driver's licensing ceremonies. Several clerks also submitted written answers to questions regarding their current docketing practices in these matters.

(3) A review was completed of current practices and materials used by several courts in their juvenile licensing ceremonies. This included interviews with judges, clerks, members of the bar and others.

(4) Traffic case scheduling was reviewed in the context of the overall challenges Virginia's Juvenile and Domestic Relations District Courts face in finding adequate amounts of time to hear and dispose of all of the case types within their jurisdiction.

### *Major Issues and Findings*

The study found that there are several factors influencing the setting of juvenile traffic case dockets. Among these factors are the size of the courts' total caseloads and the need to find adequate time periods for all case types to be heard and effectively disposed. This is particularly true given the statutory time requirements within which many cases heard by the J&DR courts must be concluded. Scheduling for the appearance of law enforcement officers is another significant factor. Early morning traffic dockets allow officers just coming off of their shifts to have their cases heard before going off duty. Otherwise, they have to return later in the day for hearings. This practice also helps in significantly reducing the amount of overtime that must be paid by localities for the officers' attendance in court.

Judges and court personnel also consider school attendance and the schedules of attorneys and parents. Several courts indicate that juvenile traffic cases are scheduled early in the day in order to get parents and juveniles out of court as early as possible. Many judges indicated that school

schedules should be the primary factor considered in scheduling juvenile traffic cases for court hearings. Others disagreed. These judges said that while justice system officials must be sensitive to juveniles missing school to appear in court, they also believe that what may be learned about the consequences for violating the law, including the inconvenience of having to appear in court, constitutes a valuable lesson, in and of itself.

Judges participating in the survey also were asked to assess the impact of altering juvenile traffic hearings to avoid or minimize conflicts with school hours. Most indicated that such a change may have major negative effects on the ability of the court to manage its total caseload. This is particularly true with regard to the hearing of contested criminal and civil cases, such as contested custody matters, which require lengthy uninterrupted periods of time. Typically, J&DR courts hear these matters in the afternoon. Thus, the consequences of altering the dockets must be carefully reviewed. In addition, the larger overall issue facing Virginia's juvenile and domestic relations courts is balancing the needs of all litigants, parties, law enforcement, and human service agency personnel who come before the J&DR courts given the finite number of hours available each day for hearing the different types of disputes within their jurisdiction.

Since mid-1997, the *Calendar Management and Delay Reduction Program for Virginia's Juvenile and Domestic Relations District Courts* has been underway. Through this effort, J&DR courts throughout the state are evaluating their docketing and scheduling procedures for all types of juvenile matters, including juvenile traffic cases. A major theme of this program is that court dockets must be examined holistically with regard to the laws governing required case processing activities, as well as the interests of all participants in the J&DR court process. Many courts across the state have begun to make significant progress toward reducing delay and better serving their communities by making significant changes to their docketing and calendar management procedures for all types. The study concludes that each J&DR court in Virginia should develop a caseflow management and delay reduction plan and in developing such plans, consideration should be given to scheduling juvenile traffic cases in the afternoon.

With regard to the licensing ceremonies, the results of the survey of judges indicated that the majority of such ceremonies involve less than 100 teens and parents. Most J&DR courts schedule their ceremonies in the afternoon after school hours or in the evenings. When asked to estimate the ideal size for the licensing ceremonies, the majority of judges replied that 100 or fewer people best assured a meaningful ceremony and one where the message of driver responsibility could be best conveyed.

A number of judges surveyed expressed the belief that factors such as the dignity of the proceedings, the demeanor of the judge, and the content of the program had a greater influence than did size in determining the quality of the ceremony. Where large numbers of juveniles and parents are scheduled to appear, close coordination is necessary they said between the court, bailiffs and other law enforcement officers, as well as officials of the facility where the ceremony is being conducted. Thus, the effectiveness of the ceremonies in impressing upon teenagers' minds highway safety and the seriousness of their responsibilities as drivers is, in the opinion of these judges, more related to these factors than it is to size.

The study also found that a number of J&DR court judges are very involved with state and local educational and highway safety groups. Working cooperatively, they are continually improving the design and content of their licensing ceremonies in order to present a basic message of juvenile traffic safety and driver responsibility.

The study concludes that licensing ceremonies should be held in the late afternoon and evening and should involve 100 or fewer students. Judges also are encouraged to continue their collaborative efforts with highway safety groups to ensure that licensing ceremonies feature driver responsibility as their primary focus.



## *Recommendations*

Recommendation 1: Courts should schedule licensing ceremonies in the late afternoon or evening so that they do not conflict with school schedules.

Recommendation 2: Courts should schedule licensing ceremonies so that 100 or fewer students participate in the ceremony but in no event should the ceremony involve more than 200 students.

Recommendation 3: Each J&DR court should develop a Calendar Management and Delay Reduction Program. In developing this program, and while taking into account the needs of all participants, the court should determine whether juvenile traffic dockets can be scheduled to minimize conflicts with school schedules.

Recommendation 4: A team of J&DR court judges and clerks should be appointed to review the "Resource Guide" scheduled for completion in early 1999 and other materials currently being developed by the Department of Motor Vehicles and the Department of Education and incorporate them into existing education programs for J&DR court judges and clerks.

Recommendation 5: Judges of the J&DR courts should be encouraged to continue collaborative efforts with state and local agencies and highway safety groups to ensure that licensing ceremonies feature driver responsibility as their primary focus.

Recommendation 6: The OES should develop for use by all J&DR courts a questionnaire for parents and teens attending the ceremonies in order to assess their perceptions of the program and solicit comments and suggestions for improving the ceremonies. In addition, OES should assist the courts in the administration, analysis and reporting of results of the survey.

## Introduction

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Senate Joint Resolution 180, adopted by the 1998 General Assembly, requested that the Office of the Executive Secretary (OES) study alternatives for the scheduling of juvenile traffic cases and the issuance of licenses to juveniles in the juvenile and domestic relations district (J&DR) courts. The resolution raised two specific issues. The first is that many J&DR courts schedule traffic hearings early in the day causing juveniles charged with traffic offenses to miss school. Noting that Virginia law requires juveniles to appear before a J&DR court in order to obtain a driver's license, the resolution also raises concern that, in some localities, large numbers of teenagers participate in licensing ceremonies at any one time. In such circumstances, the resolution notes, crowd control rather than driver responsibility may become the focus of the event. The resolution further reflected the sense of the General Assembly that the processes developed to handle both the issuance of licenses and the sanctions for violations of the responsibilities imposed upon issuance of the license should reflect the importance with which the Commonwealth views both school attendance and driver responsibility.

In response to HJR 180, a comprehensive review of current traffic case scheduling procedures and practices in Virginia's J&DR courts was undertaken by the OES. This included the development and distribution of a survey of juvenile court judges in cooperation with the Department of Motor Vehicles (DMV) and Department of Education (DOE) traffic safety programs. Approximately two-thirds of the state's 101 J&DR court judges completed the survey which sought their input on current scheduling practices for traffic cases as well as the juvenile driver's license ceremonies. In addition, telephone interviews were conducted with several J&DR court clerks from across the state in order to discuss both the scheduling of juvenile traffic matters and driver's licensing ceremonies. The first section of this report reviews the caseloads of the J&DR courts as well as the processing of juvenile traffic cases. The second section reports the results of the survey conducted in the fall of 1998 pursuant to the resolution. Importantly, the third section places the scheduling of both events within the context of the challenges these courts face in effectively managing their growing caseloads and efficiently disposing of *all* of the cases

within their jurisdiction. Finally, the study's conclusions and recommendations for improving the scheduling of juvenile traffic cases and license ceremonies are offered in the fourth section of the report.

## **Section I**

### **The Scheduling of Juvenile Traffic Cases**

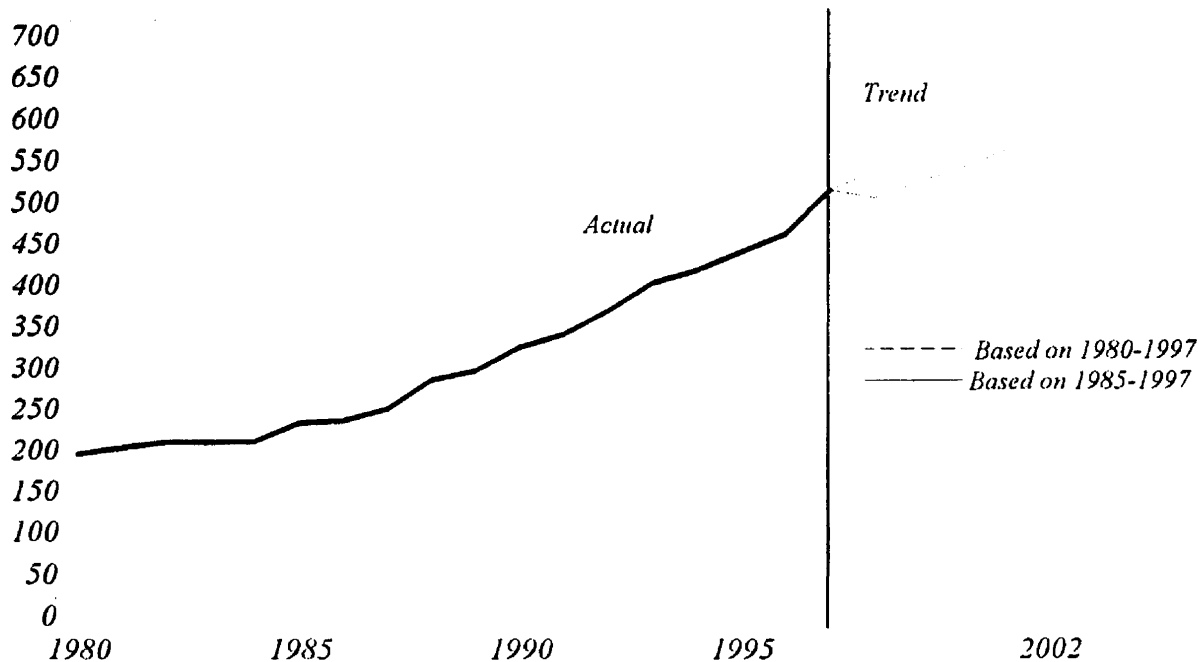
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#### *The Caseloads of Virginia's J&DR Courts*

In 1997, nearly 58,000 juvenile traffic cases were filed in the juvenile and domestic relations district courts of Virginia, an increase of over six percent from 1996. This caseload constituted approximately twenty percent of the total number of new juvenile cases during the year and resulted in more than 78,000 scheduled hearings. The increase in the number of juvenile traffic cases between 1996 and 1997 reflects rapidly increasing caseloads among all types of cases coming before the J&DR courts. See Table 1.

In fact, during the past decade, caseloads in Virginia's juvenile and domestic relations district courts have risen an average of 9.5 percent annually or approximately 22,500 cases per year. See Display 1. This growth is significantly higher than for any other type of court in the state. In 1997, approximately 515,236 new cases were filed in the J&DR courts, with over 1.1 million hearings conducted. This means that, *per working day* (assuming 250 working days per year), approximately 2,061 cases were filed and 4,437 hearings were held. A total of 518,689 cases were concluded. There were an average of 5,257 new cases filed and 11,318 hearings held per judges in 1997 on a statewide basis.

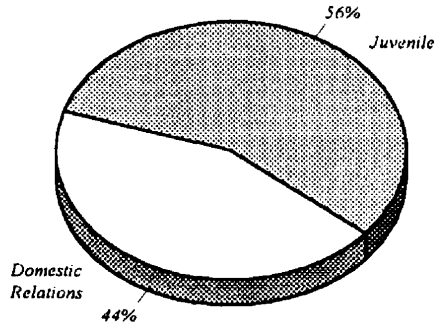
*Display 1*  
**Juvenile and Domestic Relations District Courts**  
*Trends in New Cases*  
*(Cases in thousands)*



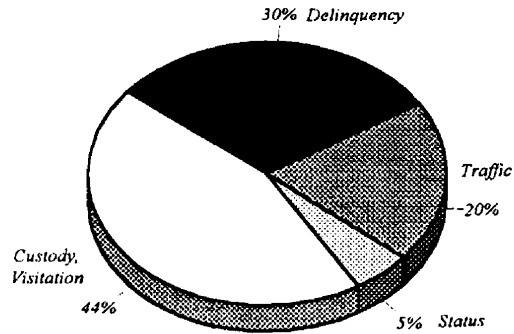
As Display 2 shows, juvenile cases comprise the majority of the J&DR court's caseload, accounting for approximately 56.3 percent of the total workload. There were an average of 5,257 new cases filed and 11,318 hearings held per judge in 1997 on a statewide basis. The number of custody/visitation cases account for more than any other juvenile caseload category with 44.4 percent of the total new cases. Delinquency cases account for approximately 30.3 percent and traffic cases make up nearly 20.0 percent. Status offenses comprise a relatively small 5.4 percent of the juvenile caseloads annually. See Displays 3 and 4.

Among domestic relations cases, civil support cases account for the largest caseload percentage (39.7 percent) with adult criminal misdemeanors representing another 28.6 percent. Capias/show cause actions account for one-fourth of the caseload, with felonies and criminal support matters comprising the remaining 6.2 percent.

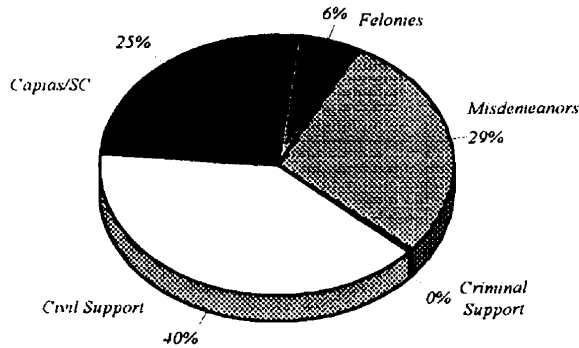
*Display 2  
 Juvenile and Domestic Relations  
 District Courts  
 1997 Distribution of New Cases*



*Display 3  
 Juvenile and Domestic Relations  
 District Courts  
 1997 Distribution of New Juvenile Cases*



*Display 4  
 Juvenile and Domestic Relations District Courts  
 1997 Distribution of New Domestic Relations Cases*



*The Juvenile Traffic Case Process*

As in the case of an adult, a juvenile traffic case is initiated when an officer issues a summons to a minor for a traffic violation. In most cases of driving while under the influence, the minor is released into the custody of a parent or legal guardian, and summonses are issued for both the minor and the parent or legal guardian. If the minor cannot be released into the custody of a parent or legal guardian, the officer transports the juvenile to the intake office for the issuance of a petition. If an intake officer or judge is not reasonably available or if the intake officer refuses to issue a petition, the minor may be taken before a magistrate for issuance of a warrant or summons. The minor will be released into the custody of a parent, legal guardian or suitable

person who is able and willing to provide supervision and care for him or her. The minor will be detained only if the criteria for detention under §16.1-248.1 have been met. The summons, petition or warrant is then forwarded to the appropriate J&DR court clerk's office for case processing. A clerk assigns a case number, indexes the case, and files the case papers by court date in preparation for the hearing in court.

For prepayable traffic infractions, a minor may waive court appearance and admit to the traffic infraction charges. To prepay the fines and costs, the minor and his or her parent, legal guardian or person standing in loco parentis may sign and either mail or deliver to the court or magistrate a written form of appearance, plea and waiver. The signature of the parent, legal guardian or person standing in loco parentis on this form must be notarized.

The majority of J&DR courts schedule traffic hearings during the morning hours. Of the 125 J&DR courts, nearly 70 percent schedule them to be heard first on the dockets (between 8:30 and 11:00 a.m.), ten percent schedule them in the late morning (after 11:00 a.m.), while twenty percent hear juvenile traffic matters in the afternoon. J&DR judges and clerks consulted during the study indicated there are several factors which influence the setting of juvenile traffic dockets. First, in determining when to hear different case types, the size of particular dockets need to be taken into consideration so that an adequate time period is available for hearing the number of matters to be heard. Another significant consideration is the scheduling of law enforcement officers. Customarily, law enforcement officers request that courts group together and schedule their cases on their assigned court dates in order to reduce the number of their court appearances, as well as the length of time they have to be in court. Early morning traffic dockets allow officers just coming off of their shifts to have their cases heard before going off duty. Otherwise, they have to return later in the day for hearings. This practice also helps in significantly reducing the amount of overtime that must be paid by localities for the officers' attendance in court. Some courts have traffic dockets both in the morning and afternoon in order to more effectively accommodate the rotation schedule of police officers.

The scheduling of traffic cases among the numerous law enforcement law enforcement officers serving each J&DR court is a time-consuming, labor intensive responsibility for the J&DR courts' clerks' offices. This is particularly true when the clerks' offices attempt to keep the duty schedules and court dates of all officers. Several of the courts recently have implemented significant changes in how they work with police departments in the scheduling of traffic cases. These changes include establishing a liaison person in the police department through whom all questions regarding the coordination of police schedules and docketing of traffic cases flow and working with law enforcement to establish the time and size of traffic dockets in order to minimize delay and waiting times for all parties.

Judges and court personnel also consider school attendance and the schedules of attorneys and parents. Several courts indicate that juvenile traffic cases are scheduled early in the day in order to get parents and juveniles out of court as early as possible. Within the survey conducted for the study, judges were asked for their opinions on the problem of traffic case hearings conflicting with school schedules. The responses were divided. Many judges indicated that school schedules should be the primary factor considered in scheduling juveniles in court. Others disagreed. A number of judges said that while justice system officials must be sensitive to juveniles missing school to appear in court, they also believe that what may be learned about the consequences for violating the law, including the inconvenience of having to appear in court, constitutes a valuable lesson, in and of itself.

Judges participating in the survey also were asked to assess the impact of altering juvenile traffic hearings to avoid or minimize conflicts with school hours. Most indicated that such a change would have major negative effects on the ability of the court to manage its total caseload. This is particularly true with regard to the hearing of contested criminal and civil cases, such as contested custody matters, which require lengthy uninterrupted periods of time. Typically, J&DR courts hear these matters in the afternoon. As previously mentioned, other negative impacts include the disruption of police officers' and attorneys' schedules and the potential for increased overtime costs for court and law enforcement personnel. In addition, the larger overall issue facing

Virginia's juvenile and domestic relations courts is balancing the needs of all litigants, parties, law enforcement, and human service agency personnel who come before the J&DR courts given the finite number of hours available each day for hearing the different types of disputes within their jurisdiction.

Further, and as is explained in depth later in this report, the scheduling of cases in the J&DR courts is significantly different than most other courts. The adjudication and disposition of nearly every case type within the jurisdiction of these courts is governed by statutory time frames within which these matters must be heard and disposed. For some case types, both interim time frames for particular types of hearings and time periods within which the final adjudication of the case must be made are prescribed by statute. This fact, combined with the caseload increases these courts are experiencing, conspire to make the scheduling of the J&DR cases more challenging than for any other type of court. Thus, revising the scheduling of traffic cases has a domino effect on the entire docket and any changes made must be done within a number of both statutory and practical constraints.

## **Section II**

### **Juvenile Driver's Licensing Ceremonies**

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As previously mentioned, state law requires juveniles to receive their driver's licenses, while accompanied by a parent, at a ceremony conducted by the judge of the juvenile and domestic relations district court wherein the juvenile resides. Section 46.2-336 of the Virginia Code directs judges of the J&DR courts to conduct an "appropriate ceremony" to provide new drivers with their licenses, leaving the content and format of the ceremony to the discretion of the local courts.

The results of the survey of judges indicated that the majority of juvenile driver's licensing ceremonies involve less than 100 teens and parents. The ceremonies are scheduled at least once a month in most jurisdictions in the state in the afternoons or evenings. Approximately 42 percent of judges noted that their ceremonies usually involve between 50 and 100 people while 36 percent indicated that they have generally fewer than 50 in attendance. Nine courts routinely hold



ceremonies for up to 200, while only 5 courts reported handling more than 200. When asked to estimate the ideal size for the licensing ceremonies, the majority of judges replied that 100 or fewer people best assured a meaningful ceremony and one where the message of driver responsibility could be best conveyed.

While the majority of courts (39 percent) conduct juvenile licensing ceremonies once a month, 20 percent hold them twice a month, and eleven percent once a week. Fifteen percent of the courts indicated that they schedule their ceremonies on an as needed basis. Most courts hold their ceremonies in courtrooms. Where the number of juveniles and parents is too large for an available courtroom, ceremonies are held at local schools, police training academies, or in city council chambers.

The majority of courts (63 percent) indicated that they generally schedule their ceremonies in the afternoon after school hours while nine percent hold them in the evenings. In multi-judge courts, the responsibilities for conducting the after-hours ceremonies are rotated among the judges. Nearly 28 percent of the courts conduct their juvenile licensing ceremonies during school hours. When asked when they felt was the most suitable time for the ceremony, the majority favored ceremonies after school: 63 percent in the afternoon and nine percent in the evening. In evaluating their own procedures, some of the courts now scheduling their ceremonies during the day indicated that after school would be more suitable if conflicts with hearings for other case types could be resolved.

One judge expressed frustration over the difficulties in finding a time suitable to all involved, particularly given the other demands of the court's docket. Describing the efforts of the court to schedule the driver's licensing ceremony at various times throughout the day and in the evenings, the judge noted concerns from county officials regarding overtime for security personnel when the ceremony is held in the evenings and the fact that some parents complain regardless of the time the ceremony is scheduled. This court has concluded that, in fact, the early morning is the best time to hold the event.

Several judges expressed the belief that factors such as the dignity of the proceedings, the demeanor of the judge, and the content of the program had a greater influence than did size in determining the quality of the ceremony. Where large numbers of juveniles and parents are scheduled to appear, close coordination is necessary they said between the court, bailiffs and other law enforcement officers, as well as officials of the facility where the ceremony is being conducted. Observations of licensing ceremonies in Richmond and Chesterfield showed large numbers of participants (over 250) to be successfully managed from parking and pre-ceremony activities, through the presentation by the court of the traffic safety and driver responsibility message, to the actual distribution of the licenses to the juveniles and/or their parents. Thus, the effectiveness of the ceremonies in impressing upon teenagers' minds highway safety and the seriousness of their responsibilities as drivers is, in the opinion of judges, more related to the planning, coordination, and content of the program than it is to size.

While the judges are the primary presenters or speakers in the ceremonies, many courts use additional speakers to assist in the programs. Law enforcement officers, teens who have been involved in traffic accidents, attorneys, rescue squad personnel, and parents who have lost children to automobile accidents are the most commonly involved groups. The basic messages which judges indicate they and the other speakers emphasize during the ceremonies are driver responsibility, legal consequences of breaking traffic laws, traffic safety, and understanding the court process. In addition, judges cited other important messages they convey to the audiences. These include the impacts of drinking and driving, the "abuse and lose" law, and parental understanding of traffic laws, as well as their responsibilities to and authority over their teenagers' licenses. Other information concerning the use of safety belts, common types of traffic accidents, and statistics on juvenile traffic violations and injuries often are shared with those attending the ceremonies.

In developing and presenting these messages, judges rely on statistics and other information from many sources. These include the U.S. Department of Transportation, the Department of Motor Vehicles, the Department of Education, as well as various resource guides developed by other

courts, bar associations, and special interest groups such as Mothers Against Drunk Driving (MADD).

In the survey, judges also were asked to evaluate whether or not they regard the ceremonies as beneficial to the juveniles and their parents who attend. Judges generally agreed that the ceremonies are useful. One judge wrote that the ceremonies “set a tone or expected level of responsibility for young drivers who also are informed of the consequences of failure to abide by the law.” Another judge, noting the positive role the ceremonies play in taking the court “into the community,” wrote, “This ceremony is generally the only opportunity a judge has to interact, positively, with juveniles who are not facing a legal consequence. I love the opportunity!”

Overall, these and other survey responses indicated a high level of commitment by J&DR district court judges throughout the state in ensuring that the ceremonies are meaningful. In this regard, many courts have sought and received assistance from law enforcement and state and federal highway safety officials and groups. In addition, several judges have been active in the development of resource material and guides which can assist other courts in their juvenile licensing ceremonies. Among these is Judge Philip Trompeter of the Roanoke J&DR District Court who has developed a unique educational program which is incorporated into his ceremonies. He also has conducted workshops around the state to share the content of his licensing ceremonies. The program, described as a “teaching exercise,” is designed exclusively around the subject of youthful alcohol and other drug usage and involves a classroom-like presentation and discussion of juvenile and adult drinking patterns.

Judge Trompeter believes the content of this program teaches driver responsibility in a way uniquely meaningful to teens and their parents. The presentation “dispels the myth that drunk driving is the only culprit in alcohol-related crashes. It teaches that just minimal youthful alcohol usage produces the same drinking pattern dynamics as heavy drinking. It also stresses to the new driver and his/her parent that nearly all teen drinking involves the use of a car. It reviews the rationale behind the enactment of the “abuse and lose” law. During the program, the judge also

cautions parents to exercise serious discretion in the use of their teen's driver's license. Said Judge Trompeter, "The teens discover in the presence of one another the consequences for violations of this law, which may ease the peer-pressure burden which they suffer when they decline to use alcohol with their friends."

Further, Trompeter believes the juvenile licencing ceremony serves as a "springboard" for the court into the community. "There can be no community-wide approach -- no united front -- for combating teen drinking unless all of the players start from this same point of reference," he said. In offering strategies to judges, Trompeter recommends that judges encourage law enforcement to regard all youthful alcohol-related offenses with the same seriousness as drunk driving. He also advises utilizing the courts' (judges') inherent ability to convene community leaders to combat juvenile impaired driving.

A number of the judges surveyed noted other purposes of the juvenile driver's licensing ceremonies. From their perspectives, the ceremonies provide an opportunity to "showcase" the courts themselves and explain the types of cases heard by the courts which affect youth and families." They involve the larger community through the inclusion of special guest speakers from local law enforcement agencies, the local bar, as well as community groups. They demonstrate to the entire community the courts' commitment to youthful substance abuse issues. These judges felt the ceremonies provide an outstanding "public relations tool" for the court by providing a positive courtroom experience which is designed to congratulate and honor the new driver's license recipient.

Courts, governmental agencies and special interest groups across the state continue to develop innovative and meaningful approaches to juvenile traffic safety and licencing issues. For example, in 1996, under the leadership of former Arlington J&DR District Court judges Joan Alper and Frank Ceresi and members of the local bar, a major community effort was undertaken to produce a video ("*A Victim of Circumstance*") and accompanying training booklet for use at their juvenile licensing ceremony. Also participating in this project were local law enforcement agencies, the

Arlington Bar Foundation, the Licensing Beverage and Information Council, Virginia Department of Transportation (DOT), and the Virginia Alcohol Safety Action Program. The goal of the video was to go beyond the typical presentations on drunk driving and “to encourage parents and children to sit down and talk about some of [the] issues” surrounding Virginia’s “abuse and lose” law.

Due to the video’s quality and effectiveness, the National Highway Safety Transportation Administration has since become involved in this project. The Department of Motor Vehicles has agreed this year to videotape a new introduction to the video to increase its usefulness to other jurisdictions across the state. Arlington Bar Foundation members have also volunteered to visit other courts to conduct training for judges and others on use of the video in their juvenile licensing ceremonies.

The Virginia DOT and DMV, working with the Department of Education, and with the involvement of the Virginia State Bar, continue to explore the use of “*Victim of Circumstance*” and other materials in improving the quality of the juvenile licensing ceremonies. A major effort is now underway by these groups to update and improve a comprehensive traffic safety “Resource Guide” for J&DR district court judges to use in planning and conducting their juvenile licensing ceremonies. This project, financed by a grant from the federal Department of Transportation’s Highway Safety program, is scheduled to be completed in early 1999. When completed, this “Resource Guide” will be distributed to all J&DR court judges and will serve as an invaluable tool in their efforts to work with their communities to improve juvenile traffic safety and to conduct “appropriate” juvenile licensing ceremonies.

### **Section III**

#### **Virginia’s Calendar Management and Delay Reduction Program for J&DR District Courts**

Virginia’s J&DR courts today face a complex and, in some cases, a conflicting set of demands for the effective and efficient processing of all case types within their jurisdiction. To varying extents, the docketing systems currently utilized in J&DR courts reflect an attempt to balance all of the

competing needs and demands of law enforcement, Commonwealth's attorneys, defense attorneys, social services and court services unit staffs, litigants, criminal defendants, victims, witnesses, and other members of the public. Any comprehensive study of the two issues raised in SJR No. 180 must review and acknowledge the challenges these courts face in dealing with their overall caseloads. Thus, this section describes the significant efforts many J&DR courts are undertaking to revise their court schedules to better meet both the needs of litigants and the statutory requirements imposed with regard to each case type they hear.

As noted earlier, Virginia's J&DR courts face daily some very specialized and pressing caseload management and case scheduling requirements with which no other level of court must contend. Among these is the fact that nearly every case type heard in a J&DR court is subject to statutorily set time frames within which various aspects of or the entire case must be disposed. In addition, nearly every case type requires the coordination of multiple individuals or agencies in order to conduct a hearing. For example, at a six months review hearing for a child in foster care, there may be present in court, the parents, the attorney for the parents, the child, the attorney for the child, the guardian ad litem for the child, the local department of social services representative, the attorney for the department, a CASA volunteer, various service providers attending to the child, and the judge and a deputy clerk.

The appearance of all of these parties at the same time and the same place is primarily the responsibility of the J&DR courts. Various case scheduling systems have been tried by individual courts to ensure fair and expeditious dispositions of their cases. In 1973 when the juvenile and domestic relations district court system was created, the courts' case scheduling systems reflected the public policy intent under which Virginia's district court system was created. That is, the district courts were intended to be "peoples courts". The docketing procedures were intended to be more informal than those used in the circuit courts.

In many J&DR courts, the custom has been for all parties to be summonsed to appear in court at same hour, for example, at 9:00 a.m. Given the modest number of cases to be heard at the time,

this system was for years considered well-understood and workable. Secondly, this system was favored by many judges because they felt that it helped to avoid judicial “down-time”. That is, setting all cases for hearing at the same time meant that if one attorney or litigant was not ready to proceed, the court simply would move to other cases.

However, as caseloads in the juvenile and domestic relations courts grew and became more complex, this system became both inefficient and ineffective, even in avoiding judicial down-time. On a daily basis, litigants, Bar members, law enforcement officers, witnesses, court-related agency representatives could experience waits of two, three or four hours. Courthouses were congested and clerks’ offices were besieged with questions from litigants about how much longer they would have to wait. Local governments complained about the significant overtime they were compelled to pay law enforcement officers in J&DR courts. Faced with these problems, many courts began “segmenting” dockets, that is, separating certain case types for hearing on certain dates at scheduled intervals during the day. This practice reduced waiting times, to certain extents.

By the mid-1990's, the need to improve the scheduling, docketing, and overall case management processes and procedures was beginning to loom as a pressing issue. The pervasiveness of problems such as lengthy delays in case disposition, extended waiting times on the trial date, and the general atmosphere of chaos litigants often experience in conducting business with the J&DR courts began to surface in studies conducted by the Commission on Youth, the Commission on Family Violence Prevention, and the Court Improvement Program for Abused and Neglected Children-Foster Care and Adoption.

Further, in 1995, public hearings were held across the state on the issue of juvenile justice reform. One of the common messages emanating from the statewide public hearings held in conjunction with two such reform studies was that improvements were needed in the manner in which cases were docketed and scheduled in the juvenile courts. As a result of the public hearings and other evidence presented, the report of the 1995 Study of Juvenile Justice Reform conducted by the Commission on Youth concluded:

Delays, lack of predictability in case scheduling, and frustration over waiting have affected the credibility of the Juvenile and Domestic Relations District Courts. Uniformity in procedures and elimination of unjustifiable delays can be addressed through court docketing.

Simultaneously, legislation enacted both at the federal and state levels significantly were altering the manner in which domestic violence, support enforcement, child abuse and neglect, foster care, and adoption cases, among others, were handled by the J&DR courts. For example, in 1995, the Supreme Court of Virginia was awarded a grant by the U.S. Department of Health and Human Services to initiate an effort at improving the response of the state's juvenile and domestic relations district courts to handling abuse and neglect, foster care and adoption cases. This was part of the nationwide Court Improvement Program (CIP) which began in 1994. Its purpose was to (1) assess the operations of the court system in the processing and disposition of child maltreatment cases, the placement of children in foster care, and the success achieved in the timely placement of these children in permanent and safe homes; and (2) to implement changes deemed necessary as a result of the assessment.

As a result of this major effort, legislation was adopted in the 1997 Session of the General Assembly to clarify and to strengthen current statutes relating to numerous aspects of the processing of abuse and neglect and foster care cases. The ultimate aim of the legislation was to reduce the amount of time children spend in foster care in Virginia and to achieve permanency for every child who enters foster care no later than two years from the child's initial placement therein. Also specifically recommended for the J&DR courts was an effort to improve the calendar management and docketing procedures in every court, in order to facilitate this goal.

The confluence of these events has meant that, within the judicial system, J&DR courts have experienced the greatest degree of statutory change in addition to the most dramatic caseload increases. Faced with all of these dynamics, the need to assess the J&DR court's caseload management demands in a more holistic way became clear. This is particularly true because, if not done carefully, raising the priority of one particular case type on the docket may result in another



case type being given short shrift on a court's weekly docket. The creation of effective caseflow "tracks" for each case type is an important and valuable aspect of caseflow management in these courts. However, equally important is the crafting of weekly dockets that reasonably can accommodate all of the "improved" case processing tracks into a cohesive whole.

Thus, in 1996, the Judicial Council of Virginia included a number of objectives to address these identified concerns within its strategic plan for fiscal years 1997-98. Among these was the development and implementation of a comprehensive statewide program to assist the J&DR courts in streamlining their docketing and caseflow management systems. Entitled the *Calendar Management and Delay Reduction Program for Virginia's Juvenile and Domestic Relations Courts*, this program offers (1) "team-based" training workshops in caseflow management and docketing procedures specifically designed for the J&DR courts; (2) on-site follow-up technical assistance for each court; and (3) an automated "next date" case scheduling program to further assist the J&DR courts in segmenting and managing their daily dockets.

In 1996, with the assistance of the Commission on Youth and Delegate Glenn R. Croshaw of Virginia Beach, funding was obtained to develop and pilot this program. Considered to be the first of its kind in the nation, this effort was inaugurated with eight courts in May, 1997. Since then, three additional workshops have been held. There are three basic goals for the program: (1) to reduce the amount of time from incident to disposition for all cases heard in the J&DR courts, (2) to reduce the waiting time experienced by litigants/parties on the hearing date; and (3) to ensure that due process requirements are met in the handling of all cases heard by the courts. In addition, a basic methodology for courts to use in achieving these goals was set forth using several caseflow management axioms. These include:

1. Judges must assume the responsibility for managing the dockets so that the ends of justice can be met.
2. Effective management of the docket requires establishment of procedures that:
  - a. Provide for early screening and diversion of all appropriate cases;

- b. Set voluntary time guidelines/goals for the disposition of all cases;
- c. Ensure date and time certain scheduling for all matters to be heard by the court;
- d. Encourage preparation by all players, including the court; and
- e. Provide for reasonable workloads for judges and court staff that expedite disposition of the case and minimize waiting time for the public.

3. In order to accomplish these objectives, courts should develop a team “plan” that provides for ample notification and training for all players involved.

Based on these goals and methodologies, an agenda for a two and one-half day calendar management and delay reduction training workshop was constructed. As of this report, four such conferences have been completed involving thirty-two J&DR courts from across the state.

During these conferences, teams from individual courts consisting of judges, clerks, law enforcement officials, attorneys, social service and other executive branch agencies, as well as CASA representatives, work to examine in detail current docketing practices for the various types of cases coming before the court. The workshops provide the opportunity for each court team to devote time to exploring together the characteristics and goals of effective case management systems. Members analyze and evaluate their existing caseflow management and docketing procedures, and formulate potential recommendations for improving the court’s handling of cases on a weekly basis. Most importantly, each court began the planning process for implementing a revised case management and docketing scheme and developed a specific action plan which set forth their goals and objectives, specific tasks for meeting those goals and objectives, as well as assignments for continuing the process in each court in the months following the conference itself.

As of December, 1998, nearly all of the courts participating in the workshops have developed and/or implemented improved docketing systems that take into account the myriad of requirements for each case type. Dramatic improvements in case processing times and in the reduction of waiting time for parties have been achieved in many courts. Based on the results of the workshops to date, the 1998 General Assembly appropriated funds to continue these workshops in the 1998-2000 biennium.

## **Section IV**

### **Conclusion and Recommendations**

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The scheduling of juvenile traffic cases and the awarding of juvenile driver's licenses at the mandated special ceremonies constitute important responsibilities of the J&DR courts of Virginia. A reflection of the seriousness with which the courts take these responsibilities can be seen in their active participation in major calendar management and docket improvement programs, as well as in the host of activities underway throughout the state to improve and deliver meaningful programs to juveniles and their parents as juvenile driver's licenses are awarded.

As part of the *Calendar Management and Delay Reduction Program*, Virginia's J&DR courts are evaluating their docketing and scheduling procedures for all types of juvenile matters, including juvenile traffic cases. A major theme of this effort is that court dockets must be examined holistically with regard to the laws governing required case processing activities, as well as the interests of all participants in the J&DR court process. Many courts across the state have begun to make significant progress toward reducing delay and better serving their communities by making significant changes to their docketing and calendar management procedures for all types of cases.

As many J&DR courts do it today, scheduling juvenile traffic cases in the afternoon to avoid or minimize conflict with school schedules is possible. It is clear from the survey of juvenile judges undertaken as part of this study that there is no consensus on the best time to schedule juvenile traffic cases. Clearly, major scheduling changes may have substantial impact on the courts and should be undertaken only as part of the courts' complete evaluation of caseload and calendar management demands.

The quality of the juvenile driver's licensing ceremonies depends on the courts' determination to make them useful to juveniles and parents alike. Judges are currently using the discretion granted them in the design and content of their individual ceremonies to present a basic message of juvenile traffic safety and driver responsibility. Many courts have developed and/or are using various community resources to present their message. Resource guides and other courts'

programs offer to all judges the opportunity and information necessary to conduct quality ceremonies regardless of scheduling or size concerns. Still, courts continue to evaluate the scheduling, size, and content of their ceremonies, and to explore ways to ensure that Virginia remains a model to other states in stressing to new drivers the responsibilities that accompany the privilege to drive.

### *Recommendations*

**Recommendation 1:** Courts should schedule licensing ceremonies in the late afternoon or evening so that they do not conflict with school schedules.

**Recommendation 2:** Courts should schedule licensing ceremonies so that 100 or fewer students participate in the ceremony but in no event should the ceremony involve more than 200 students.

**Recommendation 3:** Each J&DR court should develop a Calendar Management and Delay Reduction Program. In developing this program, and while taking into account the needs of all participants, the court should determine whether juvenile traffic dockets can be scheduled to minimize conflicts with school schedules.

**Recommendation 4:** A team of J&DR court judges and clerks should be appointed to review the “Resource Guide” scheduled for completion in early 1999 and other materials currently being developed by the Department of Motor Vehicles and the Department of Education and incorporate them into existing education programs for J&DR court judges and clerks.

**Recommendation 5:** Judges of the J&DR courts should be encouraged to continue collaborative efforts with state and local agencies and highway safety groups to ensure that licensing ceremonies feature driver responsibility as their primary focus.

**Recommendation 6:** The OES should develop for use by all J&DR courts a questionnaire for parents and teens attending the ceremonies in order to assess their perceptions of the program and

solicit comments and suggestions for improving the ceremonies. In addition, OES should assist the courts in the administration, analysis and reporting of results of the survey.



# Appendix

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**SENATE JOINT RESOLUTION NO. 180**

*Requesting the Office of the Executive Secretary of the Supreme Court of Virginia to study scheduling of juvenile traffic cases and issuance of licenses.*

Agreed to by the Senate, February 13, 1998

Agreed to by the House of Delegates, March 12, 1998

WHEREAS, Virginia law requires that juveniles appear before the juvenile and domestic relations district court in order to obtain a license to operate a motor vehicle; and

WHEREAS, to facilitate the process of issuing licenses, in some jurisdictions large groups, sometimes as many as 400, are scheduled to appear at one time making control, rather than driver responsibility, a primary focus of the event; and

WHEREAS, in many jurisdictions across the state traffic cases are scheduled and heard early in the day, causing juveniles charged with traffic offenses to miss school; and

WHEREAS, the processes developed to handle both the issuance of licenses and the sanctions for violations of the responsibilities imposed upon issuance of the license should better reflect the importance with which the Commonwealth views school attendance and driver responsibility; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Office of the Executive Secretary of the Supreme Court be requested to study alternatives for scheduling of juvenile traffic cases and issuance of licenses. Technical assistance shall be provided to the Office of the Executive Secretary by the Juvenile Court Judges Association, Association of District Court Clerks and the Virginia Magistrates Association.

All agencies of the Commonwealth shall provide assistance to the Office of the Executive Secretary for this study, upon request.

The Office of the Executive Secretary shall complete its work in time to submit its findings and recommendations to the Governor and the 1999 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.



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# JUVENILE DRIVER LICENSING CEREMONY AND TRAFFIC SAFETY ISSUES SURVEY

**T**hank you for taking the time to share your views on juvenile traffic cases and the juvenile driver licensing ceremony. Your input will be valuable to the Supreme Court of Virginia in responding to SJR 180, and also will assist in the development of a traffic safety resource guide that judges can use to plan juvenile driver licensing ceremonies and address traffic safety issues.

Please check the appropriate response.

## SCHEDULING OF JUVENILE TRAFFIC CASES

1. When do you generally hear juvenile traffic cases?

Early morning       Late morning       Afternoon

2. What factors influence the times when your juvenile traffic dockets are set? (Check all that apply)

School schedules       Police officers' schedules  
 Scheduling of other types of court cases       Lawyers' schedules  
 Other factors (please list): \_\_\_\_\_

3. Do you believe that juvenile traffic cases should be scheduled to avoid or minimize conflicts with school schedules?

Yes       No

4. What impacts would scheduling juvenile traffic cases to avoid or minimize conflict with school schedules have on your court?

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## JUVENILE DRIVER LICENSING CEREMONY

5. On the average, how many people (teens and adults) attend each licensing ceremony?

50 or fewer       50-100       100-200       More than 200

6. How many young people do you consider to be the ideal number at a single licensing ceremony in order to make the ceremony meaningful and to convey the message of driver responsibility?

50 or fewer       50-100       100-200       More than 200       Number is not important

7. How often does your court system hold licensing ceremonies?

Once a week       Twice a month       Once a month  
 Once every two months       Ceremonies are scheduled as needed

8. Where is your licensing ceremony held?

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18. Does anyone other than your staff assist you or participate in the licensing ceremony?

No  Yes

If yes, please list: \_\_\_\_\_

19. If available, what persons or organizations might you use as a part of the licensing ceremony?

- Law enforcement  Rescue squad personnel
- Parents who have lost children in crashes  Teens who have been involved in fatal or serious crashes
- Commonwealth's attorneys  Defense attorneys
- DMV  VASAP
- Other (please specify) \_\_\_\_\_

20. What other types of materials and/or information would be helpful to you in planning and conducting your licensing ceremony?

\_\_\_\_\_

21. What message or messages do you emphasize during your licensing ceremonies? In other words, what do you feel should be the appropriate messages conveyed to those attending the ceremony? (check all that apply)

- Driver responsibility  Value of the in terrorem effect
- Legal consequences of breaking traffic laws  Understanding the court process
- The ceremony should be solely for giving out licenses  Traffic safety
- Other (please describe): \_\_\_\_\_

22. Do you currently use any licensing ceremony programs that have worked well for you and for which you would be willing to share information?

- No, not at this time
- Yes. Please contact me to discuss (briefly describe program) \_\_\_\_\_

23. Does your court use any programs for juvenile traffic violators that have worked well and for which you would be willing to share information?

- No, not at this time
- Yes. Please contact me to discuss (briefly describe program) \_\_\_\_\_

24. In your opinion, is the licensing ceremony beneficial to new drivers? Why or why not? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_ Court: \_\_\_\_\_

Phone: \_\_\_\_\_