

ADVOCATE

A PUBLICATION OF THE VIRGINIA JUVENILE JUSTICE ASSOCIATION

SPRING 2004

2004 General Assembly Levels Playing Field ***“Kumbaya” Saved Rocket Docket***

by Deron Phipps

It may have been a bad year for the budget conferees, but it was a good year for kids alleged to have committed delinquent acts. The last decade has seen a gradual and on-going “adultification” of the juvenile justice system as each General Assembly session moved the juvenile justice system closer to the adult criminal system. However, reversing this trend, the 2004 session emphasized fundamental fairness for juveniles in court. This General Assembly enacted three pieces of legislation that are substantial changes in the structural imbalances of the juvenile justice system.

The most significant change involves the passage of **HB 600 (Timing of Appointment of Counsel - Delegate Alan Dudley)**. In part, HB 600 is Virginia’s response to the 2002 American Bar Association’s report critiquing the juvenile justice system in Virginia. The report skewers Virginia for failing to appoint counsel for a juvenile until after the initial hearing. Consequently, many juveniles are ordered detained at the detention hearing without having the benefit of an attorney. The report also found a high incidence of juveniles waiving their right to counsel without prior consultation with a lawyer or trained advocate.

HB 600 requires the appointment of an attorney for a child prior to an initial detention hearing unless an attorney

has been retained and appears on behalf of the child. This change is HUGE! HB 600 also provides that a juvenile alleged to have committed an offense that may result in commitment to a juvenile correctional center cannot waive the right to counsel until he consults with an attorney - another big time change! Given the significance of these changes, the delayed effective date is July 1, 2005. It goes without saying that HB 600 had a whole lot of opposition. Passage of HB 600 relied upon the convergence of several factors with the two most significant being a conservative rural Republican Delegate who carried the bill and pure luck. Delegate Dudley did a very nice job with framing the issue in such a manner that did not give the bill the appearance of being “weak on crime.” Luck also played a major role. Sometimes being in the right place at the right time is more important than what you know.

Another significant change in the landscape was the passage of **HB 1146** or, as I prefer, **Rocket Docket!** Although the Senate amended Rocket Docket to require the appeal hearing to occur within 45 days “when practicable,” this bill represents a significant structural change in the juvenile code. The first significant change is implementing 45-day timeframes for conducting appeals of transfer decisions and for conducting appeals of juvenile

court decisions when a juvenile remains incarcerated. True, that phrase “when practicable” does seem to water down the 45-day timeframe. However, House Courts inserted language stating that a juvenile held continuously in secure detention “shall be released” from confinement if no hearing is held on his case within 45 days. Of course, the court can extend confinement for good cause. However, is a delay in the hearing due to the court’s docket being too full considered “good cause?” I don’t think so, but that remains to be seen. At the very least, the attorney for the juvenile can raise the issue and fight it out in court.

Rocket Docket experienced some turbulence, which is why we were very fortunate that Delegate Bob McDonnell agreed to carry the bill. Delegate McDonnell is well versed in the juvenile justice field and is a strong proponent for the appropriate use of detention. Nonetheless, Rocket Docket limped into session with a severe temperature and barely made it out of House Courts subcommittee on Criminal Law with a 5 to 4 recommendation. This action came after the subcommittee chair begged another member to change his vote because it was Delegate McDonnell’s bill! That vote did not bode well for the upcoming full House Courts committee meeting.

continued on page 9



Views From the Ledge ...

by Gary Conway

If you haven't read Deron Phipps' cover article, please take a minute to read it now. Go ahead. I'll wait...

As you can tell, Deron loves the law; and the legislative process fascinates him like the disemboweling of a family pet once fascinated Jeffrey Dahmer. Without Deron's report, we

would never know that passage of the "Rocket Docket" was impacted by the playing of 'Kumbaya.' Incredible! The average per diem cost of holding a kid in secure detention in Virginia is 118 bucks. The Legislature voted to limit that time to 45 days pending appeal. Let's see, that's 45 times 118... \$5,310, "when practicable." In Circuit Court language, "when practicable" means "when donkeys fly." And the passage of HB 1062 was actually the elimination of a change which took place in 1996. The 1996 change (the "one bite of the apple rule") was such a bonehead anecdote-driven law that most Intake Officers figured it would stand forever.

Then there is HB 600, requiring an attorney to be appointed for a child

prior to an initial detention hearing. As Deron noted, this Bill is the direct result of criticism from the American Bar Association. They would be a group of lawyers. And it was passed by the Virginia General Assembly; a group where one out of four members is an attorney. So, who do you think might benefit most from this Code change? "Could it be ... SATAN?"

But never mind that. Has anyone thought about just how HB 600 will be implemented? Of course not. That's why the Bill has a delayed implementation date of July 1, 2005. Perhaps the following exchange will take place somewhere in this great Commonwealth during the Summer of '05....

(RRRIINNNGGG!!!)

Lawyer Brown: Uh...huh...huh...hullo?

Intake Officer: Mr. Brown?... Mr. Brown?... This is Shirley Thompson. I'm the Intake Officer on-call tonight for the court service unit.

Lawyer Brown: ...Hullo! ... Do you realize its 3 o'clock in the morning, lady?

Intake Officer: Its 3:17, sir; and I just detained one Thomas Feeny, a juvenile, age 15, on charges of grand theft auto, shoplifting at a 7-11, and resisting arrest.

Lawyer Brown: ...Good! Sounds like the little *^%\$#@! needed to be locked up.

Intake Officer: Yessir. The DAI and I agree with you. Young Mr. Feeny will have a detention hearing at 9 o'clock this morning.

Lawyer Brown: And that would affect me...how?

Intake Officer: Well, sir, you are Mr. Feeny's attorney.

Lawyer Brown: ... Who the *^%\$#@! is this, really?!

Intake Officer: Shirley Thompson, sir. On-call Intake Officer with the court service unit.

Lawyer Brown: Well, Ms. Thompson, I've never heard of this Feeny kid, and I've never heard of you. I was drinking Wild Turkey with some old college buddies until midnight last night and I've a got a 9:30 tee time in the morning. Is this your idea of a joke?

Intake Officer: No sir, this is no joke. The Code of Virginia requires that an attorney be appointed prior to the initial detention hearing for every juvenile detained. I just detained Tommy Feeny. You're next up on the court-appointed list. His initial detention hearing is at 9 o'clock this morning; sharp.

Lawyer Brown: ...Ugh...

Intake Officer: Should you wish to speak with this lad prior to the hearing, he is currently residing at the Welcoming Arms Detention Home. Do you need that address, sir?

Lawyer Brown: I don't want to talk to him! Are you nuts??!!

Intake Officer: No sir.

Lawyer Brown: OK...OK... Look...How much will it cost for you to just skip over me on that court-appointed list and go to the next lawyer?

Intake Officer: ...Is this a bribe, sir?

Lawyer Brown: Its 3:30 in the morning! I'm halfway between drunk and hung over! I've got a 9:30 tee time! And you're telling me I have to represent some kid who isn't smart enough to get away with shoplifting at a 7-11! Of course it's a bribe, you idiot!!

Intake Officer: Sorry, sir. I'm afraid I'll have to report this to the Court and to the local Bar Association.

Lawyer Brown: ...Report what?

Intake Officer: The fact that you attempted to bribe an Officer of the Court.

Lawyer Brown: ...No I didn't.

Intake Officer: Yes you did, sir. You asked me how much it would cost for me to skip over your name on the court-appointed attorney list.

Lawyer Brown: Hey! I was kidding! Can't you take a joke? I was just kidding a little bit, that's all.

Intake Officer: Yes, sir.

Lawyer Brown: Look, eh, Sheila...

Intake Officer: Its Shirley, sir, but I prefer Ms. Thompson.

Lawyer Brown: Of course... Look, Sheila, I'm really not a very good lawyer, anyway. This kid would be a lot better off with, oh...say...Billy Hammersmith! Yeah. Billy Hammersmith. He represents these poor misguided youths all the time! Billy's great!

Intake Officer: Yes, sir. I'm noting here that you were officially notified of your appointment to represent Thomas Feeny on this date at 3:20 a.m. Have a lovely day, sir. (Click.)

Lawyer Brown: AAAAAAAGGGGGGGHHHHHHH!!!!

Bob's Turn

by Robert Bermingham, VJJA President

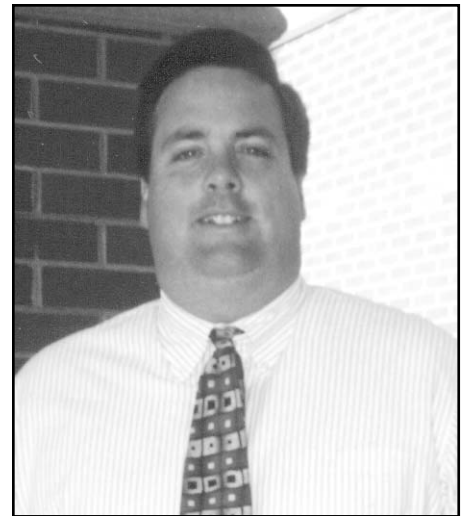
Now that winter has ended and spring is here, if in name only, I know many of you are looking forward to warmer weather and spending time outside with family and friends. It always seems that around this time of year things slow down a bit with the conclusion of the school year and the onset of the vacation season. Though things may be slowing down for most, your elected and appointed VJJA representatives are hard at work planning for future events and activities.

On March 17th, 2004, the first meeting of the VJJA Board of Directors occurred in beautiful Virginia Beach, Virginia. It was run in conjunction with the 2004 Spring Training Institute sponsored by the Tidewater District of VJJA. Before reporting on the Board meeting, I must say that as usual Diane Floyd with the Virginia Beach Court Service Unit did a spectacular job lining up top quality speakers in the midst of changing the conference location in an effort to increase the number of training slots for participants. By moving the conference site to the Quality Inn, the training seminar was able to accommodate up to 170 participants, approximately 60 more participants than in the past. As in past years, Diane was forced to turn down some individuals from registering for the training due to the lack of space. Diane and the entire Tidewater District should be congratulated for putting on a first rate conference. Special thanks should be given to Donna Mussiello for filling in for Diane as Diane slipped off to the Islands for a get away during the conference.

The Spring Training Institute provided an excellent location for the recently elected Board to conduct the first meeting of the 2004-2006 tenure. During the meeting we were able to review our association's recent successes in every area of our operations.

I believe it is important to look at the past while making plans for the future. Because of the tremendous dedication shown by the volunteers of this organization, we have much to be proud of as our organization moves forward. It will be this administration's goal during the next two years to continue many of the efforts initially undertaken when we took office in 2002. For example, we will continue our efforts to increase membership. As a result of our relationship with the DJJ and the Department of Criminal Justice Services, we have been asked to present our organization and its many attributes at the annual DCJS conference in Williamsburg, Virginia. It is my hope that our presentation and presence at the DCJS conference will assist us in our continued effort to put VJJA at the top of any other organization of its type in the Commonwealth, thus increasing our exposure *and* our membership.

Our intensified legislative efforts which began in 2002 will continue to be *one* of the focal points of our organization. As we have proven during this past legislative session, the more people that get involved with our legislative endeavors, the greater our chances for success. Success in the legislative arena can not just be measured by successful Bill passages, but also must include the increasing presence VJJA has established in the General Assembly and the focus VJJA brings to our legislators on the issues most crucial to the children and families we serve. As we move forward legislatively it is important to keep two issues in mind: any legislative effort will only be successful if we operate as a team and that team continues to grow in numbers; and we must assure that our legislative agenda is equally balanced between the needs of our membership and the needs of our clients. I whole-heartedly thank the legislative committee for their efforts this past



legislative session and hope that each of you, and others, will volunteer their services for the next legislative session.

Our organization is multi-faceted. In addition to annually awarding academic scholarships to members and recognizing members for their outstanding contribution to the field of juvenile justice, we conduct training throughout the Commonwealth for members of VJJA and, quite routinely, our DJJ family members. The crowning jewel of our training efforts is the Fall Training Institute which this year will be held in Williamsburg, Virginia, at the Hospitality House in downtown Williamsburg. I know many of you are glad to hear we have moved the conference after two years in Richmond. Our ability to move this year's conference can be directly attributed to the membership's continued support and the Conference Planning Committee's conservative spending and planning over the past two years. There was a time at the beginning of this Board's first term of service that serious thought was given to not even having a conference one year in order to save money. That idea was taken off the table and averted due to the tireless work of the Planning Committee and friends/supporters of VJJA. I am happy to announce that due to some conservative spending and the support of the Department, the Conference Planning Committee is able to focus

continued on page 10

Membership Matters

By Jim Woolfe



It was really good to see so many of you at the Tidewater Conference in Va. Beach this past March. The weather was not what we had hoped for, but it was at least dry and everyone seemed to have a really good time. We had not only the Tidewater District represented, but also about 50 folks from around the State. Director Jones was there and made himself available to anyone who wanted to talk with him. He has truly been a big supporter of VJJA and that support is greatly appreciated. We also achieved another milestone as we eclipsed our previous record of 626 members by soaring to 627. Thank all of you for the support you have given to your organization and hopefully we can increase our membership again this coming year.

I have been getting e-mails noting that some members have received their seals to affix to their certificates, but don't have a certificate. Well, if you're going to be picky about it I'll send you a certificate. In all seriousness, and believe me that is a real stretch for me, I will be getting the certificates out before the end of the month. We had about 60 new members join at the Spring Conference so I wanted to wait until I had everyone on board so I would only have to assemble my Certificate stuffing, licking and stamping team together once. They are like trying to pick up loose jell-o with your hands but they are great once I get them locked in a room.

Membership renewals will be going out in early June for 2004-2005. Last year we had a record number of you send in your membership renewals without a reminder. You can't imagine how much simpler that makes my job. I encourage all of you to respond when you get your renewal notice. Please promote VJJA to your co-workers as we are beginning to gain some recognition in the General Assembly. We had several bills passed with which VJJA was involved. VaLORS

continued on page 10

Virginia Juvenile Justice Association

The Virginia Juvenile Justice Association (VJJA) is an organization comprised of professionals in court services, detention homes, juvenile correctional facilities, halfway houses, group homes, Virginia Department of Juvenile Justice staff, and others with an interest in youth and family services. The organization is administered by an elected board of directors and is committed to child advocacy and advancing the professional interests and competencies of its members.

Mission

- To advocate quality services for juveniles and families within the Commonwealth of Virginia
- To enhance the professionalism and skills of its members
- To foster communication among its members
- To promote alternative approaches to resolving youth and family problems

Goals

- To provide for communication with and among members
- To provide timely learning opportunities to members on pertinent topics
- To research, develop, and present legislation recommendations to the General Assembly and other law-making or policy-setting bodies

Benefits of Membership

- Quality, low-cost training offered year-round at both the state and local levels
- Service awards presented annually in recognition of staff and program excellence
- The *Advocate*, a quarterly professional journal and newsletter
- Scholarships awarded annually to further education and development
- A liaison with the General Assembly to promote Code changes and new legislation

Just Us

by R. Erich Telsch



Handle with C⁺⁺

The pendulum our Department rides is so slippery at times. Even if you hold on tight, you can fall. Every few years or so, folks gripping the helm of the agency (have we had twelve directors yet?) gather up what we do for a living, and squeeze it like they have a handful of hot sand. The grains spill out, get caught in their cuffs, and down inside their shoes, and then they blame the sand for irritating them.

You may recall the controversy of recent years regarding defensive tactics available to officers in the correctional centers. After everyone was trained in the new techniques, they were told to forget what they were taught, and only follow some of it.

“After being informed of his termination, his face became taugt, he clenched his teeth, and immediately, swiftly, opened his blue bag, and reached inside.”

Okay, you think to yourselves, we get paid to remember our last orders, to only recall the latest version of the policy, and to put all other ideas out of our minds. Forgetting for a moment

that the heat of the moment often dictates what occurs in response to the moment (whew - Einstein’s theory #611 - look it up), let me challenge you to a test: for the next five minutes do not think of the color blue, while I tell you a story.

I had taken a call from Richmond, and had been ordered to dismiss a newly-hired officer. Something about a background investigation being tainted - he had threatened a former employer or something like that. But the upshot of it was I was to terminate his employment immediately.

I asked that the officer report to my office before attending muster inside the institution. Taking a blue seat across from my desk, he placed his blue duty bag next to him. He looked innocent enough in his blue uniform.

I approached him calmly, forthrightly, and honestly. I followed all my best training to coach, to speak in soothing tones, and all those other things to help people accept negative news. After being informed of his termination, his face became taugt, he clenched his teeth, and immediately, swiftly, opened his blue bag, and reached inside. My mind went from hyper-speed to slow motion, as I rose up, beginning to up-end my desk onto him.

His hand quickly re-appeared, holding a bag of Doritos®. Not just the average and ordinary kind, mind you, but the then-new nacho cheesiest variety. He ate one chip, and offered them to me, stating he fully understood why I had to dismiss him. With my desk half-cocked in the air, papers sliding off, lamp crashing to the floor, I declined. I enjoy snack food, but all I could eat that day was my own embarrassment. Blue, blue, blue!

Now, I’m not a psychologist . . . you knew that?! (That little symbol, by the way, that “?!,” is called an interrobang - there’s one good idea for you today)...but whenever people tell me my job is not inherently dangerous, do

Family Preservation Services, Inc.



“Human Services Without Walls”

Intensive In-Home Treatment
Individual, Group & Family Therapy
Life Skills Counseling & Therapeutic Mentoring
Community-Based Adolescent Sex Offender Program
Substance Abuse Treatment
School-Based Day Treatment Programs
Virtual Residential Program - creating the required structure & treatment in the client’s home
Statewide services are developed collaboratively and managed locally from 21 Virginia regional offices

For further information, contact your local FPS office or the Corporate office at (800) 447-8709
www.fpscorp.com

ADVOCATE

The Advocate is a quarterly publication of the Virginia Juvenile Justice Association. Reproductions without permission are strictly prohibited. The statements and opinions expressed in the *Advocate* are those of the authors and do not necessarily reflect the views of the members or the Board of Directors.

you have any idea what my response is? Yep! I offer them Doritos®. I keep them in a bowl on my desk next to the bowl of aspirin – Tylenol® available upon request.

Maybe I’ll switch to those new, blue chips.

My name is Ron. Send me an email (telschre@djj.state.va.us). I’ll get back with you.

Survival Skills I Learned in Boy Scouts

by Reese Bull

Special to the VJJA Advocate

“George Washington as a boy was ignorant of the commonest accomplishments of youth. He could not even lie.”

— Mark Twain

I love the Boy Scouts of America! This honorable and venerable organization has taught leadership and citizenship to thousands of young men. Best of all – since adolescents would never knowingly improve themselves – Scouting disguises its lessons as fun and adventure. Here is my story of what Scouting did for me:

It was a balmy Memorial Day Saturday when I embarked on a three day camping trip with my buddies, John and Chris. We had been scouts for several years and had graduated to the Explorers, the branch of Scouting for senior scouts. We were ready for adventure.

We had also grown in wisdom and maturity, and had earned our drivers’ licenses. On this particular trip our transportation was John’s father’s Volkswagen, a very cherry slightly used vehicle that had only been in the family a few weeks. We loaded it with camping equipment and headed for the woods.

Chris was navigator. He was the only member of our party who knew the way to camp, which was located on a farm one or two counties away from our homes. We drove and drove, over roads that all looked alike, into an area that seemed remote and isolated. Apparently at random, Chris suddenly directed John to pull over.

“Last time I was here,” said Chris, “we hiked to the campsite and packed in all our gear. It’s about half a mile up the hill through those woods. I wonder where the rest of the cars are. We must be the first ones here.”

We examined the mountain of stuff piled next to me on the back seat. This was in the days before lightweight camping equipment, and we had equipped ourselves for luxury. We had

a large canvas tent, a Coleman stove, a gallon of stove fuel, sleeping bags stuffed with an unknown but very dense substance, and at least a dozen big cans of Dinty Moore beef stew. The hike would not be easy.

We scrambled out of the car to survey the scene.

Chris and I were not ready to become pallbearers. We immediately reassured our pal that we would do anything in our power to protect him from his father’s wrath.

***Scout Law #2:
A Scout is Loyal.***

“You know,” I observed, “this trail looks like it used to be an old road. All we gotta do is clear some brush out of the way, and we can drive right up to the campsite.”

We had a bully plan. In true pioneering spirit, Chris and I blazed the trail, chopping down saplings with our trusty Official Boy Scout Hatchets. John, in the Volkswagen, forded a small stream and headed up the trail to camp.

We had failed to take into account John’s legendary accident-proneness. There is not enough room in this brief essay to describe all his mishaps – suffice it to say that on this occasion the VW collided with a stubborn stump, leaving a dent the size of a grapefruit in the right front fender.

“Omigod!” yelled John as he surveyed the damage. “Omigod! My dad’s gonna kill me!!”

Chris and I were not ready to become pallbearers. We immediately reassured our pal that we would do any-

thing in our power to protect him from his father’s wrath. Scout Law #2: A Scout is Loyal.

We proceeded on to camp at a slower pace. There we found the other members of our troop, who had come the easy way – they simply drove through an obstacle-free pasture and parked at the edge of the woods.

We also discovered that our Scoutmaster, through some inexplicable decision-making process, had allowed us to make the trip without adult supervision. This was pretty cool! One enterprising scout took advantage of the opportunity to bring along a case of Busch Bavarian beer. To compound the fun our host, the farmer, gave us a bushel of turnips. We quickly concluded that the turnips were inedible and suitable only for use as projectiles. We spent the evening by the light of our campfire, drinking beer and throwing turnips at each other. Scout Law #8: A Scout is Cheerful.

Dawn came much too soon, and we groggily pondered the fender repair. We discovered that the trusty Official Boy Scout Hatchet, a tool of many uses, was not suited to auto body work. Neither were turnips, tent pegs, rocks, and sticks of firewood. The sun climbed higher and higher in the sky. We grew sweaty and frustrated. Our fellow scouts mocked us. They had forgotten Scout Law #3: A Scout is Helpful.

“I got an idea!” said Chris at last, in a moment of inspiration. “My dad has a complete set of body and fender tools – and my parents are out of town until Monday night!”

We spent the second night of our trip in the comfort of Chris’s bedroom, and ate a hearty breakfast in his kitchen. Once we had the proper tools,

repairing the fender was a snap. We even found the correct Artic Blue spray paint among the Original VW Ersatzteile at our local dealer. The whole job only cost a buck and a half. Scout Law #9: A Scout is Thrifty.

We went to school on Tuesday from our respective homes, thinking the problem was behind us. But that evening my mother called me into the kitchen for a conference.

“Chris’s mom just phoned,” she said. “She wanted to know what your underwear was doing in her laundry hamper.”

“Gosh, Mom! I don’t know! We had our stuff scattered all over the tent. It was pretty dark in there at night. I think Chris and I wear the same size underwear, so we must have just gotten it mixed up at camp. It’s all the same color, you know. What’s the big deal, anyway? Scout Law #11 says: A Scout is Clean.”

She gave me The Look. My attempt at deception had failed. There was nothing to do but tell her the whole story. I hoped for the best. Scout Law #10: A Scout is Brave.

I made her promise never to tell John’s folks. Miraculously she agreed, as she shared my opinion that their discipline was much too strict. His dad did not find out until several years later, when we were in college. They were in a heated argument, and John was compelled to defend himself against his father’s charges that he knew nothing about auto maintenance.

“You know, Dad,” said John, “there’s something I never told you about the blue Volkswagen.....”

And that is how Scouting taught us some important survival skills.....

About the Author:

VJJA member Reese Bull is a clinical social worker at Commonwealth Center for Children and Adolescents. He was a JPO for 14 years. He claims this story has great relevance to adolescent developmental psychology.

Reese’s nephew, Andrew, is a Life Scout and has just acquired his learner’s permit. Andrew is not allowed to read this story until he is in college....

Book Review

by Eric Assur

Directed Verdict by Randy Singer, Esq., 2002

Waterbrook Press, Colorado
paperback fiction - 485 pages

Another good court and law drama may be worthy of your reading time. The author is not Scott Turow, David Baldacci or John Grisham; but this is another lawyer-written book with national and international justice and courtroom drama.

The setting is just two venues: Virginia and Saudi Arabia. The absence of religious freedom and terrorism in Saudi Arabia is, in part, on trial in the Old Dominion. The book offers excitement, a great ending, and current commentary on freedom, religious freedom, the post 9-11 Patriot Act, and real court drama. Plot and character development are good, but the book drags at times. It concludes with an exciting ending where the good guys win. Most court drama is in the Federal court, Eastern District of Virginia in Norfolk. This first novel by Singer is both legal thriller and love story.

Virginia is well known to the author. Singer, a New York state native, spent twelve years as a litigator in a large Virginia firm. He is now affiliated with the American Center for Law and Justice. The primary lawyers went to William and Mary while lesser characters are W & L, U. Va. and George Mason University Law School graduates. The DOG Street action in Williamsburg and the tidewater restaurant and street scenes are believable and factual. Only Patricia Cornwell has more Virginia focus in her crime and justice novels. The lower court Directed

Verdict prosecutors are so, so Virginian. They are even called attorneys for the Commonwealth. And just how many *commonwealths* are there in our United States? The juvenile court and courts *not of record* are referred to (page 70) as places where quality lawyers seek to “avoid the slosh pit of mundane law.” Those who practice in the federal court are, in this book and in reality, prohibited from having PDA’s, Blackberry’s or cell phones in the court. There are a few minor factual errors. For example, since when did the University of Richmond have a medical school? The commentary on pistol packing does not seem to be in accord with the Virginia laws on pistol permits or concealed weapon possession. And, when was the last time the National Guard was called out to guard a courthouse? Perhaps in the George Wallace and Bull Connors era, but not in recent decades. For a first work of fiction this is a good book. Readers may want to see if his May 2003 book, Irreparable Harm, is even better.

UNITED METHODIST FAMILY SERVICES

Residential Treatment Program Specialized Programming for Sexually Reactive Male Youth

UMFS’ primary goal is to support youth in assuming responsibility for their sexually abusive behavior. We also support youth to learn to cope with the impact of past traumatic experiences.



To make a referral, call toll-free 866-558-3533 or contact intake@umfs.org.



Juvenile Mental Health Court Project

The Child & Adolescent Bipolar Foundation (CABF) has established a Juvenile Mental Health Court Project, directed by Susan Solomon, a California attorney and member of the CABF Board of Directors. This project follows CABF's recent endorsement of such courts. CABF has been especially concerned about the treatment of juveniles with bipolar disorder in the juvenile courts, since manic behaviors, such as shoplifting and joyriding, are often misunderstood by the justice system as simple acts of criminal intent rather than as possible symptoms of a psychiatric illness in need of treatment.

Juvenile mental health courts are not uniform. They differ in the services provided, in framework and in the crucial area of voluntary participation. The common element is that each attempts to identify those having psychiatric illness suited to the program and to provide an alternative to incarceration. These programs may limit participants to those with serious neurobiological disorders and to those who have committed non-violent crimes. Once the parent and juvenile consent to participation, the program may entail receipt of psychiatric services, wrap-around services, medication, outpatient psychotherapy, coordination with special education programs at the juvenile's school, and other conditions for remaining in the program. The judge, defense counsel, assistant district attorney, mental health professional, probation officer, social workers and others work together to develop a plan suited to success. If conditions set forth in the plan are violated, the juvenile may or may not be put back in the juvenile court system. Upon fulfillment of the program, juveniles may be released from the court's jurisdiction with no record of conviction.

The first of these courts was established in Santa Clara County, California. Innovators including Judge

Leonard Edwards and Judge Raymond J. Davilla, Jr. developed this voluntary program, called CITA, for Santa Clara County and have been mentors and advocates for its establishment in juvenile courts throughout the country. The concept is slowly spreading, county by county and judge by judge. There are now such courts beginning in San Diego, New Jersey, Cincinnati, and New York.

A number of organizations, including the American Bar Association, NAMI, and the Office of Child Development, Neuropsychiatry and Mental Health, an affiliate of the National Council of Juvenile and Family Court Judges, support the concept. CABF has a particularly strong interest in having such courts established as there are estimates that perhaps up to one-half of the juvenile offenders identified as appropriate for the juvenile mental health courts in the county are bipolar. Since effective treatment for youth with bipolar disorder is available, criminalizing youth with bipolar disorder harms the youth, hurts the family, and is a disservice to society as a whole. Initial data indicates that this program results in considerably less recidivism and it is expected to result in less cost to society over a youth's lifetime.

The Office of Child Development, Neuropsychiatry and Mental Health can be reached at www.childrensprogram.org. This program provides direct support to the judiciary, giving information and assistance nationally to juvenile court judges who want to create such a program for their own counties. In addition, David Arredondo, M.D., a child psychiatrist and director of the OCDNMH, provides consulting services and technical assistance, at no cost, throughout the country to juvenile court judges to create and implement such courts and to provide evaluations, as requested by judges, of juveniles who may be suitable for inclusion. The

OCDNMH website can be accessed through the mental health link on the homepage of the National Council of Juvenile and Family Court Judges www.ncjfcj.org.

The CABF Juvenile Mental Health Court Project seeks parents who are licensed attorneys willing, on a pro bono basis, to meet with juvenile court judges in their local counties to simply present this concept. The attorneys would be provided a packet of materials for this purpose. It also seeks stories from families of teens with bipolar disorder who have had past experiences which could be used to promote the concept in the juvenile justice system. The Project itself can not provide legal advice or representation to families and strongly advises those faced with charges to immediately hire an attorney. Assistance in finding an attorney is available on the Website of CABF, www.bpkids.org in the Learning Center under Legal Issues.



Susan Solomon, a California attorney and member of the CABF Board of Directors, may be reached at jmhcp@bpkids.org.

This Article was published with permission from the Child & Adolescent Bipolar Foundation.

2004 General Assembly, *continued from page 1*

House Courts met for the last time to act on its own bills before crossover on a Friday afternoon. The hearing extended deep into the night. Committee members were tired and cantankerous. Around 12:30 in the morning, after nine consecutive hours, the Chairman called for a recess to allow committee members to cool down. The committee reconvened at 12:45. To alleviate the tension, Delegate Griffith brought down his mini-stereo and played "Kumbaya." As a matter of pure luck, the Chairman called our bill at that moment. As the committee members held hands and sang "Kumbaya" in the background, Rocket Docket made it out of committee, and peace reigned in the valley. I owe Rocket Docket's passage, in part, to "Kumbaya."

Finally, a bill that Virginia Juvenile Justice Association, the Court Service Unit Directors Association, the Virginia Council on Juvenile Detention and the Department of Juvenile Justice all supported was passed! **HB 1062 (Informal Diversion - Delegate Armstrong)** permits a juvenile intake officer to proceed informally against a juvenile more than once when the juve-

nile is alleged to have committed an offense that would be a Class 1 misdemeanor or lesser offense or is alleged to have committed a status offense. Under current law, intake officers may proceed informally only once when the juvenile is alleged to have committed such an offense.

When the session began, we could not find a patron to carry this bill. Literally, with 15 minutes left to introduce legislation, Delegate Ward Armstrong reluctantly agreed to carry the bill. In fact, he introduced the bill with the caveat "By Request." "By Request" on a bill means your patron really doesn't care much for the bill and couldn't care less if it makes it out of committee. HB 1062 entered the session on life support. Although Delegate Armstrong introduced the bill as a favor to our Director, we sat down with him and explained the provisions of the bill. He then fully embraced the bill and did an outstanding job for us.

If you had told me that we would get one of the three bills passed this session, I would have been happy. Having all three passed is a bit surreal. Now, a number of other important pieces of legislation impacting the

juvenile justice system were passed; however, none had the impact of the above bills.

We will be conducting our annual summer song and dance tour on all of the juvenile justice bills enacted this past session - complete with handbook. I hope to see you at one of the shows.

Post-Dispositional Detention Coordinators Form Statewide Association

VADAPP, or the Virginia Association of Detention Post-Dispositional Programs, meets quarterly to discuss issues and exchange program ideas. Currently, 13 out of the 23 local and regional detention homes (Culpeper is state-operated) have post-dispositional detention programs. Governed by the Code of Virginia Section 16.1-284.1, juveniles admitted to a post-d program receive individualized treatment services for up to six months in a local detention home in lieu of going to a juvenile correctional center (most placements).

Juveniles in post-d programs receive an array of services, including but not limited to, anger management, substance abuse education, community service, restitution, vocational education, GED or diploma attainment, and life skills.

VADAPP has been meeting for about a year, but has just officially established itself as a statewide association. They elected officers at their February meeting:

- President – Susan LaFrance
(Merrimac)**
- Vice President – Robert Smart
(Loudoun)**
- Secretary – April Tharpe
(Lynchburg)**
- Treasurer – Janice Grubbs
(Norfolk)**



Frank Dooms, P.O. with the 25th District CSU in Waynesboro, is seeking out funding sources for his program to offer exorcisms to juvenile offenders. In this photograph, Dooms (2nd from left) introduces exorcist Father Damien Falducci (left) to philanthropist H. Ross Perot (center). Also pictured to Mr. Perot's left are Jacob Brown, Director of the Michigan Department of Juvenile Justice, and Hoss Letner, Texas DJJ Director. When asked what he thought of Mr. Dooms' proposal, Perot said, "Ya hear that sucking sound? Well, that's the sound of this Dooms boy's brain goin' south."

Advocate

Virginia Juvenile Justice Association
c/o P.O. Box 1336
Staunton, VA. 24402

ph.: 540-245-5028
fax: 540-245-5326
e-mail: conwaygl@djj.state.va.us
website: www.vjja.org

Bob's Turn

continued from page 3

on the **content** of the training and not **if** we are going to have training at all.

As the association continues to grow both in numbers and notoriety, it is important to note that continual growth and volunteerism is needed. A small percentage of our membership have managed to keep this organization thriving over the past two years despite obstacles such as slashes in funding, a diminishing DJJ workforce and a political climate that certainly does not value the juvenile justice system in the same manner as you and I do. As an organization, imagine what we can accomplish for our members

and the population we serve if we can harness the knowledge and wisdom of all members, both current and future.

Personally, as I move into my final term of service as President of VJJA, I intend on working hard to maintain our positive relationship with the Department, expand knowledge regarding VJJA, and see that the needs of VJJA and the population we serve are represented within the General Assembly. I am dedicated to seeing that we continue to support and recognize our members through the continued issuance of academic scholarships and awards for outstanding service.

Foremost, I will continue to assure that VJJA provides its membership with top quality training in the most equitable and economic manner possible.

I hope each and every one of you enjoys the remainder of spring and the rapidly approaching summer. Please, as always, give some thought as to how you can become more involved in your organization. All it takes is contacting your respective District and/or Committee Chair and let them know you want to help. Any participation will be greatly appreciated!

Membership Matters

continued from page 4

still has a breath of life but it is going to take a strong active membership to keep it from dying. It looks like right now it is more of a victim of the budget rather than the Assembly simply being opposed to the whole concept. With an improving economy and a strong voice from VJJA, VaLORS could be a reality to those of you who are still around in a few years. I won't be one of them, but I would like to see others benefit.

As always, I welcome your com-

ments and suggestions and I hope my last 2 years as your membership chairman will be as rewarding as the past 9 years have been. I have also heard from some of you that you have not been able to access our web site. At the last Board meeting we approved the move from our free web site to a fee based larger site. This new site will enable us to be more comprehensive. It should be available in the very near future.

In the meantime, you can reach

me at woolfjm@djj.state.va.us or call me at 757-427-4361. I'll be happy to mail you membership information, brochures or applications if you cannot get them on the web site. I always look forward to chatting with you. It makes my boss think I'm working. Whoops!! Was that out loud?

Thanks again for your support in making 2004 a record year in so many ways. I look forward to seeing you in Williamsburg at the Fall Conference in November. Keep an