

GLOSSARY OF TERMS COMMONLY USED IN VIRGINIA'S JUVENILE JUSTICE SYSTEM

Like all fields of professional practice, Virginia's juvenile justice system has its own language. Specialized terms are necessary for accurate communication among practitioners in the field, but may hinder communication with those who are not familiar with the terms and references. The lists below are intended as a layperson's guide to the definitions and abbreviations most commonly used in Virginia's juvenile justice system. The lists are not all-inclusive: many areas of the agency have their own specialized terminology and terms and abbreviations that are not generally applicable across a wide spectrum are not included here.

The definitions are written in plain English, offering the ordinary meaning of the terms, and not necessarily the technical definition. Also, the terms may have broader or additional specific meanings when used in other contexts. Persons who apply and interpret policies, procedures and regulations are responsible for knowing the legal or technical definition of all terms used in their work. (In the list below, a notation following the definition refers to a fuller or more technically complete definition appearing in statute or regulation.)

“Absconder” means an offender on probation or parole supervision who fails to report to his probation or parole officer and cannot be located for the purpose of establishing or continuing supervision. A warrant may be issued for the apprehension and detention of an absconder.

“Acquittal” means the Court's finding that the juvenile is not guilty of the charges filed.

“Adjudication” means the finding by the court that the accused is guilty or not guilty of the offense charged, based on testimony and evidence presented.

“Adjudication hearing” means the court hearing whether the defendant is guilty or innocent. Witnesses and testimony are presented. An adjudication hearing is similar to a trial

“Adult” means, in Virginia, a person at least 18 years old.

“Allegation” means a claim that a law has been broken. A community member, including a juveniles parents or guardian can make this statement.

“Alternative placement” means assignment of a juvenile to a residential facility other than a juvenile correctional center while in direct care.

“Appeal” means a request that a case be sent to a higher court for review or rehearing.

“Arrest” means taking a person into custody for the purpose of charging him with an offense or starting court proceedings.

“Background investigation” means the steps taken to determine an applicant’s fitness as an employee or volunteer with the Department or to have responsibility for the safety and well-being of juveniles. The background investigation will ascertain whether various records on a person include criminal acts or other circumstances that would be detrimental to juveniles or their families or to the integrity of a program and may include fingerprint checks from the State Police and the FBI; local agency checks; employment verification and check of references; verification of education; verification of licensure where relevant to employment; computer checks with the VCIN; NCIC, and DMV; and CPS check.

“Behavior management” means those procedures and practices used to help a juvenile achieve positive behavior and to address and correct inappropriate behavior in a constructive and safe manner in accordance with written policies and procedures governing program expectations, treatment goals, and juvenile and staff safety and security.

“Behavioral Services Unit” or **“BSU”** means the professional staff of psychologists and clinical social workers, and their administrative support professionals, who provide psychological, sex offender, and substance abuse services in juvenile correctional centers and at the Reception and Diagnostic Center.

“Board” means the State Board of Juvenile Justice which consists of seven members, appointed by the governor for four year terms. The Board is required by statute to meet four times each calendar year.

“Charge” means a formal allegation that a person has broken a law or committed an offense.

“Certification” means the process by which the Board exercises its regulatory oversight over programs and facilities in Virginia’s juvenile justice system. The term is generally used to refer to the entire process including on-site audits by certification teams, the reporting of the audit findings to the Board, and the Board’s final authorization for the program or facility to operate. The term is also narrowly used to refer to the specific authorization or approval to operate.

“Child in Need of Services” or **“CHINS”** means a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child. A Child in Need of Services may include a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person. To meet the definition of CHINS, there must be a clear and substantial danger to the child's life or health or to the life or health of another person. See Virginia Code § 16.1-228.

“Child in Need of Supervision” or **“CHINSup”** means a child who habitually and without justification is absent from school despite opportunity and reasonable efforts to keep him in school or who habitually runs away from home or a residential care court placement. A child who escapes from a residential care facility in which he has been placed by the court may be found to be a Child in Need of Supervision. The child’s conduct must present a clear and substantial danger to the child's life or health. See Virginia Code § 16.1-288.

“Circuit Court” means the adult court of record. Additionally, cases involving juveniles fourteen years of age or older at the time of an alleged offense who are charged with an offense which would be a felony if committed by an adult may be transferred or certified for trial in the circuit court pursuant to Virginia Code § 16.1-269.1. The circuit court is also has jurisdiction over appeals from the juvenile and domestic relations courts.

“Code of Virginia” or **“Code”** means the laws of Virginia that are recorded in set of books.

“Commitment” means an order by a judge at the dispositional hearing which transfers a delinquent juvenile’s legal custody to the Department of Juvenile Justice. To be eligible for commitment, a juvenile must be eleven years of age or older and adjudicated delinquent or convicted of a felony offense, a Class 1 misdemeanor and a prior felony, or four Class 1 misdemeanors. The court may commit the juvenile for a determinate or an indeterminate period of time. See Virginia Code § 16.1-278.8.

“Commonwealth’s Attorney” means the lawyer for the Commonwealth of Virginia who presents the state’s evidence in court against an individual charged with an offense.

“Complaint” means an allegation brought to an intake officer that a juvenile is a child in need of services, a child is in need of supervision, or is alleged to have committed a delinquent act.

“Contraband” means items that residents of facilities and alternative placements, probationers or parolees are prohibited from possessing.

“Court Appointed Counsel” means a lawyer assigned by the court to represent a defendant who is unable to afford a private attorney. This may be a public defender or assigned counsel.

“Court order” means an order issued by a state or federal court and signed by a judge.

“Court service unit” means a local or state agency that provides services including intake, investigations and reports, probation, parole, counseling, and other related services in the community.

“Delinquent offense” means an act committed by a juvenile that would be a felony or

misdemeanor if committed by an adult. A delinquent offense can be an act designated a crime under state law, an ordinance of any city, county, town or service district, or under federal law. A delinquent offense does not include an act that is otherwise lawful, but is designated a crime only if committed by a child (i.e., status offenses).

“**Defense attorney**” means the lawyer who represents the defendant, such as the juvenile charged with an offense, in court.

“**Department**” means the Department of Juvenile Justice.

“**Detention,**” means confinement in a local, regional or state public or private locked residential facility that has construction fixtures designed to prevent escape and to restrict the movement and activities of children held in lawful custody.

“**Detention hearing**” means a hearing before a judge to determine whether a juvenile should be placed in detention, continue to be held in detention, or be released until the adjudicatory hearing.

“**Determinate commitment**” means that a juvenile has been committed to the custody of the Department as a serious offender and the court has specified how long the juvenile must remain in direct care. The law provides for periodic reviews of such cases after two years have elapsed. A juvenile can be committed to a juvenile correctional center as a serious offender for up to seven years. See Virginia Code § 16.1-285.1.

“**Direct care**” means the status of a juvenile who has been committed to the Department and received into the Department’s custody, usually through placement in a juvenile correctional center or an alternative placement.

“**Direct discharge**” means release from a juvenile correctional center with no continuing supervision by the Department.

“**Director**” means the Director of the Department of Juvenile Justice.

“**Disposition**” means the court's decision on what will happen to a youth who has been adjudicated delinquent (found not innocent). Essentially, the disposition is the sentence the juvenile will receive after found to have committed the act alleged.

“**Dispositional Hearing**” means a hearing in a juvenile case which occurs after the juvenile is adjudicated delinquent (found not innocent). During this hearing court imposes treatment services and sanctions on the juvenile. The dispositional hearing is similar to a sentencing hearing in a criminal court.

“**Diversion**” or “**Informal Diversion**” means removing a youth from the juvenile justice system as a result of an intake officer’s decision to proceed informally on a complaint rather than to initiate court action. With informal diversion, the intake officer’s powers are commensurate with those that would be used by the judge and the juvenile is on

probation supervision without a court order. The intake officer must develop a diversion plan that exhausts all community resources including restitution and community service. The juvenile and his parents must agree to the diversion plan. Informal supervision is limited to 90 days.

“Domestic Relations” means all those matters coming before the Juvenile and Domestic Relations District Court having to do with family matters and child welfare.

“Due process” means those procedures and safeguards that protect the rights of persons facing criminal or disciplinary charges.

“Early release date” means the projected date at which an indeterminately committed juvenile will first be eligible for release consideration as calculated by length of stay guidelines.

“Electronic Monitoring” or **“EM”** means the use of an electronic device placed on a probationer or parolee to monitor his or her location and activities.

“Family Assessment and Planning Team or FAPT” means a team of professionals, established under the Comprehensive Services Act, that meets with a family to plan and recommend services to the court.

“Furlough” means temporary release of a juvenile from a juvenile correctional center or other secure facility to visit his home or family or for reasons such as to attend the funeral of an immediate family member or to visit a critically ill immediate family member.

“Grievance” means a written complaint from a juvenile in a secure facility governed by 6VAC15-40-130.

“Group home” means a non-secure structured residential program that provides services such as counseling, job training and life skills. Placements may be pre- or postdispositional.

“Guardian Ad Litem” means a lawyer who is appointed by a judge in some cases to investigate the case and recommend dispositions or treatment which would be in the juveniles’ best interests.

“Halfway house” means a transitional residential program designed to help committed juveniles prepare to return to the community by providing such services as independent living skills, employment skills, and work experience.

“Indeterminate commitment” means a juvenile has been committed to the Department but the court did not set a time limit for how long the juvenile will remain in the custody of the Department. The Department will determine the juvenile’s length of stay based on statutory parameters and guidelines issued by the Board of Juvenile Justice and the

juvenile's length of stay will not exceed 36 continuous months. See Virginia Code § 16.1-285.

"Individualized service plan" or **"individual service plan"** means a written plan of action to meet the needs of a specific juvenile while in direct care (See 22 VAC 42-10-10) or under probation or parole supervision (see 6VAC35-150-10.)

"Institutional operating procedures" or **"IOPs"** means written instructions that apply standard operating procedures to the specific circumstances of a given facility. Institutional operating procedures provide guidance on the day to day operation of a juvenile residential facility.

"Intake" means the point at which a youth first makes contact with the juvenile court at which time the referral is reviewed and the decision is made to file a petition for the court or divert the case.

"Intake Officer" means a probation officer specifically authorized to act on a complaint and to decide whether to initiate court action or take informal action prescribed by law. See Virginia Code § 16.1-260.

"Interstate Compact" means the agreement between all 50 states to provide for the return of runaways to their home states or to provide for the transfer of probation or aftercare supervision when a youth moves from one state to another.

"Judicial Liaison Committee" means a group of juvenile and domestic relations court and circuit court judges who meet with Department administrators to facilitate communication between the Department and the judiciary.

"Juvenile" means a person under the age of 18. The Code of Virginia and some regulations also use the term "child" or "youth." However, the legal definition of the term "juvenile" is different from the age in which the Department no longer has jurisdiction over an individual. The Department may retain supervision over individuals through their 21st birthday.

"Juvenile and Domestic Relations District Court" or **"J&DR"** means, in the Commonwealth of Virginia, the court that usually has jurisdiction over juvenile and family-related matters.

"Juvenile correctional center" means a secure custody facility housing persons who are committed to the Department of Juvenile Justice and providing 24-hour supervision, education, treatment services, recreational services and a variety of special programs. See 6 VAC 35-10-10.

"Juvenile industries" means work programs operated for juveniles committed to the Department of Juvenile Justice, the primary purpose of which is the training of such juveniles. See Virginia Code § 66-25.1.

"Late release date" means the date after which an indeterminately committed juvenile will not be kept in direct care except when the juvenile has not completed a mandatory treatment need or has been found guilty through an administrative due process hearing of an institutional infraction within a specified time.

"Length of Stay" or **"LOS"** means the length of time a juvenile remains in a facility or in direct care.

"Length of Stay Guidelines" means a framework established by the Board of Juvenile Justice, as required by law, to determine the length of stay for indeterminately committed juveniles. Factors that affect a juvenile's length of stay include the seriousness of the offense, the juvenile's history of offense behavior, the juvenile's behavior while in direct care, and the juvenile's progress toward completing treatment goals.

"Major offender" means a juvenile who is indeterminately committed to the Department for an act of murder, rape, forcible sodomy, aggravated sexual battery, arson of an occupied dwelling, armed robbery, voluntary or involuntary manslaughter, or car jacking and who was not committed as a Serious Offender pursuant to Code of Virginia § 16.1-285.1.

"Master file" means the complete record of a committed juvenile that is kept at the Reception and Diagnostic Center. It contains all records pertaining to the juvenile's care and treatment including social, medical, psychiatric and psychological reports and records, clinical reports, predisposition study and other information relating to the commitment and the juvenile's progress during commitment. See 6 VAC 35-140-10.

"Nolle Prosequi" means a decision of prosecutors to dismiss charges against defendants - Latin for "unwilling to prosecute."

"Parole" means a period of supervision and monitoring by a parole officer in the community following a juvenile's release from commitment. Rules are set and must be followed or the juvenile may be subject to additional court proceedings.

"Parole Officer" means an employee of a state or local court service unit who is responsible for supervising persons released from confinement under parole supervision.

"Parolee" means a committed juvenile who has been released from confinement and is currently under a period of supervision in the community. The parolee must report on a regular schedule to a Parole Officer and must obey specific conditions of release until the period of parole is completed.

"Petition" means a document filed with the court alleging that a juvenile is delinquent, a child in need of services, or an abused or neglected child, and asking that the court assume jurisdiction over the juvenile. A petition initiates formal court action. It is the responsibility of the intake officer to receive complaints and requests and process petitions to initiate the juvenile court action.

“Post-dispositional Detention” or **“Post-D”** means placement of an juvenile, age 14 or older who was adjudicated delinquent of an offense that would be a Class 1 or Class 2 misdemeanor or a nonviolent felony, in a secure local detention facility (1) for up to 30 days or (2) for longer than 30 days but less than six months. A juvenile who has been released from custody of the Department within the previous eighteen months is not eligible for placement in a post-dispositional detention program. If a juvenile is placed in post-dispositional detention for over 30 days, then the program is required to provide “separate services for their rehabilitation.” See Virginia Code § 16.1-284.1

“Pre-dispositional Detention” means a juvenile has been placed in local detention facility pursuant to Virginia Code § 16.1-248.1. The decision whether or not to detain a juvenile in a local detention facility prior to trial will be made by the judge, intake officer, or magistrate. A juvenile may be detained if there is probable cause to believe that he committed a felony or a Class 1 misdemeanor. A juvenile alleged to have violated the terms of his probation or parole may be detained if the underlying charge for which he was placed on probation or parole is a felony or Class 1 misdemeanor. For a juvenile to be detained, there must be clear and convincing evidence that the release of the juvenile constitutes a clear and substantial threat to the person or property of others or to the juvenile's own life or health, or there is clear and convincing evidence that the juvenile has threatened to abscond.

“Probation” means court-ordered supervision of an offender in the community for a specified length of time and requiring compliance with specified rules and conditions.

“Probation Violation” means a juvenile’s failure to follow the rules of probation, which may result in the juvenile’s return to court.

“Reception and Diagnostic Center” or **“RDC”** means the facility to which all committed juveniles are sent for educational, medical and psychiatric evaluation before being assigned to a juvenile correctional center or alternative placement.

“Recidivism” means a return to criminal behavior after conviction and treatment. The Department defines a recidivist as a person who is found by a court to have committed a delinquent or criminal act after being placed on probation or released from confinement. (See also reoffending)

“Resident” means a person, regardless of age, who has received a determinate or an indeterminate commitment and has been received into direct care by the Department of Juvenile Justice. Other terms with the same meaning include “ward” (a person committed to the Department) and “inmate.”

“Restitution” means repayment for having committed a crime. Restitution can be made to a specific victim in a dollar amount to repay for damages or to the Criminal Injuries Compensation Fund.

“Restorative justice” means nonpunitive strategies for dealing with juvenile offenders that make the justice system a healing process rather than a punishment process.

“Revocation” means the act of removing an offender from probation or parole supervision due to the offender’s violating the conditions of his or her supervision or committing a new crime.

“Risk assessment” means a scored instrument that provides an objective estimate of an individual’s risk for reoffending.

“Serious juvenile offender” means a juvenile who was committed to the Department and given a determinate commitment as a serious offender under Virginia Code § 16.1-285.1.

“Shelter Care” means a group home or foster care arrangement that provides temporary care of children in a physically unrestricting setting.

“Social history” means a comprehensive investigation and report concerning an individual before the court, including current offense and prior record, psychological and educational information, physical description, employment history, driving record, health history, behavior patterns and peer and family relationships, and risk assessment results.

“Standard operating procedures” or **“SOPs”** means written instructions that apply uniformly to all juvenile correctional centers.

“Status offense” means an act that is an offense only when committed by a juvenile, e.g., truancy or running away.

“Supervision Plan” means a probation or parole plan for supervising offenders on community supervision based on an assessment of the offender’s needs and his or her level of risk to society.

“Suspended Commitment” means a disposition by a court whereby a juvenile offender is committed to the Department but not sent immediately into direct care. Whether the court will eventually send the juvenile to state care will depend on the juvenile’s compliance with other terms and conditions of the disposition.

“Transfer Hearing” means a hearing to determine whether a juvenile’s case should be handled by the juvenile court or transferred to the circuit court to be tried as an adult.

“Transfer to circuit court” means that jurisdiction over a juvenile who is 14 years of age or older and who is charged with certain offenses is transferred from the Juvenile and Domestic Relations District Court to the Circuit Court, where the juvenile will be tried as an adult. (See Article 7 of Title 16.1 of the Code of Virginia. The law provides for different circumstances under which transfer may be initiated, including by the court, by

the Commonwealth's Attorney, or by the juvenile's "waiving" the jurisdiction of the J&DR district court pursuant to Virginia Code § 16.1-270.)

"Transfer file" means the complete commitment record that accompanies the juvenile wherever the juvenile resides while in direct state care. See 6 VAC 35-140-10.

"Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of § 16.1-269.1 when committed by a juvenile fourteen years of age or older. The offenses generally fall into the categories of murder, aggravated malicious wounding, felonious injury by mob, abduction, malicious wounding and malicious wounding of a law enforcement officer, felonious poisoning, adulteration of products, robbery, carjacking, rape, forcible sodomy or sexual object penetration. See Virginia Code § 16.1-228.

"Weekender" means a juvenile who has been ordered by a judge to serve a certain number of days in post-dispositional detention, typically on weekends. The juvenile typically remains in school during the week and remains in detention from Friday afternoon until Sunday evening.