

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Article 2 of Chapter 2 of Title 8.01 a section*
3 *numbered 8.01-15.1, relating to anonymous plaintiff.*

4
5 Approved

[S 985]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That the Code of Virginia is amended by adding in Article 2 of Chapter 2 of Title 8.01 a**
8 **section numbered 8.01-15.1 as follows:**

9 *§ 8.01-15.1. Anonymous plaintiff; motion for identification; factors to be considered by court.*

10 *A. In any legal proceeding commenced anonymously, any party may move for an order concerning*
11 *the propriety of anonymous participation in the proceeding. The trial court may allow maintenance of*
12 *the proceeding under a pseudonym if the anonymous litigant discharges the burden of showing special*
13 *circumstances such that the need for anonymity outweighs the public's interest in knowing the party's*
14 *identity and outweighs any prejudice to any other party. The court may consider whether the requested*
15 *anonymity is intended merely to avoid the annoyance and criticism that may attend any litigation or is*
16 *to preserve privacy in a sensitive and highly personal matter; whether identification poses a risk of*
17 *retaliatory physical or mental harm to the requesting party or to innocent nonparties; the ages of the*
18 *persons whose privacy interests are sought to be protected; whether the action is against a*
19 *governmental or private party; and the risk of unfairness to other parties if anonymity is maintained.*

20 *B. If the court initially permits a party to proceed anonymously, the issue of the propriety of*
21 *continued anonymous participation in the proceedings may be raised at any stage of the litigation when*
22 *circumstances warrant a reconsideration of the issue. In all cases, all parties have the right to know the*
23 *true identities of all other parties under such provisions of confidentiality as the court may deem*
24 *appropriate.*

25 *C. If the court orders that the anonymous litigant be identified, the pleadings and any relevant*
26 *dockets shall be reformed to reflect the party's true name, and the identification shall be deemed to*
27 *relate back to the date of filing of the proceeding by the anonymous party.*

28 *D. In any legal proceeding in which a party is proceeding anonymously, the court shall enter*
29 *appropriate orders to afford all parties the rights, procedures and discovery to which they are otherwise*
30 *entitled.*

ENROLLED

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