

Custody, Detention, and Commitment of Minors

Module # 4

Virginia DBHDS Certification Training for Pre-Admission Screening Evaluators and Independent Examiners

Detention and Commitment: Identification of Available Legal Mechanisms

- Emergency Custody Order (ECO): an order issued by a magistrate authorizing a person to be taken into custody and transported for an evaluation to assess the need for hospitalization or treatment (§ 16.1-340).
- Temporary Detention Order (TDO): an order issued by a magistrate authorizing a person to be taken into custody and transported to a facility designated in the order (§ 16.1-340.1).
- Parental admission of minor
 - Minors younger than 14, and non-objecting minors 14 or older: Admission of a minor on the basis of a parent's consent, or the concurrent consent of a parent and a willing minor 14 or older, approved by a qualified evaluator who has determined that the minor meets the admission criteria (§ 16.1-338).
 - Objecting or incapable minors 14 or older: Admission of a minor on the basis of a parent's consent, examination by a qualified evaluator who has determined that the minor meets admission criteria, and judicial approval (§ 16.1-339).
- Commitment: court mandated inpatient treatment (§§ 16.1-341 thru 345)
- Mandatory Outpatient Treatment (MOT), mandated and monitored outpatient treatment (§§ 16.1-345.2 thru 345.5)

Timeframes of Detention and Commitment

- Emergency Custody (ECO): The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody (§ [16.1-340](#)).
 - If the ECO is going to expire, the person meets the criteria for a TDO, and bed has not yet been found, the area state facility must be entered as the TDO facility. (Va. Code § 16.1-340.1:1)

- Temporary Detention (TDO): The period of custody under a TDO must not exceed 96 hours prior to a commitment hearing unless the 96 hours terminates on a Saturday, Sunday, or legal holiday, in which case the minor may be detained until the close of business on the next day that is not a Saturday, Sunday, or legal holiday (§ 16.1-340.1).
 - TDO duration shall be sufficient to allow for
 - completion of the pre-admission screening report,
 - the clinical evaluation required by § 16.1-342, and
 - initiation of treatment to stabilize the person's psychiatric condition, avoiding involuntary commitment where possible.
 -
- All types of inpatient admission initially limited to 90 days (§§ 16.1-338, 339, 345), subsequent periods of recommitment/continued commitment also limited to 90 days (§ 16.1-345)
 - Hospitalization under § 16.1-338 may exceed 90 days if authorized by appropriate hospital medical personnel, based on their determination that admission criteria continue to be met after examining the minor, interviewing the consenting parent, and reviewing records (§ 16.1-338(E))
- Mandatory Outpatient Treatment (MOT): initially up to 90 days (§ 16.1-345.2), continuation of MOT limited to 90 day periods (§ 16.1-345.5)

ECO: Magistrate's Decision Process

(Va. Code § 16.1-340)

- Order issued by a magistrate on sworn petition of treating physician, parent, any responsible person, or magistrate's own motion based on probable cause to believe the commitment criteria are met
- "Responsible person" includes, but not limited to, family member, CSB, treating physician, or person with custody of minor who is in detention or shelter care
- When considering whether there is probable cause to issue an emergency custody order, the magistrate may, in addition to the petition, consider
 - The recommendations of any treating or examining physician or psychologist licensed in Virginia
 - Past actions of the minor
 - Past mental health treatment of the minor
 - Relevant hearsay evidence
 - Medical records
 - Affidavits submitted if witness is unavailable and it so states in the affidavit
 - Any other information that the magistrate considers relevant

ECO: Custody Transfer

(Va. Code § 16.1-340)

- Magistrate orders law enforcement to execute the order and either law enforcement or an alternative transportation provider to provide transportation, which shall include transportation to a medical facility as may be necessary to obtain emergency medical evaluation or treatment
- Law enforcement or an alternative transportation provider may obtain emergency medical treatment any time for a minor in his custody on an ECO
- Law enforcement or an alternative transportation provider may transfer custody to a facility or location if facility is:
 - Licensed to provide level of security necessary to protect the minor and others from harm
 - Is actually capable of providing that security AND
 - In cases where law enforcement is providing the transport, has entered into an MOU with the law enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody

ECO: Process

(Va. Code § 16.1-340)

- CSB conducts evaluation in person or via a two way, real time video-audio communication system
- CSB determines if person meets the commitment criteria and is in need of hospitalization
- If no less restrictive care alternative exists or is appropriate, the CSB determines the facility of temporary detention (§ 16.1-340.1(D) and § 16.1-340.1:1)
- A minor remains in custody until:
 - a TDO is issued,
 - the minor has been evaluated and released, or
 - the ECO expires (§16.1-340(K)).

TDO: Process

(Va. Code § 16.1-340.1)

- A magistrate issues a TDO based on information provided, including the CSB pre-admission screening evaluation, if he has reason to believe the minor meets the commitment criteria
- The CSB finds a willing facility for the temporary detention in accordance with § 16.1-340.1:1
-
- A magistrate may authorize transportation by an alternative transportation provider (§ 16.1-340.2(B))
- The minor is temporarily detained at willing facility for continued evaluation and initiation of treatment
- A magistrate may issue a TDO without an ECO

- A magistrate may issue a TDO without an in-person evaluation if such an evaluation was conducted within 72 hours or if there is significant physical, psychological, or medical risk to the minor or others associated with conducting such evaluation (§ 16.1-340.1(C))

TDO: Release Prior to Hearing

(Va. Code § 16.1-340.3)

- Prior to a hearing, the judge may release the minor to his parent if it appears from all evidence readily available that the minor does not meet the commitment criteria
- The director of any facility in which the minor is detained may release the minor prior to a hearing if it appears, based on an evaluation conducted by the psychiatrist or clinical psychologist treating the minor, that the minor would not meet the commitment criteria if released

Inpatient Admission: Parental Admission

Minors younger than 14 and non-objecting minors 14 years of age or older

(Va. Code § 16.1-338)

- Parents can apply to have their child admitted to a willing facility and consent to such admission if the child is younger than 14 or is a non-objecting minor 14 or older who gives joint consent to admission.
- Such admission must be approved by a qualified evaluator who has conducted a personal examination
 - The examination must be conducted in person within 48 hours of the minor's admission.
 - Continued admission is justified if the evaluator finds that:
 - The minor appears to have a mental illness serious enough to warrant inpatient treatment and is reasonably likely to benefit from the treatment, and
 - The minor has been provided with a clinically appropriate explanation of the nature and purpose of the treatment, and
 - The minor (if 14 or older) has been provided with an explanation of his rights under [the Psychiatric Treatment of Minors] Act as they would apply if he were to object to admission, and that he has consented to admission, and
 - All available modalities of treatment less restrictive than inpatient treatment have been considered and no less restrictive alternative is available that would offer comparable benefits to the minor.
- If admission to a state facility is sought, the CSB in the minor's area of residence provides a preadmission screening report in lieu of the examination by a qualified evaluator and shall ensure the necessary written findings above have been made before approving the admission.
- A copy of the written evaluation or preadmission screening report is given to the consenting parent(s) and the parent(s) must have an opportunity to speak with the evaluator or CSB employee or designee.

- If the parent revokes consent at any time or a minor 14 or older objects to further treatment, the minor must be released within 48 hours to the custody of the consenting parent, unless continued hospitalization is authorized based on parental admission of an objecting minor, a TDO, or a civil commitment order.

Objecting minors 14 years of age or older

(Va. Code § 16.1-339)

- If a minor is 14 years of age or older and
 - Objects to admission, or
 - Is incapable of making an informed decision,
- Then the minor may be admitted to a willing facility for up to 120 hours based on a parent's application pending a clinical evaluation and judicial review.
- The minor must be examined within 24 hours (with the usual exceptions for weekends, holidays, or day on which the court is lawfully closed) of admission by a qualified evaluator designated by the CSB in the area where the facility is located.
 - The evaluator must write a report finding whether:
 - The minor appears to have a mental illness serious enough to warrant inpatient treatment and is reasonably likely to benefit from the treatment, and
 - The minor has been provided with a clinically appropriate explanation of the nature and purpose of the treatment, and
 - All available modalities of treatment less restrictive than inpatient treatment have been considered and no less restrictive alternative is available that would offer comparable benefits to the minor.
 - The report is submitted to the J&DR court for the jurisdiction where the facility is located.
- In addition, the admitting facility must file a petition for judicial approval of the hospitalization with the J&DR court for the jurisdiction where the facility is located no sooner than 24 hours and no later than 120 hours after admission. A copy of the petition is given to the consenting parent.
- The court then
 - Appoints a guardian ad litem (GAL) for the minor,
 - Appoints a lawyer if the minor does not already have one,
 - Reviews, with the GAL, the evaluator's report and the facility's petition,
 - Learns the views of the minor, the consenting parent, the evaluator, and the attending psychiatrist, and
 - Orders one of the following dispositions:
 - If the minor does not meet the criteria for admission specified in the evaluator's report, the court must issue an order to release the minor, or
 - If the minor does meet the criteria, the court must issue an order authorizing continued hospitalization for up to 90 days on the basis of the parent's consent, or
 - If the available information is insufficient to determine whether the minor meets the criteria, the court must schedule a commitment hearing to be conducted in accordance with regular commitment procedures. The minor may be detained up to an additional 120 hours pending the commitment hearing.
 - The court's review may be held in whatever place and manner, including the facility, that it deems to be in the minor's best interests

- If a minor rescinds his objection, the minor can be retained in the hospital pursuant to § 16.1-338.
- If the parent who consented to the admission revokes consent at any time, the minor must be released within 48 hours to the parent's custody unless continued hospitalization is authorized based on a TDO or a court order for civil commitment.

Involuntary Commitment Hearings for Minors

Preparation

(Va. Code §§ 16.1-341, 342)

- Petition for involuntary commitment of a minor may be filed with the J&DR court serving the jurisdiction in which the minor is located by a parent, or if parent is not available or is unwilling, by any responsible adult, including the person having custody over a minor in detention or shelter care.
 - If the commitment hearing has been scheduled because there was not enough information to make a decision on a petition for judicial approval filed under Va. Code § 16.1-339, that petition may serve as the petition for commitment.
- The court must schedule a hearing no sooner than 24 hours and no later than 96 hours from the filing of the petition or the issuance of the TDO, whichever occurs later. If the 96 hours expires on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the period shall be extended until the next business day.
- No less than 24 hours before the hearing, the court shall appoint a GAL for the minor and counsel to represent the minor, unless the minor has already retained counsel.
- Notice of the hearing is given to the minor, the minor's parents, the minor's lawyer, the GAL, the Commonwealth's Attorney in the jurisdiction giving rise to the detention, and, if applicable, the J&DR court having jurisdiction over a minor in detention or shelter care.
- The hearing may be continued once for up to 96 hours if requested by the minor's counsel for good cause and after notice to the petitioner and all other persons receiving notice of the hearing.
- Upon filing of a petition, the court shall direct the CSB in the area where the minor is located to arrange an examination by a qualified evaluator. The examination must be conducted in private and in person, or, if that's not practicable, by a two-way electronic video and audio communication. The comprehensive evaluation must include:
 - Clinical assessment,
 - Substance use and abuse determination,
 - Determination of the likelihood that, because of mental illness, the minor is experiencing a serious deterioration in his ability to care for himself
 - Risk assessment that includes an evaluation of the likelihood that, because of mental illness, the minor presents a serious danger to himself or others to the extent that severe or irremediable injury is likely to result, as evidenced by recent acts or threats
 - For minors 14 and older, an assessment of capacity to consent to treatment,
 - If previously detained on a TDO, a review of TDO facility's records,
 - Discussion of treatment preferences of minor or parents,
 - Assessment of alternatives to inpatient treatment, and
 - Recommendations for placement, care, and treatment of minor.
 - See Va. Code §16.1-342(B)

Right to apply for voluntary admission

(Va. Code § 16.1-344(B))

- Minors who are 14 or older have a right to apply for voluntary admission. At the start of the commitment hearing, the court must inform the minor that she can apply for voluntary admission, provided that the minor's parent consents to such voluntary admission, and afford the minor an opportunity for voluntary admission in lieu of commitment .

Attendance Requirements - CSB

- At least 12 hours prior to the hearing, the court shall provide the time and location of the hearing to the CSB that arranged for the evaluation of the minor.
- Employee or designee of the CSB that arranged for the evaluation shall attend the hearing in person or, if physical attendance is not practicable, shall participate in the hearing through a two-way electronic video and audio or telephonic communication system.
 - If the CSB will be present by telephonic means, the court shall provide the telephone number to the CSB.
- Evaluator who prepared the report, if not physically present, must be available whenever possible for questioning during the hearing through electronic means (§ 16.1-342)
- Any employee or designee of the CSB attending or participating in the hearing, including the qualified evaluator, shall not be excluded from the hearing pursuant to an order of sequestration of witnesses.
- Electronic means – Va. Code § 16.1-345.1
 - Petitions and orders for ECOs, TDOs, and involuntary commitment may be filed, issued, served, or executed by electronic means, with or without two-way electronic video and audio communication, and returned in the same manner with the same force and effect as an original.
 - Any judge may conduct proceedings using any two-way electronic video and audio communication system to provide for the appearance of any parties witnesses.
 - System must meet the standards set forth at Va. Code § 19.2-3.1(B)
- If minor does not reside in jurisdiction where hearing is conducted and MOT is being considered, CSB where minor resides must also attend hearing in person or if not practicable, through electronic means (§ 16.1-344)
- CSB where minor resides may, instead of attending hearing, make arrangements with CSB that arranged evaluation to present on its behalf the recommendations for the provision of MOT and the initial MOT plan.
- CSB that attends on behalf of CSB where minor resides must inform CSB of residence of the disposition reached, transmit the disposition to the CSB of residence through certified mail, personal delivery, facsimile with return receipt acknowledged, or other electronic means (§ 16.1-344)

Commitment Hearing; Evidence Considered

(Va. Code § 16.1-345)

- The court is charged with observing the minor and considering:

1. Recommendations of any treating or examining physician or licensed psychologist, if available;
 2. Past actions of the minor;
 3. Past mental health treatment of the minor;
 4. Any qualified evaluator's report;
 5. Any medical records available;
 6. The preadmission screening report; and
 7. Any other relevant evidence that may have been admitted.
- The court shall then order involuntary commitment of the minor to a mental health facility for treatment for a period not to exceed 90 days if it finds, by clear and convincing evidence, that:
 1. Because of mental illness, the minor
 - a) presents a serious danger to himself or others to the extent that severe or irreparable injury is likely to result, as evidenced by recent acts or threats or
 - b) is experiencing a serious deterioration in his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusional thinking or by a significant impairment in functioning in hydration, nutrition, self-protection, or self-control; and
 2. The minor is in need of compulsory treatment for mental illness and is reasonably likely to benefit from the proposed treatment; and
 3. If the court finds that inpatient treatment is not the least restrictive treatment, the court shall consider entering an order for mandatory outpatient treatment (MOT) pursuant to Va. Code § 16.1-345.2.
 - If the parent(s) with whom the minor resides are not willing to approve the proposed commitment, the court may not issue an order for inpatient treatment unless the court also finds that
 - such treatment is necessary to protect the minor's life, health, safety, or normal development.
 - Upon finding that the best interests of the minor so require, the court may enter an order directing either or both parents to comply with reasonable conditions relating to the minor's treatment
 - Initial commitment order and subsequent commitment orders are limited to 90 days
 - If the minor does not meet commitment criteria, the court may order his release

Mandatory Outpatient Treatment for Minors

Criteria

(Va. Code § 16.1-345.2(A))

- The evidence the court must consider is largely the same for inpatient and outpatient commitment.
- The court shall then order that the minor be admitted involuntarily to mandatory outpatient treatment (MOT) for a period not to exceed 90 days if it finds by clear and convincing evidence that:

1. Because of mental illness, the minor
 - a. presents a serious danger to self or others to the extent that severe or irreparable injury is likely to result, as evidenced by recent acts or threats,
 - or
 - b. is experiencing a serious deterioration of his ability to care for self in a developmentally age-appropriate manner, as evidenced by delusional thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control;
2. The minor is in need of compulsory treatment for a mental illness and is reasonably likely to benefit from the proposed treatment;
3. Less restrictive alternatives to involuntary inpatient treatment that would offer an opportunity for improvement of his condition have been investigated and are determined to be appropriate
4. The minor, if 14 years of age or older, and his parents
 - a. Have sufficient capacity to understand the stipulations of the minor's treatment,
 - b. Have expressed an interest in the minor's living in the community and have agreed to abide by the treatment plan, and
 - c. Are deemed to have capacity to comply with the treatment plan and understand and adhere to conditions and requirements of the treatment and services;

and

5. The ordered treatment can be delivered on an outpatient basis by the CSB or a designated provider.
- Less restrictive alternatives shall not be determined to be appropriate unless the services are actually available and providers have actually agreed to deliver the services.

MOT Order

- MOT may include day treatment in a hospital, night treatment in a hospital, or other appropriate course of treatment as may be necessary to meet the needs of the minor.
- Upon expiration of the MOT order, the minor must be released from its requirements unless the order is continued via § 16.1-345.5 (§ 16.1-345.2(B))
- MOT order must require the CSB to monitor the implementation of the MOT plan and report any material noncompliance to the court (§ 16.1-345.2(C))

MOT: Initial Treatment Plan

(Va. Code § 16.1-345.2(C))

- MOT order must include an initial treatment plan developed by CSB serving the area where the minor resides
- At a minimum, the initial MOT Plan must:
 - Identify specific services to be provided
 - Identify the provider who has agreed to provide each service
 - Describe arrangements made for initial in-person appointment or contact with each service provider, and
 - Include any other relevant information available regarding treatment ordered

MOT: Comprehensive MOT Plan

(Va. Code § 16.1-345.2(D))

- Within 5 business days of the MOT order being entered, CSB where minor resides must submit a comprehensive MOT plan to the court for approval
- Upon approval, the comprehensive MOT plan is filed with court and incorporated into the MOT order
- Any subsequent substantive modifications must be filed with court for review and attached to the MOT order
- Contents of Comprehensive MOT Plan
 - Identify specific type, amount, duration, and frequency of each service to be provided to the minor
 - Identify provider who has agreed to provide each service included in the plan
 - Certify that services are the most appropriate and least restrictive treatment available for the minor
 - Certify that each provider has complied and continues to comply with applicable DBHDS licensing regulations
 - Be developed with fullest possible involvement and participation of the minor and his parents and reflect their preferences to greatest extent possible to support minor's recovery and self-determination
 - Specify particular conditions with which minor shall be required to comply, and
 - Describe how the CSB shall monitor compliance with plan and report any material noncompliance.

MOT: Services Unavailable

(Va. Code § 16.1-345.2(E))

- If CSB determines necessary services are not available or cannot be provided in accordance with the MOT order, it must notify court within 5 business days of entry of the MOT order
- Within 5 business days of receipt of such notice, the judge, after notice to the minor, the minor's attorney, and the CSB responsible for developing the comprehensive MOT plan, shall hold a hearing pursuant to § 16.1-345.4

Delivery of Juvenile MOT order

(Va. Code § 16.1-345.2(F))

- Upon entry of any MOT order, the clerk of court must provide a copy of the MOT order to the minor, his parents, his attorney, his GAL, and the CSB required to monitor compliance
- CSB must acknowledge receipt of the MOT order to the clerk of the court on a form provided by court for this purpose

MOT: Transfer of Jurisdiction

(Va. Code § 16.1-345.2(G))

- If the court that entered the MOT order is not the court for the jurisdiction where the minor resides, the court must transfer jurisdiction to the court where the minor resides.

MOT: Monitoring

- CSB monitoring of MOT by the CSB where the minor resides must include
 - Contacting service providers to determine if minor is complying with the MOT order, and
 - Notifying the court of minor's material noncompliance with the MOT order
- Providers of services identified in the plan must report any material noncompliance to CSB (§ 16.1-345.3(A))
- If CSB determines that the minor materially failed to comply with the MOT order, the CSB must:
 - File a motion for review of MOT order with the J&DR court where the minor resides within 3 business days of making that determination, or within 24 hours if the minor is being detained under a TDO
 - Recommend appropriate disposition
 - Send copies of the motion for review to the minor, his parents, his GAL, and his attorney (§ 16.1-345.3(B))
- If CSB determines the minor is not materially complying with his MOT order or for any other reason, and that the minor meets the inpatient commitment criteria, the CSB must immediately request a magistrate to issue an ECO pursuant to § 16.1-340 or a TDO pursuant to § 16.1-340.1 (§ 16.1-345.3(C))
- If the CSB determines prior to expiration of the MOT order that minor has complied and that continued MOT is no longer necessary, it must file a motion for review with the J&DR court where the minor resides (§ 16.1-345.3(D))

MOT Court Review

(Va. Code § 16.1-345.4(A))

- The court must hold a hearing within 15 days of receiving the motion for review of a MOT plan (or on next business day)
- If the minor is detained under a TDO, the hearing must be held within timeframe provided for a commitment hearing under § 16.1-341 (no sooner than 24 hours, no later than 96 hours, from the time the petition was filed or time of issuance of TDO, whichever is later)
- Clerk must provide notice to the minor, his parents, CSB, all treatment providers listed in the MOT order, and original petitioner
- If minor not represented by counsel, judge must appoint an attorney, giving consideration to the attorney who represented the minor at the initial hearing that resulted in the MOT order
- Judge must also appoint a GAL
- CSB must offer to arrange minor's transportation to hearing if minor is not detained and has no other source of transportation
- The court will consider
 - Qualified evaluator's report,
 - CSB preadmission screening report,
 - Any material non-compliance by the minor,

- Past actions of the minor,
 - Past mental health treatment of the minor,
 - Medical records,
 - Recommendations of treating physician or psychologist,
 - The minor's current condition,
 - Any other relevant evidence.
- (§§ 16.1-345, 345.2(A), 345.4(D))

MOT Court Review - Evaluation

(Va. Code § 16.1-345.4(B))

- The J&DR court judge may order an evaluation and appoint a qualified evaluator in accordance with § 16.1-342 if requested by:
 - Minor's parents
 - CSB
 - Treatment provider listed in the comprehensive MOT plan, or
 - Original petitioner
- Evaluator must personally examine the minor and certify to the court whether or not he has probable cause to believe the minor meets juvenile inpatient commitment criteria or MOT criteria
- Evaluator's report may be admitted into evidence without appearance of the evaluator if not objected to by minor or his attorney
- If the minor is not detained at an inpatient facility, CSB must arrange for minor to be examined at a convenient location and time
 - CSB must offer to arrange for transportation to examination if minor has no other source of transportation
- If minor fails or refuses to appear at examination, CSB must notify the court
 - Court must then issue mandatory examination order and civil show cause summons
- Return date for civil show cause summons shall be set on a date prior to the MOT plan review hearing, and the examination of the minor shall be conducted immediately after the hearing thereon, but in no event shall the period of the examination exceed eight hours

Juvenile MOT Failure to Appear at Hearing

(Va. Code § 16.1-345.4(C))

- If minor fails to appear at the MOT plan review hearing, the judge shall, after consideration of any evidence from the minor, his parents, the CSB, or any treatment provider identified in the MOT plan regarding why the minor failed to appear, either :
 - Reschedule the hearing, or
 - Issue an ECO pursuant to § 16.1-340, or
 - Issue a TDO pursuant to § 16.1-340.1.

MOT Dispositions

(Va. Code § 16.1-345.4(D))

- After hearing evidence regarding a minor's material noncompliance with the MOT order and the minor's current condition, and any other relevant information reference in §§ 16.1-345 and 16.1-345.2(A), the J&DR court judge may:
 - Order involuntary inpatient admission to a facility designated by the CSB for a period not to exceed 30 days if the minor meets inpatient admission criteria specified in § 16.1-345
 - Transportation to inpatient treatment facility pursuant to § 16.1-345
 - Renew MOT order for up to 90 days if minor continues to meet MOT criteria and a continued period of MOT appears warranted, making necessary modifications acceptable to CSB or treatment providers
 - Rescind MOT order if the above dispositions are not appropriate.
- For purposes of court review of an MOT plan, the term "J&DR court judge" shall not include a special justice.

Continuation of MOT Order

(Va. Code § 345.5)

- Within 30 days prior to expiration of an MOT order, CSB required to monitor compliance with the order may file a motion for review to continue the order with J&DR court where minor resides (§ 16.1-345.5(A))
- If minor's parents and the minor if 14 or older, or the minor's parents if minor is under 14, join in the motion, the court shall extend the order without a further hearing. Otherwise, hearing scheduled (§ 16.1-345.5(B))
- Upon receipt of a motion for review, the court must appoint a qualified evaluator who shall personally examine the minor pursuant to § 16.1-342. The CSB required to monitor the minor's compliance with the MOT order shall provide a preadmission screening report as required in § 16.1-340.4 (§ 16.1-345.5(C))
- After observing the minor, reviewing the preadmission screening report, and considering the qualified evaluator's report and any other relevant evidence, the court may make one of dispositions specified in § 16.1-345.4(D) (and noted above in "MOT Dispositions")
- If the court finds continued period of MOT is warranted, it may continue the order for up to 90 days (§ 16.1-345.5(D))
- The existing MOT order remains in effect until the court enters a subsequent order (§ 16.1-345.5(D))
- For purposes of court review of continuation of an MOT plan, the term "J&DR court judge" shall not include a special justice.