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SENATE BILL NO. 1295

Offered January 8, 2025

Prefiled January 8, 2025

A BILL to amend and reenact §§ 16.1-253, 16.1-253.1, and 19.2-152.9 of the Code of Virginia, relating to preliminary protective orders; hearings.

Patron—Obenshain

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-253, 16.1-253.1, and 19.2-152.9 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-253. Preliminary protective order.

A. Upon the motion of any person or upon the court's own motion, the court may issue a preliminary protective order, after a hearing, if necessary to protect a child's life, health, safety, or normal development pending the final determination of any matter before the court. The order may require a child's parents, guardian, legal custodian, other person standing in loco parentis, or other family or household member of the child to observe reasonable conditions of behavior for a specified length of time. These conditions shall include any one or more of the following:

- 1. To abstain from offensive conduct against the child, a family or household member of the child, or any person to whom custody of the child is awarded;
- 2. To cooperate in the provision of reasonable services or programs designed to protect the child's life, health, or normal development;
- 3. To allow persons named by the court to come into the child's home at reasonable times designated by the court to visit the child or inspect the fitness of the home and to determine the physical or emotional health of the child;
- 4. To allow visitation with the child by persons entitled thereto, as determined by the court;
- 5. To refrain from acts of commission or omission which tend to endanger the child's life, health, or normal development;
- 6. To refrain from such contact with the child or family or household members of the child, as the court may deem appropriate, including removal of such person from the residence of the child. However, prior to the issuance by the court of an order removing such person from the residence of the child, the petitioner ~~must~~ shall prove by a preponderance of the evidence that such person's probable future conduct would constitute a danger to the life or health of such child, and that there are no less drastic alternatives which could reasonably and adequately protect the child's life or health pending a final determination on the petition; or
- 7. To grant the person on whose behalf the order is issued the possession of any companion animal as defined in § 3.2-6500 if such person meets the definition of owner in § 3.2-6500.

B. A preliminary protective order may be issued ex parte upon motion of any person or the court's own motion in any matter before the court, or upon petition. The motion or petition shall be supported by an affidavit or by sworn testimony in person before the judge or intake officer which establishes that the child would be subjected to an imminent threat to life or health to the extent that delay for the provision of an adversary hearing would be likely to result in serious or irreparable injury to the child's life or health. If an ex parte order is issued without an affidavit being presented, the court, in its order, shall state the basis upon which the order was entered, including a summary of the allegations made and the court's findings. Following the issuance of an ex parte order, the court shall provide an adversary hearing to the affected parties within the shortest practicable time not to exceed five business days after the issuance of the order, unless a warrant or petition for a related criminal offense has been issued, in which case the court shall set the adversary hearing on the same hearing or trial date as the related criminal offense and continuing until such related proceeding is resolved.

C. Prior to the hearing required by this section, notice of the hearing shall be given at least 24 hours in advance of the hearing to the guardian ad litem for the child, to the parents, guardian, legal custodian, or other person standing in loco parentis of the child, to any other family or household member of the child to whom the protective order may be directed, and to the child if he or she is 12 years of age or older. The notice provided herein shall include (i) the time, date, and place for the hearing and (ii) a specific statement of the factual circumstances which allegedly necessitate the issuance of a preliminary protective order.

D. All parties to the hearing shall be informed of their right to counsel pursuant to § 16.1-266.

E. At the hearing the child, his or her parents, guardian, legal custodian or other person standing in loco

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59 parentis, and any other family or household member of the child to whom notice was given shall have the
60 right to confront and cross-examine all adverse witnesses and evidence and to present evidence on their own
61 behalf.

62 F. If a petition alleging abuse or neglect of a child has been filed, at the hearing pursuant to this section
63 the court shall determine whether the allegations of abuse or neglect have been proven by a preponderance of
64 the evidence. Any finding of abuse or neglect shall be stated in the court order. However, if, before such a
65 finding is made, a person responsible for the care and custody of the child, the child's guardian ad litem, or
66 the local department of social services objects to a finding being made at the hearing, the court shall schedule
67 an adjudicatory hearing to be held within 30 days of the date of the initial preliminary protective order
68 hearing. The adjudicatory hearing shall be held to determine whether the allegations of abuse and neglect
69 have been proven by a preponderance of the evidence. Parties who are present at the hearing shall be given
70 notice of the date set for the adjudicatory hearing and parties who are not present shall be summoned as
71 provided in § 16.1-263. The adjudicatory hearing shall be held and an order may be entered, although a party
72 to the hearing fails to appear and is not represented by counsel, provided personal or substituted service was
73 made on the person, or the court determines that such person cannot be found, after reasonable effort, or in
74 the case of a person who is without the Commonwealth, the person cannot be found, or his post office address
75 cannot be ascertained after reasonable effort.

76 Any preliminary protective order issued shall remain in full force and effect pending the adjudicatory
77 hearing.

78 G. If at the preliminary protective order hearing held pursuant to this section the court makes a finding of
79 abuse or neglect and a preliminary protective order is issued, a dispositional hearing shall be held pursuant to
80 § 16.1-278.2. The court shall forthwith, but in all cases no later than the end of the business day on which the
81 order was issued, enter and transfer electronically to the Virginia Criminal Information Network (VCIN),
82 *established and maintained by the Department of State Police pursuant to Chapter 2 (§ 52-12 et seq.) of Title*
83 *52*, the respondent's identifying information and the name, date of birth, sex, and race of each protected
84 person provided to the court. A copy of the preliminary protective order containing any such identifying
85 information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and
86 entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall
87 forthwith verify and enter any modification as necessary to the identifying information and other appropriate
88 information required by the Department of State Police into the ~~Virginia Criminal Information Network~~
89 ~~established and maintained by the Department of State Police pursuant to Chapter 2 (§ 52-12 et seq.) of Title~~
90 ~~52 VCIN~~ and the order shall be served forthwith on the allegedly abusing person in person as provided in §
91 16.1-264 and due return made to the court. However, if the order is issued by the circuit court, the clerk of the
92 circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying
93 information and the name, date of birth, sex, and race of each protected person provided to the court to the
94 primary law-enforcement agency providing service and entry of protective orders and upon receipt of the
95 order, the primary law-enforcement agency shall enter the name of the person subject to the order and other
96 appropriate information required by the Department of State Police into the ~~Virginia Criminal Information~~
97 ~~Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52~~
98 ~~VCIN~~ and the order shall be served forthwith upon the allegedly abusing person in person as provided in §
99 16.1-264. Upon service, the agency making service shall enter the date and time of service and other
100 appropriate information required by the Department of State Police into the ~~Virginia Criminal Information~~
101 ~~Network VCIN~~ and make due return to the court. The preliminary order shall specify a date for the
102 dispositional hearing. The dispositional hearing shall be scheduled at the time of the hearing pursuant to this
103 section, and shall be held within 60 days of this hearing, *unless a warrant or petition for a related criminal*
104 *offense has been issued, in which case the court shall set the dispositional hearing on the same hearing or*
105 *trial date as the related criminal offense and continuing until such related proceeding is resolved. If an*
106 ~~adjudicatory hearing is requested pursuant to subsection F, the dispositional hearing shall nonetheless be~~
107 ~~scheduled at the hearing pursuant to this section.~~ All parties present at the hearing shall be given notice of the
108 date and time scheduled for the dispositional hearing; parties who are not present shall be summoned to
109 appear as provided in § 16.1-263.

110 H. Nothing in this section enables the court to remove a child from the custody of his ~~or her~~ parents,
111 guardian, legal custodian, or other person standing in loco parentis, except as provided in § 16.1-278.2, and
112 no order hereunder shall be entered against a person over whom the court does not have jurisdiction.

113 I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office,
114 nor any employee of them, may disclose, except among themselves, the residential address, telephone
115 number, or place of employment of the person protected by the order or that of the family of such person,
116 except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for
117 law-enforcement purposes, or (iii) permitted by the court for good cause.

118 J. Violation of any order issued pursuant to this section shall be punishable as contempt of court.
119 However, if the violation involves an act or acts of commission or omission that endanger the child's life or

120 health or result in bodily injury to the child, it shall be punishable as a Class 1 misdemeanor.

121 K. The court shall forthwith, but in all cases no later than the end of the business day on which the order
122 was issued, enter and transfer electronically to the ~~Virginia Criminal Information Network~~ *VCIN* the
123 respondent's identifying information and the name, date of birth, sex, and race of each protected person
124 provided to the court. A copy of the preliminary protective order containing any such identifying information
125 shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of
126 protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall
127 forthwith verify and enter any modification as necessary to the identifying information and other appropriate
128 information required by the Department of State Police into the ~~Virginia Criminal Information Network~~
129 ~~established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52~~ *VCIN* and
130 the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264 and
131 due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court
132 shall forthwith forward an attested copy of the order containing the respondent's identifying information and
133 the name, date of birth, sex, and race of each protected person provided to the court to the primary
134 law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the
135 primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate
136 information required by the Department of State Police into the ~~Virginia Criminal Information Network~~
137 ~~established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52~~ *VCIN* and
138 the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264. Upon
139 service, the agency making service shall enter the date and time of service and other appropriate information
140 required by the Department of State Police into the ~~Virginia Criminal Information Network~~ *VCIN* and make
141 due return to the court. The preliminary order shall specify a date for the full hearing.

142 Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-264, the
143 clerk shall forthwith forward an attested copy of the preliminary protective order to the primary
144 law-enforcement agency and the agency shall forthwith verify and enter any modification as necessary into
145 the ~~Virginia Criminal Information Network~~ *VCIN* as described above. If the order is later dissolved or
146 modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the
147 primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of
148 the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any
149 modification as necessary to the identifying information and other appropriate information required by the
150 Department of State Police into the ~~Virginia Criminal Information Network~~ *VCIN* as described above and the
151 order shall be served forthwith and due return made to the court.

152 L. No fee shall be charged for filing or serving any petition or order pursuant to this section.

153 **§ 16.1-253.1. Preliminary protective orders in cases of family abuse; confidentiality.**

154 A. Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period of
155 time, subjected to family abuse, or the filing of a written motion requesting a hearing to extend a protective
156 order pursuant to § 16.1-279.1 without alleging that the petitioner is or has been, within a reasonable period
157 of time, subject to family abuse, the court may issue a preliminary protective order against an allegedly
158 abusing person in order to protect the health and safety of the petitioner or any family or household member
159 of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the
160 petition is supported by an affidavit or sworn testimony before the judge or intake officer or upon the filing of
161 a written motion requesting a hearing to extend a protective order pursuant to § 16.1-279.1 without alleging
162 that the petitioner is or has been, within a reasonable period of time, subject to family abuse. If an ex parte
163 order is issued without an affidavit or a completed form as prescribed by subsection D of § 16.1-253.4 being
164 presented, the court, in its order, shall state the basis upon which the order was entered, including a summary
165 of the allegations made and the court's findings. Immediate and present danger of family abuse or evidence
166 sufficient to establish probable cause that family abuse has recently occurred shall constitute good cause.
167 Evidence that the petitioner has been subjected to family abuse within a reasonable time and evidence of
168 immediate and present danger of family abuse may be established by a showing that (i) the allegedly abusing
169 person is incarcerated and is to be released from incarceration within 30 days following the petition or has
170 been released from incarceration within 30 days prior to the petition, (ii) the crime for which the allegedly
171 abusing person was convicted and incarcerated involved family abuse against the petitioner, and (iii) the
172 allegedly abusing person has made threatening contact with the petitioner while he was incarcerated,
173 exhibiting a renewed threat to the petitioner of family abuse.

174 A preliminary protective order may include any one or more of the following conditions to be imposed on
175 the allegedly abusing person:

- 176 1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property.
- 177 2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the
178 petitioner as the court deems necessary for the health or safety of such persons.
- 179 3. Granting the petitioner possession of the premises occupied by the parties to the exclusion of the
180 allegedly abusing person; however, no such grant of possession shall affect title to any real or personal

181 property.

182 4. Enjoining the respondent from terminating any necessary utility service to a premises that the petitioner
183 has been granted possession of pursuant to subdivision 3 or, where appropriate, ordering the respondent to
184 restore utility services to such premises.

185 5. Granting the petitioner and, where appropriate, any other family or household member of the petitioner,
186 exclusive use and possession of a cellular telephone number or electronic device and the password to such
187 device. The court may enjoin the respondent from terminating a cellular telephone number or electronic
188 device before the expiration of the contract term with a third-party provider. The court may enjoin the
189 respondent from using a cellular telephone or other electronic device to locate or surveil the petitioner.

190 6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or
191 jointly owned by the parties to the exclusion of the allegedly abusing person; however, no such grant of
192 possession or use shall affect title to the vehicle.

193 7. Requiring that the allegedly abusing person provide suitable alternative housing for the petitioner and
194 any other family or household member and, where appropriate, requiring the respondent to pay deposits to
195 connect or restore necessary utility services in the alternative housing provided.

196 8. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such
197 petitioner meets the definition of owner in § 3.2-6500.

198 9. Any other relief necessary for the protection of the petitioner and family or household members of the
199 petitioner.

200 B. The court shall forthwith, but in all cases no later than the end of the business day on which the order
201 was issued, enter and transfer electronically to the Virginia Criminal Information Network (VCIN),
202 established and maintained by the Department of State Police pursuant to Chapter 2 (§ 52-12 et seq.) of Title
203 52, the respondent's identifying information and the name, date of birth, sex, and race of each protected
204 person provided to the court. A copy of a preliminary protective order containing any such identifying
205 information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and
206 entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall
207 forthwith verify and enter any modification as necessary to the identifying information and other appropriate
208 information required by the Department of State Police into the ~~Virginia Criminal Information Network~~
209 ~~established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52~~ VCIN and
210 the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264 and
211 due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court
212 shall forthwith forward an attested copy of the order containing the respondent's identifying information and
213 the name, date of birth, sex, and race of each protected person provided to the court to the primary
214 law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the
215 primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate
216 information required by the Department of State Police into the ~~Virginia Criminal Information Network~~
217 ~~established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52~~ VCIN and
218 the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264. Upon
219 service, the agency making service shall enter the date and time of service and other appropriate information
220 required by the Department of State Police into the ~~Virginia Criminal Information Network~~ VCIN and make
221 due return to the court. The preliminary order shall specify a date for the full hearing. The hearing shall be
222 held within 15 days of the issuance of the preliminary order, (i) unless the hearing has been continued
223 pursuant to this subsection or court is closed pursuant to § 16.1-69.35 or 17.1-207 and such closure prevents
224 the hearing from being held within such time period, in which case the hearing shall be held on the next day
225 not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, or (ii) a warrant or
226 petition for a related criminal offense has been issued, in which case the court shall set the hearing required
227 by this section on the same hearing or trial date as the related criminal offense and continuing until such
228 related proceeding is resolved. If such court is closed pursuant to § 16.1-69.35 or 17.1-207 the provisions of
229 clause (i) or (ii) apply, the preliminary protective order shall remain in full force and effect until it is
230 dissolved by such court, until another preliminary protective order is entered, or until a protective order is
231 entered. If the respondent fails to appear at this hearing because the respondent was not personally served, or
232 if personally served was incarcerated and not transported to the hearing, the court may extend the protective
233 order for a period not to exceed six months. The extended protective order shall be served forthwith on the
234 respondent. However, where the respondent shows good cause, the court may continue the hearing. The
235 preliminary order shall remain in effect until the hearing. Upon request after the order is issued, the clerk
236 shall provide the petitioner with a copy of the order and information regarding the date and time of service.
237 The order shall further specify that either party may at any time file a motion with the court requesting a
238 hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of
239 the court. Upon petitioner's motion to dissolve the preliminary protective order, a dissolution order may be
240 issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard by the
241 court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of such

242 dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

243 Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-264, the
 244 clerk shall forthwith forward an attested copy of the preliminary protective order to the primary
 245 law-enforcement agency, and the agency shall forthwith verify and enter any modification as necessary into
 246 the Virginia Criminal Information Network VCIN as described above. If the order is later dissolved or
 247 modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the
 248 primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of
 249 the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any
 250 modification as necessary to the identifying information and other appropriate information required by the
 251 Department of State Police into the Virginia Criminal Information Network VCIN as described above and the
 252 order shall be served forthwith and due return made to the court.

253 C. The preliminary order is effective upon personal service on the allegedly abusing person. Except as
 254 otherwise provided in § 16.1-253.2, a violation of the order shall constitute contempt of court.

255 D. In the event that the allegedly abused person is a minor and an emergency protective order was issued
 256 pursuant to § 16.1-253.4 for the protection of such minor and the respondent is a parent, guardian, or person
 257 standing in loco parentis, the attorney for the Commonwealth or a law-enforcement officer may file a petition
 258 on behalf of such minor as his next friend before such emergency protective order expires or within 24 hours
 259 of the expiration of such emergency protective order.

260 E. At a full hearing on the petition, the court may issue a protective order pursuant to § 16.1-279.1 if the
 261 court finds that the petitioner has proven the allegation of family abuse by a preponderance of the evidence.

262 F. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office,
 263 nor any employee of them, may disclose, except among themselves, the residential address, telephone
 264 number, or place of employment of the person protected by the order or that of the family of such person,
 265 except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for
 266 law-enforcement purposes, or (iii) permitted by the court for good cause.

267 G. As used in this section, "copy" includes a facsimile copy.

268 H. No fee shall be charged for filing or serving any petition, *motion*, or order pursuant to this section.

269 I. Upon issuance of a preliminary protective order, the clerk of the court shall make available to the
 270 petitioner information that is published by the Department of Criminal Justice Services for victims of
 271 domestic violence or for petitioners in protective order cases.

272 J. The respondent may be required to notify the court in writing within seven days of any change of
 273 residence while the preliminary protective order is in effect, provided that the respondent has been served a
 274 copy of such order in accordance with the provisions of this section. Any failure of a respondent to make
 275 such required notification shall be punishable by contempt.

276 **§ 19.2-152.9. Preliminary protective orders.**

277 A. Upon the filing of a petition alleging that (i) the petitioner is or has been, within a reasonable period of
 278 time, subjected to an act of violence, force, or threat, or (ii) a petition or warrant has been issued for the arrest
 279 of the alleged perpetrator for any criminal offense resulting from the commission of an act of violence, force,
 280 or threat, or the filing of a written motion requesting a hearing to extend a protective order pursuant to §
 281 19.2-152.10 without alleging that the petitioner is or has been, within a reasonable period of time, subject to
 282 an act of violence, force, or threat, or that a petition or warrant has been issued for the arrest of the alleged
 283 perpetrator for any criminal offense resulting from the commission of an act of violence, force, or threat, the
 284 court may issue a preliminary protective order against the alleged perpetrator in order to protect the health
 285 and safety of the petitioner or any family or household member of the petitioner. The order may be issued in
 286 an ex parte proceeding upon good cause shown when the petition is supported by an affidavit or sworn
 287 testimony before the judge or intake officer or upon the filing of a written motion requesting a hearing to
 288 extend a protective order pursuant to § 19.2-152.10. If an ex parte order is issued without an affidavit or a
 289 completed form as prescribed by subsection D of § 19.2-152.8 being presented, the court, in its order, shall
 290 state the basis upon which the order was entered, including a summary of the allegations made and the court's
 291 findings. Immediate and present danger of any act of violence, force, or threat or evidence sufficient to
 292 establish probable cause that an act of violence, force, or threat has recently occurred shall constitute good
 293 cause.

294 A preliminary protective order may include any one or more of the following conditions to be imposed on
 295 the respondent:

296 1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or
 297 property;

298 2. Prohibiting such other contacts by the respondent with the petitioner or the petitioner's family or
 299 household members as the court deems necessary for the health and safety of such persons;

300 3. Such other conditions as the court deems necessary to prevent (i) acts of violence, force, or threat; (ii)
 301 criminal offenses that may result in injury to person or property; or (iii) communication or other contact of
 302 any kind by the respondent; and

303 4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such

304 petitioner meets the definition of owner in § 3.2-6500.

305 B. The court shall forthwith, but in all cases no later than the end of the business day on which the order
306 was issued, enter and transfer electronically to the Virginia Criminal Information Network (VCIN),
307 established and maintained by the Department of State Police pursuant to Chapter 2 (§ 52-12 et seq.) of Title
308 52, the respondent's identifying information and the name, date of birth, sex, and race of each protected
309 person provided to the court. A copy of a preliminary protective order containing any such identifying
310 information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and
311 entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall
312 forthwith verify and enter any modification as necessary to the identifying information and other appropriate
313 information required by the Department of State Police into the ~~Virginia Criminal Information Network~~
314 ~~established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52~~ VCIN and
315 the order shall be served forthwith on the alleged perpetrator in person as provided in § 16.1-264, and due
316 return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall
317 forthwith forward an attested copy of the order containing the respondent's identifying information and the
318 name, date of birth, sex, and race of each protected person provided to the court to the primary
319 law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the
320 primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate
321 information required by the Department of State Police into the ~~Virginia Criminal Information Network~~
322 ~~established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52~~ VCIN and
323 the order shall be served forthwith on the alleged perpetrator in person as provided in § 16.1-264. Upon
324 service, the agency making service shall enter the date and time of service and other appropriate information
325 required by the Department of State Police into the ~~Virginia Criminal Information Network~~ VCIN and make
326 due return to the court. The preliminary order shall specify a date for the full hearing. The hearing shall be
327 held within 15 days of the issuance of the preliminary order, unless (i) the hearing has been continued
328 pursuant to this subsection or the court is closed pursuant to § 16.1-69.35 or 17.1-207 and such closure
329 prevents the hearing from being held within such time period, in which case the hearing shall be held on the
330 next day not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, or (ii) a warrant
331 or petition for a related criminal offense has been issued, in which case the court shall set the dispositional
332 hearing on the same hearing or trial date as the related criminal offense and continuing until such related
333 proceeding is resolved. ~~If such court is closed pursuant to § 16.1-69.35 or 17.1-207 the provisions of clause~~
334 ~~(i) or (ii) apply~~, the preliminary protective order shall remain in full force and effect until it is dissolved by
335 such court, until another preliminary protective order is entered, or until a protective order is entered. If the
336 respondent fails to appear at this hearing because the respondent was not personally served, the court may
337 extend the protective order for a period not to exceed six months. The extended protective order shall be
338 served as soon as possible on the respondent. However, where the respondent shows good cause, the court
339 may continue the hearing. The preliminary order shall remain in effect until the hearing. Upon request after
340 the order is issued, the clerk shall provide the petitioner with a copy of the order and information regarding
341 the date and time of service. The order shall further specify that either party may at any time file a motion
342 with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given
343 precedence on the docket of the court. Upon petitioner's motion to dissolve the preliminary protective order, a
344 dissolution order may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held,
345 it shall be heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall
346 serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

347 Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-264, the
348 clerk shall forthwith forward an attested copy of the preliminary protective order to primary law-enforcement
349 agency and the agency shall forthwith verify and enter any modification as necessary into the ~~Virginia~~
350 ~~Criminal Information Network~~ VCIN as described above. If the order is later dissolved or modified, a copy of
351 the dissolution or modification order shall also be attested, forwarded forthwith to the primary
352 law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order
353 by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as
354 necessary to the identifying information and other appropriate information required by the Department of
355 State Police into the ~~Virginia Criminal Information Network~~ VCIN as described above and the order shall be
356 served forthwith and due return made to the court.

357 C. The preliminary order is effective upon personal service on the alleged perpetrator. Except as otherwise
358 provided, a violation of the order shall constitute contempt of court.

359 D. At a full hearing on the petition, the court may issue a protective order pursuant to § 19.2-152.10 if the
360 court finds that the petitioner has proven the allegation that the petitioner is or has been, within a reasonable
361 period of time, subjected to an act of violence, force, or threat by a preponderance of the evidence.

362 E. No fees shall be charged for filing or serving petitions pursuant to this section.

363 F. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office,
364 nor any employee of them, may disclose, except among themselves, the residential address, telephone

365 number, or place of employment of the person protected by the order or that of the family of such person,
366 except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for
367 law-enforcement purposes, or (iii) permitted by the court for good cause.

368 G. As used in this section, "copy" includes a facsimile copy.

369 H. Upon issuance of a preliminary protective order, the clerk of the court shall make available to the
370 petitioner information that is published by the Department of Criminal Justice Services for victims of
371 domestic violence or for petitioners in protective order cases.

372 I. The respondent may be required to notify the court in writing within seven days of any change of
373 residence while the preliminary protective order is in effect, provided that the respondent has been served a
374 copy of such order in accordance with the provisions of this section. Any failure of a respondent to make
375 such required notification shall be punishable by contempt.

INTRODUCED

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