

# **SPECIAL JUSTICES FOR ADULT CIVIL COMMITMENT HEARINGS SPECIAL JUSTICES FOR JUVENILE CIVIL COMMITMENT HEARINGS**

## **TRAINING STANDARDS AND APPOINTMENT GUIDELINES**

### **I. Introduction**

These standards govern the appointment and continued qualification of attorneys as special justices for adult civil commitment hearings and special justices for juvenile civil commitment hearings. The General Assembly has authorized special justices to conduct adult civil commitment hearings in accordance with § 37.2-800 et seq., § 37.2-1100 et seq., and §§ 16.1-69.28, 19.2-169.6, 19.2-174.1, 19.2-177.1, 19.2-182.9, 53.1-40.1, 53.1-40.2 and 53.1-40.9. The 2007 Session of the General Assembly authorized special justices to conduct commitment hearings for juveniles in accordance with §§ 16.1- 335 through 16.1-348.

Such authority is contingent upon the attorney being appointed as a special justice by the chief judge of the judicial circuit in which such hearings will be conducted. Such appointments by the circuit court must be made from a list of attorneys who have “completed a training program regarding the provisions of this article prescribed by the Office of the Executive Secretary of the Supreme Court” and shall be made for periods of up to 6 years.

The goal of these standards and guidelines is to foster effective and competent handling of adult and juvenile civil commitment hearings by special justices.

### **II. General Qualifications**

In accordance with the provisions of § 37.2-803, to be eligible for appointment as a special justice for adult civil commitment hearings or as a special justice for juvenile civil commitment hearings, a person shall:

1. Be licensed to practice law in the Commonwealth and be in good standing with the Virginia State Bar.
2. Complete the minimum training requirements prescribed by the Office of the Executive Secretary, Supreme Court of Virginia.

The Judicial Council of Virginia hereby sets forth the following (i) standards to govern the training and (ii) guidelines for the appointment, of attorneys to serve as special justices for adult civil commitment hearings pursuant to § 37.2-803 and special justices for juvenile commitment hearings pursuant to § 37.2-803 and § 16.1-336 of the *Code of Virginia*.

### **III. Training Standards**

Appointment as a special justice to handle either adult civil commitment hearings and or juvenile civil commitment hearings requires completion of the appropriate training requirements. They are as follows:

A. Special Justice for Adult Civil Commitment Hearings

1. *Within 6 months of appointment*, attend the program “Mental Health Commitment Training for Special Justices for Adults,” sponsored by the Office of the Executive Secretary, Supreme Court of Virginia, which shall consist of 6 hours of instruction approved by the Virginia State Bar for Mandatory Continuing Legal Education (MCLE) in following subject areas:
  - a. Overview of the law, procedures and court forms regarding adult mental commitment proceedings, including custody and commitment criteria.
  - b. Roles, responsibilities and duties of a special justice associated with the mental health commitment process for adults.
  - c. Roles, responsibilities and duties of those involved in the adult mental commitment process (i.e. respondent, respondent’s legal counsel, qualified evaluator, petitioner, community services board representative, etc.).
  - d. Mental health diagnoses for adult respondents.
  - e. Inpatient and outpatient treatment options for adult respondents at risk of commitment.
  - f. Overview of the interaction between special justices and the general district court.
  - g. Review of procedures for compensation and reimbursement for special justices.

Certification of attendance at the program “Mental Health Commitment Training for Special Justices for Adults,” shall be submitted on the required form to the Office of the Executive Secretary, Supreme Court of Virginia, within 6 months of initial appointment as an adult special justice.

2. Complete 6 hours of approved continuing education every 2 years on any topic related to the handling of adult civil commitment hearings. This continuing education requirement is in addition to the program required by paragraph A.1 and shall begin as of the date of the term established by the circuit court appointment or re-appointment order and continue every 2 years thereafter. Credit for repeating the initial training program, “Mental Health Commitment Training for Special Justices for Adults,” will be approved once within a 6-year period. See paragraph III.C hereafter for further guidance on meeting this continuing education requirement.

B. Special Justice for Juvenile Civil Commitment Hearings

1. *Prior to requesting appointment*, attend the program “Juvenile Civil Commitment Hearings: A Course to Qualify for Appointment as a Special Justice,” sponsored by the Office of the Executive Secretary, Supreme Court of Virginia, which shall consist of 6 hours of instruction approved by the Virginia State Bar for Mandatory Continuing Legal Education (MCLE) in the following subject areas:
  - a. Overview of the law, procedures and court forms regarding juvenile mental commitment proceedings, including custody and commitment criteria.
  - b. Roles, responsibilities and duties of a special justice associated with juvenile mental commitments.
  - c. Roles, responsibilities and duties of those involved in the juvenile mental commitment process (i.e. respondent, respondent’s legal counsel, guardian ad litem for the child, qualified evaluator, petitioner, family members, etc.).

- d. Mental health diagnoses for children and adolescents.
- e. Assessment of risk of harm for children and adolescents.
- f. Inpatient and outpatient treatment options for children and adolescents at risk of commitment.
- g. Overview of the interaction between special justices and the juvenile and domestic relations district court.
- h. Review of procedures for compensation and reimbursement for special justices.

Certification of attendance at the program, “Juvenile Civil Commitment Hearings: A Course to Qualify for Appointment as a Special Justice,” shall be submitted on the required form to the Office of the Executive Secretary, Supreme Court of Virginia.

An attorney who attends this program and files a certification of attendance with the Office of the Executive Secretary is eligible for appointment by the chief circuit court judge as a special justice for juveniles for up to 12 months from the date of such attendance. Thereafter, the attorney shall attend the required initial program, again, before being eligible to be appointed as a special justice for juveniles.

- 2. Complete 6 hours of approved continuing education every 2 years on any topic related to the handling of juvenile civil commitment hearings. This continuing education requirement shall begin as of the date of the term established by the circuit court appointment or re-appointment order and continue every 2 years thereafter. Credit for repeating the initial training program, “Juvenile Civil Commitment Hearings: A Course to Qualify for Appointment as a Special Justice” will be approved once within a 6-year period. See paragraph III.C hereafter for further guidance on meeting this continuing education requirement.

C. Continuing Education Requirements

- 1. Each special justice for adults and each special justice for juveniles shall attend or view via video or online training the mental health law update offered by the Office of the Executive Secretary, Supreme Court of Virginia, to special justices following the annual session of the General Assembly of Virginia.
- 2. In order to provide flexibility in fulfilling the continuing education requirements for both special justices for adults and special justices for juveniles, a 2-year carry-over of credit hours shall be permitted, so that accrued credit hours in excess of the 2-year requirement may be carried forward from one 2-year period to meet the requirement for the next 2-year period. However, a maximum of 6 credit hours may be carried forward from one 2-year period to the next 2-year period.
- 3. Requests for approval of courses meeting the biennial continuing education requirement set out in C.2 may be submitted to the Office of the Executive Secretary, Supreme Court of Virginia. The required certification of attendance form and a brief description of the course content of such education program shall be required to receive credit. It is not required that courses be MCLE-approved to meet this continuing education requirement. For example, attendance at programs covering the diagnosis and treatment of mental illness and the community services available to serve this population of adults, children and adolescents may be eligible for continuing education credit.

4. The names of special justices who fail to complete the biennial continuing education requirements outlined in Standard A.2. or B.2. shall be timely provided by the Office of the Executive Secretary to the chief judge of the circuit in which the special justice serve. Failure to complete the continuing education requirements of these standards shall render the attorney ineligible for reappointment as a special justice by the circuit court upon expiration of any 6-year term.

#### **IV. Appointment Guidelines**

A. In order for an attorney to receive an appointment either as a special justice for adult civil commitment hearings or as a special justice for juvenile civil commitment hearings, the attorney shall submit to the chief judge of the judicial circuit in which the attorney wishes to serve:

1. A letter requesting appointment as a special justice to conduct adult civil commitment hearings or as a special justice to conduct juvenile civil commitment hearings to include a statement certifying that the attorney is licensed to practice law in the Commonwealth and is in good standing with the Virginia State Bar and referencing the attorney's Virginia State Bar number.
2. *For attorneys requesting appointment as a special justice for adult civil commitment hearings only* - The required form certifying attendance at the MCLE program specified in Section III, Paragraph A.1, or a statement of the attorney's intent to attend this program within 6 months of the effective date of any appointment by the circuit court. The attorney shall demonstrate, to the satisfaction of the chief circuit judge making the appointment, knowledge of the law and procedures applicable to adult mental commitment proceedings.
3. *For attorneys requesting appointment as a special justice for juvenile civil commitment hearings only* - The required form certifying attendance at the MCLE program specified in Section III, Paragraph B.1, and a certificate of recommendation from a juvenile and domestic relations district court judge in the district where the attorney would serve as a special justice, if appointed by the circuit court.

B. A special justice shall serve at the pleasure and under the supervision of the chief judge of the circuit in which the attorney is appointed. A special justice for adults and a special justice for juveniles may be reappointed at the pleasure of the chief judge following completion of the previously specified term. To be reappointed, the special justice shall:

1. Continue to be licensed to practice law in the Commonwealth and be in good standing with the Virginia State Bar.
2. Satisfy the appropriate continuing education requirements as specified in Section III, Paragraphs A, B and C.
3. Satisfactorily perform the duties of a special justice.

C. The names of attorneys meeting the requirements of these Standards and Guidelines will be maintained by the Office of the Executive Secretary, Supreme Court of Virginia, and distributed to the circuit courts and juvenile and domestic relations district courts in the Commonwealth at the beginning of January and July of each year.

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