

REPORT OF THE
VIRGINIA ADVISORY LEGISLATIVE COUNCIL
ON
SERVICES TO YOUTHFUL OFFENDERS
TO
THE GOVERNOR
AND
THE GENERAL ASSEMBLY OF VIRGINIA

NCJRS

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ACQUISITIONS



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COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PURCHASES AND SUPPLY
RICHMOND
1978

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**Report of the
Virginia Advisory Legislative Council**

On

Services to Youthful Offenders

Richmond, Virginia

January 16, 1978

TO: Honorable John N. Dalton, Governor of Virginia

and

The General Assembly of Virginia

INTRODUCTION

The Virginia Advisory Legislative Council Committee to Study Services to Youthful Offenders conducted its study pursuant to Senate Joint Resolution No. 12 of the 1976 Session of the General Assembly. The study was continued pursuant to Senate Joint Resolution No. 91 of the 1977 Session of the General Assembly. Those resolutions are as follows:

SENATE JOINT RESOLUTION NO. 12

Directing the Virginia Advisory Legislative Council to continue its study on the planning for and delivery of services to youthful offenders and on probation and parole matters.

WHEREAS, the Virginia Advisory Legislative Council has conducted a study and revision of the laws governing troubled children in the juvenile and domestic district courts during 1974 and 1975; and

WHEREAS, this work raised other issues which need further study, such as the establishment of a family court system in the Commonwealth; and

WHEREAS, further consideration needs to be given to the need for prevention and diversionary programs at the community level in dealing with the problems of juvenile delinquency, the role the public schools should play in the prevention of juvenile delinquency and the coordination of the delivery of services, both public and private, to youthful offenders

and potential offenders; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia Advisory Legislative Council is hereby directed to continue its study on devising a system of comprehensive planning for and delivery of services to youthful offenders and on devising a system to improve the probation and parole of all offenders. The Council shall not be limited to these matters, but shall consider all aspects relating to this subject. The Council shall also explore the ramifications of implementing a family court structure in Virginia.

The Council shall complete this work and make such recommendations as it deems appropriate to the Governor and General Assembly not later than January one, nineteen hundred seventy-seven.

SENATE JOINT RESOLUTION NO. 91

Directing the Virginia Advisory Legislative Council to continue its study on the planning and delivery of services to youthful offenders and on probation and parole matters.

WHEREAS, during nineteen hundred seventy-six the Virginia Advisory Legislative Council conducted a study of the family court system, delinquency prevention and diversion and the implementation of the statutes authorizing indeterminate sentences for youthful offenders; and

WHEREAS, the Council has had insufficient time to complete this study because of the comprehensive nature of the topics being considered; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia Advisory Legislative Council is hereby directed to continue its study on youthful offenders and to make such recommendations as it deems appropriate to the Governor and General Assembly not later than January one, nineteen hundred seventy-eight.

HISTORY

Senate Joint Resolution No. 12 of the 1976 Session of the General Assembly directed the Council to continue its study "on the planning for and delivery of services to youthful offenders and on probation and parole matters." The VALC Committee to Study Services to Youthful Offenders found that one year was insufficient to complete a comprehensive study of all the issues involved. Therefore, the 1977 Session of the General Assembly passed Senate Joint Resolution No. 91 which granted the Council another year to continue its study and to formulate recommendations on its findings.

The VALC Committee to Study Services to Youthful Offenders was initially appointed and organized in 1972. The Council appointed Senator

Lawrence Douglas Wilder of Richmond to act as chairman of the Committee. Senator Wilder, with the approval of the Council, appointed the following members to work with him in this study: Delegate Wyatt B. Durette, Jr., of Fairfax; Mr. France M. Brinkley of Richmond; Mrs. Virginia Crockford of Richmond; Senator William E. Fears of Accomac; Mr. Anthony C. Gaudio of Richmond; Mr. Leonard W. Lambert of Richmond; Reverend J. Fletcher Lowe, Jr., of Richmond; Mr. William S. Stephenson of Richmond and Senator Stanley C. Walker of Norfolk.

In order to carry out the directives of Senate Joint Resolution No. 12 and Senate Joint Resolution No. 91, the Committee appointed subcommittees comprised of members of the Committee and citizen members who contributed invaluable time and expertise to the Committee's work and research.

Senate Joint Resolution No. 12 requested the Council to "explore the ramifications of implementing a family court structure in Virginia." Pursuant to the resolution, the Committee selected Virginia Crockford of Richmond to serve as chairman of the Family Court Subcommittee. Selected to serve as members of the Subcommittee with Mrs. Crockford were Judge James Cacheris of Fairfax; Delegate Wyatt B. Durette, Jr., of Fairfax; Senator William E. Fears of Accomac; Judge J. English Ford of Martinsville; Helen D. Gannon of Henrico; Leonard W. Lambert of Richmond; Senator William F. Parkerson, Jr., of Henrico; Robert J. Smith of Henrico and Betty A. Thompson of Arlington.

Senate Joint Resolution No. 12 further requested the Council to study the "need for prevention and diversionary programs at the community level in dealing with the problems of juvenile delinquency." Consequently, the Committee selected three members to work with the Virginia State Crime Commission's Delinquency Prevention and Diversion Subcommittee in its study of Children and Youth in Trouble in Virginia, chaired by Delegate L. Ray Ashworth of Wakefield. The Committee members selected were: France M. Brinkley, Margaret Dungee and the Reverend J. Fletcher Lowe, all of Richmond.

The Council would like to take this opportunity to express its sincere appreciation to the Virginia State Crime Commission for inviting members of the VALC Committee to Study Services to Youthful Offenders to serve on the Delinquency Prevention and Diversion Subcommittee. This joint study exemplified the coordination and cooperation deemed essential to the successful operation of all legislative studies and State institutions dedicated to securing and protecting the welfare of children throughout the Commonwealth.

Finally, Senate Joint Resolution No. 12 requested that the Council continue its study "on devising a system to improve the probation and parole of all offenders." The Subcommittee on Parole for Youthful Offenders was appointed to study this issue. William S. Stephenson was selected to act as chairman of the Subcommittee. Other members selected to serve with Mr. Stephenson were Judge Frederick P. Aucamp of Virginia Beach; Margaret Dungee of Glen Allen; Judge Ernest P. Gates of

Chesterfield; Anthony C. Gaudio of Richmond; Rudy F. Guillen, Jr., of Richmond; Eleanor McGehee of Richmond; Gammiel Gray Poindexter of Surry; Dr. Charles K. Price of Richmond; Sheriff Paul J. Puckett of Roanoke; Morris L. Ridley of Richmond; Senator Lawrence Douglas Wilder of Richmond and Robert Wolfe of Harrisonburg.

Throughout 1976 and 1977 the Committee met with officials and representatives of the State correctional system to stay apprised of the services provided to youthful offenders throughout the Commonwealth. The Committee held several meetings with the staff of the Rehabilitative School Authority which administers educational programs for persons committed to correctional institutions in the Commonwealth.

A questionnaire prepared by the Committee was sent to all members of the staff of the Rehabilitative School Authority in Virginia to ascertain information regarding the administration and operation of the educational programs offered to incarcerated youths.

FINDINGS AND RECOMMENDATIONS

A. The Family Court

During 1977 the Subcommittee on the Family Court conducted a survey on the family court concept, met with members of the judiciary and with bar associations and corresponded with other states which have operational family court systems.

After careful consideration of the members' proposals, the Subcommittee composed a questionnaire to survey all members of the judiciary and all bar associations in the State concerning the practical implementation of a family court system in Virginia.

Over 300 questionnaires were mailed and 114 responses were received. Of the 114 responses, 29 were from juvenile court judges, 28 from general district court judges, 48 from circuit court judges and 9 from local bar associations.

The questionnaire solicited answers to ten questions concerning the structure and practicability of a family court system in Virginia. Primarily, the juvenile court judges favored the implementation of the family court concept and stressed the elevation of the family court to a court of record status. The other judges and the bar associations were divided in their positions on the implementation of family courts in the State.

The responses indicated that there are both advantages and disadvantages in a family court separate from the present circuit court structure. Advantages listed by the respondents included: faster, more efficient scheduling and disposition of cases; consolidation of all matters relating to family members under one court; increasing specialization of the judiciary and the staff handling family problems; and elimination of jurisdictional problems between circuit courts and juvenile courts. The

major disadvantages listed comprised: expense, further fragmentation of Virginia's judicial structure, increased demand on facilities and staff; excessive caseloads for one court; and a severing of the relationship between the judge and the juvenile because of the formality of a court of record.

The majority of the juvenile court judges responding to the questionnaire favored a modified family court structure. This concept places jurisdiction over matters of adoption, divorce and custody in the juvenile court to be handled as in a court of record with appeals directly to the Supreme Court, with all other present objects of juvenile court jurisdiction and appeals procedures remaining the same. Each category, circuit court judges, district court judges and bar associations, was split approximately in half in its position on such a modified family court structure.

Suggestions for the modified family court included: in cases where an adult has committed a felony, the modified family court should hold a probable cause hearing, and if probable cause is found, the modified family court should certify the case to the circuit court; the modified family court should handle petitions concerning mental incompetency and commitments; appeals should be directed to the circuit court or to an intermediate court of appeals; the modified family court should utilize divorce commissioners or masters and should be given the power to dispose of all personal and real property accumulated during marriage.

When asked whether adequate space for administration and courtroom proceedings is presently allocated to the juvenile and domestic relations district court in their locality, most juvenile court judges and circuit court judges replied "yes". The majority of general district court judges and local bar associations responded that the space is not adequate.

The majority of all judges and bar associations indicated that if the family court concept is adopted, additional office and courtroom space will be needed.

Most of the respondents agreed that additional clerical, judicial and professional personnel would be essential to fulfill the responsibilities of a family court system. The majority of judges and bar associations predicted that the family court would require two to five additional professionals. Other suggestions for personnel included the hiring of administrators, family counselors and financial counselors. Almost all of the respondents expect that at least one additional judge will be required for the family court.

Juvenile court judges were asked, "What is your present approximate caseload of cases remanded from the circuit court for enforcement or supervision?" The answers varied from 50 to 75 per year in Harrisonburg to 743 per year in Norfolk. The number of cases was lower in rural areas and higher in urban areas.

Circuit court judges were asked, "What is your present approximate

caseload of domestic relations cases?" Specifically, the number of adoption cases range from 0 to 500 for all circuit court judges; the majority have fewer than 50 adoptions in their caseload. The number of divorce cases range from 100 to over 2,000; the majority presently handle between 500 and 1,000 divorce cases. Finally, the number of custody cases range from 0 to 300; the majority of circuit court judges handle fewer than 50 custody cases.

Primarily juvenile court judges and circuit court judges responded to the question, "When a petition is filed in your court how long does it take for a hearing to be held on (a) temporary custody, (b) permanent custody, (c) temporary support, and (d) permanent support." For (a) temporary custody, most judges answered that it takes from one hour to one week for the case to be heard. For (b) permanent custody, most judges responded that it takes from one day to two weeks for the case to get to court. For (c) temporary support, most judges answered that it takes from one to seven days for the case to be heard. For (d) permanent support, most judges replied that it takes two to four weeks for the case to be heard.

The majority of all judges responding to the questionnaire felt that a full or modified family court structure would require the allocation of at least one additional judge to each respective judicial district. A significant number of judges replied that two or more judges will be needed in their district if a family court system is implemented.

Other comments or suggestions offered by the respondents included: elevate the family court to "Circuit Court (Family Division)"; or, consider a family court in divisions, such as, (a) Divorce and Adoption, (b) Custody and Support, (c) Criminal-Adult and Juvenile, (d) Mixed; utilized divorce commissioners, masters or reconcilers; and improve the existing system of courts rather than creating additional courts.

A more specific breakdown of the responses, is included in the Appendix.

The Subcommittee met with members of the Virginia Council of Juvenile Court Judges who have studied the family court concept for approximately seven years. The judges affirmed their support for the implementation of a family court system in Virginia. The judges and the Subcommittee agreed, however, that the structure of the family court, the operational and functional details of implementation and the potential cost to the State are major concerns deserving additional consideration.

The Subcommittee requested input from State and local bar associations. The Family Law Committee of the Virginia State Bar responded that "formulation of a definite and complete plan [is] a necessary prerequisite to recommendation of the concept." The Virginia State Bar agreed to share its research on the family court and to offer recommendations to the General Assembly subsequent to more in-depth study. The Virginia Trial Lawyers Association and the Virginia Bar Association endorsed this proposition.

In its deliberations, the Subcommittee corresponded with other states which have established a family court system. The development of a pilot family court similar to that of Maryland was considered as well as information on the family court system in South Carolina and Wisconsin.

The family court concept is predicated on the belief that there are problems in the present judicial structure to which a family court system would be a solution. The problems perceived by the Subcommittee are:

I. The "yo-yo" effect of certain cases.

Under the present system there is a duplication of effort especially in divorce and custody matters. For example, consider the case where an attorney is representing a mother who is seeking a divorce. Prior to filing for the divorce, the attorney files a custody action in the juvenile court. If the mother wins custody in the juvenile court, the attorney immediately files the divorce action in the circuit court and also files a copy of the juvenile court order granting custody of the child to the mother as evidence on the matter of custody. If the mother is unsuccessful in her custody battle, her attorney files the divorce action asking for custody of the child in the circuit court. Therefore, in either situation the case comes before the circuit court. When custody is awarded in the circuit court, the circuit court judge may refer the case back to the juvenile court for either enforcement or a further finding of fact. Immediately, the unsuccessful party in the custody battle files for a custody hearing in the juvenile court. If that court's decision coincides with the circuit court order, the case may rest. If the juvenile court decision does not coincide with the circuit court order, the disgruntled party immediately appeals to the circuit court. This constant back and forth battle has proven to be detrimental to the children, costly to the litigants and frustrating to the attorneys and judges involved.

These "yo-yo" cases also contribute to the tendency of juvenile courts and circuit courts to leave certain family problems unresolved, knowing that the case will soon be referred to another court and hoping that the other court will deal with the problem and offer solutions.

II. The inaccessibility of the circuit court.

The juvenile court is usually more accessible to family members who have problems which must be dealt with immediately. The intake and probation services attached to the juvenile court are more sensitive to family problems. The need for specialists trained in handling family members is evident.

III. Judicial splintering.

There is a need to integrate all judicial matters related to the family under one court. An integration of such cases would aid in finding solutions to the entire family problem rather than having various family members appear in a series of different courtrooms. Such an integration would create a system of finality in domestic relations matters.

The Subcommittee is not in a position at this time to propose legislation altering the present judicial system to implement a family court. Two recommendations proposed to the Subcommittee, however, are worthy of further consideration, and they follow.

The Virginia Council of Juvenile Court Judges proposes a modified family court system. (See Appendices.)

Under this system, the juvenile and domestic relations court would continue its present jurisdiction and add jurisdiction over matters of divorce, annulment, adoption and separate maintenance. Appeals on all cases which are on the record would go directly to the Virginia Supreme Court. All other appeals would be directed to the present circuit court on a de novo basis. There is one exception, however. Appeals on custody and support orders incidental thereto and on termination of parental rights would go directly to the Virginia Supreme Court on the record.

The question of what additional costs would be incurred by the modified family court was addressed by the Subcommittee. The implementation of such a system might result in some increase in judicial salaries and may require an additional judge in some localities. On the other hand, the caseload of the circuit courts would be reduced, possibly reducing the need for at least one circuit court judge in the larger judicial circuits. No new courtroom space or additional clerks would be needed since there would be only a shift in workload rather than an increase. Two or three new docket books may be needed in the present office of the clerk of court.

Another possible advantage of such a system is that the number of appeals to the Virginia Supreme Court in divorce and custody cases may decrease, since the cases would be handled more thoroughly as a result of the court's specialization in the handling of family matters.

Another recommendation discussed by the Subcommittee would involve no restructuring of or jurisdictional changes in the present judicial system but may effectively address the need for more expertise in domestic relations matters handled by the circuit courts in some judicial circuits. This proposal involves the specialization of circuit court judges in family matters and would provide for a "Family Law Division" of the circuit court. All matters of adoption, divorce, annulment, separate maintenance and appeals and transfers of matters from the juvenile and domestic relations district court would be assigned to the family law division. Considering the allocation of judges in the Commonwealth's present thirty-one judicial circuits and the number of cities, counties and towns which these circuits encompass, approximately twelve circuits could presently accommodate such a specialized system. Some of the remaining nineteen circuits could adapt to such a set up with minor changes in their present operations.

In light of the work done by this Subcommittee in the last two years, the Subcommittee recommends that a joint subcommittee of the Committee on Courts of Justice of the House of Delegates and the Senate of Virginia

be appointed to consider the information gathered by the Subcommittee and to develop appropriate legislation which addresses the operational and legal problems which exist in the present division of responsibility between juvenile and circuit courts with regard to domestic relations matters. The membership of the subcommittee should include: two members of the Senate Committee on Courts of Justice; two members of the House Committee on Courts of Justice; a juvenile and domestic relations district court judge; a circuit court judge; a Commonwealth's Attorney; the Attorney General of Virginia or his designee; a private attorney; and two citizens. The study committee should report its findings and make whatever recommendations it deems appropriate to the Governor and General Assembly no later than January one, nineteen hundred seventy-nine.

B. Delinquency Prevention and Diversion

A major concern identified by the VALC Committee members was delinquency prevention and diversion. Formulation of a subcommittee to examine these issues was considered. However, in mid-1976, the Virginia State Crime Commission initiated its study of Children and Youth in Trouble in Virginia which included a review of present efforts at preventing delinquency and the availability of programs to divert youth from further penetration into the system. Therefore, to avoid duplication and insure coordination of efforts, three members of this committee were invited to serve on the Commission's advisory group. They were France M. Brinkley, Margaret Dungee and the Reverend J. Fletcher Lowe, all of Richmond.

The Subcommittee met numerous times to hear testimony from a variety of individuals working in the juvenile courts social service agencies, schools, private agencies, and the federal and state departments of labor. Following a year of study the Commission's subcommittee concluded:

1. Efforts in Virginia to prevent juvenile delinquency by providing appropriate services to children and youth in trouble with their families, schools and communities have been shortsighted and are simply begun too late.
2. Efforts to establish and maintain innovative prevention and diversion programs have been insufficient and to a large degree haphazard.
3. There is a strong need for true cooperation and integration of services among agencies so that troubled and delinquent youth may be assisted in a comprehensive manner.
4. Diversion efforts and objectives should be geared towards removing juveniles from the juvenile justice system rather than merely transferring them to less confining programs within the system.

The Subcommittee has proposed eight major recommendations including (1) the development of a viable system for early identification and periodic diagnostic and screening testing for children who have handicapping conditions; (2) provision of remediation services for all children who have

handicapping conditions; (3) diversion in lieu of court processing for juveniles who are not threats to public safety and who voluntarily accept referral to service agencies; (4) funding by the legislature for local governmental jurisdictions to support prevention and diversion programs; (5) the establishment of local commissions responsible for advocacy, and referral, and coordination of resources for children and youth; (6) the development of "inschool" suspension programs throughout the State; (7) a study of the State child labor laws; and (8) support for interagency cooperation by giving priority consideration by funding programs jointly developed and submitted by agencies.

The Subcommittee also urges the consideration of a single purpose application with automatic referral service for clients needing services from a variety of agencies.

For a detailed explanation of the Subcommittee's findings and recommendations, see the report of Crime Commission's study of Children and Youth in Trouble in Virginia published in December, 1977.

C. Probation and Parole for Youthful Offenders

The Subcommittee on Parole for Youthful Offenders concentrated its attention on the question of parole services to youthful offenders, as anticipated by the Indeterminate Commitment statutes, §§ 19.2-311 through 19.2-316 of the Code of Virginia.

Since completion of the Subcommittee's work, the 1977 Bond Issue was approved. A portion of the Bond Issue includes funds for the construction of a new two hundred bed institution for youthful offenders. This facility which will be located near the Southampton Correctional Center will be a specialized institution for persons committed to State institutions under the indeterminate commitment statutes.

During its study, the Subcommittee concluded that such a specialized institution was needed so that persons with indeterminate commitments would not be confined in facilities originally intended for other forms of commitment.

Anticipating construction of a specialized institution, the Subcommittee determined that certain problems may arise as a result. The Subcommittee pointed out that questions may arise concerning the equal treatment of female offenders since the new facility will house only males.

Another concern of the Subcommittee involved the legislative provisions for review and possible rejection of commitments by a judge or jury to the Department of Corrections where the Department determines that such person is not suitable for the youthful offenders program. The mechanism of resentencing and placing the offender in another program is not clear according to the statute, § 19.2-312 of the Code of Virginia, and questions of due process and double jeopardy might arise.

The Committee is aware of the existing and potential problems which

the Subcommittee's work revealed; however, the Committee has determined that it will wait until the new facility is completed and the program is implemented before making any recommendations of changes in the law.

D. The Rehabilitative School Authority

The Rehabilitative School Authority which began operation in 1974 maintains a general system of educational programs for persons committed to correctional institutions throughout the State. The RSA was legislatively mandated to establish educational programs in the institutions and the VALC Committee to Study Services to Youthful Offenders functioned as the legislative oversight committee for the program.

During its study, the Committee met with administrators, teachers and staff of the RSA and visited several institutions to view the classroom situations. The operation of the school system and the maintenance of its programs and its school buildings were discussed during meetings of the Committee.

Pursuant to its oversight of the RSA, the Committee agreed to conduct a written survey of the attitude and concerns of the entire RSA staff. A questionnaire was prepared and reviewed by the Committee whose members agreed to mail the questionnaire to all RSA principals in the State for distribution to their entire staff. The principals were instructed to distribute a questionnaire to each staff member. The staff member was instructed to return his completed questionnaire directly to the Division of Legislative Services so that strict confidentiality of the answers and comments would be maintained.

The questionnaire solicited answers to fourteen questions. Over two hundred responses were mailed to the Division of Legislative Services. Each respondent indicated his job category only. No information concerning the location of the respondents or the institutions for which they worked was solicited by the questionnaire. The job category with the most respondents was "Academic Teacher (Juvenile)."

The second question of the questionnaire inquired, "Are you sufficiently satisfied with your job so that you plan to make it a career?" The answers varied according to job category. For example, seven respondents from the Central Office administrative staff indicated "yes" to the question and seven responded "no". Academic teachers for juveniles were also equally divided on the question with twenty-three responding "yes" and twenty-three answering "no". The majority of vocational teachers of juveniles responded "yes" to the question of job satisfaction with sixteen answering "yes" and only one "no" answer. The Central Office support staff appeared to be less satisfied with their jobs since only three replied "yes" and eight responded "no". Another category whose respondents indicated dissatisfaction was academic teachers of adults with fourteen "yes" answers and eighteen replying "no".

The third question asked the RSA staff members to rank in importance several advantages of employment with the RSA. The advantage most often

ranked number one was "nature of job". The advantage ranked as the least important to the majority of staff members was the "relationship with agency".

Question four asked those respondents who indicated dissatisfaction with their jobs to rank in importance several problems contributing to their dissatisfaction. The problems ranked as most important were "relationship with agency, salary and location of job." The least important problem listed most often was "relationship with students."

Question five asked the staff if they would recommend employment with the RSA to others. Again, answers varied according to job category but the majority of respondents in each category except one answered "yes" to the question. The exception was the Central Office support staff with only two people responding "yes" and nine responding "no".

Question six asked the RSA staff "Do you think that RSA hiring, promotion and transfer practices are discriminatory according to sex, age, race or any other factors?" The majority of respondents in all job categories replied "no" with one exception. Nine members of the Central Office support staff replied "yes" and only one support staff member replied "no".

Question seven asked RSA staff members to detail how the above hiring, promotion and transfer practices are discriminatory. The Committee carefully considered each written response to this particular question.

Question eight asked the RSA staff member whether he or she receives adequate support from A. school administrators, and B. the RSA Central Office. The various job categories responded differently to the question but again dissatisfaction was indicated among the Central Office support staff who indicated a lack of support from the Central Office of RSA. Another category noted by the Committee was academic teachers of adult students. Fifteen of those teachers replied that they do not receive adequate support from the RSA Central Office while fourteen replied "yes" to the question.

Question nine asked, "Do you feel that you have received/are receiving adequate in-service training?" The majority of all respondents replied "yes" with the exception of the Central Office support staff. Only two members of that staff replied "yes" and nine replied "no".

Question ten asked for suggestions on types of in-service training for RSA employees. The responses varied and were carefully considered by the Committee members.

Question eleven asked the academic and vocational teachers whether adequate time is provided them for teaching responsibilities. The majority of all teachers responded "yes".

The teachers who responded "no" to question eleven detailed the circumstances which detract from their ability to fulfill their teaching responsibilities in part twelve of the questionnaire.

The next question asked for suggestions for legislation to help employees of the RSA to better serve incarcerated children and adults. A space was also provided for additional comments.

Members of the Committee carefully reviewed the responses and comments sent in by the RSA staff. The questionnaires were reviewed and discussed during a meeting of the Committee.

See the Appendix for a more detailed breakdown of the responses to the questionnaire.

The responses to the questionnaire concerning the Rehabilitative School Authority were shared with the Secretary of Public Safety, H. Selwyn Smith. Secretary Smith's letter concerning the questionnaire is included in the appendix to this report. A written response of the Committee to Secretary Smith is also included in the appendix.

CONCLUSION

In light of the work done by the VALC Committee to Study the Services to Youthful Offenders during the past two years and the information learned through the Committee's study and deliberations, the Council recommends the continuance of the Committee for another year. During 1978 the Committee will concentrate its efforts on monitoring the progress made by the executive branch to make the Rehabilitative School Authority more effective in its education programs and more responsive to the students it serves. The Council anticipates improvements in the Rehabilitative School Authority as a result of the investigation into its operations during 1977 and looks forward to continued cooperation with the executive branch in the pursuit of beneficial services to youthful offenders.

Two concerns of the Committee must be addressed immediately, however. The Committee agrees that the composition of the Board of the Rehabilitative School Authority should include citizens from a variety of occupations. Such a membership would be similar to the membership of other school boards in the State and the expertise of citizens engaged in occupations outside the field of education would prove valuable to the administration and operation of the RSA's educational programs. In addition, the Committee feels that the RSA Board should be authorized to appoint the Superintendent of the RSA. Prior to 1977, the RSA Superintendent was appointed by the RSA Board, but the 1977 Session of the General Assembly authorized the Governor to appoint the Superintendent. The Committee, as a result of its study and oversight of the RSA, concludes that the appointment of the Superintendent should be returned to the authority of the RSA Board.

Accordingly, the Council recommends that the RSA Board be composed of seven members, two of whom shall be appointed by the Speaker of the House of Delegates, two members who shall be appointed by the chairman of the Senate Committee on Privileges and Elections, and the remaining three members shall be appointed by the Governor. The membership of

the Board of the Rehabilitative School Authority shall remain subject to confirmation by the General Assembly. The Council further recommends that the Board of the Rehabilitative School Authority, pursuant to its authority under § 22-41.4 of the Code of Virginia, be empowered to appoint the Superintendent of the Rehabilitative School Authority.

The Council, through its Committee to Study the Services to Youthful Offenders, intends to continue its interest and concern regarding all services to youthful offenders throughout the State; however, the focus of the Committee's work during 1978 will be monitoring the Rehabilitative School Authority. The Council concludes that educational programs are a pragmatic approach to the rehabilitation and potential success of young persons leaving the correctional system. The short existence of the Rehabilitative School Authority has revealed inherent problems. The continuance of the work of the Council through its Committee will provide a legislative vehicle for cooperatively resolving these problems in order to appropriately serve young people in need of the educational services which the Rehabilitative School Authority was created to provide.

The Council respectfully submits this report and the accompanying legislation.

Respectfully submitted,

Edward E. Lane, Chairman

Lawrence Douglas Wilder, Vice Chairman

George E. Allen, Jr.

Peter K. Babalas

Vincent F. Callahan, Jr.

Joseph V. Gartlan, Jr.

Jerry H. Geisler

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Edward E. Willey

APPENDICES

APPENDIX A

FAMILY COURT QUESTIONNAIRES

Total Number of Responses	114
Juvenile Court judges	29
General District Court judges	28
Circuit Court judges	48
Local bar association	9

1. A. What advantages do you see in a family court separate from the present circuit court structure? B. Disadvantages?

A. Advantages:

(1) The family court would provide faster, more efficient hearings; scheduling of hearings and result in earlier decisions.

(2) It would eliminate jurisdictional problems between the circuit courts and juvenile courts. Final disposition of domestic cases would be consolidated under one court.

(3) More time and expertise could be devoted to family problems because of a specialized and educated judiciary and staff.

(4) This system would be more convenient and less confusing for the public.

(5) A more uniform approach to treatment and rehabilitation would result from family counseling services and probation supervision being attached to one court.

(6) The caseload of circuit court judges would be eased.

(7) The status gained by becoming a court of record would make the court more effective and would encourage better prepared and broader attorney representation.

B. Disadvantages:

(1) Expense: The family court system would require more judges, personnel and courtroom equipment.

(2) Another court would further fragment the judicial structure in Virginia.

(3) The family court would add to the demand for court facilities and staff.

(4) Many domestic matters should not originate in a court of record.

(5) The family court would increase the number of appeals to the Virginia Supreme Court.

(6) If the family court handled all family matters, the caseload would be too much for one court.

(7) The relationship between the judge and the juvenile might become more threatening because of the formality of a court of record.

(8) A great deal of time would be lost because of jury trials for those cases where trial by jury is guaranteed.

2. Would you favor a modified family court structure which places jurisdiction over matters of adoption, divorce and custody in the juvenile court to be handled as in a court of record with appeals directly to the Supreme Court, with all other present objects of juvenile court jurisdiction and appeals procedures remaining the same?

	JUVENILE	DISTRICT	CIRCUIT	BAR
Yes	20	12	23	3
No	6	14	22	4
No Opinion	3	2	3	2

3. What other suggestions do you have for a modified family court structure in Virginia?

(1) The modified family court should be a court of record with original jurisdiction in all family matters, with appeals to the Virginia Supreme Court of Appeals except in cases where an adult has committed a felony. The family court would then hold a probable cause hearing and, if found, would be certified to the circuit court.

(2) Mental petitions and commitments should be handled by the modified family court since 90% of these cases are of family consequence.

(3) This court should be elevated to circuit court level and designated "Circuit Court (Family Division)."

(4) Appeals should go to the circuit court rather than directly to the Supreme Court. Similarly, a few judges favor an intermediate court of appeals for divorce, adoption and custody.

(5) Transfer all traffic and most adult criminal cases to the general district court then appeal to the family court.

(6) All jury trials and appeals of criminal cases should move laterally to the circuit court.

(7) Permit de novo appeals only if trial by jury is demanded, otherwise the court will maintain an inferior status and appeals will take time

and delay treatment or services to family members.

(8) Modified family court systems should use divorce commissioners.

(9) Give the modified family court the power to dispose of all personal and real property accumulated during marriage.

4. Is the space presently allocated to the juvenile and domestic relations district court in your locality for administration and courtroom proceedings adequate?

Juvenile Court judges		General District Court judges	
Yes	20	Yes	8
No	6	Yes, but not for long	1
		No	12
Yes in some localities		No, but expansion planned	2
No in others-3		Don't know	2
		No answer	3

Circuit Court judges		Local bar associations	
Yes	30	Yes	2
No	14	No	5
No answer	4	No answer	2

5. Do you foresee the necessity for additional office and courtroom space for the juvenile court if the family court concept is adopted?

	JUVENILE	DISTRICT	CIRCUIT	BAR
Yes	16	14	28	7
No	13	9	15	2
No answer		5	5	

6. What additional juvenile court personnel would be needed to fulfill the responsibilities of a family court system?

A. Clerical

The majority of all judges responded that at least one clerical employee would be needed, but not more than 5. Many feel that additional clerks and stenographers would be essential. Some suggested that an administrator would be needed.

B. Professional

Again, most judges felt that from 2 to 5 additional employees would be needed. One judge felt that at least 10 more probation officers might be necessary. The judges suggested the need for at least two family counselors, along with additional psychologists and perhaps a financial counselor in divorce cases.

C. Judicial

Most judges replied that at least one additional judge would be needed for the family court. One judge suggested that a referee or master be utilized by the family court as in Delaware. A few judges also suggested the need for additional bailiffs.

7. A. To Juvenile Court judges: What is your present approximate caseload of cases remanded from the circuit court for enforcement or supervision?

The answers varied from 50 to 75 per year in Harrisonburg to 743 per year in Norfolk. As expected, the numbers were lower in rural areas and higher in urban areas. Sample answers: 377/yr. in Henrico County; 175/yr. in Culpeper County; 200/yr. in Portsmouth; 450/yr. in Newport News; 125/yr. in Providence Forge.

CASES PER YEAR	RESPONSES
0-100	4
100-200	7
200-300	3
300-400	5
400-500	3
over 500	1
No answer	6

- B. To Circuit Court judges: What is your present approximate caseload of domestic relations cases?

(1) Adoptions:

NUMBER OF CASES	RESPONSES
0- 50	12
50- 75	3
75-100	10
100-150	4
150-250	6
250-300	1
over 300	1
0-5% of all cases	4
No answer	7

(2) Divorces:

NUMBER OF CASES	RESPONSES
100- 250	10
250- 500	7
500-1000	14
1000-1500	5

1500-2000	1
over 2000	1
10-20% of all cases	3
over 20% of all cases	1

(3) Custody:

NUMBER OF CASES	RESPONSES
0- 50	11
50-100	4
100-150	1
150-250	6
250-300	1
Over 300	5
0-5% of all cases	2
10-20% of all cases	1

8. When a petition is filed in your court how long does it take for a hearing to be held on: (answered primarily by Juvenile and Circuit Court judges)

A. Temporary Custody

	CIRCUIT	JUVENILE	BAR
0- 7 days	19	11	1
7-14 days	15	10	3
14-30 days	11	7	2
30-45 days	1	2	

B. Permanent Custody

	CIRCUIT	JUVENILE	BAR
0- 7 days	19	1	
7-14 days	16	4	1
14-30 days	7	10	2
30-45 days	2	10	
45-60 days	1	3	1
60-90 days		1	1

C. Temporary Support

	CIRCUIT	JUVENILE	BAR
0- 7 days	19	10	
7-14 days	16	11	1
14-30 days	7	6	2
30-45 days	2		
45-60 days	1		1
60-90 days			1

D. Permanent Support

	CIRCUIT	JUVENILE	BAR
0- 7 days	8	3	
7-14 days	5	9	1
14-30 days	12	11	1
30-45 days	4	4	1
45-60 days	6	2	1
60-90 days	3		1

9. What impact do you envision a full or modified family court structure would have on the present allocation of judges to your judicial district?

A. Will increase the need for judges by at least 1:

JUVENILE: 11 DISTRICT: 10 CIRCUIT: 8 BAR: 1

B. Two or more judges will be needed:

JUVENILE: 4 DISTRICT: 3 CIRCUIT: 15 BAR: -

C. No impact:

JUVENILE: 6 DISTRICT: 7 CIRCUIT: 15 BAR: 1

D. Will create confusion:

JUVENILE: - DISTRICT: - CIRCUIT: 2 BAR: -

E. Will reduce workload of the Circuit Court:

JUVENILE: 3 DISTRICT: - CIRCUIT: 4 BAR: -

F. Will increase workload of the Circuit Court:

JUVENILE: 2 DISTRICT: - CIRCUIT: - BAR: -

G. Unknown or no answer:

JUVENILE: 1 DISTRICT: 11 CIRCUIT: 4 BAR: 7

10. Other comments or suggestions.

A. Juvenile Court judges:

(1) "Specialist judges who are highly motivated and thoroughly trained and experienced, and have formal special education, have a tremendous impact in our society as they adjudicate family-juvenile matters."

(2) The family court is particularly needed in Tidewater, Richmond

and Northern Virginia.

(3) Elevate the family court to "Circuit Court (Family Division)". Clerks of the juvenile and domestic relations court would handle their present workload and circuit court clerks could handle divorce and custody.

(4) Consider a family court in divisions:

(a) Divorce and Adoption

(b) Custody and Support

(c) Criminal-Adult and Juvenile

(d) Mixed (also to be Administrative/Chief Judge)

With rotating assignments—annual basis, could be successive assignments to same division.

B. General District Court judges:

(1) More judges and better scheduling of court dates and hours are needed.

(2) Several judges suggested the use of divorce commissioners.

(3) In contested divorce and adoption cases, a useful procedure would be for the judge to direct the Commissioner of Chancery to convene a fact finding board. In Delaware a "master" may be appointed by the chief judge of the family court to hear such cases and to make recommendations.

(4) General district courts would handle traffic cases.

(5) The family court should have full power of enforcement particularly in support matters.

C. Circuit Court judges:

(1) The joint response of 9 judges in the Norfolk area comments, "We consider that either proposal would have far reaching consequences and should be considered only with the utmost caution, if at all, and then only with the benefit of the considered recommendations of the Judicial Conference."

(2) Another judge wondered whether the family court system was scrutinized and rejected in studies conducted by the P'Anson Commission.

(3) Several judges commented that the present system operates well and that change is unnecessary.

(4) The family court in Milwaukee, Wisconsin uses court appointed reconcilers to whom a husband and wife are required to report in divorce cases. No litigation occurs until a report of irreconcilability is filed.

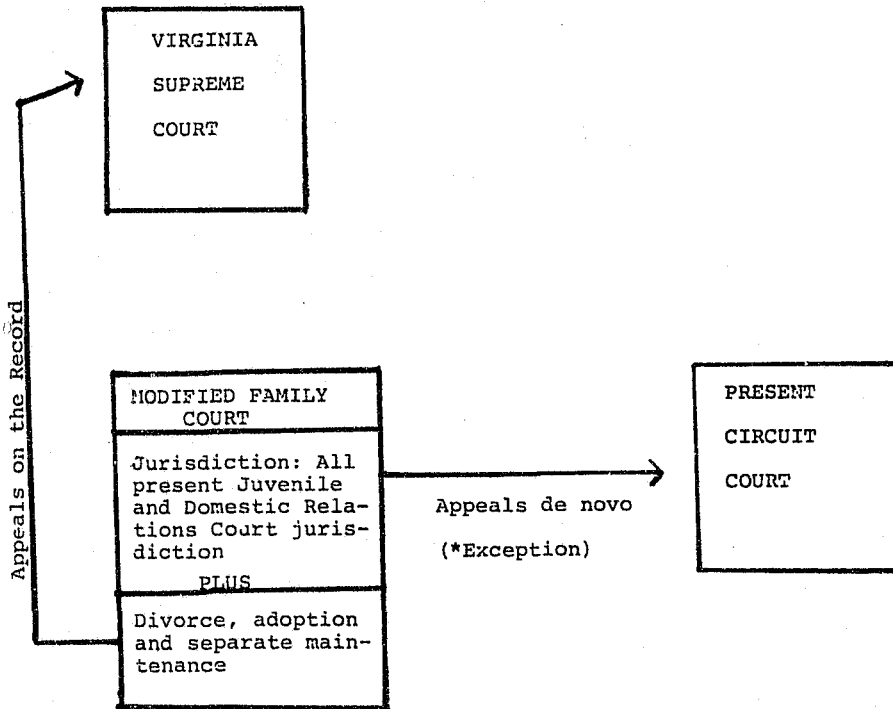
D. Local bar associations:

(1) "The General District Court structure has alleviated the caseload of the Circuit Court judges to a great extent and there is no further need for same."

(2) One attorney stated that personally, he has reservations about juvenile and domestic relations courts becoming courts of record because of the nature of the problems they handle.

(3) One association "expressed hope that legislation would be enacted to clarify jurisdictional problems involving children."

THE MODIFIED FAMILY COURT



* Appeals on custody and support orders incidental thereto and termination of parental rights.

Juveniles would be afforded jury trials in felony matters, as they are now in the present circuit court. Juvenile felons would be transferred to the present circuit court.

Record keeping for the additional jurisdiction would continue to be kept in the circuit court clerk's office in Family Court Order Books.

APPENDIX B

SENATE JOINT RESOLUTION NO.....

Requesting the Committees for Courts of Justice of the House of Delegates and of the Senate to appoint a joint subcommittee to study the present division of responsibility between juvenile and domestic relations district courts and circuit courts with regard to domestic relations matters and the implementation of a family court.

WHEREAS, the Subcommittee on the Family Court of the Virginia Advisory Legislative Council Committee Studying Services to Youthful Offenders has conducted a study on the family court system during nineteen hundred seventy-six and nineteen hundred seventy-seven; and

WHEREAS, the work of the Subcommittee revealed certain operational and legal problems which exist in the present division of responsibility between juvenile and circuit courts wherein the referral of domestic relations cases from one court to the other, the inaccessibility of the circuit court and the judicial splintering of court decisions regarding the family often cause undue hardship on the family members involved in such cases; and

WHEREAS, a system of family courts may be a solution to the problems revealed by the work of the Subcommittee; however, further study is needed to determine the structure of the family court, the operational and functional details of implementation and the potential cost of a family court system; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Committees for Courts of Justice of the House of Delegates and the Senate of Virginia are requested to appoint a joint subcommittee to consider the information gathered by the Subcommittee on the Family Court and to develop appropriate legislation that addresses the operational and legal problems existent in the present division of responsibility between juvenile and circuit courts with regard to domestic relations matters.

The membership of the joint subcommittee shall include two members appointed by the Chairman of the Senate Committee for Courts of Justice from the membership thereof; two members appointed by the Chairman of the House Committee for Courts of Justice from the membership thereof and the Attorney General of Virginia or his designee. The following members of the subcommittee shall be appointed by the chairman thereof: a juvenile and domestic relations district court judge; a circuit court judge; a Commonwealth's Attorney; a private attorney; and two further citizen members.

The joint subcommittee shall report its findings and make whatever recommendations it deems appropriate to the Governor and the General Assembly no later than January one, nineteen hundred seventy-nine.



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APPENDIX C

VALC COMMITTEE TO STUDY SERVICES TO YOUTHFUL OFFENDERS

Summary of Responses to Questionnaire

December 1, 1977

QUESTIONNAIRE

TO: All Employees of the Rehabilitative School Authority

FROM: The Virginia Advisory Legislative Council Committee to Study Services to Youthful Offenders

DATE: October 17, 1977

I. Please check the job category which applies to you:

Central Office Administrative Staff	16
School Administrator (Juv.)	10
Academic Teacher (Juv.)	48
Vocational Teacher (Juv.)	17
School Support Staff (Juv.)	20
Central Office Support Staff	11
School Administrator (Adult)	10
Academic Teacher (Adult)	34
Vocational Teacher (Adult)	20
School Support Staff (Adult)	13
Mixed	5
TOTAL	204

II. Are you sufficiently satisfied with your job so that you plan to make it a career?

Central Office Administrative Staff

Yes	7
No	7
No answer	2

School Administrator (Juv.)

Yes	4
No	5
No answer	1

Academic Teacher (Juv.)

Yes	23
No	23
No answer	1
Yes & No	1

Vocational Teacher (Juv.)

Yes	16
No	1

School Support Staff (Juv.)

Yes	11
No	6
No answer	2
Yes & No	1

Central Office Support Staff

Yes	3
No	8

School Administrator (Adult)

Yes	9
No	1

Academic Teacher (Adult)

Yes	14
No	18
No answer	2

Vocational Teacher (Adult)

Yes	16
No	3
Yes & No	1

School Support Staff (Adult)

Yes	9
No	4

Mixed

Yes	2
No	3

III. If you answered YES, please rank the benefits below ⁱⁿ importance to you by putting a "1" beside the most important advantage, a "2" by the next most important, etc. (Only the most important and the least

important are listed.)

Central Office Administrative Staff

Most important - Nature of job (7)
Least important - Location of job (3)

School Administrator (Juv.)

Most important - Nature of job (4)
Least important - Relationship with agency (3)

Academic Teacher (Juv.)

Most important - Nature of job (9)
Least important - Relationship with agency (10)

Vocational Teacher (Juv.)

Most important - Relationship with students (6)
Least important - Relationship with agency (7)

School Support Staff (Juv.)

Most important - Nature of job (6)
Least important - Relationship with agency (7)

Central Office Support Staff

Most important - Nature of job/Salary/
Relationship with agency (1)
Least important - Relationship with students (1)

School Administrator (Adult)

Most important - Nature of job (8)
Least important - Relationship with agency (7)

Academic Teacher (Adult)

Most important - Nature of job (8)
Least important - Relationship with agency (7)

Vocational Teacher (Adult)

Most important - Nature of job (13)
Least important - Relationship with agency (9)

School Support Staff (Adult)

Most important - Nature of job (5)
Least important - Location of job (3)

Mixed

- Most important - Location of job (1)
- Least important - Relationship with agency (1)

Other reasons for satisfaction with your job.

Comments incorporated in report.

IV. If you answered NO, please rank the problems below in importance to you by putting a "1" beside the most important problem a "2" by the next most important, etc. (Only the most important and the least important problems are listed.)

Central Office Administrative Staff

- Most important - Relationship with agency (5)
- Least important - Relationship with students (4)

School Administrator (Juv.)

- Most important - Salary (3)
- Least important - Relationship with students (2)

Academic Teacher (Juv.)

- Most important - Salary (3)
- Least important - Relationship with agency (2)

Vocational Teacher (Juv.)

- Most important - Salary (3)
- Least important - Relationship with agency (2)

School Support Staff (Juv.)

- Most important - Relationship with agency (3)
- Least important - Location (2)

Central Office Support Staff

- Most important - Relationship with agency (5)
- Least important - Nature of job (2)

School Administrator (Adult)

- Most important - Relationship with agency (1)
- Least important - Salary (1)

Academic Teacher (Adult)

- Most important - Relationship with agency (8)

Least important - Relationship with students (6)

Vocational Teacher (Adult)

Most important - Location of job (2)

Least important - Relationship with students (2)

School Support Staff (Adult)

Most important - Location of job/Salary (1)

Least important - Nature of job/Relationship
with students (1)

Mixed

Most important - Relationship with agency (2)

Least important - Relationship with students (3)

V. Would you recommend employment with the Rehabilitative School Authority to others?

Central Office Administrative Staff

Yes 8

No 6

School Administrator (Juv.)

Yes 8

No 2

Academic Teacher (Juv.)

Yes 23

No 23

No answer 1

Yes & No 1

Vocational Teacher (Juv.)

Yes 15

No 2

School Support Staff (Juv.)

Yes 11

No 6

No answer 2

Yes & No 1

Central Office Support Staff

Yes	2
No	9

School Administrator (Adult)

Yes	8
No	1
No answer	1

Academic Teacher (Adult)

Yes	23
No	10
No answer	1

Vocational Teacher (Adult)

Yes	16
No	2
No answer	2

School Support Staff (Adult)

Yes	11
No	1
No answer	1

Mixed

Yes	1
No	3
No answer	1

VI. Do you think that RSA hiring, promotion and transfer practices are discriminatory according to sex, age, race or any other factors?

Central Office Administrative Staff

Yes	5
No	10
No answer	1

School Administrator (Juv.)

Yes	5
No	5

Academic Teacher (Juv.)

Yes	17
No	29
No answer	2

Vocational Teacher (Juv.)

Yes	4
No	11
No answer	2

School Support Staff (Juv.)

Yes	3
No	14
No answer	3

Central Office Support Staff

Yes	9
No	1
No answer	1

School Administrator (Adult)

Yes	3
No	7

Academic Teacher (Adult)

Yes	15
No	18
No answer	1

Vocational Teacher (Adult)

Yes	2
No	17
No answer	1

School Support Staff (Adult)

Yes	1
No	12

Mixed

Yes	11
No	11

VII. If yes, how are such practices discriminatory?

Comments incorporated within the report.

VIII. Do you feel that you get adequate support from A. your school administration? B. from the RSA Central Office?

Central Office Administrative Staff

A.	Yes	9
	No	3
	No answer	4
B.	Yes	9
	No	6
	No answer	1

School Administrator (Juv.)

A.	Yes	5
	No	0
	No answer	5
B.	Yes	5
	No	5
	No answer	5

Academic Teacher (Juv.)

A.	Yes	33
	No	12
	No answer	3
B.	Yes	21
	No	22
	No answer	5

Vocational Teacher (Juv.)

A.	Yes	13
	No	4
	No answer	0
B.	Yes	7
	No	7
	No answer	3

School Support Staff (Juv.)

A.	Yes	15
	No	3
	No answer	2
B.	Yes	8
	No	9
	No answer	3

Central Office Support Staff

A.	Yes	3
	No	3
	No answer	5
B.	Yes	4
	No	6

No answer 1

School Administrator (Adult)

A. Yes 7
No 0
No answer 3

Academic Teacher (Adult)

A. Yes 22
No 7
No answer 5
B. Yes 14
No 15
No answer 5

Vocational Teacher (Adult)

A. Yes 18
No 1
No answer 1
B. Yes 16
No 2
No answer 2

School Support Staff (Adult)

A. Yes 10
No 1
No answer 2
B. Yes 10
No 2
No answer 1

Mixed

A. Yes 2
No 2
No answer 1
B. Yes 1
No 2
No answer 2

IX. Do you feel that you have received/are receiving adequate in-service training?

Central Office Administrative Staff

Yes 10
No 5
No answer 1

School Administrator (Juv.)

Yes	5
No	5

Academic Teacher (Juv.)

Yes	24
No	22
No answer	2

Vocational Teacher (Juv.)

Yes	10
No	7

School Support Staff (Juv.)

Yes	13
No	7

Central Office Support Staff

Yes	2
No	6
No answer	3

School Administrator (Adult)

Yes	8
No	2

Academic Teacher (Adult)

Yes	19
No	15

Vocational Teacher (Adult)

Yes	15
No	5

School Support Staff (Adult)

Yes	9
No	3
No answer	1

Mixed

Yes	2
No	3

X. If not, what kind of in-service training do you feel might be valuable to you as an employee of RSA?

Comments incorporated within the report.

XI. If you are a teacher, do you feel that you have adequate time for teaching responsibilities?

Central Office Administrative Staff

Yes	0
No	0
No answer	16

School Administrator (Juv.)

Yes	1
No	0
No answer	9

Academic Teacher (Juv.)

Yes	25
No	19
No answer	4

Vocational Teacher (Juv.)

Yes	10
No	6
No answer	1

School Support Staff (Juv.)

Yes	3
No	1
No answer	16

Central Office Support Staff

Yes	0
No	0
No answer	11

School Administrator (Adult)

Yes	2
No	0
No answer	8

Academic Teacher (Adult)

Yes 29
No 4
No answer 1

Vocational Teacher (Adult)

Yes 17
No 2
No answer 1

School Support Staff (Adult)

Yes 1
No 1
No answer 11

Mixed

Yes 0
No 3
No answer 2

XII. If not, what circumstances detract from your ability to fulfill your teaching responsibilities?

Comments incorporated within the report.

XIII. What action do you think the General Assembly could take to enable the RSA and you to do a better job and to more effectively serve incarcerated children and adults?

Comments incorporated within the report.

XIV. Additional Comments:

Comments incorporated within the report.

APPENDIX D



COMMONWEALTH of VIRGINIA

Office of the Governor

Richmond 23219.

H. Selwyn Smith
Secretary of Public Safety

December 14, 1977

The Honorable Lawrence Douglas Wilder
2307 East Broad Street
Richmond, Virginia

Dear Doug,

Reference is made to the material you provided me regarding your study of the Rehabilitative School Authority. As you will recall, it included a tabulation of the results of the questionnaires and documents suggesting violations of State travel regulations by the agency.

With regard to the latter, the travel regulation which was supposedly violated was a prohibition of payment for travel within the area of ones official station. You will note the regulations uses the word "ordinarily". An agency may obtain prior approval from the Department of Accounts for this type of travel. I checked with the Department of Accounts and was informed that by letter dated August 1, 1975, to the Comptroller the Rehabilitative School Authority requested such prior approval which was granted by a return letter dated September 12, 1975. Thus the vouchers in question were clearly authorized.

With respect to the Summary of Responses to Questionnaires, the following comments are noted:

An examination of the results of individual questions reveals that they are generally supportive of the RSA. For example, Question II which addresses job satisfaction shows that 60% of the employees are satisfied. In Question V, "Would you recommend employment with RSA to others", 56% indicated they would. In answer to the question on discrimination in hiring, promotion and transfer practices, 64% or almost two thirds of those answering the question indicated there was no discrimination. The other two questions concerning support and in-service training revealed that a majority of employees were satisfied.

The Honorable Lawrence Douglas Wilder
December 14, 1977
Page.2

As to the individual questionnaires, I feel that the three extremely adverse responses from individuals in the Central Office Staff must be discounted somewhat at this time in view of recent events in the agency. As you are undoubtedly aware, one employee has recently been terminated and another given the opportunity to resign, which he did. It would appear logical to associate two of the adverse responses with these two disgruntled employees. I also note that there was one very supportive statement from a Central Office employee.

Other comments on the questionnaire follow:

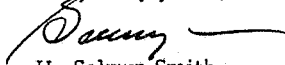
- (a) Probably the most prevalent complaints registered on the questionnaires were of inadequate salary and inadequate in-service training. I submit that these two complaints may be common to employees of all agencies, and without a similar sampling of other agencies the results of this questionnaire are of unknown value. I cannot view them as indicating that RSA has a particular problem in these areas as compared to other agencies.
- (b) There are areas mentioned which cause me concern, the most significant being the statements regarding Communism. I have directed that this matter be looked into. To date I have found nothing significant to substantiate these charges. I will, however, advise you of the final results.

In summary, I do not consider the results of the questionnaire to be an indictment of the Administration of the RSA. I believe they would have to be compared with like samplings of other agencies before much value could be placed on them. I feel that many of the complaints are those which are common to employees of all agencies.

I do not, however, wish to leave the impression that all is well with RSA, and that its operations cannot be improved. I am constantly striving to accomplish this.

I appreciate the opportunity to review and comment on the questionnaires which you gave me. If I can be of any service to your study group, please feel free to call on me.

Very truly yours,


H. Selwyn Smith

APPENDIX E

COMMONWEALTH OF VIRGINIA



SENATE

LAWRENCE DOUGLAS WILDER
8TH SENATORIAL DISTRICT
CITY OF RICHMOND,
EASTERN PART OF
3422 P STREET
RICHMOND, VIRGINIA 23222

COMMITTEE ASSIGNMENTS:
REHABILITATION AND SOCIAL SERVICES
CHAIRMAN
GENERAL LAW
PRIVILEGES AND ELECTIONS
TRANSPORTATION
RULES

January 5, 1978

The Honorable H. Selwyn Smith
Secretary of Public Safety
Office of the Governor of Virginia
Richmond, Virginia 23219

Dear Selwyn:

On behalf of the VALC Committee to Study the Services to Youthful Offenders, I would like to thank you for your evaluation of the questionnaires concerning the Rehabilitative School Authority. Although, some of the members of the Committee did not join in the conclusions reached by you in your evaluation, we sincerely hope that through our joint efforts and cooperation the problems which we are attempting to address will soon be resolved.

The Committee plans to continue its work for another year in order to monitor the administration and operation of the Rehabilitative School Authority. The Committee appreciates your cooperation and continual interest in its work and we look forward to working with you in the future.

Sincerely,

L. Douglas Wilder

LDW/rp

APPENDIX F



FRANK M. SLAYTON
P. O. BOX 444
SOUTH BOSTON, VIRGINIA 23182

COMMITTEE ASSIGNMENTS
COURTS OF JUSTICE
APPROPRIATIONS
HEALTH, WELFARE AND INSTITUTIONS

COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

January 2, 1978

TWENTY-EIGHTH DISTRICT
HALIFAX
CHARLOTTE
SOUTH BOSTON

Senator L. Douglas Wilder
3215 Hawthorne Avenue
Richmond, VA 23222

Dear Doug:

You and your committee have worked long and hard to promote the welfare of the youthful offenders who have been committed to the correctional system of Virginia, and many of us in the General Assembly who have not been privileged to serve with you and your committee are grateful for your efforts.

Recent comments made by me to the press which were critical of the Rehabilitative School Authority and its status were not intended to be critical of your efforts or your committee.

Through copies of correspondence which have been relayed to you, I believe my position on that matter has been made clear.

I regret I have certain conflicts in my schedule on Tuesday that makes it impossible for me to meet with your committee, but there are some observations about RSA and its future that I would like to share with you and the committee.

It seems to me that the focus of the School Authority has been too much on establishing its own importance and identity and not enough on meeting the needs of the people it was created to serve.

The inadequacies we have observed as we have visited the institutions have previously been reported to you and they will not be repeated here; but there are other matters which you should be made aware of if you are not already aware of them.

A review of the budget exhibit of the Rehabilitative School Authority 1978-80 clearly indicates we have a monster in the making.

The Authority is clearly seeking to institutionalize itself in the image of the public school system and we must not permit it to happen.

Senator L. Douglas Wilder
Page 2
January 2, 1978

Notwithstanding the fact that the youthful offenders have for the most part failed at home, in the community and in the public school system, the Authority continues to mimic that system. It is concentrating on the academic offerings despite the fact that the majority of its students are dropouts and/or mentally retarded with no salable skills.

It does not realistically deal with or know its student population and should not be allowed to parallel the public school system.

It proposes, "To attain a mean twelve-month grade level increment in reading, language arts, and mathematics... as a result of instruction over a twelve-month period."

The Authority is busily engaged in a program of certification for its teachers which of course will have the effect of excluding many good teachers who cannot meet their standards for certification.

Like the public school sector, it is insisting that its teachers have daily periods devoted exclusively to teacher planning, and it is planning to spend hundreds of thousands of dollars designing its own curriculum.

Developing testing procedures and transcript transfer procedures which parallel the public systems are also announced goals but which have little practical value when you consider the students it serves.

My personal observations have been that some of the most effective instructors have been people without college degrees, and if we permit the Authority to become too stilted, it will be totally unable to relate to the population it was designed to serve.

Destroying the autonomy of the School Authority may not be the solution, but as matters now stand the students and many of the institutions are not being properly served by the Authority.

The public is told by spokesmen for the Authority that it is underfunded and that may be true, but I often wonder how many dollars must be poured in the top before one comes out the bottom to serve the student.

Of the initial budget request for the 1978-80 biennium of \$7,806,900 less than \$1,000,000 was for books, paper, pencils or other teaching materials. The remainder went for salaries, substitute teachers, fringe benefits, teacher scholarships, inservice training, teacher travel, consultant fees and other teacher or supervisor benefits.

Senator L. Douglas Wilder
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As you know, I am principally concerned with what happens in the learning centers and having just completed another series of visits to correctional facilities last week, I can tell you from what I have seen I am not satisfied the taxpayer is getting much of a return on this investment.

The situation in adult corrections is worse generally insofar as the relationship of RSA and the corrections personnel in the field are concerned.

The juvenile offenders are not being trained or taught at an acceptable level in any of the learning centers except perhaps Natural Bridge and Appalachain and they are not without their problems.

Even though the School Authority people recoil in horror when the suggestion is made to put the Authority under the jurisdiction of Corrections, I am now confident the situation could not be made worse than it is at this time.

With best wishes and kindest regards I remain,

Yours very truly,


Frank M. Slayton

FMS:sw

CC: Mr. Don T. Hutto
Dr. Charles K. Price
Honorable H. Selwyn Smith
Mr. William E. Weddington

APPENDIX G

SENATE JOINT RESOLUTION NO.....

Requesting the Virginia Advisory Legislative Council to continue its study on services to youthful offenders focusing on monitoring the administration and operation of the Rehabilitative School Authority.

WHEREAS, during nineteen hundred seventy-seven the Virginia Advisory Legislative Council conducted a study of services to youthful offenders throughout the Commonwealth; and

WHEREAS, in the course of its study the Council investigated the administration and the operation of the Rehabilitative School Authority; and

WHEREAS, the investigation by the Council revealed inherent problems with the Rehabilitative School Authority which need to be addressed by the General Assembly; and

WHEREAS, further observation and monitoring of the Rehabilitative School Authority is needed to determine the most practicable solutions to the problems disclosed by the work of the Council and to assure that the educational programs of the Rehabilitative School Authority efficaciously meet the needs of incarcerated young people throughout the State; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia Advisory Legislative Council is hereby requested to continue its study of services to youthful offenders concentrating on monitoring the Rehabilitative School Authority.

The Council shall make such recommendations as it deems appropriate to the Governor and General Assembly not later than January one, nineteen hundred seventy-nine.

APPENDIX H

A BILL to amend and reenact § 2.1-41.2 of the Code of Virginia, relating to the appointment of agency heads.

Be it enacted by the General Assembly of Virginia:

1. That § 2.1-41.2 of the Code of Virginia is amended and reenacted as follows:

§ 2.1-41.2. Appointment of agency heads.—Notwithstanding any provision of law to the contrary, the Governor shall appoint the administrative head of each agency of the executive branch of State government except the following: the Director of the Virginia Institute of Marine Science, it being an institution of higher education, the Director of the State Council of Higher Education for Virginia, the Executive Director of the Commission of Game and Inland Fisheries, *the Superintendent of the Rehabilitative School Authority*, and the Director of the Virginia Supplemental Retirement System; provided, however, that the manner of selection of those heads of agencies chosen by election as of January one, nineteen hundred seventy-six, or as set forth in the Constitution of Virginia shall continue without change. Each administrative head appointed by the Governor pursuant to this section shall be subject to confirmation by the General Assembly, shall have such professional qualifications as may be prescribed by law, and shall serve at the pleasure of the Governor. For the purpose of this section, "agency" shall include all administrative units established by law or by executive order which are not arms of the legislative or judicial branches of government, which are not educational institutions as classified under §§ 9-65.14, 9-84, 23-14 and 23-181.1, which are not regional planning districts, regional transportation authorities or districts, or regional sanitation districts and which are not assigned by law to other departments or agencies, not including assignments to secretaries under Chapter 5.1 of this title.

APPENDIX I

A BILL to amend and reenact § 22-41.2 of the Code of Virginia, relating to the composition of the board of the Rehabilitative School Authority.

Be it enacted by the General Assembly of Virginia:

1. That § 22-41.2 of the Code of Virginia is amended and reenacted as follows:

§ 22-41.2. Supervision of Authority; composition of board; terms and vacancies; use of words "the board".—The supervision of the School Authority shall be vested in the board. The board shall be composed of seven members who shall be appointed by the Governor, representative of a variety of professional occupations and who shall be subject to confirmation by the General Assembly. The members in office on July one, nineteen hundred seventy-six, who were appointed by the Governor shall continue in office until the end of their respective terms or until June thirtieth, nineteen hundred seventy-eight, whichever last occurs. The Governor shall appoint two members to serve terms of three years each and two members to serve terms of four years each, each term beginning July one, nineteen hundred seventy-six. Upon the expiration of each of the above terms of membership, members shall be appointed for terms of four years each. *On June thirtieth, nineteen hundred seventy-eight, upon the expiration of the terms of three members, the Governor shall appoint three members to the board and shall continue to appoint three members to the board every four years thereafter. On June thirtieth, nineteen hundred seventy-nine, upon the expiration of the terms of two members, the chairman of the Senate Committee on Privileges and Elections shall appoint two members to the board and shall continue to appoint two members to the board every four years thereafter. On June thirtieth, nineteen hundred eighty, upon the expiration of the terms of two members, the Speaker of the House of Delegates shall appoint two members to the board and shall continue to appoint two members to the board every four years thereafter.* Whenever a vacancy occurs, other than by expiration of a term, the Governor shall appoint a member to fill the vacancy and serve out the remainder of that term the unexpired term shall be filled in the same manner as the original appointment. No member shall serve more than two consecutive four-year terms. The chairman of the Virginia Parole Board, the head of the Division of Adult Services, the head of the Division of Youth Services and the director of Vocational Education in the Department of Education shall serve as ex officio members without vote. The words "the board" as used in this chapter shall mean the board of the Rehabilitative School Authority.

END