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SENATE BILL NO. 1149

Offered January 14, 2009

Prefiled January 13, 2009

A *BILL to amend and reenact §§ 4.1-305, 15.2-1704, 16.1-228, 16.1-237, 16.1-241, 16.1-253.1, 16.1-253.2, 16.1-253.4, 16.1-260, 16.1-278.8, 16.1-278.14, 16.1-290, 16.1-296, 16.1-298, 18.2-57.2, 18.2-119, 18.2-308.1:4, 55-225.5, 55-248.18:1, 55-248.31 and 66-13 of the Code of Virginia, to amend the Code of Virginia by adding sections numbered 16.1-253.5 and 16.1-305.01, and to repeal §§ 16.1-279.1 and 16.1-309.1 of the Code of Virginia, relating to juvenile law.*

Patron—Howell

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-305, 15.2-1704, 16.1-228, 16.1-237, 16.1-241, 16.1-253.1, 16.1-253.2, 16.1-253.4, 16.1-260, 16.1-278.8, 16.1-278.14, 16.1-290, 16.1-296, 16.1-298, 18.2-57.2, 18.2-119, 18.2-308.1:4, 55-225.5, 55-248.18:1, 55-248.31 and 66-13 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding sections numbered 16.1-253.5 and 16.1-305.01 as follows:

§ 4.1-305. Purchasing or possessing alcoholic beverages unlawful in certain cases; venue; exceptions; penalty; forfeiture; deferred proceedings; treatment and education programs and services.

A. No person to whom an alcoholic beverage may not lawfully be sold under § 4.1-304 shall consume, purchase or possess, or attempt to consume, purchase or possess, any alcoholic beverage, except (i) pursuant to subdivisions 1 through 7 of § 4.1-200; (ii) where possession of the alcoholic beverages by a person less than 21 years of age is due to such person's making a delivery of alcoholic beverages in pursuance of his employment or an order of his parent; or (iii) by any state, federal, or local law-enforcement officer when possession of an alcoholic beverage is necessary in the performance of his duties. Such person may be prosecuted either in the county or city in which the alcohol was possessed or consumed, or in the county or city in which the person exhibits evidence of physical indicia of consumption of alcohol.

B. No person under the age of 21 years shall use or attempt to use any (i) altered, fictitious, facsimile or simulated license to operate a motor vehicle, (ii) altered, fictitious, facsimile or simulated document, including, but not limited to a birth certificate or student identification card, or (iii) motor vehicle operator's license, birth certificate or student identification card of another person in order to establish a false identification or false age for himself to consume, purchase or attempt to consume or purchase an alcoholic beverage.

C. Any person found guilty of a violation of this section shall be guilty of a Class 1 misdemeanor; and upon conviction, (i) such person shall be ordered to pay a mandatory minimum fine of \$500 or ordered to perform a mandatory minimum of 50 hours of community service as a condition of probation supervision and (ii) the license to operate a motor vehicle in the Commonwealth of any such person age 18 or older shall be suspended for a period of not less than six months and not more than one year. The court, in its discretion and upon a demonstration of hardship, may authorize any person convicted of a violation of this section the use of a restricted permit to operate a motor vehicle in accordance with the provisions of subsection D of § 16.1-278.9 or subsection E of § 18.2-271.1 or when referred to a local community-based probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1. During the period of license suspension, the court may require a person issued a restricted permit under the provisions of this subsection to be (i) monitored by an alcohol safety action program, or (ii) supervised by a local community-based probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1, if one has been established for the locality. The alcohol safety action program or local community-based probation services agency shall report to the court any violation of the terms of the restricted permit, the required alcohol safety action program monitoring or local community-based probation services and any condition related thereto or any failure to remain alcohol-free during the suspension period.

D. Any alcoholic beverage purchased or possessed in violation of this section shall be deemed contraband and forfeited to the Commonwealth in accordance with § 4.1-338.

E. Any retail licensee who in good faith promptly notifies the Board or any state or local law-enforcement agency of a violation or suspected violation of this section shall be accorded immunity from an administrative penalty for a violation of § 4.1-304.

F. When any ~~person~~ *adult* who has not previously been convicted of underaged consumption,

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59 purchase or possession of alcoholic beverages in Virginia or any other state or the United States is
60 before the court, the court may, upon entry of a plea of guilty or not guilty, if the facts found by the
61 court would justify a finding of guilt of a violation of subsection A, without entering a judgment of
62 guilt and with the consent of the accused, defer further proceedings and place him on probation subject
63 to appropriate conditions. Such conditions may include the imposition of the license suspension and
64 restricted license provisions in subsection C. However, in all such deferred proceedings, the court shall
65 require the accused to enter a treatment or education program or both, if available, that in the opinion of
66 the court best suits the needs of the accused. If the accused is placed on local community-based
67 probation, the program or services shall be located in any of the judicial districts served by the local
68 community-based probation services agency or in any judicial district ordered by the court when the
69 placement is with an alcohol safety action program. The services shall be provided by (i) a program
70 licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services, (ii)
71 certified by the Commission on VASAP, or (iii) by a program or services made available through a
72 community-based probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of
73 Chapter 1 of Title 9.1, if one has been established for the locality. When an offender is ordered to a
74 local community-based probation services rather than the alcohol safety action program, the local
75 community-based probation services agency shall be responsible for providing for services or referring
76 the offender to education or treatment services as a condition of probation.

77 Upon violation of a condition, the court may enter an adjudication of guilt and proceed as otherwise
78 provided. Upon fulfillment of the conditions, the court shall discharge the person and dismiss the
79 proceedings against him without an adjudication of guilt. A discharge and dismissal hereunder shall be
80 treated as a conviction for the purpose of applying this section in any subsequent proceedings.

81 § 15.2-1704. Powers and duties of police force.

82 A. The police force of a locality is hereby invested with all the power and authority which formerly
83 belonged to the office of constable at common law and is responsible for the prevention and detection
84 of crime, the apprehension of criminals, the safeguard of life and property, the preservation of peace and
85 the enforcement of state and local laws, regulations, and ordinances.

86 B. A police officer has no authority in civil matters, except (i) to execute and serve temporary
87 detention and emergency custody orders and any other powers granted to law-enforcement officers in
88 § 37.2-808 or 37.2-809, (ii) to serve an order of protection pursuant to §§ 16.1-253.1, 16.1-253.4, and
89 ~~16.1-279.1~~ 16.1-253.5, (iii) to execute all warrants or summons as may be placed in his hands by any
90 magistrate serving the locality and to make due return thereof, and (iv) to deliver, serve, execute, and
91 enforce orders of isolation and quarantine issued pursuant to §§ 32.1-48.09, 32.1-48.012, and
92 32.1-48.014 and to deliver, serve, execute, and enforce an emergency custody order issued pursuant to
93 § 32.1-48.02. A town police officer, after receiving training under subdivision 8 of § 9.1-102, may, with
94 the concurrence of the local sheriff, also serve civil papers, and make return thereof, only when the
95 town is the plaintiff and the defendant can be found within the corporate limits of the town.

96 § 16.1-228. Definitions.

97 When used in this chapter, unless the context otherwise requires:

98 "Abused or neglected child" means any child:

99 1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or
100 inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than
101 accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental
102 functions, including, but not limited to, a child who is with his parent or other person responsible for his
103 care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled
104 substance, or (ii) during the unlawful sale of such substance by that child's parents or other person
105 responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would
106 constitute a felony violation of § 18.2-248;

107 2. Whose parents or other person responsible for his care neglects or refuses to provide care
108 necessary for his health; however, no child who in good faith is under treatment solely by spiritual
109 means through prayer in accordance with the tenets and practices of a recognized church or religious
110 denomination shall for that reason alone be considered to be an abused or neglected child;

111 3. Whose parents or other person responsible for his care abandons such child;

112 4. Whose parents or other person responsible for his care commits or allows to be committed any
113 sexual act upon a child in violation of the law;

114 5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or
115 physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco
116 parentis; or

117 6. Whose parents or other person responsible for his care creates a substantial risk of physical or
118 mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as
119 defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the
120 parent or other person responsible for his care knows has been convicted of an offense against a minor

for which registration is required as a violent sexual offender pursuant to § 9.1-902.

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or rescue squad, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended rescue squad that employs emergency medical technicians, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means the place of residence of any natural person in which a child resides as a member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

"Adult" means a person 18 years of age or older.

"Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a delinquent act which would be a felony if committed by an adult.

~~"Boot camp" means a short term secure or nonsecure juvenile residential facility with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline, and no less than six months of intensive aftercare.~~

"Child," "juvenile," or "minor" means a person less than 18 years of age.

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

However, to find that a child falls within these provisions, (i) the conduct complained of must present a clear and substantial danger to the child's life or health or to the life or health of another person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child in need of supervision" means:

1. A child who, while subject to compulsory school attendance, is habitually and without justification absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child's particular educational needs, (ii) the school system from which the child is absent or other appropriate agency has made a reasonable effort to effect the child's regular attendance without success, and (iii) the school system has provided documentation that it has complied with the provisions of § 22.1-258; or

2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or placement authority, remains away from or deserts or abandons his family or lawful custodian on more than one occasion or escapes or remains away without proper authority from a residential care facility in which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child welfare agency" means a child-placing agency, child-caring institution or independent foster home as defined in § 63.2-100.

"The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile and domestic relations district court of each county or city.

"Delinquent act" means (i) an act designated a crime under the law of this Commonwealth, or an ordinance of any city, county, town or service district, or under federal law, (ii) a violation of § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to take a blood or breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city or town.

"Delinquent child" means a child who has committed a delinquent act or an adult who has committed a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been terminated under the provisions of § 16.1-269.6.

182 "Department" means the Department of Juvenile Justice and "Director" means the administrative head
183 in charge thereof or such of his assistants and subordinates as are designated by him to discharge the
184 duties imposed upon him under this law.

185 "Family abuse" means any act involving violence, force, or threat including, but not limited to, any
186 forceful detention, which results in bodily injury or places one in reasonable apprehension of bodily
187 injury and which is committed by a person against such person's family or household member.

188 "Family or household member" means (i) the person's spouse, whether or not he or she resides in the
189 same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same
190 home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters,
191 half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in
192 the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law,
193 daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v)
194 any individual who has a child in common with the person, whether or not the person and that
195 individual have been married or have resided together at any time, or (vi) any individual who cohabits
196 or who, within the previous 12 months, cohabited with the person, and any children of either of them
197 then residing in the same home with the person.

198 "Foster care services" means the provision of a full range of casework, treatment and community
199 services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or
200 in need of services as defined in this section and his family when the child (i) has been identified as
201 needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through
202 an agreement between the local board of social services or a public agency designated by the
203 community policy and management team and the parents or guardians where legal custody remains with
204 the parents or guardians, (iii) has been committed or entrusted to a local board of social services or
205 child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board
206 pursuant to § 16.1-293.

207 "Independent living arrangement" means placement of a child at least 16 years of age who is in the
208 custody of a local board or licensed child-placing agency and has been placed by the local board or
209 licensed child-placing agency in a living arrangement in which he does not have daily substitute parental
210 supervision.

211 "Independent living services" means services and activities provided to a child in foster care 14 years
212 of age or older and who has been committed or entrusted to a local board of social services, child
213 welfare agency, or private child-placing agency. "Independent living services" may also mean services
214 and activities provided to a person who was in foster care on his 18th birthday and has not yet reached
215 the age of 21 years. Such services shall include counseling, education, housing, employment, and money
216 management skills development and access to essential documents and other appropriate services to help
217 children or persons prepare for self-sufficiency.

218 "Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this
219 chapter.

220 "Jail" or "other facility designed for the detention of adults" means a local or regional correctional
221 facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding
222 cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the
223 transfer of a child to a juvenile facility.

224 "The judge" means the judge or the substitute judge of the juvenile and domestic relations district
225 court of each county or city.

226 "This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in
227 this chapter.

228 "Legal custody" means (i) a legal status created by court order which vests in a custodian the right to
229 have physical custody of the child, to determine and redetermine where and with whom he shall live,
230 the right and duty to protect, train and discipline him and to provide him with food, shelter, education
231 and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal
232 status created by court order of joint custody as defined in § 20-107.2.

233 "Permanent foster care placement" means the place of residence in which a child resides and in
234 which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation
235 and agreement between the placing agency and the place of permanent foster care that the child shall
236 remain in the placement until he reaches the age of majority unless modified by court order or unless
237 removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of
238 residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term
239 basis.

240 "Residual parental rights and responsibilities" means all rights and responsibilities remaining with the
241 parent after the transfer of legal custody or guardianship of the person, including but not limited to the
242 right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility
243 for support.

"Secure facility" or "detention home" means a local, regional or state public or private locked residential facility that has construction fixtures designed to prevent escape and to restrict the movement and activities of children held in lawful custody.

"Shelter care" means the temporary care of children in physically unrestricting facilities.

"State Board" means the State Board of Juvenile Justice.

"Status offender" means a child who commits an act prohibited by law which would not be criminal if committed by an adult.

"Status offense" means an act prohibited by law which would not be an offense if committed by an adult.

"Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of § 16.1-269.1 when committed by a juvenile 14 years of age or older.

§ 16.1-237. Powers, duties and functions of probation and parole officers.

In addition to any other powers and duties imposed by this law, a probation or parole officer appointed hereunder shall:

A. Investigate all cases referred to him by the judge or any person designated so to do, and shall render reports of such investigation as required;

B. Supervise persons placed under his supervision and shall keep informed concerning the conduct and condition of every person under his supervision by visiting, requiring reports and in other ways, and shall report thereon as required;

C. Under the general supervision of the director of the court service unit, investigate complaints and accept for informal supervision cases wherein such handling would best serve the interests of all concerned;

D. Use all suitable methods not inconsistent with conditions imposed by the court to aid and encourage persons on probation or parole and to bring about improvement in their conduct and condition;

E. Furnish to each person placed on probation or parole a written statement of the conditions of his probation or parole and instruct him regarding the same;

F. Keep records of his work *and relevant photographs* and perform such other duties as the judge or other person designated by the judge or the Director shall require;

G. Have the authority to administer oaths and take acknowledgements for the purposes of §§ 16.1-259 and 16.1-260 to facilitate the processes of intake and petition;

H. Have the powers of arrest of a police officer and the power to carry a concealed weapon when specifically so authorized by the judge; and

I. Determine by reviewing the Local Inmate Data System or the Juvenile Tracking System (JTS) upon intake and again prior to discharge whether a blood, saliva, or tissue sample has been taken for DNA analysis for each offender required to submit a sample pursuant to § 16.1-299.1 and, if no sample has been taken, require an offender to submit a sample for DNA analysis.

§ 16.1-241. Jurisdiction; consent for abortion.

The judges of the juvenile and domestic relations district court elected or appointed under this law shall be conservators of the peace within the corporate limits of the cities and the boundaries of the counties for which they are respectively chosen and within one mile beyond the limits of such cities and counties. Except as hereinafter provided, each juvenile and domestic relations district court shall have, within the limits of the territory for which it is created, exclusive original jurisdiction, and within one mile beyond the limits of said city or county, concurrent jurisdiction with the juvenile court or courts of the adjoining city or county, over all cases, matters and proceedings involving:

A. The custody, visitation, support, control or disposition of a child:

1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status offender, or delinquent except where the jurisdiction of the juvenile court has been terminated or divested;

2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical or mental incapacity of his parents is without parental care and guardianship;

2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated as having abused or neglected another child in the care of the parent or custodian;

3. Whose custody, visitation or support is a subject of controversy or requires determination. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, except as provided in § 16.1-244;

4. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or whose parent or parents for good cause desire to be relieved of his care and custody;

5. Where the termination of residual parental rights and responsibilities is sought. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided in § 16.1-244; and

6. Who is charged with a traffic infraction as defined in § 46.2-100.

In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection B of § 16.1-269.1, and for any charges ancillary thereto, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was 14 years of age or older at the time of the commission of the alleged offense, and any matters related thereto. In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection C of § 16.1-269.1, and for all charges ancillary thereto, if the attorney for the Commonwealth has given notice as provided in subsection C of § 16.1-269.1, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was 14 years of age or older at the time of the commission of the alleged offense, and any matters related thereto. A determination by the juvenile court following a preliminary hearing pursuant to subsection B or C of § 16.1-269.1 to certify a charge to the grand jury shall divest the juvenile court of jurisdiction over the charge and any ancillary charge. In any case in which a transfer hearing is held pursuant to subsection A of § 16.1-269.1, if the juvenile court determines to transfer the case, jurisdiction of the juvenile court over the case shall be divested as provided in § 16.1-269.6.

In all other cases involving delinquent acts, and in cases in which an ancillary charge remains after a violent juvenile felony charge has been dismissed or a violent juvenile felony has been reduced to a lesser offense not constituting a violent juvenile felony, the jurisdiction of the juvenile court shall not be divested unless there is a transfer pursuant to subsection A of § 16.1-269.1.

The authority of the juvenile court to adjudicate matters involving the custody, visitation, support, control or disposition of a child shall not be limited to the consideration of petitions filed by a mother, father or legal guardian but shall include petitions filed at any time by any party with a legitimate interest therein. A party with a legitimate interest shall be broadly construed and shall include, but not be limited to, grandparents, stepparents, former stepparents, blood relatives and family members. A party with a legitimate interest shall not include any person (i) whose parental rights have been terminated by court order, either voluntarily or involuntarily, (ii) whose interest in the child derives from or through a person whose parental rights have been terminated by court order, either voluntarily or involuntarily, including, but not limited to, grandparents, stepparents, former stepparents, blood relatives and family members, if the child subsequently has been legally adopted, except where a final order of adoption is entered pursuant to § 63.2-1241, or (iii) who has been convicted of a violation of subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state, the United States, or any foreign jurisdiction, when the child who is the subject of the petition was conceived as a result of such violation. The authority of the juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited where the child has previously been awarded to the custody of a local board of social services.

B. The admission of minors for inpatient treatment in a mental health facility in accordance with the provisions of Article 16 (§ 16.1-335 et seq.) of this chapter and the involuntary admission of a person with mental illness or judicial certification of eligibility for admission to a training center for persons with mental retardation in accordance with the provisions of Chapters 1 (§ 37.2-100 et seq.) and 8 (§ 37.2-800 et seq.) of Title 37.2. Jurisdiction of the involuntary admission and certification of adults shall be concurrent with the general district court.

C. Except as provided in subsections D and H hereof, judicial consent to such activities as may require parental consent may be given for a child who has been separated from his parents, guardian, legal custodian or other person standing in loco parentis and is in the custody of the court when such consent is required by law.

D. Judicial consent for emergency surgical or medical treatment for a child who is neither married nor has ever been married, when the consent of his parent, guardian, legal custodian or other person standing in loco parentis is unobtainable because such parent, guardian, legal custodian or other person standing in loco parentis (i) is not a resident of the Commonwealth, (ii) has his whereabouts unknown, (iii) cannot be consulted with promptness, reasonable under the circumstances, or (iv) fails to give such consent or provide such treatment when requested by the judge to do so.

E. Any person charged with deserting, abandoning or failing to provide support for any person in violation of law.

F. Any parent, guardian, legal custodian or other person standing in loco parentis of a child:

1. Who has been abused or neglected;

2. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or is otherwise before the court pursuant to subdivision A 4 of this section; or

3. Who has been adjudicated in need of services, in need of supervision, or delinquent, if the court finds that such person has by overt act or omission induced, caused, encouraged or contributed to the conduct of the child complained of in the petition.

G. Petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian or other person standing in loco parentis for the purpose of obtaining treatment, rehabilitation or other services that are required by law to be provided for that child or such child's parent, guardian, legal custodian or other person standing in loco parentis. Jurisdiction in such cases shall be concurrent with and not exclusive of that of courts having equity jurisdiction as provided in § 16.1-244.

H. Judicial consent to apply for a work permit for a child when such child is separated from his parents, legal guardian or other person standing in loco parentis.

I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or neglect of children or with any violation of law that causes or tends to cause a child to come within the purview of this law, or with any other offense against the person of a child. In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause.

J. All offenses in which one family or household member is charged with an offense in which another family or household member is the victim and all offenses under § 18.2-49.1.

In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause. Any objection based on jurisdiction under this subsection shall be made before a jury is impaneled and sworn in a jury trial or, in a nonjury trial, before the earlier of when the court begins to hear or receive evidence or the first witness is sworn, or it shall be conclusively waived for all purposes. Any such objection shall not affect or be grounds for challenging directly or collaterally the jurisdiction of the court in which the case is tried.

K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily relinquished pursuant to a court proceeding, to seek a reversal of the court order terminating such parental rights. No such petition shall be accepted, however, after the child has been placed in the home of adoptive parents.

L. Any person who seeks spousal support after having separated from his spouse. A decision under this subdivision shall not be res judicata in any subsequent action for spousal support in a circuit court. A circuit court shall have concurrent original jurisdiction in all causes of action under this subdivision.

M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1 or ~~16.1-279.1~~ 16.1-253.5.

N. Any person who escapes or remains away without proper authority from a residential care facility in which he had been placed by the court or as a result of his commitment to the Virginia Department of Juvenile Justice.

O. Petitions for emancipation of a minor pursuant to Article 15 (§ 16.1-331 et seq.) of this chapter.

P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2, or by another state in the same manner as if the orders were entered by a juvenile and domestic relations district court upon the filing of a certified copy of such order in the juvenile and domestic relations district court.

Q. Petitions for a determination of parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20. A circuit court shall have concurrent original jurisdiction to the extent provided for in § 20-49.2.

R. Petitions for the purpose of obtaining an emergency protective order pursuant to § 16.1-253.4.

S. Petitions filed by school boards against parents pursuant to §§ 16.1-241.2 and 22.1-279.3.

T. Petitions to enforce any request for information or subpoena that is not complied with or to review any refusal to issue a subpoena in an administrative appeal regarding child abuse and neglect pursuant to § 63.2-1526.

U. Petitions filed in connection with parental placement adoption consent hearings pursuant to § 63.2-1233. Such proceedings shall be advanced on the docket so as to be heard by the court within 10 days of filing of the petition, or as soon thereafter as practicable so as to provide the earliest possible disposition.

V. Petitions filed by a juvenile seeking judicial authorization for a physician to perform an abortion if a minor elects not to seek consent of an authorized person.

After a hearing, a judge shall issue an order authorizing a physician to perform an abortion, without the consent of any authorized person, if he finds that (i) the minor is mature enough and well enough informed to make her abortion decision, in consultation with her physician, independent of the wishes of any authorized person, or (ii) the minor is not mature enough or well enough informed to make such decision, but the desired abortion would be in her best interest.

If the judge authorizes an abortion based on the best interests of the minor, such order shall expressly state that such authorization is subject to the physician or his agent giving notice of intent to perform the abortion; however, no such notice shall be required if the judge finds that such notice would not be in the best interest of the minor. In determining whether notice is in the best interest of the minor, the judge shall consider the totality of the circumstances; however, he shall find that notice is not in the best interest of the minor if he finds that (i) one or more authorized persons with whom the

minor regularly and customarily resides is abusive or neglectful, and (ii) every other authorized person, if any, is either abusive or neglectful or has refused to accept responsibility as parent, legal guardian, custodian or person standing in loco parentis.

The minor may participate in the court proceedings on her own behalf, and the court may appoint a guardian ad litem for the minor. The court shall advise the minor that she has a right to counsel and shall, upon her request, appoint counsel for her.

Notwithstanding any other provision of law, the provisions of this subsection shall govern proceedings relating to consent for a minor's abortion. Court proceedings under this subsection and records of such proceedings shall be confidential. Such proceedings shall be given precedence over other pending matters so that the court may reach a decision promptly and without delay in order to serve the best interests of the minor. Court proceedings under this subsection shall be heard and decided as soon as practicable but in no event later than four days after the petition is filed.

An expedited confidential appeal to the circuit court shall be available to any minor for whom the court denies an order authorizing an abortion without consent or without notice. Any such appeal shall be heard and decided no later than five days after the appeal is filed. The time periods required by this subsection shall be subject to subsection B of § 1-210. An order authorizing an abortion without consent or without notice shall not be subject to appeal.

No filing fees shall be required of the minor at trial or upon appeal.

If either the original court or the circuit court fails to act within the time periods required by this subsection, the court before which the proceeding is pending shall immediately authorize a physician to perform the abortion without consent of or notice to an authorized person.

Nothing contained in this subsection shall be construed to authorize a physician to perform an abortion on a minor in circumstances or in a manner that would be unlawful if performed on an adult woman.

A physician shall not knowingly perform an abortion upon an unemancipated minor unless consent has been obtained or the minor delivers to the physician a court order entered pursuant to this section and the physician or his agent provides such notice as such order may require. However, neither consent nor judicial authorization nor notice shall be required if the minor declares that she is abused or neglected and the attending physician has reason to suspect that the minor may be an abused or neglected child as defined in § 63.2-100 and reports the suspected abuse or neglect in accordance with § 63.2-1509; or if there is a medical emergency, in which case the attending physician shall certify the facts justifying the exception in the minor's medical record.

For purposes of this subsection:

"Authorization" means the minor has delivered to the physician a notarized, written statement signed by an authorized person that the authorized person knows of the minor's intent to have an abortion and consents to such abortion being performed on the minor.

"Authorized person" means (i) a parent or duly appointed legal guardian or custodian of the minor or (ii) a person standing in loco parentis, including, but not limited to, a grandparent or adult sibling with whom the minor regularly and customarily resides and who has care and control of the minor. Any person who knows he is not an authorized person and who knowingly and willfully signs an authorization statement consenting to an abortion for a minor is guilty of a Class 3 misdemeanor.

"Consent" means that (i) the physician has given notice of intent to perform the abortion and has received authorization from an authorized person, or (ii) at least one authorized person is present with the minor seeking the abortion and provides written authorization to the physician, which shall be witnessed by the physician or an agent thereof. In either case, the written authorization shall be incorporated into the minor's medical record and maintained as a part thereof.

"Medical emergency" means any condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of the pregnant minor as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function.

"Notice of intent to perform the abortion" means that (i) the physician or his agent has given actual notice of his intention to perform such abortion to an authorized person, either in person or by telephone, at least 24 hours previous to the performance of the abortion; or (ii) the physician or his agent, after a reasonable effort to notify an authorized person, has mailed notice to an authorized person by certified mail, addressed to such person at his usual place of abode, with return receipt requested, at least 72 hours prior to the performance of the abortion.

"Perform an abortion" means to interrupt or terminate a pregnancy by any surgical or nonsurgical procedure or to induce a miscarriage as provided in § 18.2-72, 18.2-73, or 18.2-74.

"Unemancipated minor" means a minor who has not been emancipated by (i) entry into a valid marriage, even though the marriage may have been terminated by dissolution; (ii) active duty with any of the Armed Forces of the United States; (iii) willingly living separate and apart from his or her parents or guardian, with the consent or acquiescence of the parents or guardian; or (iv) entry of an

order of emancipation pursuant to Article 15 (§ 16.1-331 et seq.) of this chapter.

W. Petitions filed pursuant to Article 17 (§ 16.1-349 et seq.) of this chapter relating to standby guardians for minor children.

X. Petitions filed pursuant to § 18.2-370.5 for an order allowing the petitioner to enter and be present on school or child day center property. In such cases jurisdiction shall be concurrent with and not exclusive of circuit courts.

The ages specified in this law refer to the age of the child at the time of the acts complained of in the petition.

Notwithstanding any other provision of law, no fees shall be charged by a sheriff for the service of any process in a proceeding pursuant to subdivision 3 of subsection A, except as provided in subdivision A 6 of § 17.1-272, or subsection B, D, M or R of this section.

Notwithstanding the provisions of § 18.2-71, any physician who performs an abortion in violation of subsection V shall be guilty of a Class 3 misdemeanor.

§ 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, 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. Immediate and present danger of family abuse or evidence sufficient to establish probable cause that family abuse has recently occurred shall constitute good cause.

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.
2. Prohibiting such other contacts between the parties as the court deems appropriate.
3. Prohibiting such other contacts with the allegedly abused family or household member as the court deems necessary to protect the safety of such persons.
4. 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.
5. Enjoining the respondent from terminating any necessary utility service to a premises that the petitioner has been granted possession of pursuant to subdivision 4 or, where appropriate, ordering the respondent to restore utility services to such premises.
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. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner.

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 identifying information provided to the court electronically to the Virginia Criminal Information Network. A copy of a preliminary protective order and an addendum 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 and addendum 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 allegedly abusing person 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 and an addendum containing identifying information to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order and addendum, 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 allegedly abusing person 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. 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 forthwith on the respondent. However, upon motion of the respondent and for good cause shown, 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 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 the 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 allegedly abusing person. Except as otherwise provided in § 16.1-253.2, 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 ~~§ 16.1-279.1~~ § 16.1-253.5 if the court finds that the petitioner has proven the allegation of family abuse by a preponderance of the evidence.

E. 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.

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

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

H. If any identifying information in the addendum is determined to be incorrect by the entering agency, the agency shall enter the corrected information into the Virginia Criminal Information Network. § 16.1-253.2. Violation of provisions of protective orders; penalty.

In addition to any other penalty provided by law, any person who violates any provision of a protective order issued pursuant to §§ 16.1-253, 16.1-253.1, 16.1-253.4, ~~16.1-253.5~~, 16.1-278.14, ~~16.1-279.1~~ or subsection B of § 20-103, which prohibits such person from going or remaining upon land, buildings or premises or from further acts of family abuse, or which prohibits contacts between the respondent and the respondent's family or household member as the court deems appropriate is guilty of a Class 1 misdemeanor. The punishment for any person convicted of a second offense of violating a protective order, when the offense is committed within five years of the prior conviction and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. Any person convicted of a third or subsequent offense of violating a protective order, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of six months.

If the respondent commits an assault and battery upon any party protected by the protective order, resulting in serious bodily injury to the party, he is guilty of a Class 6 felony. Any person who violates such a protective order by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty provided by law.

Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to ~~§ 16.1-279.1~~ § 16.1-253.5 for a specified period not exceeding two years from the date of conviction.

§ 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;
2. Prohibiting such contacts by the respondent with family or household members of the respondent as the judge or magistrate deems necessary to protect the safety of such persons; and
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.

When the judge or magistrate considers the issuance of an emergency protective order pursuant to clause (i) of this subsection, 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 the end of the third day following issuance. If the expiration occurs at a time that the court is not in session, the emergency protective order shall be extended until the end of the next business 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~~ § 16.1-253.5, 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 identifying information provided to the court or magistrate electronically to the Virginia Criminal Information Network. A copy of an emergency protective order issued pursuant to this section and an addendum 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 and addendum 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 and an addendum containing identifying information to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order and addendum, 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 § 19.2-81.3 C. 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, a "law-enforcement officer" means any (i) 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 and (ii) member of an auxiliary police force established pursuant to subsection B of § 15.2-1731. 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.

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

L. If any identifying information in the addendum is determined to be incorrect by the entering agency, the agency shall enter the corrected information into the Virginia Criminal Information Network.

§ 16.1-253.5. *Protective order in cases of family abuse.*

A. *In cases of family abuse, 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;*

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 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; however, no such grant of possession or use shall affect title to the vehicle;*

6. *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;*

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

8. *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.*

A1. *If a protective order is issued pursuant to subsection A of this section, 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 order shall terminate upon the determination of support pursuant to § 20-108.1.*

B. *The protective order may be issued for a specified period; however, unless otherwise authorized by law, a protective order may not be issued under this section for a period longer than two years. The protective order shall expire at the end of the last day identified for the two-year period and if no date*

is identified, it shall expire at the end of the two years following the date of issuance. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. 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 identifying information provided to the court electronically to the Virginia Criminal Information Network and shall forthwith forward the attested copy of the protective order and an addendum containing any such identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order and addendum 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 and an addendum containing identifying information to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order and addendum, 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 upon 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. 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. Except as otherwise provided in § 16.1-253.2, a violation of a protective order issued under this section shall constitute contempt of court.

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

E. 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 juvenile and domestic relations 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.

F. Either party may at any time file a written motion with the court requesting a hearing to dissolve or modify the order. Proceedings to dissolve or modify a protective order shall be given precedence on the docket of the court.

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

H. 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

797 *such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme*
798 *Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.*

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

800 *J. If any identifying information in the addendum is determined to be incorrect by the entering*
801 *agency, the agency shall enter the corrected information into the Virginia Criminal Information*
802 *Network.*

803 § 16.1-260. Intake; petition; investigation.

804 A. All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of
805 a petition, except as provided in subsection H of this section and in § 16.1-259. The form and content of
806 the petition shall be as provided in § 16.1-262. No individual shall be required to obtain support services
807 from the Department of Social Services prior to filing a petition seeking support for a child. Complaints,
808 requests and the processing of petitions to initiate a case shall be the responsibility of the intake officer.
809 However, (i) the attorney for the Commonwealth of the city or county may file a petition on his own
810 motion with the clerk, (ii) designated nonattorney employees of the Department of Social Services may
811 complete, sign and file petitions and motions relating to the establishment, modification, or enforcement
812 of support on forms approved by the Supreme Court of Virginia with the clerk, ~~and~~ (iii) any attorney
813 may file petitions on behalf of his client with the clerk except petitions alleging that the subject of the
814 petition is a child alleged to be in need of services, in need of supervision or delinquent, *and (iv) the*
815 *guardian ad litem of a child may file on behalf of his client a petition alleging that the child is in need*
816 *of services, or is in need of supervision.* Complaints alleging abuse or neglect of a child shall be
817 referred initially to the local department of social services in accordance with the provisions of Chapter
818 15 (§ 63.2-1500 et seq.) of Title 63.2. Motions and other subsequent pleadings in a case shall be filed
819 directly with the clerk. The intake officer or clerk with whom the petition or motion is filed shall
820 inquire whether the petitioner is receiving child support services or public assistance. No individual who
821 is receiving support services or public assistance shall be denied the right to file a petition or motion to
822 establish, modify or enforce an order for support of a child. If the petitioner is seeking or receiving
823 child support services or public assistance, the clerk, upon issuance of process, shall forward a copy of
824 the petition or motion, together with notice of the court date, to the Division of Child Support
825 Enforcement.

826 B. The appearance of a child before an intake officer may be by (i) personal appearance before the
827 intake officer or (ii) use of two-way electronic video and audio communication. If two-way electronic
828 video and audio communication is used, an intake officer may exercise all powers conferred by law. All
829 communications and proceedings shall be conducted in the same manner as if the appearance were in
830 person, and any documents filed may be transmitted by facsimile process. The facsimile may be served
831 or executed by the officer or person to whom sent, and returned in the same manner, and with the same
832 force, effect, authority, and liability as an original document. All signatures thereon shall be treated as
833 original signatures. Any two-way electronic video and audio communication system used for an
834 appearance shall meet the standards as set forth in subsection B of § 19.2-3.1.

835 When the court service unit of any court receives a complaint alleging facts which may be sufficient
836 to invoke the jurisdiction of the court pursuant to § 16.1-241, the unit, through an intake officer, may
837 proceed informally to make such adjustment as is practicable without the filing of a petition or may
838 authorize a petition to be filed by any complainant having sufficient knowledge of the matter to
839 establish probable cause for the issuance of the petition.

840 An intake officer may proceed informally on a complaint alleging a child is in need of services, in
841 need of supervision or delinquent only if the juvenile (i) is not alleged to have committed a violent
842 juvenile felony or (ii) has not previously been proceeded against informally or adjudicated delinquent for
843 an offense that would be a felony if committed by an adult. A petition alleging that a juvenile
844 committed a violent juvenile felony shall be filed with the court. A petition alleging that a juvenile is
845 delinquent for an offense that would be a felony if committed by an adult shall be filed with the court if
846 the juvenile had previously been proceeded against informally by intake or had been adjudicated
847 delinquent *for an offense that would be a felony if committed by an adult.*

848 If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and
849 the attendance officer has provided documentation to the intake officer that the relevant school division
850 has complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the
851 court. The intake officer may defer filing the complaint for 90 days and proceed informally by
852 developing a truancy plan. The intake officer may proceed informally only if the juvenile has not
853 previously been proceeded against informally or adjudicated in need of supervision for failure to comply
854 with compulsory school attendance as provided in § 22.1-254. The juvenile and his parent or parents,
855 guardian or other person standing in loco parentis must agree, in writing, for the development of a
856 truancy plan. The truancy plan may include requirements that the juvenile and his parent or parents,
857 guardian or other person standing in loco parentis participate in such programs, cooperate in such
858 treatment or be subject to such conditions and limitations as necessary to ensure the juvenile's

compliance with compulsory school attendance as provided in § 22.1-254. The intake officer may refer the juvenile to the appropriate public agency for the purpose of developing a truancy plan using an interagency interdisciplinary team approach. The team may include qualified personnel who are reasonably available from the appropriate department of social services, community services board, local school division, court service unit and other appropriate and available public and private agencies and may be the family assessment and planning team established pursuant to § 2.2-5207. If at the end of the 90-day period the juvenile has not successfully completed the truancy plan or the truancy program, then the intake officer shall file the petition.

Whenever informal action is taken as provided in this subsection on a complaint alleging that a child is in need of services, in need of supervision or delinquent, the intake officer shall (i) develop a plan for the juvenile, which may include restitution and the performance of community service, based upon community resources and the circumstances which resulted in the complaint, (ii) create an official record of the action taken by the intake officer and file such record in the juvenile's case file, and (iii) advise the juvenile and the juvenile's parent, guardian or other person standing in loco parentis and the complainant that any subsequent complaint alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241 will result in the filing of a petition with the court.

C. The intake officer shall accept and file a petition in which it is alleged that (i) the custody, visitation or support of a child is the subject of controversy or requires determination, (ii) a person has deserted, abandoned or failed to provide support for any person in violation of law, (iii) a child or such child's parent, guardian, legal custodian or other person standing in loco parentis is entitled to treatment, rehabilitation or other services which are required by law, or (iv) family abuse has occurred and a protective order is being sought pursuant to § 16.1-253.1, 16.1-253.4, or ~~16.1-279.1~~ 16.1-253.5. If any such complainant does not file a petition, the intake officer may file it. In cases in which a child is alleged to be abused, neglected, in need of services, in need of supervision or delinquent, if the intake officer believes that probable cause does not exist, or that the authorization of a petition will not be in the best interest of the family or juvenile or that the matter may be effectively dealt with by some agency other than the court, he may refuse to authorize the filing of a petition. The intake officer shall provide to a person seeking a protective order pursuant to § 16.1-253.1, 16.1-253.4, or ~~16.1-279.1~~ 16.1-253.5 a written explanation of the conditions, procedures and time limits applicable to the issuance of protective orders pursuant to § 16.1-253.1, 16.1-253.4, or ~~16.1-279.1~~ 16.1-253.5.

D. Prior to the filing of any petition alleging that a child is in need of supervision, the matter shall be reviewed by an intake officer who shall determine whether the petitioner and the child alleged to be in need of supervision have utilized or attempted to utilize treatment and services available in the community and have exhausted all appropriate nonjudicial remedies which are available to them. When the intake officer determines that the parties have not attempted to utilize available treatment or services or have not exhausted all appropriate nonjudicial remedies which are available, he shall refer the petitioner and the child alleged to be in need of supervision to the appropriate agency, treatment facility or individual to receive treatment or services, and a petition shall not be filed. Only after the intake officer determines that the parties have made a reasonable effort to utilize available community treatment or services may he permit the petition to be filed.

E. If the intake officer refuses to authorize a petition relating to an offense that if committed by an adult would be punishable as a Class 1 misdemeanor or as a felony, the complainant shall be notified in writing at that time of the complainant's right to apply to a magistrate for a warrant. If a magistrate determines that probable cause exists, he shall issue a warrant returnable to the juvenile and domestic relations district court. The warrant shall be delivered forthwith to the juvenile court, and the intake officer shall accept and file a petition founded upon the warrant. If the court is closed and the magistrate finds that the criteria for detention or shelter care set forth in § 16.1-248.1 have been satisfied, the juvenile may be detained pursuant to the warrant issued in accordance with this subsection. If the intake officer refuses to authorize a petition relating to a child in need of services or in need of supervision, a status offense, or a misdemeanor other than Class 1, his decision is final.

Upon delivery to the juvenile court of a warrant issued pursuant to subdivision 2 of § 16.1-256, the intake officer shall accept and file a petition founded upon the warrant.

F. The intake officer shall notify the attorney for the Commonwealth of the filing of any petition which alleges facts of an offense which would be a felony if committed by an adult.

G. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of this chapter, the intake officer shall file a report with the division superintendent of the school division in which any student who is the subject of a petition alleging that such student who is a juvenile has committed an act, wherever committed, which would be a crime if committed by an adult. The report shall notify the division superintendent of the filing of the petition and the nature of the offense, if the violation involves:

1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299

et seq.), or 7 (§ 18.2-308 et seq.) of Chapter 7 of Title 18.2;

2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;

4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;

8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;

9. Robbery pursuant to § 18.2-58;

10. Prohibited street gang participation pursuant to § 18.2-46.2;

11. Prohibited criminal street gang activity pursuant to § 18.2-46.2;

12. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3; or

13. Recruitment of juveniles for criminal street gang pursuant to § 18.2-46.3.

The failure to provide information regarding the school in which the juvenile who is the subject of the petition may be enrolled shall not be grounds for refusing to file a petition.

The information provided to a division superintendent pursuant to this section may be disclosed only as provided in § 16.1-305.2.

H. The filing of a petition shall not be necessary:

1. In the case of violations of the traffic laws, including offenses involving bicycles, hitchhiking and other pedestrian offenses, game and fish laws or a violation of the ordinance of any city regulating surfing or any ordinance establishing curfew violations, animal control violations or littering violations. In such cases the court may proceed on a summons issued by the officer investigating the violation in the same manner as provided by law for adults. Additionally, an officer investigating a motor vehicle accident may, at the scene of the accident or at any other location where a juvenile who is involved in such an accident may be located, proceed on a summons in lieu of filing a petition.

2. In the case of seeking consent to apply for the issuance of a work permit pursuant to subsection H of § 16.1-241.

3. In the case of a violation of § 18.2-266 or 29.1-738, or the commission of any other alcohol-related offense, provided the juvenile is released to the custody of a parent or legal guardian pending the initial court date. The officer releasing a juvenile to the custody of a parent or legal guardian shall issue a summons to the juvenile and shall also issue a summons requiring the parent or legal guardian to appear before the court with the juvenile. Disposition of the charge shall be in the manner provided in § 16.1-278.8 or 16.1-278.9. If the juvenile so charged with a violation of § 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-272, or 29.1-738 refuses to provide a sample of blood or breath or samples of both blood and breath for chemical analysis pursuant to §§ 18.2-268.1 through 18.2-268.12 or 29.1-738.2, the provisions of these sections shall be followed except that the magistrate shall authorize execution of the warrant as a summons. The summons shall be served on a parent or legal guardian and the juvenile, and a copy of the summons shall be forwarded to the court in which the violation is to be tried.

4. In the case of offenses which, if committed by an adult, would be punishable as a Class 3 or Class 4 misdemeanor. In such cases the court may direct that an intake officer proceed as provided in § 16.1-237 on a summons issued by the officer investigating the violation in the same manner as provided by law for adults provided that notice of the summons to appear is mailed by the investigating officer within five days of the issuance of the summons to a parent or legal guardian of the juvenile.

I. Failure to comply with the procedures set forth in this section shall not divest the juvenile court of the jurisdiction granted it in § 16.1-241.

§ 16.1-278.8. Delinquent juveniles.

A. If a juvenile is found to be delinquent, except where such finding involves a refusal to take a blood or breath test in violation of § 18.2-268.2 or a similar ordinance, the juvenile court or the circuit court may make any of the following orders of disposition for his supervision, care and rehabilitation:

1. Enter an order pursuant to the provisions of § 16.1-278;

2. Permit the juvenile to remain with his parent, subject to such conditions and limitations as the court may order with respect to the juvenile and his parent;

3. Order the parent of a juvenile living with him to participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as the court may order and as are designed for the rehabilitation of the juvenile and his parent;

4. Defer disposition for a specific period of time established by the court with due regard for the gravity of the offense and the juvenile's history, after which time the charge may be dismissed by the judge if the juvenile exhibits good behavior during the period for which disposition is deferred;

4a. Defer disposition and place the juvenile in the temporary custody of the Department to attend a boot camp established pursuant to § 66-13 provided bed space is available for confinement and the juvenile (i) has been found delinquent for an offense that would be a Class 1 misdemeanor or felony if committed by an adult, (ii) has not previously been and is not currently being adjudicated delinquent or found guilty of a violent juvenile felony, (iii) has not previously attended a boot camp, (iv) has not previously been committed to and received by the Department, and (v) has had an assessment completed by the Department or its contractor concerning the appropriateness of the candidate for a boot camp. Upon the juvenile's withdrawal, removal or refusal to comply with the terms and conditions of participation in the program, he shall be brought before the court for a hearing at which the court may impose any other disposition as authorized by this section which could have been imposed at the time the juvenile was placed in the custody of the Department;

5. Without entering a judgment of guilty and with the consent of the juvenile and his attorney, defer disposition of the delinquency charge for a specific period of time established by the court with due regard for the gravity of the offense and the juvenile's history, and place the juvenile on probation under such conditions and limitations as the court may prescribe. Upon fulfillment of the terms and conditions, the court shall discharge the juvenile and dismiss the proceedings against him. Discharge and dismissal under these provisions shall be without adjudication of guilt;

6. Order the parent of a juvenile with whom the juvenile does not reside to participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as the court may order and as are designed for the rehabilitation of the juvenile where the court determines this participation to be in the best interest of the juvenile and other parties concerned and where the court determines it reasonable to expect the parent to be able to comply with such order;

7. Place the juvenile on probation under such conditions and limitations as the court may prescribe;

7a. Place the juvenile on probation and order treatment for the abuse or dependence on alcohol or drugs in a program licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services for the treatment of juveniles for substance abuse provided that (i) the juvenile has received a substance abuse screening and assessment pursuant to § 16.1-273 and that such assessment reasonably indicates that the commission of the offense was motivated by, or closely related to, the habitual use of alcohol or drugs and indicates that the juvenile is in need of treatment for this condition; (ii) the juvenile has not previously been and is not currently being adjudicated for a violent juvenile felony; and (iii) such facility is available. Upon the juvenile's withdrawal, removal, or refusal to comply with the conditions of participation in the program, he shall be brought before the court for a hearing at which the court may impose any other disposition authorized by this section. The court shall review such placements at 30-day intervals;

8. Impose a fine not to exceed \$500 upon such juvenile;

9. Suspend the motor vehicle and driver's license of such juvenile or impose a curfew on the juvenile as to the hours during which he may operate a motor vehicle. Any juvenile whose driver's license is suspended may be referred for an assessment and subsequent referral to appropriate services, upon such terms and conditions as the court may order. The court, in its discretion and upon a demonstration of hardship, may authorize the use of a restricted permit to operate a motor vehicle by any juvenile who enters such program for any of the purposes set forth in subsection E of § 18.2-271.1 or for travel to and from school. The restricted permit shall be issued in accordance with the provisions of such subsection. However, only an abstract of the court order that identifies the juvenile and the conditions under which the restricted license is to be issued shall be sent to the Department of Motor Vehicles.

If a curfew is imposed, the juvenile shall surrender his driver's license, which shall be held in the physical custody of the court during any period of curfew restriction. The court shall send an abstract of any order issued under the provisions of this section to the Department of Motor Vehicles, which shall preserve a record thereof. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of this chapter or the provisions of Title 46.2, this record shall be available only to all law-enforcement officers, attorneys for the Commonwealth and courts. A copy of the court order, upon which shall be noted all curfew restrictions, shall be provided to the juvenile and shall contain such information regarding the juvenile as is reasonably necessary to identify him. The juvenile may operate a motor vehicle under the court order in accordance with its terms.

Any juvenile who operates a motor vehicle in violation of any restrictions imposed pursuant to this section shall be guilty of a violation of § 46.2-301.

The Department of Motor Vehicles shall refuse to issue a driver's license to any juvenile denied a driver's license until such time as is stipulated in the court order or until notification by the court of withdrawal of the order imposing the curfew;

10. Require the juvenile to make restitution or reparation to the aggrieved party or parties for actual damages or loss caused by the offense for which the juvenile was found to be delinquent;

11. Require the juvenile to participate in a public service project under such conditions as the court

1043 prescribes;

1044 12. In case of traffic violations, impose only those penalties that are authorized to be imposed on
1045 adults for such violations. However, for those violations punishable by confinement if committed by an
1046 adult, confinement shall be imposed only as authorized by this title;

1047 13. Transfer legal custody to any of the following:

1048 a. A relative or other individual who, after study, is found by the court to be qualified to receive and
1049 care for the juvenile;

1050 b. A child welfare agency, private organization or facility that is licensed or otherwise authorized by
1051 law to receive and provide care for such juvenile. The court shall not transfer legal custody of a
1052 delinquent juvenile to an agency, organization or facility outside of the Commonwealth without the
1053 approval of the Director; or

1054 c. The local board of social services of the county or city in which the court has jurisdiction or, at
1055 the discretion of the court, to the local board of the county or city in which the juvenile has residence if
1056 other than the county or city in which the court has jurisdiction. The board shall accept the juvenile for
1057 care and custody, provided that it has been given reasonable notice of the pendency of the case and an
1058 opportunity to be heard. However, in an emergency in the county or city in which the court has
1059 jurisdiction, such local board may be required to temporarily accept a juvenile for a period not to exceed
1060 14 days without prior notice or an opportunity to be heard if the judge entering the placement order
1061 describes the emergency and the need for such temporary placement in the order. Nothing in this
1062 subdivision shall prohibit the commitment of a juvenile to any local board of social services in the
1063 Commonwealth when such local board consents to the commitment. The board to which the juvenile is
1064 committed shall have the final authority to determine the appropriate placement for the juvenile. Any
1065 order authorizing removal from the home and transferring legal custody of a juvenile to a local board of
1066 social services as provided in this subdivision shall be entered only upon a finding by the court that
1067 reasonable efforts have been made to prevent removal and that continued placement in the home would
1068 be contrary to the welfare of the juvenile, and the order shall so state;

1069 14. Commit the juvenile to the Department of Juvenile Justice, but only if he is 11 years of age or
1070 older and the current offense is (i) an offense that would be a felony if committed by an adult, (ii) an
1071 offense that would be a Class 1 misdemeanor if committed by an adult and the juvenile has previously
1072 been found to be delinquent based on an offense that would be a felony if committed by an adult, or
1073 (iii) an offense that would be a Class 1 misdemeanor if committed by an adult and the juvenile has
1074 previously been adjudicated delinquent of three or more offenses that would be a Class 1 misdemeanor
1075 if committed by an adult, and each such offense was not a part of a common act, transaction or scheme;

1076 15. Impose the penalty authorized by § 16.1-284;

1077 16. Impose the penalty authorized by § 16.1-284.1;

1078 17. Impose the penalty authorized by § 16.1-285.1;

1079 18. Impose the penalty authorized by § 16.1-278.9; or

1080 19. Require the juvenile to participate in a gang-activity prevention program including, but not
1081 limited to, programs funded under the Virginia Juvenile Community Crime Control Act pursuant to
1082 § 16.1-309.7, if available, when a juvenile has been found delinquent of any of the following violations:
1083 § 18.2-51, 18.2-51.1, 18.2-52, 18.2-53, 18.2-55, 18.2-56, 18.2-57, 18.2-57.2, 18.2-121, 18.2-127,
1084 18.2-128, 18.2-137, 18.2-138, 18.2-146, or 18.2-147, or any violation of a local ordinance adopted
1085 pursuant to § 15.2-1812.2.

1086 B. If the court finds a juvenile delinquent of any of the following offenses, the court shall require the
1087 juvenile to make at least partial restitution or reparation for any property damage, for loss caused by the
1088 offense, or for actual medical expenses incurred by the victim as a result of the offense: § 18.2-51,
1089 18.2-51.1, 18.2-52, 18.2-53, 18.2-55, 18.2-56, 18.2-57, 18.2-57.2, 18.2-121, 18.2-127, 18.2-128,
1090 18.2-137, 18.2-138, 18.2-146, or 18.2-147; or for any violation of a local ordinance adopted pursuant to
1091 § 15.2-1812.2. The court shall further require the juvenile to participate in a community service project
1092 under such conditions as the court prescribes.

1093 § 16.1-278.14. Criminal jurisdiction; protective orders; family offenses.

1094 In cases involving the violation of any law, regulation or ordinance for the education, protection or
1095 care of children or involving offenses committed by one family or household member against another,
1096 the juvenile court or the circuit court may impose a penalty prescribed by applicable sections of the
1097 Code and may impose conditions and limitations upon the defendant to protect the health or safety of
1098 family or household members, including, but not limited to, a protective order as provided in
1099 ~~§ 16.1-279.1~~ § 16.1-253.5, treatment and counseling for the defendant and payment by the defendant for
1100 crisis shelter care for the complaining family or household member.

1101 § 16.1-290. Support of committed juvenile; support from estate of juvenile.

1102 A. Whenever (i) legal custody of a juvenile is vested by the court in someone other than his parents
1103 or (ii) a juvenile is placed in temporary shelter care regardless of whether or not legal custody is
1104 retained by his parents, after due notice in writing to the parents, the court, pursuant to §§ 20-108.1 and

20-108.2, or the Department of Social Services, pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2, shall order the parents to pay support to the Department of Social Services. If the parents fail or refuse to pay such support, the court may proceed against them for contempt, or the order may be filed and shall have the effect of a civil judgment.

B. If a juvenile has an estate in the hands of a guardian or trustee, the guardian or trustee may be required to pay for his education and maintenance so long as there may be funds for that purpose.

C. Whenever a juvenile is placed in foster care by the court, the court shall order and decree that the parents shall pay the Department of Social Services pursuant to §§ 20-108.1, 20-108.2, 63.2-909, and 63.2-1910.

D. Whenever a juvenile is placed in temporary custody of the Department pursuant to subdivision A 4a of § ~~16.1-278.8~~ or committed to the Department pursuant to subdivision A 14 or A 17 of § 16.1-278.8, the Department shall apply for child support with the Department of Social Services. The parents shall be responsible for child support, pursuant to §§ 20-108.1 and 20-108.2, from the date the Department receives the juvenile. The Department shall notify in writing the parents of their responsibilities to pay child support from the date the Department receives the juvenile.

§ 16.1-296. Jurisdiction of appeals; procedure.

A. From any final order or judgment of the juvenile court affecting the rights or interests of any person coming within its jurisdiction, an appeal may be taken within 10 days from the entry of a final judgment, order or conviction. However, in a case arising under the Uniform Interstate Family Support Act (§ 20-88.32 et seq.), a party may take an appeal pursuant to this section within 30 days from entry of a final order or judgment. Protective orders issued pursuant to § ~~16.1-279.4~~ § 16.1-253.5 in cases of family abuse and orders entered pursuant to § 16.1-278.2 are final orders from which an appeal may be taken.

B. Upon receipt of notice of such appeal the juvenile court shall forthwith transmit to the attorney for the Commonwealth a report incorporating the results of any investigation conducted pursuant to § 16.1-273, which shall be confidential in nature and made available only to the court and the attorney for the defendant (i) after the guilt or innocence of the accused has been determined or (ii) after the court has made its findings on the issues subject to appeal. After final determination of the case, the report and all copies thereof shall be forthwith returned to such juvenile court.

C. Where an appeal is taken by a child on a finding that he or she is delinquent and on a disposition pursuant to § 16.1-278.8, trial by jury on the issue of guilt or innocence of the alleged delinquent act may be had on motion of the child, the attorney for the Commonwealth or the circuit court judge. If the alleged delinquent act is one which, if committed by an adult, would constitute a felony, the child shall be entitled to a jury of 12 persons. In all other cases, the jury shall consist of seven persons. If the jury in such a trial finds the child guilty, disposition shall be by the judge pursuant to the provisions of § 16.1-278.8 after taking into consideration the report of any investigation made pursuant to § 16.1-237 or 16.1-273.

C1. In any hearing held upon an appeal taken by a child on a finding that he is delinquent and on a disposition pursuant to § 16.1-278.8, the provisions of § 16.1-302 shall apply mutatis mutandis, except in the case of trial by jury which shall be open. If proceedings in the circuit court are closed pursuant to this subsection, any records or portions thereof relating to such closed proceedings shall remain confidential.

C2. Where an appeal is taken by a juvenile on a finding that he is delinquent and on a disposition pursuant to § 16.1-278.8 and the juvenile is in a secure facility pending the appeal, the circuit court, when practicable, shall hold a hearing on the merits of the case within 45 days of the filing of the appeal. Upon receipt of the notice of appeal from the juvenile court, the circuit court shall provide a copy of the order and a copy of the notice of appeal to the attorney for the Commonwealth within seven days after receipt of notice of an appeal. The time limitations shall be tolled during any period in which the juvenile has escaped from custody. A juvenile held continuously in secure detention shall be released from confinement if there is no hearing on the merits of his case within 45 days of the filing of the appeal. The circuit court may extend the time limitations for a reasonable period of time based upon good cause shown, provided the basis for such extension is recorded in writing and filed among the papers of the proceedings.

D. When an appeal is taken in a case involving termination of parental rights brought under § 16.1-283, the circuit court shall hold a hearing on the merits of the case within 90 days of the perfecting of the appeal. An appeal of the case to the Court of Appeals shall take precedence on the docket of the Court.

E. Where an appeal is taken by an adult on a finding of guilty of an offense within the jurisdiction of the juvenile and domestic relations district court, the appeal shall be dealt with in all respects as is an appeal from a general district court pursuant to §§ 16.1-132 through 16.1-137; however, where an appeal is taken by any person on a charge of nonsupport, the procedure shall be as is provided for appeals in

1166 prosecutions under Chapter 5 (§ 20-61 et seq.) of Title 20.

1167 F. In all other cases on appeal, proceedings in the circuit court shall be heard without a jury;
1168 however, hearing of an issue by an advisory jury may be allowed, in the discretion of the judge, upon
1169 the motion of any party. An appeal from an order of protection issued pursuant to ~~§ 16.1-279.4~~
1170 § 16.1-253.5 shall be given precedence on the docket of the court over other civil appeals taken to the
1171 circuit court from the district courts, but shall otherwise be docketed and processed as other civil cases.

1172 G. Costs, taxes and fees on appealed cases shall be assessed only in those cases in which a trial fee
1173 could have been assessed in the juvenile and domestic relations court and shall be collected in the
1174 circuit court, except that the appeal to circuit court of any case in which a fee either was or could have
1175 been assessed pursuant to § 16.1-69.48:5 shall also be in accordance with § 16.1-296.2.

1176 H. No appeal bond shall be required of a party appealing from an order of a juvenile and domestic
1177 relations district court except for that portion of any order or judgment establishing a support arrearage
1178 or suspending payment of support during pendency of an appeal. In cases involving support, no appeal
1179 shall be allowed until the party applying for the same or someone for him gives bond, in an amount and
1180 with sufficient surety approved by the judge or by his clerk if there is one, to abide by such judgment
1181 as may be rendered on appeal if the appeal is perfected or, if not perfected, then to satisfy the judgment
1182 of the court in which it was rendered. Upon appeal from a conviction for failure to support or from a
1183 finding of civil or criminal contempt involving a failure to support, the juvenile and domestic relations
1184 district court may require the party applying for the appeal or someone for him to give bond, with or
1185 without surety, to insure his appearance and may also require bond in an amount and with sufficient
1186 surety to secure the payment of prospective support accruing during the pendency of the appeal. An
1187 appeal will not be perfected unless such appeal bond as may be required is filed within 30 days from
1188 the entry of the final judgment or order. However, no appeal bond shall be required of the
1189 Commonwealth or when an appeal is proper to protect the estate of a decedent, an infant, a convict or
1190 an insane person, or the interest of a county, city or town.

1191 If bond is furnished by or on behalf of any party against whom judgment has been rendered for
1192 money, the bond shall be conditioned for the performance and satisfaction of such judgment or order as
1193 may be entered against the party on appeal, and for the payment of all damages which may be awarded
1194 against him in the appellate court. If the appeal is by a party against whom there is no recovery, the
1195 bond shall be conditioned for the payment of any damages as may be awarded against him on the
1196 appeal. The provisions of § 16.1-109 shall apply to bonds required pursuant to this subsection.

1197 This subsection shall not apply to release on bail pursuant to other subsections of this section or
1198 § 16.1-298.

1199 I. In all cases on appeal, the circuit court in the disposition of such cases shall have all the powers
1200 and authority granted by the chapter to the juvenile and domestic relations district court. Unless
1201 otherwise specifically provided by this Code, the circuit court judge shall have the authority to appoint
1202 counsel for the parties and compensate such counsel in accordance with the provisions of Article 6
1203 (§ 16.1-266 et seq.) of this chapter.

1204 J. In any case which has been referred or transferred from a circuit court to a juvenile court and an
1205 appeal is taken from an order or judgment of the juvenile court, the appeal shall be taken to the circuit
1206 court in the same locality as the juvenile court to which the case had been referred or transferred.

1207 § 16.1-298. Effect of petition for or pendency of appeal; bail.

1208 A. Except as provided herein, a petition for or the pendency of an appeal or writ of error shall not
1209 suspend any judgment, order or decree of the juvenile court nor operate to discharge any child
1210 concerned or involved in the case from the custody of the court or other person, institution or agency to
1211 which the child has been committed unless so ordered by the judge of the juvenile court, the judge of a
1212 circuit court or directed in a writ of supersedeas by the Court of Appeals or the Supreme Court or a
1213 judge or justice thereof.

1214 B. The judgment, order or decree of the juvenile court shall be suspended upon a petition for or the
1215 pendency of an appeal or writ of error:

1216 1. In cases of delinquency in which the final order of the juvenile court is pursuant to subdivision 8,
1217 9, 10, 12, 14, or 15 of § 16.1-278.8.

1218 2. In cases involving a child and any local ordinance.

1219 3. In cases involving any person over the age of eighteen years.

1220 Such suspension as is provided for in this subsection shall not apply to (i) an order for support of a
1221 spouse, parent or child or to a preliminary protective order issued pursuant to § 16.1-253, (ii) an order
1222 disposing of a motion to reconsider relating to participation in continuing programs pursuant to
1223 § 16.1-289.1, (iii) a protective order in cases of family abuse issued pursuant to ~~§ 16.1-279.4~~
1224 § 16.1-253.5 or a protective order entered in conjunction with a disposition pursuant to § 16.1-278.2,
1225 16.1-278.4, 16.1-278.5, 16.1-278.6 or 16.1-278.8, (iv) a protective order issued pursuant to
1226 § 19.2-152.10, or (v) an order pertaining to the custody, visitation, or placement of a minor child, unless
1227 so ordered by the judge of a circuit court or directed in a writ of supersedeas by the Court of Appeals

or the Supreme Court.

C. In cases where the order of the juvenile court is suspended pursuant to subsection B hereof or by order of the juvenile court or the circuit court, bail may be required as provided for in § 16.1-135.

D. If an appeal to the circuit court is withdrawn in accordance with § 16.1-106.1, the judgment, order, or decree rendered by the juvenile court shall have the same legal effect as if no appeal had been noted, except as to the disposition of any bond in circuit court or as modified by the circuit court pursuant to subsection F of § 16.1-106.1. If an appeal is withdrawn, any court-appointed counsel or court-appointed guardian ad litem shall, absent further order of the court, be relieved of any further obligation respecting the matter for which they were appointed.

E. Except as to matters pending on the docket of a circuit court as of July 1, 2008, all orders that were entered by a juvenile and domestic relations district court prior to July 1, 2008, and appealed to a circuit court, where the appeal was withdrawn, shall have the same effect as if no appeal had been noted.

§ 16.1-305.01. *Exception as to confidentiality.*

A. Notwithstanding any other provision of this article, where consideration of public interest requires, the judge shall make available to the public the name and address of a juvenile and the nature of the offense for which a juvenile has been adjudicated delinquent (i) for an act, which would be a Class 1, 2, or 3 felony, forcible rape, robbery or burglary or a related offense as set out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2 if committed by an adult or (ii) in any case where a juvenile is sentenced as an adult in circuit court.

B. 1. At any time prior to disposition, if a juvenile, charged with a delinquent act, which would be forcible rape, robbery, burglary or a related offense as set out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2 or a Class 1, 2, or 3 felony if committed by an adult, or held in custody by a law-enforcement officer or in a secure facility becomes a fugitive from justice, the attorney for the Commonwealth or, upon notice to the Commonwealth's attorney, the Department of Juvenile Justice or a locally operated court services unit, may petition the court having jurisdiction of the offense to authorize public release of the juvenile's name, age, physical description and photograph, the charge for which he is sought or for which he was adjudicated and any other information, which may expedite his apprehension. Upon a showing that the juvenile is a fugitive and for good cause, the court shall order release of this information to the public. If a juvenile charged with a delinquent act that would be forcible rape, robbery, burglary, or a related offense as set out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2, or a Class 1, 2, or 3 felony if committed by an adult or held in custody by a law-enforcement officer or in a secure facility, becomes a fugitive from justice at a time when the court is not in session, the attorney for the Commonwealth, the Department of Juvenile Justice, or a locally operated court services unit may authorize the public release of the juvenile's name, age, physical description and photograph, the charge for which he is sought, and any other information, which may expedite his apprehension.

2. After final disposition, if a juvenile (i) found to have committed a delinquent act, which would be forcible rape, robbery, burglary or a related offense as set out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2 or a Class 1, 2 or 3 felony if committed by an adult becomes a fugitive from justice or (ii) who has been committed to the Department of Juvenile Justice pursuant to subdivision 14 of § 16.1-278.8 or pursuant to 16.1-285.1 becomes a fugitive from justice by escaping from a facility operated by or under contract with the Department or from the custody of any employee of such facility, the Department may release to the public the juvenile's name, age, physical description and photograph, the charge for which he is sought or for which he was committed, and any other information, which may expedite his apprehension. The Department shall promptly notify the attorney for the Commonwealth of the jurisdiction in which the juvenile was tried whenever information is released pursuant to this subdivision. If a juvenile specified in clause (i) being held after disposition in a secure facility not operated by or under contract with the Department becomes a fugitive by such escape, the attorney for the Commonwealth of the locality in which the facility is located may release the information as provided in this subdivision.

C. Whenever a juvenile 14 years of age or older is charged with a delinquent act that would be a criminal violation of Article 2 (§ 18.2-38 et seq.) of Chapter 4 of Title 18.2, a felony involving a weapon, a felony violation of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, or an "act of violence" as defined in subsection A of § 19.2-297.1 if committed by an adult, the judge may, where consideration of the public interest requires, make the juvenile's name and address available to the public.

D. Upon the request of a victim of a delinquent act, which would be a felony if committed by an adult, the court may order that such victim be informed of the charge or charges brought, the findings of the court, and the disposition of the case. For purposes of this section, "victim" shall be defined as in § 19.2-11.01.

1289 *E. Upon request, the judge or clerk may disclose if an order of emancipation of a juvenile pursuant*
1290 *to § 16.1-333 has been entered, provided (i) the order is not being appealed, (ii) the order has not been*
1291 *terminated, or (iii) there has not been a judicial determination that the order is void ab initio.*

1292 *F. Notwithstanding any other provision of law, a copy of any court order that imposes a curfew or*
1293 *other restriction on a juvenile may be provided to the chief law-enforcement officer of the county or city*
1294 *wherein the juvenile resides. The chief law-enforcement officer shall only disclose information contained*
1295 *in the court order to other law-enforcement officers in the conduct of official duties.*

1296 *G. Notwithstanding any other provision of law, where consideration of public safety requires, the*
1297 *Department or locally operated court service unit may release any information relating to gang*
1298 *involvement or the gang-related activity of others, obtained from an investigation or supervision of a*
1299 *juvenile identified as affiliated with a criminal street gang, as defined in § 18.2-46.1. Such information*
1300 *may be released to any State Police, local police department or sheriff's office, that is a part of or*
1301 *administered by the Commonwealth or any political subdivision thereof, and that is responsible for the*
1302 *prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the*
1303 *Commonwealth. The exchange of information shall be for the purpose of an investigation into criminal*
1304 *street gang activity.*

1305 *H. Notwithstanding any other provision of Article 12 (§ 16.1-299 et seq.), an intake officer shall*
1306 *report to the Bureau of Immigration and Customs Enforcement of the United States Department of*
1307 *Homeland Security a juvenile who has been detained in a secure facility based on an allegation that the*
1308 *juvenile committed a violent juvenile felony and who the intake officer has probable cause to believe is*
1309 *in the United States illegally.*

1310 § 18.2-57.2. Assault and battery against a family or household member; penalty.

1311 A. Any person who commits an assault and battery against a family or household member is guilty
1312 of a Class 1 misdemeanor.

1313 B. Upon a conviction for assault and battery against a family or household member, where it is
1314 alleged in the warrant, *petition*, information, or indictment on which a person is convicted, that such
1315 person has been previously convicted of two offenses against a family or household member of (i)
1316 assault and battery against a family or household member in violation of this section, (ii) malicious
1317 wounding in violation of § 18.2-51, (iii) aggravated malicious wounding in violation of § 18.2-51.2, (iv)
1318 malicious bodily injury by means of a substance in violation of § 18.2-52, or (v) an offense under the
1319 law of any other jurisdiction which has the same elements of any of the above offenses, in any
1320 combination, all of which occurred within a period of 20 years, and each of which occurred on a
1321 different date, such person is guilty of a Class 6 felony.

1322 C. Whenever a warrant for a violation of this section is issued, the magistrate shall issue an
1323 emergency protective order as authorized by § 16.1-253.4, except if the defendant is a minor, an
1324 emergency protective order shall not be required.

1325 D. The definition of "family or household member" in § 16.1-228 applies to this section.

1326 § 18.2-119. Trespass after having been forbidden to do so; penalties.

1327 If any person without authority of law goes upon or remains upon the lands, buildings or premises of
1328 another, or any portion or area thereof, after having been forbidden to do so, either orally or in writing,
1329 by the owner, lessee, custodian or other person lawfully in charge thereof, or after having been
1330 forbidden to do so by a sign or signs posted by such persons or by the holder of any easement or other
1331 right-of-way authorized by the instrument creating such interest to post such signs on such lands,
1332 structures, premises or portion or area thereof at a place or places where it or they may be reasonably
1333 seen, or if any person, whether he is the owner, tenant or otherwise entitled to the use of such land,
1334 building or premises, goes upon, or remains upon such land, building or premises after having been
1335 prohibited from doing so by a court of competent jurisdiction by an order issued pursuant to
1336 §§ 16.1-253, 16.1-253.1, 16.1-253.4, ~~16.1-279.1~~ 16.1-253.5, 16.1-278.2 through 16.1-278.6, 16.1-278.8, 16.1-278.14,
1337 16.1-278.15, ~~16.1-279.1~~, 19.2-152.8, 19.2-152.9 or § 19.2-152.10 or an ex parte order issued pursuant to
1338 § 20-103, and after having been served with such order, he shall be guilty of a Class 1 misdemeanor.
1339 This section shall not be construed to affect in any way the provisions of §§ 18.2-132 through 18.2-136.

1340 § 18.2-308.1:4. Purchase or transportation of firearm by persons subject to protective orders; penalty.

1341 It shall be unlawful for any person who is subject to (i) a protective order entered pursuant to
1342 §§ 16.1-253, 16.1-253.1, 16.1-253.4, ~~16.1-279.1~~ 16.1-253.5, 19.2-152.8, 19.2-152.9, or § 19.2-152.10; (ii)
1343 an order issued pursuant to subsection B of § 20-103; (iii) an order entered pursuant to subsection D of
1344 § 18.2-60.3; or (iv) an order issued by a tribunal of another state, the United States or any of its
1345 territories, possessions or commonwealths, or the District of Columbia pursuant to a statute that is
1346 substantially similar to those cited in clauses (i), (ii), or (iii) to purchase or transport any firearm while
1347 the order is in effect. Any person with a concealed handgun permit shall be prohibited from carrying
1348 any concealed firearm, and shall surrender his permit to the court entering the order, for the duration of
1349 any protective order referred to herein. A violation of this section is a Class 1 misdemeanor.

1350 § 55-225.5. Access following entry of certain court orders.

A. A tenant who has obtained an order from a court of competent jurisdiction pursuant to § 16.1-279.1 § 16.1-253.5 or subsection B of § 20-103 granting such tenant possession of the premises to the exclusion of one or more co-tenants or authorized occupants may provide the landlord with a copy of that court order and request that the landlord either (i) install a new lock or other security devices on the exterior doors of the dwelling unit at the landlord's actual cost or (ii) permit the tenant to do so, provided:

1. Installation of the new lock or security devices does no permanent damage to any part of the dwelling unit; and

2. A duplicate copy of all keys and instructions of how to operate all devices are given to the landlord.

Upon termination of the tenancy, the tenant shall be responsible for payment to the landlord of the reasonable costs incurred for the removal of all such devices installed and repairs to all damaged areas.

B. A landlord who has received a copy of a court order in accordance with subsection A shall not provide copies of any keys to the dwelling unit to any person excluded from the premises by such order.

C. This section shall not apply when the court order excluding a person was issued ex parte.

§ 55-248.18:1. Access following entry of certain court orders.

A. A tenant who has obtained an order from a court of competent jurisdiction pursuant to § 16.1-279.1 § 16.1-253.5 or subsection B of § 20-103 granting such tenant possession of the premises to the exclusion of one or more co-tenants or authorized occupants may provide the landlord with a copy of that court order and request that the landlord either (i) install a new lock or other security devices on the exterior doors of the dwelling unit at the landlord's actual cost or (ii) permit the tenant to do so, provided:

1. Installation of the new lock or security devices does no permanent damage to any part of the dwelling unit; and

2. A duplicate copy of all keys and instructions of how to operate all devices are given to the landlord.

Upon termination of the tenancy, the tenant shall be responsible for payment to the landlord of the reasonable costs incurred for the removal of all such devices installed and repairs to all damaged areas.

B. A landlord who has received a copy of a court order in accordance with subsection A shall not provide copies of any keys to the dwelling unit to any person excluded from the premises by such order.

C. This section shall not apply when the court order excluding a person was issued ex parte.

§ 55-248.31. Noncompliance with rental agreement; monetary penalty.

A. Except as provided in this chapter, if there is a material noncompliance by the tenant with the rental agreement or a violation of § 55-248.16 materially affecting health and safety, the landlord may serve a written notice on the tenant specifying the acts and omissions constituting the breach and stating that the rental agreement will terminate upon a date not less than 30 days after receipt of the notice if the breach is not remedied in 21 days, and that the rental agreement shall terminate as provided in the notice.

B. If the breach is remediable by repairs or the payment of damages or otherwise and the tenant adequately remedies the breach prior to the date specified in the notice, the rental agreement shall not terminate.

C. If the tenant commits a breach which is not remediable, the landlord may serve a written notice on the tenant specifying the acts and omissions constituting the breach and stating that the rental agreement will terminate upon a date not less than 30 days after receipt of the notice. Notwithstanding anything to the contrary contained elsewhere in this chapter, when a breach of the tenant's obligations under this chapter or the rental agreement involves or constitutes a criminal or a willful act, which is not remediable and which poses a threat to health or safety, the landlord may terminate the rental agreement immediately and proceed to obtain possession of the premises. For purposes of this subsection, any illegal drug activity involving a controlled substance, as used or defined by the Drug Control Act (§ 54.1-3400 et seq.), by the tenant, the tenant's authorized occupants, or the tenant's guests or invitees, shall constitute an immediate nonremediable violation for which the landlord may proceed to terminate the tenancy without the necessity of waiting for a conviction of any criminal offense that may arise out of the same actions. In order to obtain an order of possession from a court of competent jurisdiction terminating the tenancy for illegal drug activity or for any other action that involves or constitutes a criminal or willful act, the landlord shall prove any such violations by a preponderance of the evidence. However, where the illegal drug activity is engaged in by a tenant's authorized occupants, or guests or invitees, the tenant shall be presumed to have knowledge of such illegal drug activity unless the presumption is rebutted by a preponderance of the evidence. The initial hearing on the landlord's action for immediate possession of the premises shall be held within 15 calendar days from the date of service

on the tenant; however, the court shall order an earlier hearing when emergency conditions are alleged to exist upon the premises which constitute an immediate threat to the health or safety of the other tenants. After the initial hearing, if the matter is scheduled for a subsequent hearing or for a contested trial, the court, to the extent practicable, shall order that the matter be given priority on the court's docket. Such subsequent hearing or contested trial shall be heard no later than 30 days from the date of service on the tenant. During the interim period between the date of the initial hearing and the date of any subsequent hearing or contested trial, the court may afford any further remedy or relief as is necessary to protect the interests of parties to the proceeding or the interests of any other tenant residing on the premises. Failure by the court to hold either of the hearings within the time limits set out herein shall not be a basis for dismissal of the case.

D. If the tenant is a victim of family abuse as defined in § 16.1-228 that occurred in the dwelling unit or on the premises and the perpetrator is barred from the dwelling unit pursuant to § 55-248.31:01 based upon information provided by the tenant to the landlord, or by a protective order from a court of competent jurisdiction pursuant to § 16.1-253.1, ~~16.1-279.1~~ 16.1-253.5, or subsection B of § 20-103, the lease shall not terminate due solely to an act of family abuse against the tenant. However, these provisions shall not be applicable if (i) the tenant fails to provide written documentation corroborating the tenant's status as a victim of family abuse and the exclusion from the dwelling unit of the perpetrator no later than 21 days from the alleged offense or (ii) the perpetrator returns to the dwelling unit or the premises, in violation of a bar notice, and the tenant fails promptly to notify the landlord within 24 hours thereafter that the perpetrator has returned to the dwelling unit or the premises, unless the tenant proves by a preponderance of the evidence that the tenant had no actual knowledge that the perpetrator violated the bar notice, or it was not possible for the tenant to notify the landlord within 24 hours, in which case the tenant shall promptly notify the landlord, but in no event more than 7 days thereafter. If the provisions of this subsection are not applicable, the tenant shall remain responsible for the acts of the other co-tenants, authorized occupants or guests or invitees pursuant to § 55-248.16, and is subject to termination of the tenancy pursuant to the lease and this chapter.

E. If the tenant has been served with a prior written notice which required the tenant to remedy a breach, and the tenant remedied such breach, where the tenant intentionally commits a subsequent breach of a like nature as the prior breach, the landlord may serve a written notice on the tenant specifying the acts and omissions constituting the subsequent breach, make reference to the prior breach of a like nature, and state that the rental agreement will terminate upon a date not less than 30 days after receipt of the notice.

F. If rent is unpaid when due, and the tenant fails to pay rent within five days after written notice is served on him notifying the tenant of his nonpayment, and of the landlord's intention to terminate the rental agreement if the rent is not paid within the five-day period, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as provided in § 55-248.35. If a check for rent is delivered to the landlord drawn on an account with insufficient funds and the tenant fails to pay rent within five days after written notice is served on him notifying the tenant of his nonpayment and of the landlord's intention to terminate the rental agreement if the rent is not paid by cash, cashier's check or certified check within the five-day period, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as provided in § 55-248.35. Nothing shall be construed to prevent a landlord from seeking an award of costs or attorneys' fees under § 8.01-27.1 or civil recovery under § 8.01-27.2, as a part of other damages requested on the unlawful detainer filed pursuant to § 8.01-126, provided the landlord has given notice in accordance with § 55-248.6, which notice may be included in the five-day termination notice provided in accordance with this section.

G. Except as provided in this chapter, the landlord may recover damages and obtain injunctive relief for any noncompliance by the tenant with the rental agreement or § 55-248.16. The landlord shall be entitled to recover reasonable attorneys' fees unless the tenant proves by a preponderance of the evidence that the failure of the tenant to pay rent or vacate the premises was reasonable. If the rental agreement provides for the payment of reasonable attorneys' fees in the event of a breach of the agreement or noncompliance by the tenant, the landlord shall be entitled to recover and the court shall award reasonable attorneys' fees in any action based upon the tenancy in which the landlord prevails, including but not limited to actions for damages to the dwelling unit or premises, or additional rent, regardless of any previous action to obtain possession or rent, unless in any such action, the tenant proves by a preponderance of the evidence that the tenant's failure to pay rent or vacate was reasonable.

§ 66-13. Authority of Department as to juveniles committed to it; establishment of facilities; arrangements for temporary care.

A. The Department is authorized and empowered to receive juveniles committed to it by the courts of the Commonwealth. The Department shall establish, staff and maintain facilities for the rehabilitation, training and confinement of such juveniles. The Department may make arrangements with satisfactory persons, institutions or agencies, or with cities or counties maintaining places of detention for juveniles, for the temporary care of such juveniles.

B. In accordance with the Juvenile Corrections Private Management Act, Chapter 2-1 (§ 66-25.3 et seq.) of this title, the Department may establish, or contract with private entities, political subdivisions or commissions to establish, juvenile boot camps. The Board shall prescribe standards for the development, implementation and operation of the boot camps with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline and no less than six months of intensive aftercare. The Department of Correctional Education shall establish, staff, and maintain educational programs for such juveniles in accordance with Chapter 18 (§ 22.1-339 et seq.) of Title 22.1. A contract to expend state funds to establish a facility for a juvenile boot camp shall not be executed by the Department unless an appropriation has been expressly approved as is otherwise provided by law.

C. The Department may by mutual agreement with a locality or localities and, pursuant to standards promulgated pursuant to § 16.1-309.9, establish detention homes for use by a locality or localities for pre-trial and post-dispositional detention pursuant to §§ 16.1-248.1 and 16.1-284.1. The Department may collect by mutual agreement with a locality or localities and from any locality of this Commonwealth from which a juvenile is placed in such a detention home, the reasonable cost of maintaining such juvenile in such facility and a portion of the cost of construction of such facility. Such agreements shall be subject to approval by the General Assembly in the general appropriation act.

D. The Department shall collect data pertaining to the demographic characteristics of juveniles incarcerated in state juvenile correctional institutions, including, but not limited to, the race or ethnicity, age, and gender of such persons, and the types of and extent to which health-related problems are prevalent among such persons. Beginning July 1, 1997, such data shall be collected, tabulated quarterly, and reported by the Director to the Governor and the General Assembly at each regular session of the General Assembly thereafter.

2. That §§ 16.1-279.1 and 16.1-309.1 of the Code of Virginia are repealed.