

Juvenile and Domestic Relations District Court

LOB #186:

INTAKE AND INTERVENTION SERVICES - VISITATION AND EXCHANGE, MEDIATION, DIVERSION

Purpose

The purpose of Juvenile and Domestic Relations Intake Services is to address complaints and requests and to file civil and delinquency petitions that fall within the jurisdiction of the Juvenile and Domestic Relations District Court (JDRDC) in accordance with the Code of Virginia. This includes juvenile criminal offenses, matters alleging a child is in need of services or supervision and family matters, except divorce, in Fairfax County, the City of Fairfax, and the towns of Herndon, Vienna and Clifton. Specific examples of actions initiated by intake officers include Custody, Visitation, and Support Petitions, Adult Protective Orders, Delinquency Petitions, Detention and Shelter Care Orders, Abuse and Neglect Petitions, Preliminary Protective Orders and Emergency Removal Orders. Adult Intake, handled by Domestic Relations Services and referred to as Domestic Relations Intake (DR Intake) serves citizens who have civil matters in this court. Juvenile intake services accept complaints from citizens, police officers, fire marshals, merchants, relatives, school officials, and other agencies, including the Department of Family Services who bring forward requests for emergency removal orders and protective orders of children who are victims or at risk of being victims of abuse and neglect.

Description

Both Juvenile and Domestic Relations Intake Services assist clients with the processing of petitions, explain the court process and provide clients with knowledge of services and resources within the court and community. Intake decisions are made by following mandatory guidelines outlined in the Code of Virginia, Virginia Department of Juvenile Justice (DJJ) Policies and Procedures and CSU policy and procedures. Other resources available to assist in intake services include Legal Services of Northern Virginia and the Clerk's Office. All decisions focus on community safety, best interest of the client and aim to provide services to enhance the well-being of the child and family before the court.

Domestic Relations

The Intake Officers of the DR Intake Unit assist clients by gathering information, assessing issues of jurisdiction and venue, reviewing prior orders, explaining the Court process to clients and preparing petitions for paternity, custody, visitation, child and spousal support, Motions for Rules to Show Cause and other petitions delineated in Virginia Code § 16.1-241. The Intake Officers interview clients in person or by phone to determine their needs and explain the intake process. They discuss legal matters, court procedures, and options with clients. They share information regarding county services and resources within the court and the community such as the Stronger Together and Safe Havens Supervised Visitation and Exchange Programs, Kinship Care, Legal Services of Northern Virginia, the Domestic Violence Action Center, and Ayuda. They also assist clients in drawing up affidavits, motions, petitions, agreements, and other documents.

Mediation Services

Mediation services are provided by Intake Officers in custody and visitation cases when ordered by a Judge and in accordance with Virginia Code § 20-124.4. As cited, mediation services "shall be used as an alternative to litigation where appropriate." This practice assists clients with custody and visitation matters and helps to develop a plan to address a child's residence, visitation schedule and other care arrangements. It may also clarify how disputes between parents will be managed in the future. The Mediation process promotes communication between the parties and thus healthier relationships. Most significantly Mediation reduces strife and promotes stability in the lives of the children by facilitating the prompt resolution of custody, visitation and support issues. While the court hearings can take in excess of six months to be heard the mediation case can be completed in a matter of a few weeks. JDRDC has four Intake Officers who have completed an intensive training program to earn the title of State Court Family Certified Mediator and six other officers are currently participating in the certification program.

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Preliminary Protective Orders

Domestic Relations Intake Officers prepare the Preliminary Protective Order paperwork and the Petition for the Protective Order in all family abuse cases and cases in which at least one party is a juvenile. The Intake Officer designated for the day conducts a court preparation session prior to the Preliminary hearing with the Petitioners and accompany the clients to court. After court the Intake Officer is responsible for ensuring that the petitioner is provided a copy of the Court's order granting or denying the Preliminary Protective Order. They advise the client of the next steps in the process: advising them of the court date, how service will be effected on the respondent, what to do if the respondent violates the order, how to determine whether the respondent will be released from jail, filing of subpoena forms and the obtaining of an attorney. The DR Intake Officer is responsible for referring the Protective Order clients to the Domestic Violence Action Center for the assistance of an advocate to help the petitioner with safety planning. Intake Officers explain to petitioners the services offered by Legal Services of Northern Virginia and assist clients with the application process and forward the application paperwork to LSNV. As appropriate, Intake Officers will contact Child Protective Services, Adult Protective Services, Police Victim Services and the Domestic Violence detective squad to refer cases.

Juvenile Intake Services works in tandem with the Department of Family Services to assure that Preliminary Protective Orders (PPO) or Emergency Removal Orders (ERO) are processed as expeditiously as possible. A PPO is issued in accordance with Virginia Code § 16.1-253.1 and an ERO under § 16.1-251 when there are allegations that the petitioner is or has been, within a reasonable period of time, subjected to family abuse or neglect.

Supervised Visitation and Exchange

Domestic Relation Intake Services supports the philosophy of families maintaining healthy and safe relationships. When a parent has been charged with an offense that has affected their ability to have custody or visitation of their child(ren) and a judge has ordered supervised visitation/exchange, a family may utilize Safe Havens or Stronger Together. Safe Havens provides supervised visitation and exchange services to residents of Fairfax County who report the presence of domestic or dating violence, or stalking, within their intimate partner relationships. The program is ordered by either a JDRDC or Circuit Court Judge. Families may self-refer to the program or be referred by a community or county agency. Families from outside agencies must be in agreement to use the program. The Stronger Together Visitation and Exchange Program provides supervised visitation and exchange services for families court ordered by a JDRDC Judge. The program promotes safe, healthy contact between parents and children at the visitation center. The program provides information and community resources for issues regarding social services, supervised visitation, parenting education, batterer intervention and domestic violence victim support and education. The centers are location in the historic courthouse in Fairfax City. The centers provide supervised visitation on Mondays, Thursdays and Saturdays and exchanges Mondays through Thursdays as well as weekend exchanges.

Court Ordered Investigations

Domestic Relations conducts court-ordered home studies referred by the Fairfax County JDRDC. Also, in partnership with the Fairfax County Department of Family Services; Domestic Relations conducts select court-order courtesy investigations for other jurisdictions.

Juvenile Intake

The Juvenile Intake Services Unit operates twenty four hours a day, seven days a week to meet the response time mandated by the [Code of Virginia](#). Juveniles alleged to have committed offenses which fall under the jurisdiction of JDRDC are brought into the judicial system through this office. Petitions or complaints against juveniles may be filed by police officers, citizens, family members, or other agencies. The CSU provides Intake services at the Fairfax Courthouse, the Juvenile Detention Center after normal business hours and at its three satellite probation offices located in the North, South, and East areas of the county. Intake services are provided for delinquent (criminal), CHINS (non-criminal) offenses and civil matters including custody, and abuse and neglect cases. Each intake is assessed by a Juvenile Intake Officer who must determine what is in the best interest of the youth and family; if the child's behavior presents a clear and substantial danger to others in the community or to his or her own life or health, as well as identify other community resources the family has utilized. Intake Officers decide whether a case is scheduled for a judicial hearing or diverted from formal court action as defined in Virginia Code § 16.1-227, Purpose and Intent - "To divert from or within the juvenile justice system, to the extent possible, consistent with the

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protection of the public safety, those children who can be cared for or treated through alternative programs; To provide judicial procedures through which the provisions of this law are executed and enforced and in which the parties are assured a fair hearing and their constitutional and other rights are recognized and enforced.”

Juvenile Diversion

JDRDC is an agency that applies evidenced based programs and practices that yield proven favorable results and improve outcomes for families. Evidence shows that minor low-risk offenders should not penetrate the justice system but should be diverted. The JDRDC Diversion program is designed to hold juveniles accountable for their actions while providing a teachable moment with the goal of reducing the likelihood of further court involvement. Diversion is intended for first-time low-risk juvenile offenders who: commit minor offenses (and some felonies), have no prior court involvement, and who assume responsibility for their behavior.

There are currently three primary diversion programs used by juvenile intake services.

- **Diversion Hearings** require the juvenile and his or her parent or guardian to meet with a hearing officer and complainant. The hearing officer explains the diversion process and the pending criminal complaint. After the complainant provides an account of the events, the situation is discussed. Juveniles must accept responsibility officially for the offense in question. The hearing officer imposes sanctions appropriate for the offense, and the juvenile has ninety days to comply. The case is then successfully closed in ninety days if the juvenile has complied and has had no further violations filed against him or her. A completion letter is mailed to the family, indicating that the diversion case has been successfully closed.
- **Monitored Diversion (MD)** - Truancy complaints and certain criminal charges that, because of the nature of the offense or the juvenile’s general behavior, warrant heightened intervention are referred for *monitored diversion*. The case is assigned to a monitored diversion counselor (similar to a probation officer) to work with the family to assess the juvenile’s needs. The juvenile may be required to participate in an appropriate educational or treatment program, possibly in appropriate services, or to complete sanctions. The monitored diversion counselor will meet with the juvenile and/or his or her family once weekly for 90 days to provide additional supervision and support.
- **Restorative Justice (RJ)** is a victim-centered approach that allows those most affected by a crime to come face-to-face in a facilitated conversation in which the offenders assume responsibility for their actions and the victims/stakeholders assume an active role in determining the outcomes of the cases. In order to participate in RJ, victims must be willing to participate and take an active role in the process. Once an agreement is reached offenders have 90 days to complete the agreed upon sanctions which could include community service, restitution, or other sanctions.

Many partnering agencies assist in providing diversion dispositions which may include the following: community service hours, drug and alcohol services provided by the CSB or ASAP, a victim impact class, a shoplifter offender program, mental health assessments and/or counseling provided by CSB, participation in *Changing Lives Through Literature* (CLTL) fostered by our partnership with the Fairfax County Public Library, anger management class, restitution, letters of apology, restricted curfew, and informal house arrest.

Community Outreach

As a way to provide information about the court process, the Juvenile Intake unit actively conducts outreach presentations at Fairfax County schools, Fairfax County Police roll calls, alternative schools, other county agencies, and non-profit and community organizations. Outreach presentations have permitted Juvenile Intake Services to educate audiences on JDRDC and to give parents tips on how to navigate the court system if court intervention becomes necessary. Parent support groups are a primary way to educate parents on the role of the juvenile court as well as access to other agency’s support and services. The JDRDC Parent Support Group has been meeting for over 25 years every Tuesday evening at 7:30PM at the courthouse. Families have the opportunity to come and discuss issues and concerns with an intake officer. Other agencies join the group periodically to assist parents with common teen issues and access to resources.

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Juvenile Intake frequently collaborates with Fairfax County Public Schools and other county agencies participating in Family Partnership Meetings (FPM) and Family Resource Meetings (FRM). FRM's and FPM's are formed to help empower youth and families to identify strengths, needs, and goals while connecting them to necessary services. Additionally, juvenile intake officers attend a multitude of community based committees providing education and assisting in identifying resources to aid youth and families along with other agencies.

Benefits

Community Safety

Both adult and juvenile intake officers have the ability to issue detention orders or protective orders in an expeditious manner. Doing so allows an alleged juvenile offender to be removed from the community when necessary or prevents an adult from potentially harming a family member/partner in domestic violence situations.

Coordination of Services

Intake officers may be “brokers of services” and assist families by informing them of services and opportunities that will improve their overall health and well-being. Intake officers frequently coordinate with and make referrals to other agencies such as mental health services, family counseling, and substance abuse services. Adult intake officers provide mediation to families to assist with working through the details of custody, visitation and support.

Juvenile intake services guide clients and families to a variety of programs and classes. Juvenile intake also partners with the Community Services Board, the Alcohol Safety Action Program (ASAP), Fairfax Fire Department, Fairfax County Public Libraries and FCPD. Each of these agencies provides classes and/or programs for clients of both diverted cases and those in which formal court dispositions have been ordered. Some of the programs include alcohol and drug awareness, mental health services, Fire Stop classes, and Changing Lives Through Literature.

Partnerships for Legal Services

A beneficial service provided is the Attorney of the Day program available in partnership with Legal Services of Northern Virginia. The attorney of the day provides clients who qualify financially with legal advocacy and advice that is pivotal in a victim's ability to protect themselves and their children. Comprehensive legal representation not only increases safety, it also increases the probability that the relief granted ultimately supports a victim's overall security and well-being. Legal Services of Northern Virginia has recently developed other avenues for clients who do not qualify for the Attorney of the Day. They are now offering an “advice line” for pro se clients who are seeking protective orders. This allows clients to seek legal advice from an attorney.

Advocacy

Another beneficial component of Adult Intake Service is the Domestic Violence advocate of the day who assists victims with articulating the abuse perpetrated against them, identifying the potential risks in their situations, protecting themselves and their children and safeguarding their economic ability.

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Mandates

Primary Services Provided:

- Juvenile Intake Services – Fully Mandated (Virginia Code § 16.1-227)
- Juvenile Diversion – Fully Mandated (Virginia Code §§16.260, 16.1-227)
- Domestic Relations Intake Services – Fully Mandated (Virginia Code § 16.1-260)
- Domestic Relations Mediation Services – Partially Mandated (Virginia Code § 16.1-274)
- Domestic Relations Supervised Visitation Services – Partially Mandated (Virginia Code § 16.1-274)

The CSU is required to provide juvenile and domestic relations intake services per Virginia Code §§ 16.1-227 and 16.1-260 for all matters alleged to be within the jurisdiction of JDRDC. Virginia Code §§ 16.1-255 and 16.1-256 mandate that only a Judge, Intake officer, or Magistrate may issue detention orders for juveniles, and that the CSU shall ensure the capability of a prompt response by an intake officer who is either on duty or on call, and define reasonably available as within one hour after contact by the Magistrate. Intake services are considered to be a form of Probation Services, and per Virginia Code § 16.1-228 an Intake Officer is defined as a juvenile probation officer appointed as such pursuant to the authority of this chapter. Juvenile Diversion is defined in Virginia Code § 16.260 as well as part of the overall purpose and intent of the court, Virginia Code § 16.1-227.

Virginia Code § 16.1-260, states that “an intake officer may proceed informally on a complaint alleging that a child is in need of services, supervision or delinquent.” The Code further describes that “whenever informal action is taken, as provided in this subsection, on a complaint alleging that a child is in need of services, in need of supervision or delinquent, the intake officer shall (i) develop a plan for the juvenile, which may include restitution and the performance of community service, based upon community resources and the circumstances which resulted in the complaint,..”. Diversion is voluntary and juveniles referred to diversion are not formally charged; and, if successful, their cases are closed and the complaints are removed from the Court Service Unit’s records in accordance with DJJ standards.

The CSU may be required to provide mediation services and/or supervised visitation services when directed by the Court per Virginia Code § 16.1-274 in matters involving custody, visitation, or support. However the CSU is not mandated to provide these services. The JDRDC Judiciary has requested that the CSU provide mediation services. On January 22, 2007 the Fairfax County Board of Supervisors voted unanimously to accept the Supervised Visitation and Supervised Exchange (SVSE) Task Force report recommendations, which in essence directed the CSU to develop and implement the Stronger Together Supervised Visitation & Supervised Exchange program and funded two positions in the FY 2008 budget. The report also requested that the SVSE staff would explore applying for federal funding from US DOJ OVW through its Safe Havens – Supervised Visitation and Safe Exchange Grant Program to assist in the development of a specialized domestic violence component for the program.

Trends and Challenges

Domestic Relations Intake has seen an increase in pro se litigants (an individual representing themselves in court proceedings). Pro se litigation affects intake appointments and court dockets as the clients are not adequately prepared for their appointments and lack an understanding of legal proceedings and filing procedures. There is also an ethical concern when pro se clients ask intake officers for legal advice. These officers can face the risk of civil liability for providing incorrect or damaging information to a pro se client if the information is later determined to be legal advice. The challenge lies in the intake office providing legal information vs. legal advice. As such, these cases tend to take additional time and effort on behalf of the intake officer inhibiting their ability to move other cases forward.

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Domestic Relations & Juvenile Intake Services has also seen a growing number of intake appointments involving LEP clients and clients with increasing mental health needs. Please refer to the trends and challenges section of LOB 184: Court Services Administration for additional challenges that impact this line of business:

- Mental Health Needs of Clients
- Delivery of Services to a Culturally Diverse Community
- Racial and Ethnic Disparities
- Transportation

Also refer to the metrics section of LOB #186: Intake and Intervention Services-Visitation and Exchange, Mediation, Diversion for additional discussion on changes in the number of complaints processed by Adult and Juvenile Intake units.

Resources

Category	FY 2014 Actual	FY 2015 Actual	FY 2016 Adopted
LOB #186: Intake and Intervention Services - Visitation and Exchange, Mediation, Diversion			
FUNDING			
<u>Expenditures:</u>			
Compensation	\$2,731,591	\$2,793,220	\$2,834,299
Operating Expenses	27,079	24,299	31,861
Total Expenditures	\$2,758,670	\$2,817,519	\$2,866,160
General Fund Revenue	\$788,825	\$825,485	\$803,614
Net Cost/(Savings) to General Fund	\$1,969,845	\$1,992,034	\$2,062,546
POSITIONS			
Authorized Positions/Full-Time Equivalents (FTEs)			
<u>Positions:</u>			
Regular	37 / 36.5	37 / 36.5	37 / 36.5
Total Positions	37 / 36.5	37 / 36.5	37 / 36.5

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Metrics

Metric Indicator	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Estimate	FY 2017 Estimate
Non-traffic (NT) complaints processed by intake	15,438	14,094	13,788	13,800	13,800
NT complaints processed per intake officer	735	689	707	708	708
Percent of customers satisfied with intake process	91%	93%	100%	85%	85%
Percent of youth diverted from formal court processing	27%	24%	25%	25%	25%

While overall complaints processed by the CSU intake units (Juvenile Intake & Domestic Relations) have decreased 6 percent in the last 8 years, there has been a shift in where the complaints come from. On the adult side, domestic relations complaints have increased 34 percent between 2007 and 2015 moving from 7,372 to 9,872 over the span of 8 years. Juvenile complaints processed by the CSU intake unit decreased by 46 percent between 2007 and 2015. At the same time, the CSU has been increasing its capacity to divert youth. The number of youth diverted at intake has remained steady over the last three years with 25 percent of delinquency and children in need of supervision complaints dealt with at the intake level and never going forward for formal court processing. More recently the decline in the number of complaints has slowed decreasing 10 percent in the last three years.

The quality of services provided by the CSU intake units continues to excel in FY 2015 with 100 percent of customers satisfied with the intake process. Customers entering the intake units are provided a satisfaction card. They are asked to complete the card at the end of their visit and return it in a comment box as this allows for anonymity for clients.