

The Virgin Islands Consortium

Bills Aimed at Protecting Youth, Including Measure Barring Child Marriage Pass Rules Committee

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The Senate Committee on Rules and Judiciary on Thursday passed three bills sponsored by Senator Javan James aimed at protecting the youth of the Virgin Islands. Among the measures were bills requiring anyone convicted of child abuse or neglect to seek counseling. Another amends Virgin Islands Code to prevent child marriages.

"All three bills that we have before us today speak to protecting our youth here in the territory," said Mr. James.

Bills 34-0032 and 34-0031:

Bills 34-0032 and 34-0031 were similar in nature as they both require people who harm children by either neglect or abuse to attend counseling sessions in addition to imprisonment or a fine.

An amendment to Bill No. 34-0032 outlines the punishment for not attending these sessions. If the person is a first-time offender of child abuse, this person must serve a prison term of no less than twelve months and pay a fine of no less than \$4,000. If the individual is a repeat offender, the prison term increases to no less than two years and a fine not less than \$6,000. If the convicted person does not complete the classes or programs mandated, it will result in court-mandated community service of no less than 300 hours.

"For far too long our children in the U.S. Virgin Islands have been abused and neglected, and it's time to take additional steps to prevent such heinous crimes," Mr. James said.

He explained that the bills "will assist the century-long fight of counselors, social workers and the like in their efforts to provide parents with the education to care for their children."

Mr. James described two cases of child neglect, including [an incident in February 2020](#) that involved a woman leaving her 6-year-old daughter in her car at 1:45 a.m. to meet a male acquaintance.

The senator said counseling provides parents with a better appreciation of what is developmentally appropriate for children, helps parents gain a better understanding of the impact of neglect on their children, and exposes parents to the different development stages of children.

The Dept. of Human Services said in written testimony that parenting classes should not be added as part of the punishment. "Family court judge orders rehabilitative and ameliorative services... the Family Court is the better vehicle to address court-ordered parenting classes or other supports needed for the protection of the child," stated D.H.S. in written testimony.

In response, Mr. James said, "What we are doing is not reinventing the wheel, it is a practice in other jurisdictions on the U.S. mainland. If you are the parent of the child, having parental classes will not hurt you." He later stated, "Yes, we can leave it to the discretion of the judge but sometimes judges make mistakes... we as leaders are saying, 'judge this is the right thing to do.'"

The single objection aside, D.H.S. supported all three measures.

Bill 34-0030

Bill 34-0030 is an act amending Title 4 of Virgin Islands Code, chapter 11, section 172 to divest the V.I. Superior Court of jurisdiction over judicial consent for the marriage of a child.

This bill was described as a "low-hanging fruit" by Mr. James because it carries out the intent of previously passed legislation, Act 8255, which prohibited the issuance of marriage licenses to persons under 18.

After review of the Virgin Islands Code, Mr. James and his staff found a section that gives jurisdiction to the Family Division of the Superior Court for “judicial consent when such consent is required by law,” which is in conflict with Act 8255.

All senators of the Rules and Judiciary Committee present Thursday — Novelle Francis, Carla Joseph, Milton Potter, Kenneth Gittens, Franklin Johnson and Steven Payne — voted in the affirmative. Senator Genevieve Whitaker was excused from the hearing.

Cacki Barret, Family Resource Center child and youth therapist, and Clema Lewis, Women’s Coalition of St. Croix executive director were present at the hearing to provide testimony. They supported all the measures.