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HOUSE BILL NO. 2130

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on January 29, 2025)

(Patron Prior to Substitute—Delegate Keys-Gamarra)

A *BILL to amend and reenact §§ 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, and 19.2-152.10 of the Code of Virginia, relating to juvenile respondent in protective order proceeding; other dispositions.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, and 19.2-152.10 of the Code of Virginia are amended and reenacted as follows:

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

A. Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period of time, subjected to family abuse, or the filing of a written motion requesting a hearing to extend a protective order pursuant to § 16.1-279.1 without alleging that the petitioner is or has been, within a reasonable period of time, subject to family abuse, the court may issue a preliminary protective order against an allegedly abusing person in order to protect the health and safety of the petitioner or any family or household member of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the petition is supported by an affidavit or sworn testimony before the judge or intake officer or upon the filing of a written motion requesting a hearing to extend a protective order pursuant to § 16.1-279.1 without alleging that the petitioner is or has been, within a reasonable period of time, subject to family abuse. If an ex parte order is issued without an affidavit or a completed form as prescribed by subsection D of § 16.1-253.4 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. Immediate and present danger of family abuse or evidence sufficient to establish probable cause that family abuse has recently occurred shall constitute good cause. Evidence that the petitioner has been subjected to family abuse within a reasonable time and evidence of immediate and present danger of family abuse may be established by a showing that (i) the allegedly abusing person is incarcerated and is to be released from incarceration within 30 days following the petition or has been released from incarceration within 30 days prior to the petition, (ii) the crime for which the allegedly abusing person was convicted and incarcerated involved family abuse against the petitioner, and (iii) the allegedly abusing person has made threatening contact with the petitioner while he was incarcerated, exhibiting a renewed threat to the petitioner of family abuse.

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

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property.
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons.

3. Granting the petitioner possession of the premises occupied by the parties to the exclusion of the allegedly abusing person; however, no such grant of possession shall affect title to any real or personal property.

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

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

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

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

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

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

In addition, if the respondent is a juvenile, the court may, upon its own motion or upon the motion of the

60 *attorney or guardian ad litem representing the respondent, make another disposition or enter an order*
61 *requiring the local board of social services to provide services to the child and family.*

62 B. The court shall forthwith, but in all cases no later than the end of the business day on which the order
63 was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's
64 identifying information and the name, date of birth, sex, and race of each protected person provided to the
65 court. A copy of a preliminary protective order containing any such identifying information shall be
66 forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective
67 orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify
68 and enter any modification as necessary to the identifying information and other appropriate information
69 required by the Department of State Police into the Virginia Criminal Information Network established and
70 maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served
71 forthwith on the allegedly abusing person in person as provided in § 16.1-264 and due return made to the
72 court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward
73 an attested copy of the order containing the respondent's identifying information and the name, date of birth,
74 sex, and race of each protected person provided to the court to the primary law-enforcement agency providing
75 service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency
76 shall enter the name of the person subject to the order and other appropriate information required by the
77 Department of State Police into the Virginia Criminal Information Network established and maintained by
78 the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on
79 the allegedly abusing person in person as provided in § 16.1-264. Upon service, the agency making service
80 shall enter the date and time of service and other appropriate information required by the Department of State
81 Police into the Virginia Criminal Information Network and make due return to the court. The preliminary
82 order shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the
83 preliminary order, unless the hearing has been continued pursuant to this subsection or court is closed
84 pursuant to § 16.1-69.35 or 17.1-207 and such closure prevents the hearing from being held within such time
85 period, in which case the hearing shall be held on the next day not a Saturday, Sunday, legal holiday, or day
86 on which the court is lawfully closed. If such court is closed pursuant to § 16.1-69.35 or 17.1-207, the
87 preliminary protective order shall remain in full force and effect until it is dissolved by such court, until
88 another preliminary protective order is entered, or until a protective order is entered. If the respondent fails to
89 appear at this hearing because the respondent was not personally served, or if personally served was
90 incarcerated and not transported to the hearing, the court may extend the protective order for a period not to
91 exceed six months. The extended protective order shall be served forthwith on the respondent. However,
92 where the respondent shows good cause, the court may continue the hearing. The preliminary order shall
93 remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the petitioner
94 with a copy of the order and information regarding the date and time of service. The order shall further
95 specify that either party may at any time file a motion with the court requesting a hearing to dissolve or
96 modify the order. The hearing on the motion shall be given precedence on the docket of the court. Upon
97 petitioner's motion to dissolve the preliminary protective order, a dissolution order may be issued ex parte by
98 the court with or without a hearing. If an ex parte hearing is held, it shall be heard by the court as soon as
99 practicable. If a dissolution order is issued ex parte, the court shall serve a copy of such dissolution order on
100 respondent in conformity with §§ 8.01-286.1 and 8.01-296.

101 Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-264, the
102 clerk shall forthwith forward an attested copy of the preliminary protective order to the primary
103 law-enforcement agency, and the agency shall forthwith verify and enter any modification as necessary into
104 the Virginia Criminal Information Network as described above. If the order is later dissolved or modified, a
105 copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary
106 law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order
107 by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as
108 necessary to the identifying information and other appropriate information required by the Department of
109 State Police into the Virginia Criminal Information Network as described above and the order shall be served
110 forthwith and due return made to the court.

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

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

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

120 F. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office,

nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

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

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

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

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

§ 16.1-253.4. Emergency protective orders authorized in certain cases; penalty.

A. Any judge of a circuit court, general district court, juvenile and domestic relations district court, or magistrate may issue a written or oral ex parte emergency protective order pursuant to this section in order to protect the health or safety of any person.

B. When a law-enforcement officer or an allegedly abused person asserts under oath to a judge or magistrate, and on that assertion or other evidence the judge or magistrate (i) finds that a warrant for a violation of § 18.2-57.2 has been issued or issues a warrant for violation of § 18.2-57.2 and finds that there is probable danger of further acts of family abuse against a family or household member by the respondent or (ii) finds that reasonable grounds exist to believe that the respondent has committed family abuse and there is probable danger of a further such offense against a family or household member by the respondent, the judge or magistrate shall issue an ex parte emergency protective order, except if the respondent is a minor, an emergency protective order shall not be required, imposing one or more of the following conditions on the respondent:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;

2. Prohibiting such contacts by the respondent with the allegedly abused person or family or household members of the allegedly abused person, including prohibiting the respondent from being in the physical presence of the allegedly abused person or family or household members of the allegedly abused person, as the judge or magistrate deems necessary to protect the safety of such persons;

3. Granting the family or household member possession of the premises occupied by the parties to the exclusion of the respondent; however, no such grant of possession shall affect title to any real or personal property; and

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

In addition, if the respondent is a juvenile, the court may, upon its own motion or upon the motion of the attorney or guardian ad litem representing the respondent, make another disposition or enter an order requiring the local board of social services to provide services to the child and family.

When the judge or magistrate considers the issuance of an emergency protective order pursuant to clause (i), he shall presume that there is probable danger of further acts of family abuse against a family or household member by the respondent unless the presumption is rebutted by the allegedly abused person.

C. An emergency protective order issued pursuant to this section shall expire at 11:59 p.m. on the third day following issuance. If the expiration occurs on a day that the court is not in session, the emergency protective order shall be extended until 11:59 p.m. on the next day that the juvenile and domestic relations district court is in session. When issuing an emergency protective order under this section, the judge or magistrate shall provide the protected person or the law-enforcement officer seeking the emergency protective order with the form for use in filing petitions pursuant to § 16.1-253.1 and written information regarding protective orders that shall include the telephone numbers of domestic violence agencies and legal referral sources on a form prepared by the Supreme Court. If these forms are provided to a law-enforcement officer, the officer may provide these forms to the protected person when giving the emergency protective order to the protected person. The respondent may at any time file a motion with the court requesting a hearing to dissolve or modify the order issued hereunder. The hearing on the motion shall be given precedence on the docket of the court.

D. A law-enforcement officer may request an emergency protective order pursuant to this section and, if the person in need of protection is physically or mentally incapable of filing a petition pursuant to § 16.1-253.1 or 16.1-279.1, may request the extension of an emergency protective order for an additional period of time not to exceed three days after expiration of the original order. The request for an emergency protective order or extension of an order may be made orally, in person or by electronic means, and the judge of a circuit court, general district court, or juvenile and domestic relations district court or a magistrate may issue an oral emergency protective order. An oral emergency protective order issued pursuant to this section

shall be reduced to writing, by the law-enforcement officer requesting the order or the magistrate on a preprinted form approved and provided by the Supreme Court of Virginia. The completed form shall include a statement of the grounds for the order asserted by the officer or the allegedly abused person.

E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court or magistrate. A copy of an emergency protective order issued pursuant to this section containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the respondent. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. One copy of the order shall be given to the allegedly abused person when it is issued, and one copy shall be filed with the written report required by subsection D of § 19.2-81.3. The judge or magistrate who issues an oral order pursuant to an electronic request by a law-enforcement officer shall verify the written order to determine whether the officer who reduced it to writing accurately transcribed the contents of the oral order. The original copy shall be filed with the clerk of the juvenile and domestic relations district court within five business days of the issuance of the order. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court. Upon request, the clerk shall provide the allegedly abused person with information regarding the date and time of service.

F. The availability of an emergency protective order shall not be affected by the fact that the family or household member left the premises to avoid the danger of family abuse by the respondent.

G. The issuance of an emergency protective order shall not be considered evidence of any wrongdoing by the respondent.

H. As used in this section, "law-enforcement officer" means (i) any full-time or part-time employee of a police department or sheriff's office which is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth; (ii) any member of an auxiliary police force established pursuant to § 15.2-1731; and (iii) any special conservator of the peace who meets the certification requirements for a law-enforcement officer as set forth in § 15.2-1706. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

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

J. As used in this section:

"Copy" includes a facsimile copy.

"Physical presence" includes (i) intentionally maintaining direct visual contact with the petitioner or (ii) unreasonably being within 100 feet from the petitioner's residence or place of employment.

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

L. Except as provided in § 16.1-253.2, a violation of a protective order issued under this section shall constitute contempt of court.

M. Upon issuance of an emergency protective order, the clerk of court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

§ 16.1-279.1. Protective order in cases of family abuse.

A. In cases of family abuse, including any case involving an incarcerated or recently incarcerated respondent against whom a preliminary protective order has been issued pursuant to § 16.1-253.1, the court may issue a protective order to protect the health and safety of the petitioner and family or household members of the petitioner. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons;

3. Granting the petitioner possession of the residence occupied by the parties to the exclusion of the respondent; however, no such grant of possession shall affect title to any real or personal property;

4. Enjoining the respondent from terminating any necessary utility service to the residence to which the petitioner was granted possession pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to that residence;

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

6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the respondent and enjoining the respondent from terminating any insurance, registration, or taxes on the motor vehicle and directing the respondent to maintain the insurance, registration, and taxes, as appropriate; however, no such grant of possession or use shall affect title to the vehicle;

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

8. Ordering the respondent to participate in treatment, counseling or other programs as the court deems appropriate;

9. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500; and

10. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner, including a provision for temporary custody or visitation of a minor child.

In addition, if the respondent is a juvenile, the court may, upon its own motion or upon the motion of the attorney or guardian ad litem representing the respondent, make another disposition or enter an order requiring the local board of social services to provide services to the child and family.

A1. If a protective order is issued pursuant to subsection A, the court may also issue a temporary child support order for the support of any children of the petitioner whom the respondent has a legal obligation to support. Such temporary child support order shall terminate upon the determination of support pursuant to § 20-108.1 or upon the termination of such protective order, whichever occurs first.

B. 1. The protective order may be issued for a specified period of time up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective order shall be given precedence on the docket of the court. A written motion requesting a hearing to extend the protective order shall be served as soon as possible on the respondent.

If the petitioner was a family or household member of the respondent at the time the initial protective order was issued, the court may extend the protective order for a period not longer than two years to protect the health and safety of the petitioner or persons who are family or household members of the petitioner at the time the request for an extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.

2. Upon the filing of a written motion requesting a hearing to extend the protective order, the court may issue an ex parte preliminary protective order pursuant to § 16.1-253.1 until the extension hearing. The ex parte preliminary protective order shall specify a date for the extension hearing, which shall be held within 15 days of the issuance of the ex parte preliminary protective order and may be held after the expiration of the protective order. If the respondent fails to appear at the extension hearing because the respondent was not personally served, the court shall schedule a new date for the extension hearing and may extend the ex parte preliminary protective order until such new date. The extended ex parte preliminary protective order shall be served as soon as possible on the respondent. If the respondent was personally served, where the petitioner shows by clear and convincing evidence that a continuance is necessary to meet the ends of justice or the respondent shows good cause, the court may continue the extension hearing and such ex parte preliminary

305 protective order shall remain in effect until the extension hearing.

306 C. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon
307 as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, but in all
308 cases no later than the end of the business day on which the order was issued, enter and transfer electronically
309 to the Virginia Criminal Information Network the respondent's identifying information and the name, date of
310 birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested
311 copy of the protective order containing any such identifying information to the primary law-enforcement
312 agency responsible for service and entry of protective orders. Upon receipt of the order by the primary
313 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the
314 identifying information and other appropriate information required by the Department of State Police into the
315 Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2
316 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made
317 to the court. Upon service, the agency making service shall enter the date and time of service and other
318 appropriate information required by the Department of State Police into the Virginia Criminal Information
319 Network and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution
320 or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency
321 responsible for service and entry of protective orders, and upon receipt of the order by the primary
322 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the
323 identifying information and other appropriate information required by the Department of State Police into the
324 Virginia Criminal Information Network as described above and the order shall be served forthwith and due
325 return made to the court.

326 D. Except as otherwise provided in § 16.1-253.2, a violation of a protective order issued under this section
327 shall constitute contempt of court.

328 E. The court may assess costs and attorney fees against either party regardless of whether an order of
329 protection has been issued as a result of a full hearing.

330 F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate
331 jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the
332 District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or
333 threatening acts or harassment against or contact or communication with or physical proximity to another
334 person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and
335 enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and
336 opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought
337 to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person
338 entitled to protection under such a foreign order may file the order in any juvenile and domestic relations
339 district court by filing with the court an attested or exemplified copy of the order. Upon such a filing, the
340 clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible
341 for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to
342 the order and other appropriate information required by the Department of State Police into the Virginia
343 Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12
344 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia
345 Criminal Information Network.

346 Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy
347 available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his
348 duties, rely upon a copy of a foreign protective order or other suitable evidence which has been provided to
349 him by any source and may also rely upon the statement of any person protected by the order that the order
350 remains in effect.

351 G. Either party may at any time file a written motion with the court requesting a hearing to dissolve or
352 modify the order. Proceedings to dissolve or modify a protective order shall be given precedence on the
353 docket of the court. Upon petitioner's motion to dissolve the protective order, a dissolution order may be
354 issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard by the
355 court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of such
356 dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

357 H. As used in this section:

358 "Copy" includes a facsimile copy.

359 "Protective order" includes an initial, modified or extended protective order.

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

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

366 K. Upon issuance of a protective order, the clerk of the court shall make available to the petitioner

information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

L. An appeal of a final protective order issued by a circuit court pursuant to this section shall be given expedited review by the Court of Appeals.

M. The respondent shall be required to notify the court in writing within seven days of any change of residence while the protective order is in effect, provided that the respondent has been served a copy of such order in accordance with the provisions of this section. A violation of this subsection shall be punishable by contempt.

§ 19.2-152.8. Emergency protective orders authorized.

A. Any judge of a circuit court, general district court, juvenile and domestic relations district court or magistrate may issue a written or oral ex parte emergency protective order pursuant to this section in order to protect the health or safety of any person.

B. When a law-enforcement officer or an alleged victim asserts under oath to a judge or magistrate that such person is being or has been subjected to an act of violence, force, or threat and on that assertion or other evidence the judge or magistrate finds that (i) there is probable danger of a further such act being committed by the respondent against the alleged victim or (ii) a petition or warrant for the arrest of the respondent has been issued for any criminal offense resulting from the commission of an act of violence, force, or threat, the judge or magistrate shall issue an ex parte emergency protective order imposing one or more of the following conditions on the respondent:

1. Prohibiting acts of violence, force, or threat or criminal offenses resulting in injury to person or property;

2. Prohibiting such contacts by the respondent with the alleged victim or the alleged victim's family or household members, including prohibiting the respondent from being in the physical presence of the alleged victim or the alleged victim's family or household members, as the judge or magistrate deems necessary to protect the safety of such persons;

3. Such other conditions as the judge or magistrate deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the respondent; and

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

In addition, if the respondent is a juvenile, the court may, upon its own motion or upon the motion of the attorney or guardian ad litem representing the respondent, make another disposition or enter an order requiring the local board of social services to provide services to the child and family.

C. An emergency protective order issued pursuant to this section shall expire at 11:59 p.m. on the third day following issuance. If the expiration occurs on a day that the court is not in session, the emergency protective order shall be extended until 11:59 p.m. on the next day that the court which issued the order is in session. The respondent may at any time file a motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of the court.

D. A law-enforcement officer may request an emergency protective order pursuant to this section and, if the person in need of protection is physically or mentally incapable of filing a petition pursuant to § 19.2-152.9 or 19.2-152.10, may request the extension of an emergency protective order for an additional period of time not to exceed three days after expiration of the original order. The request for an emergency protective order or extension of an order may be made orally, in person or by electronic means, and the judge of a circuit court, general district court, or juvenile and domestic relations district court or a magistrate may issue an oral emergency protective order. An oral emergency protective order issued pursuant to this section shall be reduced to writing, by the law-enforcement officer requesting the order or the magistrate, on a preprinted form approved and provided by the Supreme Court of Virginia. The completed form shall include a statement of the grounds for the order asserted by the officer or the alleged victim of such crime.

E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court or magistrate. A copy of an emergency protective order issued pursuant to this section containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency

428 providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement
429 agency shall enter the name of the person subject to the order and other appropriate information required by
430 the Department of State Police into the Virginia Criminal Information Network established and maintained
431 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith
432 upon the respondent. Upon service, the agency making service shall enter the date and time of service and
433 other appropriate information required into the Virginia Criminal Information Network and make due return
434 to the court. One copy of the order shall be given to the alleged victim of such crime. The judge or magistrate
435 who issues an oral order pursuant to an electronic request by a law-enforcement officer shall verify the
436 written order to determine whether the officer who reduced it to writing accurately transcribed the contents of
437 the oral order. The original copy shall be filed with the clerk of the appropriate district court within five
438 business days of the issuance of the order. If the order is later dissolved or modified, a copy of the dissolution
439 or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency
440 responsible for service and entry of protective orders, and upon receipt of the order by the primary
441 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the
442 identifying information and other appropriate information required by the Department of State Police into the
443 Virginia Criminal Information Network as described above and the order shall be served forthwith and due
444 return made to the court. Upon request, the clerk shall provide the alleged victim of such crime with
445 information regarding the date and time of service.

446 F. The issuance of an emergency protective order shall not be considered evidence of any wrongdoing by
447 the respondent.

448 G. As used in this section, a "law-enforcement officer" means any (i) person who is a full-time or
449 part-time employee of a police department or sheriff's office which is part of or administered by the
450 Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection
451 of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth and (ii) member of
452 an auxiliary police force established pursuant to § 15.2-1731. Part-time employees are compensated officers
453 who are not full-time employees as defined by the employing police department or sheriff's office.

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

459 I. As used in this section:

460 "Copy" includes a facsimile copy.

461 "Physical presence" includes (i) intentionally maintaining direct visual contact with the petitioner or (ii)
462 unreasonably being within 100 feet from the petitioner's residence or place of employment.

463 J. No fee shall be charged for filing or serving any petition pursuant to this section.

464 K. No emergency protective order shall be issued pursuant to this section against a law-enforcement
465 officer for any action arising out of the lawful performance of his duties.

466 L. Upon issuance of an emergency protective order, the clerk of the court shall make available to the
467 petitioner information that is published by the Department of Criminal Justice Services for victims of
468 domestic violence or for petitioners in protective order cases.

469 **§ 19.2-152.9. Preliminary protective orders.**

470 A. Upon the filing of a petition alleging that (i) the petitioner is or has been, within a reasonable period of
471 time, subjected to an act of violence, force, or threat, or (ii) a petition or warrant has been issued for the arrest
472 of the alleged perpetrator for any criminal offense resulting from the commission of an act of violence, force,
473 or threat, or the filing of a written motion requesting a hearing to extend a protective order pursuant to §
474 19.2-152.10 without alleging that the petitioner is or has been, within a reasonable period of time, subject to
475 an act of violence, force, or threat, or that a petition or warrant has been issued for the arrest of the alleged
476 perpetrator for any criminal offense resulting from the commission of an act of violence, force, or threat, the
477 court may issue a preliminary protective order against the alleged perpetrator in order to protect the health
478 and safety of the petitioner or any family or household member of the petitioner. The order may be issued in
479 an ex parte proceeding upon good cause shown when the petition is supported by an affidavit or sworn
480 testimony before the judge or intake officer or upon the filing of a written motion requesting a hearing to
481 extend a protective order pursuant to § 19.2-152.10. If an ex parte order is issued without an affidavit or a
482 completed form as prescribed by subsection D of § 19.2-152.8 being presented, the court, in its order, shall
483 state the basis upon which the order was entered, including a summary of the allegations made and the court's
484 findings. Immediate and present danger of any act of violence, force, or threat or evidence sufficient to
485 establish probable cause that an act of violence, force, or threat has recently occurred shall constitute good
486 cause.

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

489 1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or

property;

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

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

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

In addition, if the respondent is a juvenile, the court may, upon its own motion or upon the motion of the attorney or guardian ad litem representing the respondent, make another disposition or enter an order requiring the local board of social services to provide services to the child and family.

B. The court shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of a preliminary protective order containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided in § 16.1-264, and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. The preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the preliminary order, unless the hearing has been continued pursuant to this subsection or the court is closed pursuant to § 16.1-69.35 or 17.1-207 and such closure prevents the hearing from being held within such time period, in which case the hearing shall be held on the next day not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. If such court is closed pursuant to § 16.1-69.35 or 17.1-207, the preliminary protective order shall remain in full force and effect until it is dissolved by such court, until another preliminary protective order is entered, or until a protective order is entered. If the respondent fails to appear at this hearing because the respondent was not personally served, the court may extend the protective order for a period not to exceed six months. The extended protective order shall be served as soon as possible on the respondent. However, where the respondent shows good cause, the court may continue the hearing. The preliminary order shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the petitioner with a copy of the order and information regarding the date and time of service. The order shall further specify that either party may at any time file a motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of the court. Upon petitioner's motion to dissolve the preliminary protective order, a dissolution order may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

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

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

D. At a full hearing on the petition, the court may issue a protective order pursuant to § 19.2-152.10 if the

552 court finds that the petitioner has proven the allegation that the petitioner is or has been, within a reasonable
553 period of time, subjected to an act of violence, force, or threat by a preponderance of the evidence.

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

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

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

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

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

568 **§ 19.2-152.10. Protective order.**

569 A. The court may issue a protective order pursuant to this chapter to protect the health and safety of the
570 petitioner and family or household members of a petitioner upon (i) the issuance of a petition or warrant for,
571 or a conviction of, any criminal offense resulting from the commission of an act of violence, force, or threat
572 or (ii) a hearing held pursuant to subsection D of § 19.2-152.9. A protective order issued under this section
573 may include any one or more of the following conditions to be imposed on the respondent:

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

576 2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the
577 petitioner as the court deems necessary for the health or safety of such persons;

578 3. Any other relief necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses that may
579 result in injury to person or property, or (iii) communication or other contact of any kind by the respondent;
580 and

581 4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such
582 petitioner meets the definition of owner in § 3.2-6500.

583 *In addition, if the respondent is a juvenile, the court may, upon its own motion or upon the motion of the*
584 *attorney or guardian ad litem representing the respondent, make another disposition or enter an order*
585 *requiring the local board of social services to provide services to the child and family.*

586 B. 1. Except as provided in subsection C, the protective order may be issued for a specified period of time
587 up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day specified or at
588 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the expiration of the
589 protective order, a petitioner may file a written motion requesting a hearing to extend the order. Proceedings
590 to extend a protective order shall be given precedence on the docket of the court. A written motion requesting
591 a hearing to extend the protective order shall be served as soon as possible on the respondent.

592 The court may extend the protective order for a period not longer than two years to protect the health and
593 safety of the petitioner or persons who are family or household members of the petitioner at the time the
594 request for an extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last
595 day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein
596 shall limit the number of extensions that may be requested or issued.

597 2. Upon the filing of a written motion requesting a hearing to extend the protective order, the court may
598 issue an ex parte protective order pursuant to § 19.2-152.9 until the extension hearing. The ex parte
599 preliminary protective order shall specify a date for the extension hearing, which shall be held within 15 days
600 of the issuance of the ex parte preliminary protective order and may be held after the expiration of the
601 protective order. If the respondent fails to appear at the extension hearing because the respondent was not
602 personally served, the court shall schedule a new date for the extension hearing and may extend the ex parte
603 protective order until such new date. The extended ex parte protective order shall be served as soon as
604 possible on the respondent. If the respondent was personally served, where the petitioner shows by clear and
605 convincing evidence that a continuance is necessary to meet the ends of justice or the respondent shows good
606 cause, the court may continue the extension hearing and such ex parte protective order shall remain in effect
607 until the extension hearing.

608 C. Upon conviction for an act of violence as defined in § 19.2-297.1 and upon the request of the victim or
609 of the attorney for the Commonwealth on behalf of the victim, the court may issue a protective order to the
610 victim pursuant to this chapter to protect the health and safety of the victim. The protective order may be
611 issued for any reasonable period of time, including up to the lifetime of the defendant, that the court deems
612 necessary to protect the health and safety of the victim. The protective order shall expire at 11:59 p.m. on the

last day specified in the protective order, if any. Upon a conviction for violation of a protective order issued pursuant to this subsection, the court that issued the original protective order may extend the protective order as the court deems necessary to protect the health and safety of the victim. The extension of the protective order shall expire at 11:59 p.m. on the last day specified, if any. Nothing herein shall limit the number of extensions that may be issued.

D. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order and containing any such identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. Upon service, the agency making service shall enter the date and time of service and other appropriate information required into the Virginia Criminal Information Network and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

E. Except as otherwise provided, a violation of a protective order issued under this section shall constitute contempt of court.

F. The court may assess costs and attorney fees against either party regardless of whether an order of protection has been issued as a result of a full hearing.

G. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any appropriate district court by filing with the court, an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been provided to him by any source and may also rely upon the statement of any person protected by the order that the order remains in effect.

H. Either party may at any time file a written motion with the court requesting a hearing to dissolve or modify the order. Proceedings to modify or dissolve a protective order shall be given precedence on the docket of the court. Upon petitioner's motion to dissolve the protective order, a dissolution order may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

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

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

K. As used in this section:

675 "Copy" includes a facsimile copy.

676 "Protective order" includes an initial, modified or extended protective order.

677 L. Upon issuance of a protective order, the clerk of the court shall make available to the petitioner
678 information that is published by the Department of Criminal Justice Services for victims of domestic violence
679 or for petitioners in protective order cases.

680 M. An appeal of a final protective order issued by a circuit court pursuant to this section shall be given
681 expedited review by the Court of Appeals.

682 N. The respondent shall be required to notify the court in writing within seven days of any change of
683 residence while the protective order is in effect, provided that the respondent has been served a copy of such
684 order in accordance with the provisions of this section. A violation of this subsection shall be punishable by
685 contempt.