

ADVOCATE

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The Quick and the Dead *A Brief and Cursory Juvenile Justice Summary of the 2009 General Assembly Session*

(by Deron Phipps, Janet Van Cuyk, and
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The earliest meaning of the word "quick" in English is "alive." When a baby was first felt to move in its mother's womb, it was considered to have come to life; and this moment was called "quickenning." This original meaning of the word "quick" has now died out except in the phrase "the quick and the dead," kept alive by the King James translation of Acts 10:42, which speaks of Jesus as judge "of quick and dead," but even more by the continued recitation of the *Apostles' Creed*, which says of Jesus that "he shall come to judge the quick and the dead."

To state the obvious, the focus of the 2009 General Assembly session was on the budget. Nonetheless, there was other business conducted this session. Herein, we bring your attention to some of the bills impacting the juvenile justice system that passed into law (the "quick"), and some that did not (the "dead").

The Quick

A key phrase this session was "clarifying the law." **SB 1149 (Crime Commission Study Recommendations)** resulted in several "technical amendments" to the juvenile code including allowing photographs to be retained in the record and clarifying that felony offenders can be eligible for diversion only one time while lower level offenders may be eligible for multiple diversions. **SB 928 & HB 2310 (Juvenile Court Records)** clarify that copies of juvenile court records can be released subject to any restrictions, conditions, or prohibitions that the court may impose. SB 928 & HB 2310 did not amend § 16.1-300 and DJJ's records. **SB 1290 (De Novo Appeal)** clarifies that an appeal from the juvenile court

will be heard de novo in the circuit court. **HB 1868 ("Baby DUI")** amends the Code of Virginia to fix a drafting error in legislation (HB 719) enacted in 2008 by clarifying that the penalties for a conviction of a Class 1 misdemeanor apply to a conviction for underage drinking and driving.

As usual, there were bills pertaining to the release of confidential juvenile record information. **SB 1218 (DJJ Reports to Schools)** places a duty upon the Director to notify the school superintendent when a juvenile is released from a juvenile correctional center and poses a credible danger of serious bodily injury or death to one or more students or school personnel. **HB 2513 (Intake Reports)** requires a report by the intake officer to the school superintendent when a petition is filed alleging that a juvenile committed an act of violence by a mob pursuant to § 18.2-42.1 of the Code of Virginia. **SB 1377 (Law Enforcement Records)** provides that police and sheriff departments may release current information on juvenile arrests to law-enforcement agencies in other states. **HB 1843 (Releasing Juvenile Records to the OAG)** allows the Office of the Attorney General access to confidential juvenile records for criminal investigations and for the Civil Commitment of Sexually Violent Predators Act.

SB 1439 (Protective Orders) removes the provisions pertaining to the issuance of protective orders that was added in 2008 requiring an addendum to each type of protective order that contains identifying information. The identifying information will return to the front page of the order. **HB 1857 (Incarcerated Abusers)** provides the juvenile court with the circumstances when the court can issue a protective order

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Views from the Ledge...

By Editor, Gary L. Conway

July 11th marked the 18th anniversary of the arrival of my two adopted Romanian sons in America. Now that both Calum and Atticus have each reached chronological adulthood, I can reflect on what an amazing journey it has been, and continues to be. When they were children, they spake as children. Fortunately, my wife Ann and I thought to write down some of the things they said.

Atty: Last year I was in a special ed class. This year I'm in a special *needs* class. That's even special eddier.

Ann: If you're trying to lose weight, why did you eat six brownies yesterday while you were fishing with your dad?

Calum: Dad said anything you eat while you're fishing doesn't count.

Gary: Why are you boys always so competitive about everything?

Atty: Calum is more competitive than me!

Calum: I bought you some perfume at the Big Lots Store.

Ann: Calum, you know that I don't use products that have been tested on animals.

Calum: Why would I test your perfume on an animal?

Gary (after a hand of 500 Rummy): Calum has 75 points; Atty has 85 points.

Calum: I'm only down by 5 points!

Atty: You're down by 15! Don't you know how to count?

Atty: My new girlfriend is a real country girl; just like me.

Atty: We started Family Life Class at school today. We learned about ovaries and testicles.

Ann: Which do *you* have?

Atty: Testicles.

Ann: That's a relief.

Calum (singing 'Independence Day' by Martina McBride): Let freedom ring! Let the white duck sing!

Atty: The pretty girls all follow me around at school.

Gary: Why is that?

Atty: I spray my butt with cologne.

Ann: Did you promise Atty you would go fishing with him today?

Calum: Atty promised me I'd go fishing with him today.

Atty: I want to get soft shell crabs at the restaurant tonight.

Ann: I think soft shell crabs are seasonal.

Atty: You can order them mild.

Atty: I bought your Christmas gift at the silent auction; a pair of bedroom slippers for only two cents!

Ann: I plan to spend *twice* that much on *you*.

Atty (at church where Ann is dressed as Ruth for a play): Who are you supposed to be?

Ann: I'm Ruth, from the Bible.

Atty: The *Babe*?

Calum (on the cell phone with Gary): I'm sick, Dad; but Mom says we can't come home until she finds me a new suit. I think she wants something to bury me in.

Atty (riding past a newly mown hay field): Look! Hales of bay!

Calum (on Gary getting lost in Richmond): Dad's not really lost until he runs out of yellow lines.

Ann: How do you spell 'wait'? As in "wait one minute."

Calum: W_E_I_G_H_T

Atty: No! It's W_I_G_H_T.

Calum: That's what I said.

Atty (en route to a day of fishing at Tam's Lake): We can buy a hot tub for only three thousand dollars.

Calum: We can't even afford worms.

Calum: Why do you always chew your food with your mouth open?

Atty: I taste better that way.

Atty (reaching across the restaurant table to grab half of Calum's cheese steak sub): Are you gonna eat that?

Calum: Hey! Get off! That's a boundary issue!

Atty: I don't understand boundary issues.

Gary: Think you'd understand a fork sticking in your hand?

Ann: O.K., Atty, time to say your prayers.

Atty: I got a good one to say tonight. Dear God, help me to stay out of fights, or not to get bit anymore; whatever you think is best.

Calum (riding in the car to church): I had a bad dream last night. I stabbed a lot of people with a butter knife.

Ann: How did you feel when you woke up?

Calum: I don't think I'm awake yet.

Atty: Can I get out here?

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Beth's Blog

By VJJA President, Beth Stinnett

VJJA Enters Blogosphere, Social Networking Community

When I first began writing this column a little more than three years ago a family member suggested the above-captioned title, "Beth's Blog". I liked the title for its use of alliteration and techno-savvy sound, but admittedly knew little about blogs, the blogosphere, or the larger social networking community. While I had some awareness of blogs, I was most familiar with personal blogs that function as on-line personal diaries. Similarly, I had heard of social networking sites but had never visited one. I had believed that the sites were intended for a younger demographic or for single adults looking for a "love connection".

Now having learned more about on-line forums and social networking communities, I know that adults make up the majority of users (30% of facebook.com users are age 35-65) and that these forums are increasingly gaining popularity among businesses and professional associations. It has also become apparent that the goals of such sites do not differ considerably from some of the goals of professional associations, and their use can be part of a comprehensive and effective communication strategy. Albeit on-line, social networking sites seek to build communities of individuals who share interests or activities. The sites also seek to provide a variety of opportunities for users to interact and share information and ideas.

Likewise, blogging and other methods of creating user-generated content have become increasingly popular, bringing individuals together and providing a forum for "participatory journalism". According to wikipedia.org, "A blog (a contraction of the term "weblog") is a type of website usually maintained by an individual with regular entries of commentary, descriptions of events, or other material such as graphics or video. Many blogs provide commentary or news on a particular subject. A typical blog combines text, images, and links to other blogs, web pages, and other media related to its topic".

VJJA joins a growing number of businesses and associations that seek to embrace on-line forums, sites that allow for user-generated content and social networking sites to grow our network and improve our communication. To that end our association is currently enhancing our on-line presence and making improvements to our communication infrastructure. Together with an overhaul of our association

website (www.VJJA.org) and continued enhancements to our web-based publications, our foray into the blogosphere and social networking community will enable us to do an even better job of effecting our mission: (1) to enhance the professionalism and skills of our members (training, professional development, practice improvement); (2) to foster timely and on-going communication with and between our members (collaboration, relationship building); (3) to promote alternative approaches (diversion, risk-based responses, alternatives to incarceration and secure confinement); and (4) to advocate for quality programs and services (evidence-based practices, program standards, quality assurance, program integrity).

Visit Us in Each of These Forums

		
Become a VJJA "Fan" at: www.facebook.com	http://vija.blogspot.com/	www.youtube.com/user/VJJAorg

We will also be exploring utilities that will allow us to survey our members, conduct on-line meetings, deliver online trainings and publish list serves.

		
	Connect. Inform. Grow.	because knowledge is everything

ADVOCATE

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Just Us By R. Erich Telsch

The Dirty Business of Juvenile Justice

In the hospitality business most managers are very familiar with maintenance issues. How frequently something breaks down mechanically, needs replacing, or otherwise causes an interruption in operations is closely monitored. Client satisfaction ratings are taken quite seriously by upper management because it directly affects repeat business which in turn affects the financial bottom line. The skill to anticipate those negative events sometimes takes years to acquire and years longer for management to determine the best method of analyzing and responding to these events.

Juvenile Justice is not immune from similar negative occurrences except we measure satisfaction differently (no one likes a happy sociopath), repeat business is a bad thing, and interruptions occur daily. Our truest measures to date have been to assess criminal behavior after it occurs (recidivism), satisfaction in terms of our own subjective opinion on a particular client's change in attitude or their having met certain relatively benign expectations, and we are still shocked when things out of the ordinary occur on a daily basis even though our clients are known for doing the unordinary. So let's be honest for a moment about our business.

Imagine if you will that our business is like a huge hotel lobby and we are responsible for its appearance, upkeep, and the flow of operations. This is an expensive hotel and we charge high prices for our services. Consequently, we set our standards of operations high. Door knobs are polished daily, flowers changed, baggage attendants always at the ready, free newspapers at the front desk, and now an obligatory "business center" where banks of telephone booths and a shoe shine vendor used to be. All appears gleaming and our clients feel a sense of welcome and well-being when they enter and are greeted by our staff. That's the public face of the upscale. What the hotel manager sees is that thirty percent (30%) of all the dirt and grime entering the hotel is deposited on the carpet in the first three (3) feet of the entryway; ninety percent (90%) in the first thirty (30) feet. And that is where your housekeeping effort needs to be concentrated. It's all well and good that you vacuum the hallways and rooms but most of the dirt stays in the lobby. And unless you pay particular attention to cleaning and shampooing that first thirty feet, every day, every shift, the cost to replace and the frequency of replacement of that floor covering will be daunting.

Now in our business we tend to only think about dirt when it comes to residential settings. If a certification team is coming next month, the facility personnel and residents begin spending a lot of time sprucing up the place to put on a good face for the audit team.

Most times this effort is successful and rewarded with appreciation. Of course the auditors are not looking for new dirt; they expect that you will tidy-up when company is coming. Their job is to look for old dirt. Ground in grime; discoloration that extends from the dark corners of an overly waxed floor and up the wall several inches. They look for the holes in the screens; the thermometer that doesn't register correctly on the freezer unit; the dish rag wistfully draped over the kitchen sink faucet. They look behind the dryers in the laundry, at your frequency chart for emptying your grease traps, and whether your wastewater technician has properly tested the effluent. Satisfaction is not measured by smiles, but by compliance with standards because over time we have developed an appreciation for what makes a facility livable, healthy, safe, and properly maintained. You do not want to have the routine of your residents interrupted. Not because they can't as individuals learn to accept life's little disappointments and delays, like when a toilet is stopped up or the electric power goes out. It's because in congregate care, the mixture of disorders, manmade and man made, can be volatile. Twenty teenagers who need to shower is a very different group at the dining table than those who are given ample opportunity to bathe before. Twelve teenagers who are deprived of liberty and television are a very different group after dinner than those who can be pacified by the flickering images of our society. Two young people sitting in a hot, not air conditioned waiting area on a sweltering summer day while staff decides on disciplinary measures because of their aggressive, assaulting behavior can lead to maintenance and medical expenses. The prevalent learning here is that old dirt is bad and new dirt is good.

In community programming we look at old dirt/new dirt as well. An occasional absence of a record entry out of one-hundred thousand entries is overlooked. Frequent errors and omissions, however, are not acceptable. The details prove over and over again that when we omit a step, when we hurry past a decision point, we may cause harm or allow unchecked behavior to harm others. In our community programs we know we need to look more at a medical model in concept rather than a maintenance schedule. A surgeon is expected to ensure that all sponges have been accounted for — that's why they are counted. A physician needs to take logical steps following a distinct protocol toward diagnosis. A nurse doesn't rush through a medical history review because what is overlooked may be the very item that may lead to restoration of health. Humanity comes through our doors every day and, in juvenile justice, we have a mission that includes maintaining the carpet while instructing others to wipe their shoes upon entering. If we control where the dirt

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Membership Matters

By VJJA Membership Chair, Samantha Higgins

Membership Year 2009–10 is here!

It is that time of year again... time to renew your membership to VJJA! The new membership year began on July 1, 2009.

To continue your membership and ensure uninterrupted announcements and publications renew, renew, renew!

I know I have said it before, but VJJA's greatest asset is truly its members. The 2008–09 membership year closed with 774 active members — a few less than last year, but we are still reaching out to folks who have not maintained their membership. 1600 renewal notices were sent out in June to the entire database of members to let folks know that we are still here, here to advocate for and serve the dedicated workers of the human services field, and to advocate for Virginia's at-risk children and families.

As a reward for continuing your membership, every renewal received by **September 1, 2009** will be entered in a drawing for VJJA logo items and other fun prizes, including a grand prize paid registration to the 33rd Fall Juvenile Justice Institute, a \$100 value! This year's conference is due to be held in the Tidewater District and more details are to come.

Membership dues are \$20.00 and applications are available on the website www.vjja.org. Be advised if the website is experiencing any technical difficulties, you *MAY NOT* be able to renew online. If this happens to you, simply print the renewal form from the website or request one from me via email then drop it in the mail. Cash, checks and money orders are accepted by mail. Sorry, I do not have the capability to accept payments by phone. I do have the capability to invoice agencies directly for the payment of membership dues, so let me know if you and your agency would benefit from direct invoicing.

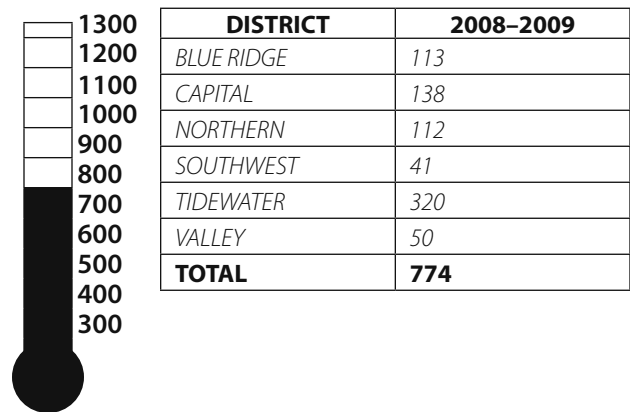
The membership application form also provides the opportunity to donate monies to the Child Advocacy Fund. All donations to CAF are earmarked strictly for the VJJA child advocacy projects. At present, CAF has received \$292.00 in member donations. The VJJA Executive Board has agreed to match member donations dollar-for-dollar up to \$1,000. So keep those donations coming!

As a reminder, there is no longer an option to receive a paper *Advocate* as opposed to an *e-Advocate*. All new members will automatically receive an *e-Advocate*.

Membership Renewal Tip: Renew YEARS in advance! Eleven current VJJA members have already renewed through the 2010–11 membership year and one member has already renewed to 2012!

As of the writing of this article, VJJA's active/paid/renewed membership was 337. A fantastic place to be, nearly half of last's year's membership, and we are only two weeks into the new membership year. So keep those renewals coming in also! My personal goals for this membership year are to maintain our core membership, match the 774 members from last year, and gain back memberships lost over the last few years.

I thank you in advance for renewing your membership with the association, and as a reminder, please make sure I have any updates to your place of employment, mailing address and email address. Otherwise you may miss out on important information and announcements. Feel free to contact me at (540) 463-5401 or at membership@vjja.org, and remember my mailing address has changed to 20 S. Randolph Street, Suite 100 Lexington, VA 24450.



Save These Dates!
VJJA's 33rd Fall Juvenile Justice Institute
 November 4–5, 2009
 Holiday Inn—Hampton Coliseum Hotel & Conference Center
 Plenary Sessions • Workshops • Professional Development • Meetings • Networking • Exhibits • Awards

Thanks!
Thanks to the following agencies for hosting recent meetings of the VJJA Board of Directors:
 Family Preservation Services (FPS), National Counseling Group, James River Detention, Beaumont Juvenile Correctional Center, Shenandoah Valley Detention & Family Focus

Book 'Em

By Eric Assur

What Works in Probation and Youth Justice: Developing evidence-based practice.

Ros Burnett and Colin Roberts, editors, 2004 paperback, 267 pages, www.willanpublishing.co.uk, published in Devon, England and United States

In thirteen chapters, the editors of this work do an interesting, but brief, job reviewing research on what works in the area of juvenile justice and court services. They fulfill their promise to enlighten practitioners on just what does work via over a dozen short articles. These articles are all well supported by references and ample evidence, on which programmes (recall that this is a UK publication) work and what approaches are not supported by success outcomes. They start the book with an impressive list of about 100 abbreviations, from A to Y for *Adult Education to Youth Offending Team*. The abbreviations and occasional explanations of terms are helpful (recidivism is the same as desistance, resettlement is the new term for aftercare) to the Virginia or U.S. reader. While some of the words are unique, the history and concepts are similar for either side of the Atlantic.

The new name of the game, at least to get funding or grant approval, is to make all that you do “evidence based.” Social service, education and juvenile justice grants all now require proof that the approach is tested and true. The days of John Howard or the friendly, helpful, and only occasionally threatening probation officer are long gone. In the United States we have several desktop guides or models for juvenile probation services; unfortunately, the recommended practices may not be supported by evidence of success. And your boot camp or the judges’ favorite order of the month may be of no proven merit.

We have many and varied state codes and even wide variations on programs and services throughout our Commonwealth, but is there much uniformity from county to county or from CSU to CSU in Virginia? The editors argue that England has vastly changed court operations and related youth justice programs in the past 20–30 years. The British model of the past had 54 “autonomous, independent, creative organizations, but with a poor track record for implementation and evaluation.” The new National Probation Service has changed that. In another chapter, the authors claim “truancy is the greatest single predictor of juvenile and adult crime.” We are told that two-thirds “of the young offenders begin their criminal activities while truanting.” They also claim that we do great harm when we over utilize detention in such a fashion as to break the student — school bond or relationship. Schools socialize and teach problem solving, decision-making skills, and prosocial behaviors. So, we should all seek to maximize school attendance and not allow alternative schools or long term “exclusion” to jettison youth toward a harder road without career

skills or basic education skills. Such comments are not speculative. They are supported by data. The evidence-based practices are becoming more and more salient factors in service delivery.

The topics that this book covers all focus on England and other United Kingdom nations. Many of the research accounts are from the U.S. or Canada. We can relate to and see just what our United States courts can learn about studies that tell us just how effective we are. In 1974 R. Martindale published the now famous journal article on “nothing works.” Since then our level of faith in programs and our ability to empirically support what we do has risen. The book concludes with the challenge to keep research data in the forefront of our minds. We don’t want to revert to the zero tolerance, lock em’ up and nothing works mentality of twenty or thirty years ago.

I conclude this review with a request for VJJA experts to take a more focused look at just a chapter or two of this book, which can be obtained via interlibrary loan from your local library. Check out the intensive supervision (electronic tagging, voice verification, and person-to-person models) covered in Chapter 9, and see what lessons are to be learned. One of our court supervisors, directors, or intensive supervision, supervised release or detention diversion personnel could enlighten us in a future *Advocate*. Or, some court or school staff associated with a court based school or alternative school in our Commonwealth could focus on Chapter 6 on education and juvenile justice. What are the emerging lessons, according to this book and the cited sources, which relate to education and youth justice? Send your comments on these issues to the *Advocate* editor.

Just Us

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is deposited, we can better maintain the public’s resources. If we let our clients feel safe enough to share their grit and grime in our offices, they may well re-enter their homes carrying a little less debris on the soles of their flip flops and a little less debilitation in their souls. When our clients are relieved of their past pains, they may be better able to respond to their present burdens. Here too old dirt is bad and new dirt is good.

In today’s juvenile justice business we seek to discover presenting problems and to establish programs using evidence-based research in conjunction with best practices. Sometimes the answers are right there at our front door. The old way of thinking was that Juvenile Justice was the end of the road, the last chance for rehabilitation, the final step before a life of imprisonment or worse. Now we know better. Now we know that when a child enters the system we can at that moment begin to prepare them for success. We can accept their past and they can accept their past. We can help them focus on what is important and help them develop the competencies they need to achieve their goals. If we help them reach the point where they are wiping their shoes clean when they come into our offices, then all we have to do is clean the carpet before they exit. After all, they are called “Welcome” mats.



Ask Uncle Buck

(Uncle Buck claims to be a Licensed Professional Counselor who specializes in employee relations counseling. If you have questions you would like to have answered by Uncle Buck and his

Advocate panel of experts, please write to: Ask Uncle Buck, P.O. Box 966, Churchville, VA. 24421.)

Dear Uncle Buck: I, like many others from Hampton Roads, were glad you made the trip to our part of the Commonwealth. Your account of our recent successful event was well done and we appreciate such coverage. We also hope you will, as you have done in this case, take a more active role and be a greater part of the *Advocate* as you have been in the past. Towards this end, we read in the same issue that new members to our Association would not have a choice as to whether they would be able to receive the printed version of the *Advocate*. What do you think about that, Uncle Buck? Shucks, dues have been raised. Fees were charged to those attending the Tidewater event. Did you pay to attend? You noted many vendors were there, and aren't they paying to advertise? Those folks (potential advertisers) wouldn't want new members to be restricted from their messages, would they? So Uncle Buck, search your mind and let us know what you think. We would also ask you to see whether this new member's choice policy can be changed when he or she hopefully renews their membership. Will they be off "No Choice Probation" at that time??? — **Curious in Hampton Roads.**

Dear Curious: Uncle Buck cannot help but notice that you certainly ask a lot of questions for someone from Hampton Roads. To get answers, however, you will have to ask members of VJJA's Board of Directors. Uncle Buck is not a branch on that decision tree. He suspects that limiting or eliminating the paper version of the *Advocate* is a purely financial decision. Clearly an electronic version of the newsletter is fiscally preferable given the rising costs of printing and postage. While Uncle Buck has no dog in this particular fight, Mrs. Uncle Buck is very much in your corner on this question. She insists upon her paper issues of the *Advocate* to line the kitty litter box. — **Uncle Buck.**

Dear Uncle Buck: I just received notification about the 'Virginia State Employee Loan Program.' Under this program, state employees who are members of the Virginia Credit Union can apply for a short term loan of up to \$500 to get them through tough times. Like many others, my finances are a little tight. Do you think this would be a good deal for me? — **Poor in Petersburg.**

Dear Poor: Absolutely. Despite the high annual percentage rate of 24.99%, Uncle Buck believes that there is a way to make these loans work. He suggests taking out the \$500 loan and using the cash to purchase 500 Power Ball Lottery tickets. Should you lose, and you almost definitely will, you won't be

all that much worse off than you are now. However, should you hit the multi-million dollar jackpot, your current financial situation will be infinitely transfigured. — **Uncle Buck.**

Dear Uncle Buck: In an effort to save money and eat healthier, I am doing some gardening in my office. I have tomato plants, green peppers, and some okra growing in containers next to my desk, and everything is starting to come along nicely. Recently some of my cherry tomatoes and a green pepper turned up missing. I suspect that our secretary, a devout vegetarian, is raiding my garden. Should I confront this woman with my suspicions? — **Grundy Green Thumb.**

Dear Green Thumb: Vegetarians are very unstable people and can be quite violent. This comes from a lack of protein in their diet. Do NOT confront this person no matter how certain you are of her larcenous behavior. You could try taking your vegetable plants home, but be sure to move them at night or on the weekend when your secretary is not around. Uncle Buck cautions you, however, that this response can be dangerous. Your secretary might become so enraged when she discovers that her fresh veggie source is gone that major trouble will ensue. At this point, the best thing Uncle Buck would advise is to leave the plants where they are and turn a blind eye to the pilfering. — **Uncle Buck.**

Dear Uncle Buck: There seems to be so much stress in the world nowadays. I can see it in our clients and in my co-workers. People are tense and on edge. What do you think is causing all this stress, and what can one person do to make things better? — **Worried in Williamsburg.**

Dear Worried: Well, just off the top of Uncle Buck's head, he would say IT'S THE ECONOMY, STUPID!!! Don't you read the papers or watch the news, you moron?!? The government is broke, the stock market is in the tank, and 16,000 people have lost their jobs EVERY SINGLE DAY since the "stimulus package" was signed into law!! What do I think is causing all this stress? Are you for real?!? And what can *you* do to "make things better?" Hey! Try this! Shut up! Just shut UP!!! — **Uncle Buck.**

Dear Uncle Buck: I work in a state office where we are taking the Governor's Executive Order 82 regarding the Green Commonwealth Challenge very seriously. Employees are bicycling to work, carpooling, and recycling all manner of reusable products. In addition to helping the environment, there is an opportunity for us to win recognition leave. Do you know of any creative ways that we can help the environment and make us more competitive in this Challenge? — **Eastern Shore Environmentalist.**

Dear Environmentalist: Decades ago, long before budget and environmental crises, Uncle Buck visited the Tidewater

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Quick

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and the alleged abuser is or has been recently incarcerated. **HB 1842 (Stalking EPOs)** adds sexual battery and aggravated sexual battery to the list of offenses for which an emergency protective order can be issued in stalking cases.

Several bills focused on the schools. **HB 1794 (Suspensions & Truancy)** provides that truancy, in and of itself, is not sufficient cause for suspension. **HB 2341 (Suspension & Intake Reports)** allows the school board to place a student in an alternative educational program or authorize a short-term suspension when that student has been charged with an offense requiring notification from the intake officer. **HB 1826 (School Dropouts & Drivers' Licenses)** requires the suspension of a driver's license of a minor who has 10 or more unexcused absences on consecutive school days.

Mandatory mental health treatment continues to be an issue. **HB 2061 & SB 1122 (Psychiatric Inpatient Treatment of Minors Act)** provide the juvenile court with the authority to order mandatory outpatient treatment for a juvenile in the event that inpatient treatment may not be needed. However, one of the more interesting changes in the mental health field involves the name of the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS). **HB 2300 & SB 1117 (Name Change)** change DMHMRSAS to the Department of Behavioral Health and Developmental Services. **SB 1506 (CSA)** amends the Comprehensive Services Act to allow the juvenile court to request a second "FAPT" report if the court considers services not recommended in the first FAPT report.

The Dead

A number of attention-grabbing bills addressing juvenile justice issues from the 2009 General Assembly Session elicited high-spirited and interesting discussions but were never reported from committees. Here are brief and cursory summaries of some of those bills.

One of the more remarkable bills that failed was **HB 2361 (Sex Offender Registration for All Juveniles Adjudicated Delinquent of Sexually Violent Offense)**. HB 2361 would have mandated juveniles adjudicated delinquent for sexually violent offenses or homicide to register on Virginia's Sex Offender Registry. The bill did not have any age restrictions and, because it was retroactive as drafted, would have applied to any juvenile who was adjudicated delinquent for a violent sexual offense regardless of the date of adjudication. Juveniles adjudicated delinquent of nonviolent sex offenses would not have been statutorily required to register. Financially, the bill would have had a significant impact. It was estimated that the bill would have added over 500 juvenile sex offenders

(for just the past three years) to the Registry. This increase in registrants would have required the Virginia State Police to hire, per their staffing ratios, at least five new trooper positions to enforce the Registry requirements at an estimated cost of at least \$689,009 in the first year and \$418,743 in the second year. HB 2361 was left in House Committee on Militia, Police, and Public Safety.

Back again this year was a gang bill that failed in 2008 concerning DJJ records and gangs. **HB 1781 (Confidentiality of DJJ Gang Records)** would have mandated DJJ to release to law-enforcement officials any information relating to criminal street gang involvement or the criminal street gang-related activity of others obtained from the investigation or supervision of juveniles. The release of information would have been mandatory regardless of whether there was a nexus to criminal gang activity. HB 1781 was left in House Courts of Justice.

Another repeat from 2008 was **SB 861 (Office of the Children's Ombudsman)**. In 2008, the General Assembly enacted HB 1131 and SB 315 to create a statewide Office of the Children's Ombudsman with the caveat that the legislation would not become effective unless funded. No funding was allocated in 2008. This year, SB 861 attempted to obtain funding for the office. With a cost approaching a million dollars and no corresponding budget amendment, SB 861 passed the Senate, with a contingency clause requiring funding, and failed in the House Committee on General Laws.

An issue that has support among CSU staff would have been addressed by **HB 2228 (Juveniles & Restitution Payments)**. This bill would have allowed the court, in cases where juveniles remain on probation or parole solely because of unpaid restitution, to transform the orders of restitution into monetary judgments and then release the juveniles from probation or parole supervision. Unfortunately, enforcing money judgments against juveniles was found to be an incredibly complex issue raising issues regarding jurisdiction for enforcement, ability to pay, responsibility for requesting orders to enforce the monetary judgments, and whether victims would be unfairly penalized or burdened. This bill also raised the unanswered question of whether a court can already do this without a change in the law. With such issues unresolved, HB 2228 was left in House Courts of Justice.

HB 1764 (Battery of Teacher) attempted to impose mandatory minimum sentences upon juveniles for assaulting teachers. Under current law, battery against a teacher or school administrator is a Class 1 misdemeanor, the sentence for which includes 15 days in jail, two of which must be served. HB 1764 attempted to raise the mandatory minimum term of confinement for battery of a teacher from two to five days. The main purpose of the bill sought to increase the mandatory sentence for juveniles and, after it was discussed

that mandatory minimum sentences do not apply in juvenile court cases, HB 1764 was left in House Courts of Justice.

SB 1136 (Grand Larceny — Threshold Amount) also revived a bill that failed in the 2008 session that attempted to address an issue that appeared to be overdue for consideration — increasing the threshold amount for grand larceny. From 1966 to 1980, the threshold amount, for theft not from a person, was \$100; in 1980, that amount was increased to \$200. Since 1980, the amount has not changed. SB 1136 attempted to increase from \$200 to \$500 the threshold amount of money or the value of the goods or chattel that must be taken before the crime rises from petit larceny to grand larceny. This bill did nothing to larceny from a person, for which the threshold amount is the taking of money or goods valued over \$5. The bill faced strong opposition from merchants and retailers and was left in Senate Courts of Justice.

HB 1741 (Juvenile Exile) attempted to raise the penalty for the juvenile possession of a weapon from a Class 1 misdemeanor to a Class 6 felony. The estimated fiscal impact (\$41,650) doomed this bill, and it was stricken from docket by House Committee on Militia, Police, and Public Safety by voice vote.

SB 1297 (Post-D Detention & Violent Juvenile Dispositions) would have allowed juveniles adjudicated delinquent of violent juvenile felonies to be placed in post-dispositional detention programs for up to six months. Current law prohibits such juveniles from such placements. The bill also would have mandated the court's consideration of the assessment completed by the detention center before ordering any post-dispositional placement exceeding 30 days.

The Virginia Council on Juvenile Detention had significant concerns with the violent juvenile felony provision, and SB 1297 was left in Senate Courts of Justice.

An interesting twist on deferred and dismissed dispositions came from **SB 1298 (Felony Juvenile Disposition — Deferred Then Reduced to Misdemeanors.)** SB 1298 attempted to allow the court to defer the disposition for a felony offense and, rather than dismissing the felony offense completely, reduce the charge to a misdemeanor. SB 1298 passed the Senate but failed to get out of House Courts of Justice.

HB 2503 (DNA Sampling of Juveniles for Deferred Felony Adjudications) would have required DNA samples to be taken of any juvenile 14 years of age or older whose felony charge is deferred and dismissed. Under current law, only juveniles adjudicated or convicted of a felony are required to submit DNA samples. After some discussion that the proposed submission requirements in HB 2503 went beyond those applicable for adults, HB 2503 was left in House Courts of Justice.

HB 2131 (Gang-Free Zones & Mandatory Minimum Sentences) would have allowed the designation of gang-free zones on specific public property and on private property upon petition by residents within the zone. Within such zones, criminal gang activity would be subject to enhanced criminal penalties. For example, HB 2131 would have made it a mandatory minimum sentence of two years for gang participation or gang activity that took place at a school bus stop or on the property of a public community center or library. HB 2131 was left in House Courts of Justice.

Governor Kaine Announces BJJ Appointments

On June 24, 2009, Governor Tim Kaine announced appointments to several boards and commissions, including the appointment of Heidi W. Abbott to the Board of Juvenile Justice. Ms. Abbott of Richmond is an attorney with the law firm of Hunton & Williams. She is the Co-Founder of Not With These Hands, a Richmond-based organization dedicated to violence prevention efforts in the Greater Richmond Area. Ms. Abbott is a member or past member of a number of organizations and formerly served as Chair of the Board for the Richmond Police Foundation. Ms. Abbott received her master's degree from the University of Virginia and her juris doctorate from the William & Mary School of Law.



Three members of the BJJ Board, Kecia Brothers, Barbara Myers, and Justin Wilson, were reappointed to their posts. Ms. Brothers was originally appointed to the Board in 2008. She is the Youth Services Coordinator in the Office of Intergovernmental Affairs, Youth and Family Services, for the City of Chesapeake. Ms. Brothers is a graduate of Norfolk State University, where she earned both her undergraduate and graduate degrees. Ms. Myers of Hanover County was appointed to the board in July 2006. She is an Associate Professor of Psychology and the Director of Doctoral Development at Virginia Commonwealth University in Richmond. Mr. Wilson of Alexandria was appointed to the Board in 2006. He is a Senior System Architect with the National Railroad Passenger Corporation (Amtrak). Active in his community, Mr. Wilson is a graduate of Virginia Commonwealth University, is Chairman of the Board of Directors of the Alexandria Transit Company and a member of the Alexandria Budget & Fiscal Affairs Advisory Committee.

Views

Continued from page 2

Calum: (May14) Happy Mother's Day, Dad.

Ann: (reading from Calum's report card.) "... Calum tended to ask an excessive number of questions."

Calum: What's that mean?

Gary: What's your fortune cookie say?

Calum: "Repetition does not bring knowledge; understanding does." What's that mean?

Atty: Maybe you'd better read it again.

Ann (in a hotel room): *Atty*, we are going to sleep now. If you must talk, just talk to yourself.

Atty: I can't talk to myself. I need to talk to somebody I can understand.

Ann: Calum, wake up. We're home.

Calum: Where is everybody?

Ann: We drove your friends home, Calum. You fell asleep.

Calum: Is that why you took me home last?

Calum (in a get well card to his school counselor): Dear Marianne, Get well soon. Yoga is not the same without you. Daryl does not know what he is doing. Love, Calum

Ann (driving by her grandmother's former house): When I was a kid and came to visit my grandmother, that big house across the street wasn't even there.

Calum: Where was it?

Ann: *Atty*, this is the fourth time I've asked you to sweep this lettuce off the floor.

Atty: It's my glasses, Mom, I just can't see it.

Ann: Well, why don't you just get down on the floor and suck it up.

Calum: That's how I do it.

Atty: How much time is 130 minutes?

Calum: 2 hours.

Atty: No you idiot; an hour and a half.

Atty (in a Sunday School discussion): I don't get this part about treating everyone like a child of God. We never had that part in our old church. We were Methodists.

Gary: Don't take your fishing knife into the library.

Calum: Why?

Gary: They might think you're going to rob them.

Calum: Rob a library? What am I going steal? BOOKS?

Calum: What day is it?

Gary: Monday.

Calum: What time is it?

Gary: 7:15.

Calum: What's the date?

Gary: The 27th.

Atty (standing on the beach and pointing at the Atlantic Ocean): I KNOW there has to be fish out there!

Calum: What day is it?

Ann: Look on the calendar.

Calum: What time is it?

Ann: Don't you have a watch?

Calum: What's the date

Ann: How would I know?

Calum: Boy, Dad sure knows a lot more than you do.

Ann: Please stop belching.

Atty: I can't. I've got the acid reflex disease.

Gary: Please stop passing gas.

Atty: I can't. I've got the acid reflex disease.

Atty (coming out of the bathroom of our hotel room holding a bottle of NAIL POLISH REMOVER): This is the worst mouthwash I've ever tasted.

Calum: The guy at the Jolly Roger Junk Store will give me \$25 for my Dale Earnhardt pocket knife. Dale is dead so the knife is worth a lot of money.

Gary: It's a commemorative edition knife. Earnhardt was dead when you bought it for six bucks.

Calum: Yeah, but he's deader now.

Calum: I want to get a tattoo.

Gary: Where?

Calum: Downtown; in Staunton.

On a Social Security Disability Application:

Question: Do you prepare your own meals?

Atty: No.

Question: If so, how often do you prepare your own meals?

Atty: ____ Daily X Weekly ____ Monthly

Question: How long does it take you to prepare a meal?

Atty: I don't know. I never timed myself.

Calum: What do you think, I'm stupid?

Atty: I do.

Gary: How much snow are we supposed to get tonight?

Atty: Somewhere between 12 inches and a foot.

Ann (admiring the new digital camera she received as a birthday gift): What kind of film does it take?

Atty (standing next to Gary in the surf at Emerald Island): Don't drop that camera in the water! I could get electrocuted!

Atty: What are these hot dogs made of?

Gary: Chicken

Atty: What kind of chicken?

Calum: You know, chicken chicken.

Atty: Fried chicken? Baked chicken? Chicken nuggets?

Gary: Chicken lips.

Atty: Chickens have lips?

Calum: How many chicken lips are in a hotdog, Dad?

Gary: 23.

Atty: How come Mom doesn't eat with us anymore?

U.S. Department of Education Announces Grants

Washington — More than \$32.8 million in grants have been awarded to 18 states and the District of Columbia as part of a joint effort by the U.S. Departments of Education, Health and Human Services, and Justice to support schools in creating safer and healthier learning environments.

The highly competitive *Safe Schools/Healthy Students Initiative* attracted 422 grant applications nationally. Under the initiative, school districts, in partnership with local public mental health agencies, law enforcement and juvenile justice entities, must implement a comprehensive, communitywide plan that focuses on the following elements:

- safe school environments and violence prevention activities
- alcohol, tobacco and other drug prevention activities
- student behavioral, social and emotional supports
- mental-health services
- early childhood social and emotional learning programs.
- “Every child in America deserves a safe and healthy school environment, and it’s our job as educators, parents and community members to ensure that happens,” U.S. Secretary of Education Arne Duncan said. “The Safe Schools/Healthy Students grants will provide students with access to services and programs that promote healthy development, personally and academically.”

“The prevention of youth violence and substance abuse is a principal objective of the Safe Schools/Healthy Students Initiative and is crucial to our efforts to reduce juvenile delinquency,” said Laurie Robinson, Acting Assistant Attorney General, Office of Justice Programs at the U.S. Department of Justice. “The initiative is well equipped to advance the prevention of delinquency, and the grants announced today represent a significant step forward towards that end.”

“In community after community, this initiative has been the catalyst for bringing schools and youth-serving organizations together to build and expand evidence-based programs to prevent violence, promote mental health and boost young people’s academic achievement,” said Eric Broderick, Acting Administrator of the Substance Abuse and Mental Health Services Administration, which manages the program on behalf of the U.S. Department of Health and Human Services. “The dividends for children, families and communities

at large have been unprecedented: lower rates of school violence, more mental-health services for more children, better attendance and improved academic performance.”

The Safe Schools/Healthy Students Initiative draws on the best practices of education, juvenile justice, law enforcement and mental-health systems to provide integrated resources for prevention and early intervention services for children and youth.

Since 1999, the Education, Justice and Health and Human Services Departments have administered the Safe Schools/Healthy Students Initiative, which has provided more than \$2.1 billion to local educational, mental health, law enforcement and juvenile justice partnerships.

Resources:

For a list of the Safe Schools/Healthy Students Initiative grantees, see the complete press release at <http://www.ed.gov/news/pressreleases/2009/07/07102009.html>.

For further information about the Initiative, visit <http://www.ed.gov/programs/dvpsafeschools/index.html>.

Family Preservation Services, Inc.



“Human Services Without Walls”

- Intensive In-Home Treatment
- Individual, Group & Family Therapy
- Therapeutic Mentoring
- Thinking for a Change
- Community Based Adolescent Sex Offender Program
- Substance Abuse Treatment
- Therapeutic Day Treatment
- Virtual Residential Program creating the required structure & treatment in the client’s home
- Mental Health Support

For further information, contact your local FPS office or the corporate office at (800) 447-8709

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*“Advocating for court-involved children
and the professionals who touch their lives since 1966.”*

Resolution

January 28, 2009

WHEREAS, Robert E. Shepherd, Jr., father, husband, colleague, and friend, ended his battle with cancer on December 11, 2008, and



WHEREAS, Robert E. Shepherd, Jr., from 1971-1975 served in the Virginia Attorney General's Office where he represented the Commonwealth of Virginia's Division of Youth and Family Services, now the Department of Juvenile Justice; and,

WHEREAS, Robert E. Shepherd, Jr., served as professor emeritus at the University of Richmond's School of Law; and,

WHEREAS, Robert E. Shepherd, Jr., was a passionate and devoted juvenile justice advocate and had a profound impact on hundreds of thousands of children through his legislative advocacy; and,

WHEREAS, Robert E. Shepherd, Jr., maintained a constant presence at the Virginia General Assembly and provided legislative guidance to the Virginia Juvenile Justice Association; and,

WHEREAS, Robert E. Shepherd, Jr., was a prime architect of the 1977 revision of the state juvenile code and of the state's statutes on special education and child abuse and neglect and was the first person inducted into the Virginia Juvenile Court Hall of Fame; and,

WHEREAS, Robert E. Shepherd, Jr., over his career chaired and served on numerous boards and task forces to include the Governor's Advisory Committee on Juvenile Justice (ACJJ), the American Bar Association's Juvenile Justice Committee, the Virginia Bar Association's Committee on the Needs of Children; and,

WHEREAS, Robert E. Shepherd, Jr., among numerous plaudits received the Child Advocacy Award from the National Association of Counsel for Children, the American

Bar Association's Livingston Hall Juvenile Justice Award and the Virginia Juvenile Justice Association's 1983 Meritorious Award in the Area of Community Service and had a National Center for Family Law scholarship named in his honor; now, therefore, be it

RESOLVED, that the Virginia Juvenile Justice Association acknowledge that the juvenile justice community has lost a valued colleague and champion of children's rights; and, be it

RESOLVED, that the Virginia Juvenile Justice Association Board of Directors hereby extend its deepest sympathies to Professor Shepherd's family, friends and colleagues; and, be it

RESOLVED, that the Virginia Juvenile Justice Association rename the association's professional development scholarship in memory of Professor Shepherd, and, be it

FURTHER RESOLVED, that the Virginia Juvenile Justice Association proudly honor Professor Shepherd's memory with a contribution to The Robert E. Shepherd, Jr. Endowed Fellowship Fund at the University of Richmond's School of Law.

Uncle Buck

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Juvenile Detention Center right there in your neighborhood of Virginia Beach. At that time, the Superintendent of the facility was the former Editor of this publication, Mr. Bob Truitt. Mr. Truitt was, to put it mildly, and probably still is, a fiscal conservative. As Uncle Buck approached the Center, he noticed strands of toilet paper hanging out on the clotheslines for as far as the eye could see. Initially, Uncle Buck thought the display was in celebration of some newly-married staff member, or perhaps a milestone birthday of a beloved co-worker. He later learned that under Mr. Truitt's orders the toilet paper was simply being hung out to dry. — **Uncle Buck.**