

01-058

COURTS NOT OF RECORD: JUVENILE AND DOMESTIC RELATIONS COURTS.

CRIMINAL PROCEDURE: CRIME VICTIM AND WITNESS RIGHTS ACT.

Statutes relating to rights of victims involved in juvenile matters control over general statutes in Crime Victim and Witness Rights Act relating to rights of victims. Proposed computerized system of victim notification may not be implemented in cases involving juvenile offenders.

The Honorable Robert J. McCabe
Sheriff for the City of Norfolk
December 17, 2001

You seek guidance regarding the implementation of a program administered by your office related to the Crime Victim and Witness Rights Act.

You advise that your office is working on a computerized system by which registered crime victims will be updated with information regarding future court dates, transfers, and releases of active inmates incarcerated in the city jail. You inquire whether this program may be used to provide information to victims in cases where the inmate was a juvenile when the crime was committed.

Chapter 1.1 of Title 19.2, §§ 19.2-11.01 through 19.2-11.4 of the *Code of Virginia* comprises the Crime Victim and Witness Rights Act. Section 19.2-11.01(A) sets out the purposes of the Act. Included within the purposes are ensuring that crime victims and witnesses be informed of their rights, receive appropriate authorized services, and, to the extent permitted by law, have the opportunity to be heard by law-enforcement agencies, Commonwealth's attorneys, correctional agencies and the judiciary at all critical stages of the criminal justice process.¹

Chapter 11 of Title 16.1, §§ 16.1-226 through 16.1-361,² deals specifically with juvenile law and contains certain statutes regarding the rights of victims in juvenile law matters. For example, § 16.1-302.1 addresses whether such victims may be present in the courtroom. Section 16.1-309.1(D) provides that, "[u]pon the request of a victim of a delinquent act which would be a felony if committed by an adult, the court may order that such victim be informed of the ... charges brought, the findings of the court, and the disposition of the case." Section 16.1-285.2 addresses the release and review hearing required for a serious offender who has received a determinate juvenile commitment and states that the respective Commonwealth's attorney "shall provide notice of the time and place of

the hearing ... to the last known address of any victim ... if such victim has submitted a written request for notification."³

It is a well-established rule of statutory construction that "[t]he jurisdiction, practice, and procedure of the juvenile and domestic relations district courts are entirely statutory."⁴ This rule arises from the Commonwealth's concern with the welfare of children,⁵ and is consistent with the premise that proceedings in a juvenile court are civil in nature,⁶ as well as the premise that a juvenile is not charged with a criminal act and a finding of delinquency is not a conviction of a crime.⁷ Accordingly, with respect to resolving an issue related to juvenile law, the statutory provisions that specifically address the issue are paramount.⁸

Another fundamental rule of statutory construction to be applied to this matter is that specific statutes supersede general statutes insofar as there is conflict between them.⁹ Thus, the statutes relating to rights of victims involved in juvenile matters contained in Chapter 11 of Title 16.1 control over the general statutes relating to rights of victims as set forth in the Crime Victim and Witness Rights Act.

In light of these principles of statutory construction, it is clear that the rights of victims who are involved in a juvenile proceeding are those rights that are statutorily provided for in Chapter 11 of Title 16.1. The system of victim notification that you propose, therefore, would not generally be applicable to cases involving juvenile offenders absent statutory authority enabling it to be so applicable.¹⁰

¹Va. Code Ann. § 19.2-11.01(A) (Michie Supp. 2001); 1998 Op. Va. Att'y Gen. 65, 65.

²The statutes in Chapter 11 comprise the Juvenile and Domestic Relations District Court Law. Va. Code Ann. § 16.1-226 (Michie Repl. Vol. 1999).

³Va. Code Ann. § 16.1-285.2(A) (Michie Repl. Vol. 1999).

⁴Walker v. Dept. of Public Welfare, 223 Va. 557, 562, 290 S.E.2d 887, 890 (1982).

⁵Op. to Hon. Edward DeJ. Berry, Juv. & Dom. Rel. Dist. Ct. J., (June 19, 2001).

⁶Lewis v. Commonwealth, 214 Va. 150, 153, 198 S.E.2d 629, 632 (1973); 1978-1979 Op. Va. Att'y Gen. 83, 84.

⁷1978-1979 Op. Va. Att'y Gen., *supra*, at 84.

⁸See, e.g., 1990 Op. Va. Att'y Gen. 119, 120 (noting that use of tape recorder by party or his counsel in juvenile court proceeding is matter of statutory right).

⁹See *Dodson v. Potomac Mack Sales & Service*, 241 Va. 89, 400 S.E.2d 178 (1991); Op. Va. Att'y Gen.: 2000 at 59, 60-61; 1999 at 179, 182.

¹⁰Note 1984-1985 Op. Va. Att'y Gen. 157, 158 (concluding that, once case is properly before circuit court, confidentiality statutes in Chapter 11 of Title 16.1 relating to juvenile records apply when child is treated as juvenile but not necessarily if child is treated as adult).

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