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HOUSE BILL NO. 1716

Offered January 12, 2011

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A *BILL to amend and reenact §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, and 19.2-152.10 of the Code of Virginia, relating to protective orders.*

Patrons—Scott, J.M., Armstrong and Herring

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, and 19.2-152.10 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-253. Preliminary protective order.

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

1. To abstain from offensive conduct against the child, a family or household member of the child or any person to whom custody of the child is awarded;

2. To cooperate in the provision of reasonable services or programs designed to protect the child's life, health or normal development;

3. To allow persons named by the court to come into the child's home at reasonable times designated by the court to visit the child or inspect the fitness of the home and to determine the physical or emotional health of the child;

4. To allow visitation with the child by persons entitled thereto, as determined by the court;

5. To refrain from acts of commission or omission which tend to endanger the child's life, health or normal development; ~~or~~

6. To refrain from such contact with the child or family or household members of the child, as the court may deem appropriate, including removal of such person from the residence of the child. However, prior to the issuance by the court of an order removing such person from the residence of the child, the petitioner must prove by a preponderance of the evidence that such person's probable future conduct would constitute a danger to the life or health of such child, and that there are no less drastic alternatives which could reasonably and adequately protect the child's life or health pending a final determination on the petition; *or*

7. *To abstain from damaging any item of personal property or harming a companion animal, as defined in § 3.2-6500.*

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

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

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

E. At the hearing the child, his or her parents, guardian, legal custodian or other person standing in loco parentis and any other family or household member of the child to whom notice was given shall

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59 have the right to confront and cross-examine all adverse witnesses and evidence and to present evidence
60 on their own behalf.

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

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

78 G. If at the preliminary protective order hearing held pursuant to this section the court makes a
79 finding of abuse or neglect and a preliminary protective order is issued, a dispositional hearing shall be
80 held pursuant to § 16.1-278.2. The court shall forthwith, but in all cases no later than the end of the
81 business day on which the order was issued, enter and transfer electronically to the Virginia Criminal
82 Information Network the respondent's identifying information and the name, date of birth, sex, and race
83 of each protected person provided to the court. A copy of the preliminary protective order containing
84 any such identifying information shall be forwarded forthwith to the primary law-enforcement agency
85 responsible for service and entry of protective orders. Upon receipt of the order by the primary
86 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the
87 identifying information and other appropriate information required by the Department of State Police
88 into the Virginia Criminal Information Network established and maintained by the Department of State
89 Police pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the
90 allegedly abusing person in person as provided in § 16.1-264 and due return made to the court.
91 However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward
92 an attested copy of the order containing the respondent's identifying information and the name, date of
93 birth, sex, and race of each protected person provided to the court to the primary law-enforcement
94 agency providing service and entry of protective orders and upon receipt of the order, the primary
95 law-enforcement agency shall enter the name of the person subject to the order and other appropriate
96 information required by the Department of State Police into the Virginia Criminal Information Network
97 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and
98 the order shall be served forthwith upon the allegedly abusing person in person as provided in
99 § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other
100 appropriate information required by the Department of State Police into the Virginia Criminal
101 Information Network and make due return to the court. The preliminary order shall specify a date for
102 the dispositional hearing. The dispositional hearing shall be scheduled at the time of the hearing
103 pursuant to this section, and shall be held within 75 days of this hearing. If an adjudicatory hearing is
104 requested pursuant to subsection F, the dispositional hearing shall nonetheless be scheduled at the
105 hearing pursuant to this section. All parties present at the hearing shall be given notice of the date and
106 time scheduled for the dispositional hearing; parties who are not present shall be summoned to appear as
107 provided in § 16.1-263.

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

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

117 J. Violation of any order issued pursuant to this section shall constitute contempt of court.

118 K. The court shall forthwith, but in all cases no later than the end of the business day on which the
119 order was issued, enter and transfer electronically to the Virginia Criminal Information Network the
120 respondent's identifying information and the name, date of birth, sex, and race of each protected person

121 provided to the court. A copy of the preliminary protective order containing any such identifying
 122 information shall be forwarded forthwith to the primary law-enforcement agency responsible for service
 123 and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the
 124 agency shall forthwith verify and enter any modification as necessary to the identifying information and
 125 other appropriate information required by the Department of State Police into the Virginia Criminal
 126 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et
 127 seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as
 128 provided in § 16.1-264 and due return made to the court. However, if the order is issued by the circuit
 129 court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the
 130 respondent's identifying information and the name, date of birth, sex, and race of each protected person
 131 provided to the court to the primary law-enforcement agency providing service and entry of protective
 132 orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the
 133 person subject to the order and other appropriate information required by the Department of State Police
 134 into the Virginia Criminal Information Network established and maintained by the Department pursuant
 135 to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly
 136 abusing person in person as provided in § 16.1-264. Upon service, the agency making service shall enter
 137 the date and time of service and other appropriate information required by the Department of State
 138 Police into the Virginia Criminal Information Network and make due return to the court. The
 139 preliminary order shall specify a date for the full hearing.

140 Upon receipt of the return of service or other proof of service pursuant to subsection C of
 141 § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to the
 142 primary law-enforcement agency and the agency shall forthwith verify and enter any modification as
 143 necessary into the Virginia Criminal Information Network as described above. If the order is later
 144 dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded
 145 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders,
 146 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify
 147 and enter any modification as necessary to the identifying information and other appropriate information
 148 required by the Department of State Police into the Virginia Criminal Information Network as described
 149 above and the order shall be served forthwith and due return made to the court.

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

151 § 16.1-253.1. Preliminary protective orders in cases of family abuse; confidentiality.

152 A. Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period
 153 of time, subjected to family abuse, the court may issue a preliminary protective order against an
 154 allegedly abusing person in order to protect the health and safety of the petitioner or any family or
 155 household member of the petitioner. The order may be issued in an ex parte proceeding upon good
 156 cause shown when the petition is supported by an affidavit or sworn testimony before the judge or
 157 intake officer. Immediate and present danger of family abuse or evidence sufficient to establish probable
 158 cause that family abuse has recently occurred shall constitute good cause. Evidence that the petitioner
 159 has been subjected to family abuse within a reasonable time and evidence of immediate and present
 160 danger of family abuse may be established by a showing that (i) the allegedly abusing person is
 161 incarcerated and is to be released from incarceration within 30 days following the petition or has been
 162 released from incarceration within 30 days prior to the petition, (ii) the crime for which the allegedly
 163 abusing person was convicted and incarcerated involved family abuse against the petitioner, and (iii) the
 164 allegedly abusing person has made threatening contact with the petitioner while he was incarcerated,
 165 exhibiting a renewed threat to the petitioner of family abuse.

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

- 168 1. Prohibiting acts of family abuse.
- 169 2. Prohibiting such other contacts between the parties as the court deems appropriate.
- 170 3. Prohibiting such other contacts with the allegedly abused family or household member as the court
 171 deems necessary to protect the safety of such persons.
- 172 4. Granting the petitioner possession of the premises occupied by the parties to the exclusion of the
 173 allegedly abusing person; however, no such grant of possession shall affect title to any real or personal
 174 property.
- 175 5. Enjoining the respondent from terminating any necessary utility service to a premises that the
 176 petitioner has been granted possession of pursuant to subdivision 4 or, where appropriate, ordering the
 177 respondent to restore utility services to such premises.
- 178 6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner
 179 alone or jointly owned by the parties to the exclusion of the allegedly abusing person; however, no such
 180 grant of possession or use shall affect title to the vehicle.
- 181 7. Requiring that the allegedly abusing person provide suitable alternative housing for the petitioner

182 and any other family or household member and, where appropriate, requiring the respondent to pay
183 deposits to connect or restore necessary utility services in the alternative housing provided.

184 8. *Enjoining the respondent from damaging any item of personal property or harming a companion*
185 *animal, as defined in § 3.2-6500.*

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

188 B. The court shall forthwith, but in all cases no later than the end of the business day on which the
189 order was issued, enter and transfer electronically to the Virginia Criminal Information Network the
190 respondent's identifying information and the name, date of birth, sex, and race of each protected person
191 provided to the court. A copy of a preliminary protective order containing any such identifying
192 information shall be forwarded forthwith to the primary law-enforcement agency responsible for service
193 and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the
194 agency shall forthwith verify and enter any modification as necessary to the identifying information and
195 other appropriate information required by the Department of State Police into the Virginia Criminal
196 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et
197 seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as
198 provided in § 16.1-264 and due return made to the court. However, if the order is issued by the circuit
199 court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the
200 respondent's identifying information and the name, date of birth, sex, and race of each protected person
201 provided to the court to the primary law-enforcement agency providing service and entry of protective
202 orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the
203 person subject to the order and other appropriate information required by the Department of State Police
204 into the Virginia Criminal Information Network established and maintained by the Department pursuant
205 to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly
206 abusing person in person as provided in § 16.1-264. Upon service, the agency making service shall enter
207 the date and time of service and other appropriate information required by the Department of State
208 Police into the Virginia Criminal Information Network and make due return to the court. The
209 preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of
210 the issuance of the preliminary order. If the respondent fails to appear at this hearing because the
211 respondent was not personally served, or if personally served was incarcerated and not transported to the
212 hearing, the court may extend the protective order for a period not to exceed six months. The extended
213 protective order shall be served forthwith on the respondent. However, upon motion of the respondent
214 and for good cause shown, the court may continue the hearing. The preliminary order shall remain in
215 effect until the hearing. Upon request after the order is issued, the clerk shall provide the petitioner with
216 a copy of the order and information regarding the date and time of service. The order shall further
217 specify that either party may at any time file a motion with the court requesting a hearing to dissolve or
218 modify the order. The hearing on the motion shall be given precedence on the docket of the court.

219 Upon receipt of the return of service or other proof of service pursuant to subsection C of
220 § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to the
221 primary law-enforcement agency, and the agency shall forthwith verify and enter any modification as
222 necessary into the Virginia Criminal Information Network as described above. If the order is later
223 dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded
224 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders,
225 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify
226 and enter any modification as necessary to the identifying information and other appropriate information
227 required by the Department of State Police into the Virginia Criminal Information Network as described
228 above and the order shall be served forthwith and due return made to the court.

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

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

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

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

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

241 § 16.1-253.4. Emergency protective orders authorized in certain cases; penalty.

242 A. Any judge of a circuit court, general district court, juvenile and domestic relations district court or
243 magistrate may issue a written or oral ex parte emergency protective order pursuant to this section in

244 order to protect the health or safety of any person.

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

254 1. Prohibiting acts of family abuse;

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

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

260 4. *Prohibiting damaging any item of personal property or harming a companion animal, as defined*
 261 *in § 3.2-6500.*

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

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

278 D. A law-enforcement officer may request an emergency protective order pursuant to this section
 279 and, if the person in need of protection is physically or mentally incapable of filing a petition pursuant
 280 to § 16.1-253.1 or § 16.1-279.1, may request the extension of an emergency protective order for an
 281 additional period of time not to exceed three days after expiration of the original order. The request for
 282 an emergency protective order or extension of an order may be made orally, in person or by electronic
 283 means, and the judge of a circuit court, general district court, or juvenile and domestic relations district
 284 court or a magistrate may issue an oral emergency protective order. An oral emergency protective order
 285 issued pursuant to this section shall be reduced to writing, by the law-enforcement officer requesting the
 286 order or the magistrate on a preprinted form approved and provided by the Supreme Court of Virginia.
 287 The completed form shall include a statement of the grounds for the order asserted by the officer or the
 288 allegedly abused person.

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

305 Department of State Police into the Virginia Criminal Network established and maintained by the
306 Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith
307 on the respondent. Upon service, the agency making service shall enter the date and time of service and
308 other appropriate information required by the Department of State Police into the Virginia Criminal
309 Information Network and make due return to the court. One copy of the order shall be given to the
310 allegedly abused person when it is issued, and one copy shall be filed with the written report required
311 by § 19.2-81.3 C. The judge or magistrate who issues an oral order pursuant to an electronic request by
312 a law-enforcement officer shall verify the written order to determine whether the officer who reduced it
313 to writing accurately transcribed the contents of the oral order. The original copy shall be filed with the
314 clerk of the juvenile and domestic relations district court within five business days of the issuance of the
315 order. If the order is later dissolved or modified, a copy of the dissolution or modification order shall
316 also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and
317 entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the
318 agency shall forthwith verify and enter any modification as necessary to the identifying information and
319 other appropriate information required by the Department of State Police into the Virginia Criminal
320 Information Network as described above and the order shall be served forthwith and due return made to
321 the court. Upon request, the clerk shall provide the allegedly abused person with information regarding
322 the date and time of service.

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

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

327 H. As used in this section, a "law-enforcement officer" means any (i) full-time or part-time employee
328 of a police department or sheriff's office which is part of or administered by the Commonwealth or any
329 political subdivision thereof and who is responsible for the prevention and detection of crime and the
330 enforcement of the penal, traffic or highway laws of the Commonwealth and (ii) member of an auxiliary
331 police force established pursuant to subsection B of § 15.2-1731. Part-time employees are compensated
332 officers who are not full-time employees as defined by the employing police department or sheriff's
333 office.

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

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

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

341 § 16.1-279.1. Protective order in cases of family abuse.

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

347 1. Prohibiting acts of family abuse;

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

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

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

355 5. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner
356 alone or jointly owned by the parties to the exclusion of the respondent; however, no such grant of
357 possession or use shall affect title to the vehicle;

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

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

363 8. *Prohibiting the respondent from damaging any item of personal property or harming a companion*
364 *animal, as defined in § 3.2-6500; and*

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

367 A1. If a protective order is issued pursuant to subsection A of this section, the court may also issue a
368 temporary child support order for the support of any children of the petitioner whom the respondent has
369 a legal obligation to support. Such order shall terminate upon the determination of support pursuant to
370 § 20-108.1.

371 B. The protective order may be issued for a specified period of time up to a maximum of two years.
372 The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day
373 of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner
374 may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective
375 order shall be given precedence on the docket of the court. If the petitioner was a member of the
376 respondent's family or household at the time the initial protective order was issued, the court may extend
377 the protective order for a period not longer than two years to protect the health and safety of the
378 petitioner or persons who are family or household members of the petitioner at the time the request for
379 an extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day
380 specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein
381 shall limit the number of extensions that may be requested or issued.

382 C. A copy of the protective order shall be served on the respondent and provided to the petitioner as
383 soon as possible. The court shall forthwith, but in all cases no later than the end of the business day on
384 which the order was issued, enter and transfer electronically to the Virginia Criminal Information
385 Network the respondent's identifying information and the name, date of birth, sex, and race of each
386 protected person provided to the court and shall forthwith forward the attested copy of the protective
387 order containing any such identifying information to the primary law-enforcement agency responsible for
388 service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency,
389 the agency shall forthwith verify and enter any modification as necessary to the identifying information
390 and other appropriate information required by the Department of State Police into the Virginia Criminal
391 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et
392 seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the
393 court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith
394 forward an attested copy of the order containing the respondent's identifying information and the name,
395 date of birth, sex, and race of each protected person provided to the court to the primary
396 law-enforcement agency providing service and entry of protective orders and upon receipt of the order,
397 the primary law-enforcement agency shall enter the name of the person subject to the order and other
398 appropriate information required by the Department of State Police into the Virginia Criminal
399 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et
400 seq.) of Title 52 and the order shall be served forthwith upon the respondent. Upon service, the agency
401 making service shall enter the date and time of service and other appropriate information required by the
402 Department of State Police into the Virginia Criminal Information Network and make due return to the
403 court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall
404 also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and
405 entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the
406 agency shall forthwith verify and enter any modification as necessary to the identifying information and
407 other appropriate information required by the Department of State Police into the Virginia Criminal
408 Information Network as described above and the order shall be served forthwith and due return made to
409 the court.

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

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

414 F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate
415 jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths,
416 the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing
417 violent or threatening acts or harassment against or contact or communication with or physical proximity
418 to another person, including any of the conditions specified in subsection A, shall be accorded full faith
419 and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided
420 reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person
421 against whom the order is sought to be enforced sufficient to protect such person's due process rights
422 and consistent with federal law. A person entitled to protection under such a foreign order may file the
423 order in any juvenile and domestic relations district court by filing with the court an attested or
424 exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of
425 the order to the primary law-enforcement agency responsible for service and entry of protective orders
426 which shall, upon receipt, enter the name of the person subject to the order and other appropriate
427 information required by the Department of State Police into the Virginia Criminal Information Network

428 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where
429 practical, the court may transfer information electronically to the Virginia Criminal Information Network.

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

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

438 H. As used in this section:

439 "Copy" includes a facsimile copy; and

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

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

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

447 § 19.2-152.8. Emergency protective orders authorized in cases of stalking, sexual battery, and acts of
448 violence.

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

452 B. When a law-enforcement officer, an allegedly stalked person or an alleged victim of sexual
453 battery in violation of § 18.2-67.4, aggravated sexual battery in violation of § 18.2-67.3 or a criminal
454 offense resulting in a serious bodily injury to the alleged victim asserts under oath to a judge or
455 magistrate that such person is being or has been subjected to stalking, sexual battery in violation of
456 § 18.2-67.4, aggravated sexual battery in violation of § 18.2-67.3, or a criminal offense resulting in a
457 serious bodily injury to the alleged victim and on that assertion or other evidence the judge or
458 magistrate finds that (i) there is probable danger of a further such offense being committed by the
459 respondent against the alleged victim and (ii) a warrant for the arrest of the respondent has been issued,
460 the judge or magistrate shall issue an ex parte emergency protective order imposing one or more of the
461 following conditions on the respondent:

462 1. Prohibiting acts of violence, acts of sexual battery, or acts of stalking in violation of § 18.2-60.3;

463 2. Prohibiting such contacts by the respondent with the alleged victim of such crime or such person's
464 family or household members as the judge or magistrate deems necessary to protect the safety of such
465 persons; and

466 3. *Prohibiting damaging any item of personal property or harming a companion animal, as defined*
467 *in § 3.2-6500; and*

468 4. Such other conditions as the judge or magistrate deems necessary to prevent acts of stalking, acts
469 of sexual battery, or criminal offenses resulting in injury to person or property, or communication or
470 other contact of any kind by the respondent.

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

477 D. A law-enforcement officer may request an emergency protective order pursuant to this section
478 orally, in person or by electronic means, and the judge of a circuit court, general district court, or
479 juvenile and domestic relations district court or a magistrate may issue an oral emergency protective
480 order. An oral emergency protective order issued pursuant to this section shall be reduced to writing, by
481 the law-enforcement officer requesting the order or the magistrate, on a preprinted form approved and
482 provided by the Supreme Court of Virginia. The completed form shall include a statement of the
483 grounds for the order asserted by the officer or the alleged victim of such crime.

484 E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day
485 on which the order was issued, enter and transfer electronically to the Virginia Criminal Information
486 Network the respondent's identifying information and the name, date of birth, sex, and race of each
487 protected person provided to the court or magistrate. A copy of an emergency protective order issued
488 pursuant to this section containing any such identifying information shall be forwarded forthwith to the
489 primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of

590 the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any
 591 modification as necessary to the identifying information and other appropriate information required by
 592 the Department of State Police into the Virginia Criminal Information Network established and
 593 maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be
 594 served forthwith upon the respondent and due return made to the court. However, if the order is issued
 595 by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order
 596 containing the respondent's identifying information and the name, date of birth, sex, and race of each
 597 protected person provided to the court to the primary law-enforcement agency providing service and
 598 entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter
 599 the name of the person subject to the order and other appropriate information required by the
 500 Department of State Police into the Virginia Criminal Information Network established and maintained
 501 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served
 502 forthwith upon the respondent. Upon service, the agency making service shall enter the date and time of
 503 service and other appropriate information required into the Virginia Criminal Information Network and
 504 make due return to the court. One copy of the order shall be given to the alleged victim of such crime.
 505 The judge or magistrate who issues an oral order pursuant to an electronic request by a law-enforcement
 506 officer shall verify the written order to determine whether the officer who reduced it to writing
 507 accurately transcribed the contents of the oral order. The original copy shall be filed with the clerk of
 508 the appropriate district court within five business days of the issuance of the order. If the order is later
 509 dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded
 510 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders,
 511 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify
 512 and enter any modification as necessary to the identifying information and other appropriate information
 513 required by the Department of State Police into the Virginia Criminal Information Network as described
 514 above and the order shall be served forthwith and due return made to the court. Upon request, the clerk
 515 shall provide the alleged victim of such crime with information regarding the date and time of service.

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

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

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

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

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

532 § 19.2-152.9. Preliminary protective orders in cases of stalking, sexual battery and acts of violence.

533 A. Upon the filing of a petition alleging that (i) the petitioner is or has been, within a reasonable
 534 period of time, subjected to stalking, sexual battery in violation of § 18.2-67.4, aggravated sexual battery
 535 in violation of § 18.2-67.3, or a criminal offense resulting in a serious bodily injury to the petitioner,
 536 and (ii) a warrant has been issued for the arrest of the alleged perpetrator of such act or acts, the court
 537 may issue a preliminary protective order against the alleged perpetrator in order to protect the health and
 538 safety of the petitioner or any family or household member of the petitioner. The order may be issued in
 539 an ex parte proceeding upon good cause shown when the petition is supported by an affidavit or sworn
 540 testimony before the judge or intake officer. Immediate and present danger of stalking or another
 541 criminal offense that may result in a serious bodily injury to the petitioner or evidence sufficient to
 542 establish probable cause that stalking, sexual battery in violation of § 18.2-67.4, aggravated sexual
 543 battery in violation of § 18.2-67.3, or a criminal offense resulting in a serious bodily injury to the
 544 petitioner has recently occurred shall constitute good cause.

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

547 1. Prohibiting criminal offenses that may result in injury to person or property, acts of sexual battery,
 548 or acts of stalking in violation of § 18.2-60.3;

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

551 3. *Prohibiting damaging any item of personal property or harming a companion animal, as defined*
552 *in § 3.2-6500; and*

553 4. Such other conditions as the court deems necessary to prevent acts of stalking, acts of sexual
554 battery, criminal offenses that may result in injury to person or property, or communication or other
555 contact of any kind by the respondent.

556 B. The court shall forthwith, but in all cases no later than the end of the business day on which the
557 order was issued, enter and transfer electronically to the Virginia Criminal Information Network the
558 respondent's identifying information and the name, date of birth, sex, and race of each protected person
559 provided to the court. A copy of a preliminary protective order containing any such identifying
560 information shall be forwarded forthwith to the primary law-enforcement agency responsible for service
561 and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the
562 agency shall forthwith verify and enter any modification as necessary to the identifying information and
563 other appropriate information required by the Department of State Police into the Virginia Criminal
564 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et
565 seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided
566 in § 16.1-264, and due return made to the court. However, if the order is issued by the circuit court, the
567 clerk of the circuit court shall forthwith forward an attested copy of the order containing the
568 respondent's identifying information and the name, date of birth, sex, and race of each protected person
569 provided to the court to the primary law-enforcement agency providing service and entry of protective
570 orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the
571 person subject to the order and other appropriate information required by the Department of State Police
572 into the Virginia Criminal Information Network established and maintained by the Department pursuant
573 to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged
574 perpetrator in person as provided in § 16.1-264. Upon service, the agency making service shall enter the
575 date and time of service and other appropriate information required by the Department of State Police
576 into the Virginia Criminal Information Network and make due return to the court. The preliminary order
577 shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the
578 preliminary order. If the respondent fails to appear at this hearing because the respondent was not
579 personally served, the court may extend the protective order for a period not to exceed six months. The
580 extended protective order shall be served as soon as possible on the respondent. However, upon motion
581 of the respondent and for good cause shown, the court may continue the hearing. The preliminary order
582 shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the
583 petitioner with a copy of the order and information regarding the date and time of service. The order
584 shall further specify that either party may at any time file a motion with the court requesting a hearing
585 to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of
586 the court.

587 Upon receipt of the return of service or other proof of service pursuant to subsection C of
588 § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to
589 primary law-enforcement agency and the agency shall forthwith verify and enter any modification as
590 necessary into the Virginia Criminal Information Network as described above. If the order is later
591 dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded
592 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders,
593 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify
594 and enter any modification as necessary to the identifying information and other appropriate information
595 required by the Department of State Police into the Virginia Criminal Information Network as described
596 above and the order shall be served forthwith and due return made to the court.

597 C. The preliminary order is effective upon personal service on the alleged perpetrator. Except as
598 otherwise provided in § 16.1-253.2, a violation of the order shall constitute contempt of court.

599 D. At a full hearing on the petition, the court may issue a protective order pursuant to § 19.2-152.10
600 if the court finds that the petitioner has proven the allegation of a criminal offense resulting in a serious
601 bodily injury to the petitioner, sexual battery in violation of § 18.2-67.4, aggravated sexual battery in
602 violation of § 18.2-67.3, or stalking by a preponderance of the evidence.

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

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

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

610 § 19.2-152.10. Protective order in cases of stalking, sexual battery and acts of violence.

611 A. The court may issue a protective order pursuant to this chapter to protect the health and safety of
612 the petitioner and family or household members of a petitioner upon (i) the issuance of a warrant for

613 sexual battery in violation of § 18.2-67.4, aggravated sexual battery in violation of § 18.2-67.3, a
 614 criminal offense resulting in a serious bodily injury to the petitioner, or a violation of § 18.2-60.3, (ii) a
 615 hearing held pursuant to subsection D of § 19.2-152.9, or (iii) a conviction for sexual battery in violation
 616 of § 18.2-67.4, aggravated sexual battery in violation of § 18.2-67.3, a criminal offense resulting in a
 617 serious bodily injury to the petitioner, or a violation of § 18.2-60.3. A protective order issued under this
 618 section may include any one or more of the following conditions to be imposed on the respondent:

619 1. Prohibiting criminal offenses that may result in injury to person or property, acts of sexual battery,
 620 or acts of stalking in violation of § 18.2-60.3;

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

623 3. *Prohibiting damaging any item of personal property or harming a companion animal, as defined*
 624 *in § 3.2-6500; and*

625 4. Any other relief necessary to prevent criminal offenses that may result in injury to person or
 626 property, acts of sexual battery, or acts of stalking, communication or other contact of any kind by the
 627 respondent.

628 B. The protective order may be issued for a specified period of time up to a maximum of two years.
 629 The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day
 630 of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner
 631 may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective
 632 order shall be given precedence on the docket of the court. The court may extend the protective order
 633 for a period not longer than two years to protect the health and safety of the petitioner or persons who
 634 are family or household members of the petitioner at the time the request for an extension is made. The
 635 extension of the protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on
 636 the last day of the two-year period if no date is specified. Nothing herein shall limit the number of
 637 extensions that may be requested or issued.

638 C. A copy of the protective order shall be served on the respondent and provided to the petitioner as
 639 soon as possible. The court shall forthwith, but in all cases no later than the end of the business day on
 640 which the order was issued, enter and transfer electronically to the Virginia Criminal Information
 641 Network the respondent's identifying information and the name, date of birth, sex, and race of each
 642 protected person provided to the court and shall forthwith forward the attested copy of the protective
 643 order and containing any such identifying information to the primary law-enforcement agency
 644 responsible for service and entry of protective orders. Upon receipt of the order by the primary
 645 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the
 646 identifying information and other appropriate information required by the Department of State Police
 647 into the Virginia Criminal Information Network established and maintained by the Department pursuant
 648 to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent
 649 and due return made to the court. However, if the order is issued by the circuit court, the clerk of the
 650 circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying
 651 information and the name, date of birth, sex, and race of each protected person provided to the court to
 652 the primary law-enforcement agency providing service and entry of protective orders and upon receipt of
 653 the order, the primary law-enforcement agency shall enter the name of the person subject to the order
 654 and other appropriate information required by the Department of State Police into the Virginia Criminal
 655 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et
 656 seq.) of Title 52 and the order shall be served forthwith on the respondent. Upon service, the agency
 657 making service shall enter the date and time of service and other appropriate information required into
 658 the Virginia Criminal Information Network and make due return to the court. If the order is later
 659 dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded
 660 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders,
 661 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify
 662 and enter any modification as necessary to the identifying information and other appropriate information
 663 required by the Department of State Police into the Virginia Criminal Information Network as described
 664 above and the order shall be served forthwith and due return made to the court.

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

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

669 F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate
 670 jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths,
 671 the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing
 672 violent or threatening acts or harassment against or contact or communication with or physical proximity
 673 to another person, including any of the conditions specified in subsection A, shall be accorded full faith

674 and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided
675 reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person
676 against whom the order is sought to be enforced sufficient to protect such person's due process rights
677 and consistent with federal law. A person entitled to protection under such a foreign order may file the
678 order in any appropriate district court by filing with the court, an attested or exemplified copy of the
679 order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary
680 law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt,
681 enter the name of the person subject to the order and other appropriate information required by the
682 Department of State Police into the Virginia Criminal Information Network established and maintained
683 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may
684 transfer information electronically to the Virginia Criminal Information Network.

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

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

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

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

699 J. As used in this section:

700 "Copy" includes a facsimile copy; and

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

702 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
703 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
704 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
705 **874 of the Acts of Assembly of 2010 requires the Virginia Criminal Sentencing Commission to**
706 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the**
707 **necessary appropriation is \$0 for periods of commitment to the custody of the Department of**
708 **Juvenile Justice.**