10100678D **HOUSE BILL NO. 285** 1 2 Offered January 13, 2010 3 Prefiled January 11, 2010 4 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, 5 and 19.2-152.10 of the Code of Virginia, relating to protective orders; companion animals; penalty. 6 Patrons—Scott, J.M. and Herring 7 8 Referred to Committee for Courts of Justice 9 10 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 11 the Code of Virginia are amended and reenacted as follows: 12 § 16.1-253. Preliminary protective order. 13 14 A. Upon the motion of any person or upon the court's own motion, the court may issue a preliminary 15 protective order, after a hearing, if necessary to protect a child's life, health, safety or normal 16 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 17 household member of the child to observe reasonable conditions of behavior for a specified length of 18 19 time. These conditions shall include any one or more of the following: 20 1. To abstain from offensive conduct against the child, a family or household member of the child or 21 any person to whom custody of the child is awarded; 22 2. To cooperate in the provision of reasonable services or programs designed to protect the child's 23 life, health or normal development; 24 3. To allow persons named by the court to come into the child's home at reasonable times designated 25 by the court to visit the child or inspect the fitness of the home and to determine the physical or 26 emotional health of the child; 27 4. To allow visitation with the child by persons entitled thereto, as determined by the court; 28 5. To refrain from acts of commission or omission which tend to endanger the child's life, health or 29 normal development; or 30 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. 31 32 However, prior to the issuance by the court of an order removing such person from the residence of the 33 child, the petitioner must prove by a preponderance of the evidence that such person's probable future 34 conduct would constitute a danger to the life or health of such child, and that there are no less drastic 35 alternatives which could reasonably and adequately protect the child's life or health pending a final 36 determination on the petition.; or 37 7. To abstain from harming a companion animal, as defined in § 3.2-6500, that is owned, possessed, 38 leased, kept, or held by the child, a family or household member of the child, or any person to whom 39 custody of the child is awarded when such harm to the companion animal is with the intent to threaten, 40 coerce, intimidate, or harm the child for whom the protective order has been issued, a family or 41 household member of the child, or any person to whom custody of the child is awarded. B. A preliminary protective order may be issued ex parte upon motion of any person or the court's 42 own motion in any matter before the court, or upon petition. The motion or petition shall be supported 43 by an affidavit or by sworn testimony in person before the judge or intake officer which establishes that 44 45 the child would be subjected to an imminent threat to life or health to the extent that delay for the 46 provision of an adversary hearing would be likely to result in serious or irremediable injury to the 47 child's life or health. If an ex parte order is issued without an affidavit being presented, the court, in its 48 order, shall state the basis upon which the order was entered, including a summary of the allegations 49 made and the court's findings. Following the issuance of an ex parte order the court shall provide an 50 adversary hearing to the affected parties within the shortest practicable time not to exceed five business 51 days after the issuance of the order. 52 C. Prior to the hearing required by this section, notice of the hearing shall be given at least 24 hours 53 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 54 55 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 56 specific statement of the factual circumstances which allegedly necessitate the issuance of a preliminary 57

58 protective order.

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

64 F. If a petition alleging abuse or neglect of a child has been filed, at the hearing pursuant to this 65 section the court shall determine whether the allegations of abuse or neglect have been proven by a preponderance of the evidence. Any finding of abuse or neglect shall be stated in the court order. 66 However, if, before such a finding is made, a person responsible for the care and custody of the child, 67 the child's guardian ad litem or the local department of social services objects to a finding being made 68 at the hearing, the court shall schedule an adjudicatory hearing to be held within 30 days of the date of 69 the initial preliminary protective order hearing. The adjudicatory hearing shall be held to determine 70 71 whether the allegations of abuse and neglect have been proven by a preponderance of the evidence. Parties who are present at the hearing shall be given notice of the date set for the adjudicatory hearing 72 and parties who are not present shall be summoned as provided in § 16.1-263. The adjudicatory hearing 73 74 shall be held and an order may be entered, although a party to the hearing fails to appear and is not 75 represented by counsel, provided personal or substituted service was made on the person, or the court 76 determines that such person cannot be found, after reasonable effort, or in the case of a person who is 77 without the Commonwealth, the person cannot be found or his post office address cannot be ascertained 78 after reasonable effort.

Any preliminary protective order issued shall remain in full force and effect pending the adjudicatoryhearing.

81 G. If at the preliminary protective order hearing held pursuant to this section the court makes a 82 finding of abuse or neglect and a preliminary protective order is issued, a dispositional hearing shall be held pursuant to § 16.1-278.2. The court shall forthwith, but in all cases no later than the end of the 83 84 business day on which the order was issued, enter and transfer electronically to the Virginia Criminal 85 Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of the preliminary protective order containing 86 87 any such identifying information shall be forwarded forthwith to the primary law-enforcement agency 88 responsible for service and entry of protective orders. Upon receipt of the order by the primary 89 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the 90 identifying information and other appropriate information required by the Department of State Police 91 into the Virginia Criminal Information Network established and maintained by the Department of State Police pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the 92 allegedly abusing person in person as provided in § 16.1-264 and due return made to the court. 93 94 However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward 95 an attested copy of the order containing the respondent's identifying information and the name, date of 96 birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary 97 98 law-enforcement agency shall enter the name of the person subject to the order and other appropriate 99 information required by the Department of State Police into the Virginia Criminal Information Network 100 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and 101 the order shall be served forthwith upon 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 102 103 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 104 the dispositional hearing. The dispositional hearing shall be scheduled at the time of the hearing pursuant to this section, and shall be held within 75 days of this hearing. If an adjudicatory hearing is 105 106 107 requested pursuant to subsection F, the dispositional hearing shall nonetheless be scheduled at the 108 hearing pursuant to this section. All parties present at the hearing shall be given notice of the date and 109 time scheduled for the dispositional hearing; parties who are not present shall be summoned to appear as 110 provided in § 16.1-263.

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

115 I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's 116 office, nor any employee of them, may disclose, except among themselves, the residential address, 117 telephone number, or place of employment of the person protected by the order or that of the family of 118 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme 119 Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

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

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121 K. The court shall forthwith, but in all cases no later than the end of the business day on which the 122 order was issued, enter and transfer electronically to the Virginia Criminal Information Network the 123 respondent's identifying information and the name, date of birth, sex, and race of each protected person 124 provided to the court. A copy of the preliminary protective order containing any such identifying 125 information shall be forwarded forthwith to the primary law-enforcement agency responsible for service 126 and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the 127 agency shall forthwith verify and enter any modification as necessary to the identifying information and 128 other appropriate information required by the Department of State Police into the Virginia Criminal 129 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et 130 seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as 131 provided in § 16.1-264 and due return made to the court. However, if the order is issued by the circuit 132 court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the 133 respondent's identifying information and the name, date of birth, sex, and race of each protected person 134 provided to the court to the primary law-enforcement agency providing service and entry of protective 135 orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the 136 person subject to the order and other appropriate information required by the Department of State Police 137 into the Virginia Criminal Information Network established and maintained by the Department pursuant 138 to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly 139 abusing person in person as provided in § 16.1-264. Upon service, the agency making service shall enter 140 the date and time of service and other appropriate information required by the Department of State 141 Police into the Virginia Criminal Information Network and make due return to the court. The 142 preliminary order shall specify a date for the full hearing.

143 Upon receipt of the return of service or other proof of service pursuant to subsection C of 144 § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to the 145 primary law-enforcement agency and the agency shall forthwith verify and enter any modification as 146 necessary into the Virginia Criminal Information Network as described above. If the order is later 147 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, 148 149 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify 150 and enter any modification as necessary to the identifying information and other appropriate information 151 required by the Department of State Police into the Virginia Criminal Information Network as described 152 above and the order shall be served forthwith and due return made to the court.

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

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

155 A. Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period 156 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 157 158 159 cause shown when the petition is supported by an affidavit or sworn testimony before the judge or 160 intake officer. Immediate and present danger of family abuse or evidence sufficient to establish probable 161 cause that family abuse has recently occurred shall constitute good cause. Evidence that the petitioner 162 has been subjected to family abuse within a reasonable time and evidence of immediate and present 163 danger of family abuse may be established by a showing that (i) the allegedly abusing person is 164 incarcerated and is to be released from incarceration within 30 days following the petition or has been 165 released from incarceration within 30 days prior to the petition, (ii) the crime for which the allegedly abusing person was convicted and incarcerated involved family abuse against the petitioner, and (iii) the 166 167 allegedly abusing person has made threatening contact with the petitioner while he was incarcerated, 168 exhibiting a renewed threat to the petitioner of family abuse.

169 A preliminary protective order may include any one or more of the following conditions to be 170 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 courtdeems 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.

178 5. Énjoining 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.

181 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.

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

187 8. Prohibiting harm to a companion animal, as defined in § 3.2-6500, that is owned, possessed,
188 leased, kept, or held by the petitioner or a family or household member of the petitioner when such
189 harm to the companion animal is with the intent to threaten, coerce, intimidate, or harm the petitioner
190 or a family or household member of the petitioner.

191 89. Any other relief necessary for the protection of the petitioner and family or household members192 of the petitioner.

193 B. The court shall forthwith, but in all cases no later than the end of the business day on which the 194 order was issued, enter and transfer electronically to the Virginia Criminal Information Network the 195 respondent's identifying information and the name, date of birth, sex, and race of each protected person 196 provided to the court. A copy of a preliminary protective order containing any such identifying 197 information shall be forwarded forthwith to the primary law-enforcement agency responsible for service 198 and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the 199 agency shall forthwith verify and enter any modification as necessary to the identifying information and 200 other appropriate information required by the Department of State Police into the Virginia Criminal 201 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et 202 seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as 203 provided in § 16.1-264 and due return made to the court. However, if the order is issued by the circuit 204 court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the 205 respondent's identifying information and the name, date of birth, sex, and race of each protected person 206 provided to the court to the primary law-enforcement agency providing service and entry of protective 207 orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the 208 person subject to the order and other appropriate information required by the Department of State Police 209 into the Virginia Criminal Information Network established and maintained by the Department pursuant 210 to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly 211 abusing person in person as provided in § 16.1-264. Upon service, the agency making service shall enter 212 the date and time of service and other appropriate information required by the Department of State 213 Police into the Virginia Criminal Information Network and make due return to the court. The 214 preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of 215 the issuance of the preliminary order. If the respondent fails to appear at this hearing because the 216 respondent was not personally served, or if personally served was incarcerated and not transported to the 217 hearing, the court may extend the protective order for a period not to exceed six months. The extended 218 protective order shall be served forthwith on the respondent. However, upon motion of the respondent 219 and for good cause shown, the court may continue the hearing. The preliminary order shall remain in 220 effect until the hearing. Upon request after the order is issued, the clerk shall provide the petitioner with 221 a copy of the order and information regarding the date and time of service. The order shall further 222 specify that either party may at any time file a motion with the court requesting a hearing to dissolve or 223 modify the order. The hearing on the motion shall be given precedence on the docket of the court.

224 Upon receipt of the return of service or other proof of service pursuant to subsection C of 225 § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to the 226 primary law-enforcement agency, and the agency shall forthwith verify and enter any modification as 227 necessary into the Virginia Criminal Information Network as described above. If the order is later 228 dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded 229 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, 230 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 231 232 required by the Department of State Police into the Virginia Criminal Information Network as described 233 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. Exceptas 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 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.

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244 F. As used in this section, "copy" includes a facsimile copy. 245

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

246 § 16.1-253.4. Emergency protective orders authorized in certain cases; penalty.

247 A. Any judge of a circuit court, general district court, juvenile and domestic relations district court or 248 magistrate may issue a written or oral ex parte emergency protective order pursuant to this section in 249 order to protect the health or safety of any person.

250 B. When a law-enforcement officer or an allegedly abused person asserts under oath to a judge or 251 magistrate, and on that assertion or other evidence the judge or magistrate (i) finds that a warrant for a 252 violation of § 18.2-57.2 has been issued or issues a warrant for violation of § 18.2-57.2 and finds that 253 there is probable danger of further acts of family abuse against a family or household member by the 254 respondent or (ii) finds that reasonable grounds exist to believe that the respondent has committed 255 family abuse and there is probable danger of a further such offense against a family or household 256 member by the respondent, the judge or magistrate shall issue an exparte emergency protective order, 257 except if the respondent is a minor, an emergency protective order shall not be required, imposing one 258 or more of the following conditions on the respondent:

1. Prohibiting acts of family abuse;

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260 2. Prohibiting such contacts by the respondent with family or household members of the respondent 261 as the judge or magistrate deems necessary to protect the safety of such persons; and

262 3. Granting the family or household member possession of the premises occupied by the parties to 263 the exclusion of the respondent; however, no such grant of possession shall affect title to any real or 264 personal property.; and

265 4. Prohibiting harm to a companion animal, as defined in § 3.2-6500, that is owned, possessed, 266 leased, kept, or held by the petitioner or a family or household member of the petitioner when such 267 harm to the companion animal is with the intent to threaten, coerce, intimidate, or harm the petitioner 268 or a family or household member of the petitioner.

269 When the judge or magistrate considers the issuance of an emergency protective order pursuant to 270 clause (i) of this subsection, he shall presume that there is probable danger of further acts of family 271 abuse against a family or household member by the respondent unless the presumption is rebutted by the 272 allegedly abused person.

273 C. An emergency protective order issued pursuant to this section shall expire at 11:59 p.m. on the 274 third day following issuance. If the expiration occurs on a day that the court is not in session, the 275 emergency protective order shall be extended until 11:59 p.m. on the next day that the juvenile and 276 domestic relations district court is in session. When issuing an emergency protective order under this 277 section, the judge or magistrate shall provide the protected person or the law-enforcement officer seeking 278 the emergency protective order with the form for use in filing petitions pursuant to § 16.1-253.1 and 279 written information regarding protective orders that shall include the telephone numbers of domestic 280 violence agencies and legal referral sources on a form prepared by the Supreme Court. If these forms 281 are provided to a law-enforcement officer, the officer may provide these forms to the protected person 282 when giving the emergency protective order to the protected person. The respondent may at any time 283 file a motion with the court requesting a hearing to dissolve or modify the order issued hereunder. The 284 hearing on the motion shall be given precedence on the docket of the court.

285 D. A law-enforcement officer may request an emergency protective order pursuant to this section 286 and, if the person in need of protection is physically or mentally incapable of filing a petition pursuant 287 to § 16.1-253.1 or § 16.1-279.1, may request the extension of an emergency protective order for an additional period of time not to exceed three days after expiration of the original order. The request for 288 289 an emergency protective order or extension of an order may be made orally, in person or by electronic 290 means, and the judge of a circuit court, general district court, or juvenile and domestic relations district 291 court or a magistrate may issue an oral emergency protective order. An oral emergency protective order 292 issued pursuant to this section shall be reduced to writing, by the law-enforcement officer requesting the 293 order or the magistrate on a preprinted form approved and provided by the Supreme Court of Virginia. 294 The completed form shall include a statement of the grounds for the order asserted by the officer or the 295 allegedly abused person.

296 E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day 297 on which the order was issued, enter and transfer electronically to the Virginia Criminal Information 298 Network the respondent's identifying information and the name, date of birth, sex, and race of each 299 protected person provided to the court or magistrate. A copy of an emergency protective order issued 300 pursuant to this section containing any such identifying information shall be forwarded forthwith to the 301 primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of 302 the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any 303 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 304

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305 maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be 306 served forthwith upon the respondent and due return made to the court. However, if the order is issued 307 by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order 308 containing the respondent's identifying information and the name, date of birth, sex, and race of each 309 protected person provided to the court to the primary law-enforcement agency providing service and 310 entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter 311 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 312 Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith 313 on the respondent. Upon service, the agency making service shall enter the date and time of service and 314 other appropriate information required by the Department of State Police into the Virginia Criminal 315 Information Network and make due return to the court. One copy of the order shall be given to the 316 317 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 318 319 a law-enforcement officer shall verify the written order to determine whether the officer who reduced it 320 to writing accurately transcribed the contents of the oral order. The original copy shall be filed with the 321 clerk of the juvenile and domestic relations district court within five business days of the issuance of the 322 order. If the order is later dissolved or modified, a copy of the dissolution or modification order shall 323 also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and 324 entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the 325 agency shall forthwith verify and enter any modification as necessary to the identifying information and 326 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 327 the court. Upon request, the clerk shall provide the allegedly abused person with information regarding 328 329 the date and time of service.

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

332 G. The issuance of an emergency protective order shall not be considered evidence of any 333 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.

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

A. In cases of family abuse, including any case involving an incarcerated or recently incarcerated
respondent against whom a preliminary protective order has been issued pursuant to § 16.2-253.1, the
court may issue a protective order to protect the health and safety of the petitioner and family or
household members of the petitioner. A protective order issued under this section may include any one
or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of family abuse;

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

357 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;

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

365 6. Requiring that the respondent provide suitable alternative housing for the petitioner and, if 366 appropriate, any other family or household member and where appropriate, requiring the respondent to

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367 pay deposits to connect or restore necessary utility services in the alternative housing provided;

368 7. Ordering the respondent to participate in treatment, counseling or other programs as the court369 deems appropriate; and

8. Prohibiting harm to a companion animal, as defined in § 3.2-6500, that is owned, possessed,
leased, kept, or held by the petitioner or a family or household member of the petitioner when such
harm to the companion animal is with the intent to threaten, coerce, intimidate, or harm the petitioner
or a family or household member of the petitioner; and

89. Any other relief necessary for the protection of the petitioner and family or household membersof 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.

380 B. The protective order may be issued for a specified period; however, unless otherwise authorized 381 by law, a protective order may not be issued under this section for a period longer than two years. The 382 protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. A copy of the protective order shall be served on the 383 384 respondent and provided to the petitioner as soon as possible. The court shall forthwith, but in all cases 385 no later than the end of the business day on which the order was issued, enter and transfer electronically 386 to the Virginia Criminal Information Network the respondent's identifying information and the name, 387 date of birth, sex, and race of each protected person provided to the court and shall forthwith forward 388 the attested copy of the protective order containing any such identifying information to the primary 389 law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order 390 by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as 391 necessary to the identifying information and other appropriate information required by the Department of 392 State Police into the Virginia Criminal Information Network established and maintained by the 393 Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith 394 upon the respondent and due return made to the court. However, if the order is issued by the circuit 395 court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the 396 respondent's identifying information and the name, date of birth, sex, and race of each protected person 397 provided to the court to the primary law-enforcement agency providing service and entry of protective 398 orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the 399 person subject to the order and other appropriate information required by the Department of State Police 400 into the Virginia Criminal Information Network established and maintained by the Department pursuant 401 to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent. 402 Upon service, the agency making service shall enter the date and time of service and other appropriate 403 information required by the Department of State Police into the Virginia Criminal Information Network 404 and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or 405 modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency 406 responsible for service and entry of protective orders, and upon receipt of the order by the primary 407 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the 408 identifying information and other appropriate information required by the Department of State Police 409 into the Virginia Criminal Information Network as described above and the order shall be served 410 forthwith and due return made to the court.

411 C. Except as otherwise provided in § 16.1-253.2, a violation of a protective order issued under this 412 section shall constitute contempt of court.

413 D. The court may assess costs and attorneys' fees against either party regardless of whether an order 414 of protection has been issued as a result of a full hearing.

415 E. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate 416 jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, 417 the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing 418 violent or threatening acts or harassment against or contact or communication with or physical proximity 419 to another person, including any of the conditions specified in subsection A, shall be accorded full faith 420 and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided 421 reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person 422 against whom the order is sought to be enforced sufficient to protect such person's due process rights 423 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 424 425 exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of 426 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 427

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428 information required by the Department of State Police into the Virginia Criminal Information Network 429 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where 430 practical, the court may transfer information electronically to the Virginia Criminal Information Network. 431 Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy

432 available of any foreign order filed with that court. A law-enforcement officer may, in the performance 433 of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been 434 provided to him by any source and may also rely upon the statement of any person protected by the 435 order that the order remains in effect.

436 F. Either party may at any time file a written motion with the court requesting a hearing to dissolve 437 or modify the order. Proceedings to dissolve or modify a protective order shall be given precedence on 438 the docket of the court.

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

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

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

446 § 19.2-152.8. Emergency protective orders authorized in cases of stalking, sexual battery, and acts of 447 violence.

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

B. When a law-enforcement officer, an allegedly stalked person or an alleged victim of sexual 451 452 battery in violation of § 18.2-67.4, aggravated sexual battery in violation of § 18.2-67.3 or a criminal 453 offense resulting in a serious bodily injury to the alleged victim asserts under oath to a judge or 454 magistrate that such person is being or has been subjected to stalking, sexual battery in violation of 455 § 18.2-67.4, aggravated sexual battery in violation of § 18.2-67.3, or a criminal offense resulting in a 456 serious bodily injury to the alleged victim and on that assertion or other evidence the judge or 457 magistrate finds that (i) there is probable danger of a further such offense being committed by the 458 respondent against the alleged victim and (ii) a warrant for the arrest of the respondent has been issued, 459 the judge or magistrate shall issue an ex parte emergency protective order imposing one or more of the 460 following conditions on the respondent: 461

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

2. Prohibiting such contacts by the respondent with the alleged victim of such crime or such person's 462 463 family or household members as the judge or magistrate deems necessary to protect the safety of such 464 persons: and

465 3. Prohibiting harm to a companion animal, as defined in § 3.2-6500, that is owned, possessed, leased, kept, or held by the petitioner or a family or household member of the petitioner when such 466 harm to the companion animal is with the intent to threaten, coerce, intimidate, or harm the petitioner 467 468 or a family or household member of the petitioner; and

34. Such other conditions as the judge or magistrate deems necessary to prevent acts of stalking, acts 469 470 of sexual battery, or criminal offenses resulting in injury to person or property, or communication or 471 other contact of any kind by the respondent.

472 C. An emergency protective order issued pursuant to this section shall expire at 11:59 p.m. on the 473 third day following issuance. If the expiration occurs on a day that the court is not in session, the emergency protective order shall be extended until 11:59 p.m. on the next day that the court which 474 475 issued the order is in session. The respondent may at any time file a motion with the court requesting a 476 hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the 477 docket of the court.

478 D. A law-enforcement officer may request an emergency protective order pursuant to this section 479 orally, in person or by electronic means, and the judge of a circuit court, general district court, or 480 juvenile and domestic relations district court or a magistrate may issue an oral emergency protective 481 order. An oral emergency protective order issued pursuant to this section shall be reduced to writing, by 482 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 483 484 grounds for the order asserted by the officer or the alleged victim of such crime.

485 E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information 486 Network the respondent's identifying information and the name, date of birth, sex, and race of each 487 488 protected person provided to the court or magistrate. A copy of an emergency protective order issued 489 pursuant to this section containing any such identifying information shall be forwarded forthwith to the 490 primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of 491 the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any 492 modification as necessary to the identifying information and other appropriate information required by 493 the Department of State Police into the Virginia Criminal Information Network established and 494 maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be 495 served forthwith upon the respondent and due return made to the court. However, if the order is issued 496 by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order 497 containing the respondent's identifying information and the name, date of birth, sex, and race of each 498 protected person provided to the court to the primary law-enforcement agency providing service and 499 entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter 500 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 501 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served 502 503 forthwith upon the respondent. Upon service, the agency making service shall enter the date and time of 504 service and other appropriate information required into the Virginia Criminal Information Network and 505 make due return to the court. One copy of the order shall be given to the alleged victim of such crime. 506 The judge or magistrate who issues an oral order pursuant to an electronic request by a law-enforcement 507 officer shall verify the written order to determine whether the officer who reduced it to writing 508 accurately transcribed the contents of the oral order. The original copy shall be filed with the clerk of 509 the appropriate district court within five business days of the issuance of the order. If the order is later 510 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, 511 512 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify 513 and enter any modification as necessary to the identifying information and other appropriate information 514 required by the Department of State Police into the Virginia Criminal Information Network as described 515 above and the order shall be served forthwith and due return made to the court. Upon request, the clerk shall provide the alleged victim of such crime with information regarding the date and time of service. 516

517 F. The issuance of an emergency protective order shall not be considered evidence of any 518 wrongdoing by the respondent.

519 G. As used in this section, a "law-enforcement officer" means any (i) person who is a full-time or 520 part-time employee of a police department or sheriff's office which is part of or administered by the 521 Commonwealth or any political subdivision thereof and who is responsible for the prevention and 522 detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth and 523 (ii) member of an auxiliary police force established pursuant to subsection B of § 15.2-1731. Part-time 524 employees are compensated officers who are not full-time employees as defined by the employing police 525 department or sheriff's office.

526 H. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's 527 office, nor any employee of them, may disclose, except among themselves, the residential address, 528 telephone number, or place of employment of the person protected by the order or that of the family of 529 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme 530 Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

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

532 J. No fee shall be charged for filing or serving any petition pursuant to this section. 533

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

534 A. Upon the filing of a petition alleging that (i) the petitioner is or has been, within a reasonable 535 period of time, subjected to stalking, sexual battery in violation of § 18.2-67.4, aggravated sexual battery 536 in violation of § 18.2-67.3, or a criminal offense resulting in a serious bodily injury to the petitioner, 537 and (ii) a warrant has been issued for the arrest of the alleged perpetrator of such act or acts, the court 538 may issue a preliminary protective order against the alleged perpetrator in order to protect the health and 539 safety of the petitioner or any family or household member of the petitioner. The order may be issued in 540 an ex parte proceeding upon good cause shown when the petition is supported by an affidavit or sworn 541 testimony before the judge or intake officer. Immediate and present danger of stalking or another 542 criminal offense that may result in a serious bodily injury to the petitioner or evidence sufficient to 543 establish probable cause that stalking, sexual battery in violation of § 18.2-67.4, aggravated sexual 544 battery in violation of § 18.2-67.3, or a criminal offense resulting in a serious bodily injury to the 545 petitioner has recently occurred shall constitute good cause.

546 A preliminary protective order may include any one or more of the following conditions to be 547 imposed on the respondent:

548 1. Prohibiting criminal offenses that may result in injury to person or property, acts of sexual battery, 549 or acts of stalking in violation of § 18.2-60.3;

550 2. Prohibiting such other contacts by the respondent with the petitioner or the petitioner's family or

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551 household members as the court deems necessary for the health and safety of such persons; and

552 3. Prohibiting harm to a companion animal, as defined in § 3.2-6500, that is owned, possessed, leased, kept, or held by the petitioner or a family or household member of the petitioner when such 553 554 harm to the companion animal is with the intent to threaten, coerce, intimidate, or harm the petitioner 555 or a family or household member of the petitioner; and

556 34. Such other conditions as the court deems necessary to prevent acts of stalking, acts of sexual 557 battery, criminal offenses that may result in injury to person or property, or communication or other 558 contact of any kind by the respondent.

559 B. The court shall forthwith, but in all cases no later than the end of the business day on which the 560 order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person 561 562 provided to the court. A copy of a preliminary protective order containing any such identifying 563 information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the 564 agency shall forthwith verify and enter any modification as necessary to the identifying information and 565 other appropriate information required by the Department of State Police into the Virginia Criminal 566 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et 567 568 seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided 569 in § 16.1-264, and due return made to the court. However, if the order is issued by the circuit court, the 570 clerk of the circuit court shall forthwith forward an attested copy of the order containing the 571 respondent's identifying information and the name, date of birth, sex, and race of each protected person 572 provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the 573 574 person subject to the order and other appropriate information required by the Department of State Police 575 into the Virginia Criminal Information Network established and maintained by the Department pursuant 576 to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged 577 perpetrator in person as provided in § 16.1-264. Upon service, the agency making service shall enter the 578 date and time of service and other appropriate information required by the Department of State Police 579 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 580 581 preliminary order. If the respondent fails to appear at this hearing because the respondent was not 582 personally served, the court may extend the protective order for a period not to exceed six months. The 583 extended protective order shall be served as soon as possible on the respondent. However, upon motion **584** of the respondent and for good cause shown, the court may continue the hearing. The preliminary order 585 shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the 586 petitioner with a copy of the order and information regarding the date and time of service. The order 587 shall further specify that either party may at any time file a motion with the court requesting a hearing 588 to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of 589 the court.

590 Upon receipt of the return of service or other proof of service pursuant to subsection C of 591 § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to 592 primary law-enforcement agency and the agency shall forthwith verify and enter any modification as 593 necessary into the Virginia Criminal Information Network as described above. If the order is later 594 dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded 595 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, 596 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify 597 and enter any modification as necessary to the identifying information and other appropriate information 598 required by the Department of State Police into the Virginia Criminal Information Network as described 599 above and the order shall be served forthwith and due return made to the court.

600 C. The preliminary order is effective upon personal service on the alleged perpetrator. Except as otherwise provided in § 16.1-253.2, a violation of the order shall constitute contempt of court. 601

602 D. At a full hearing on the petition, the court may issue a protective order pursuant to § 19.2-152.10 603 if the court finds that the petitioner has proven the allegation of a criminal offense resulting in a serious **604** bodily injury to the petitioner, sexual battery in violation of § 18.2-67.4, aggravated sexual battery in 605 violation of § 18.2-67.3, or stalking by a preponderance of the evidence. 606

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

607 F. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's 608 office, nor any employee of them, may disclose, except among themselves, the residential address, 609 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 610 Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause. 611

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

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613 § 19.2-152.10. Protective order in cases of stalking, sexual battery and acts of violence.

614 A. The court may issue a protective order pursuant to this chapter to protect the health and safety of 615 the petitioner and family or household members of a petitioner upon (i) the issuance of a warrant for sexual battery in violation of § 18.2-67.4, aggravated sexual battery in violation of § 18.2-67.3, a 616 617 criminal offense resulting in a serious bodily injury to the petitioner, or a violation of § 18.2-60.3, (ii) a 618 hearing held pursuant to subsection D of § 19.2-152.9, or (iii) a conviction for sexual battery in violation 619 of § 18.2-67.4, aggravated sexual battery in violation of § 18.2-67.3, a criminal offense resulting in a 620 serious bodily injury to the petitioner, or a violation of § 18.2-60.3. A protective order issued under this 621 section may include any one or more of the following conditions to be imposed on the respondent:

622 1. Prohibiting criminal offenses that may result in injury to person or property, acts of sexual battery,623 or acts of stalking in violation of § 18.2-60.3;

624 2. Prohibiting such contacts by the respondent with the petitioner or family or household members of625 the petitioner as the court deems necessary for the health or safety of such persons; and

626 3. Prohibiting harm to a companion animal, as defined in § 3.2-6500, that is owned, possessed,
627 leased, kept, or held by the petitioner or a family or household member of the petitioner when such
628 harm to the companion animal is with the intent to threaten, coerce, intimidate, or harm the petitioner
629 or a family or household member of the petitioner; and

630 34. Any other relief necessary to prevent criminal offenses that may result in injury to person or
631 property, acts of sexual battery, or acts of stalking, communication or other contact of any kind by the
632 respondent.

633 B. The protective order may be issued for a specified period; however, unless otherwise authorized 634 by law, a protective order may not be issued under this section for a period longer than two years. The 635 protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of 636 the two-year period if no date is specified. 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 637 638 no later than the end of the business day on which the order was issued, enter and transfer electronically 639 to the Virginia Criminal Information Network the respondent's identifying information and the name, 640 date of birth, sex, and race of each protected person provided to the court and shall forthwith forward 641 the attested copy of the protective order and containing any such identifying information to the primary 642 law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order 643 by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as 644 necessary to the identifying information and other appropriate information required by the Department of 645 State Police into the Virginia Criminal Information Network established and maintained by the 646 Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith 647 upon the respondent and due return made to the court. However, if the order is issued by the circuit 648 court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the 649 respondent's identifying information and the name, date of birth, sex, and race of each protected person 650 provided to the court to the primary law-enforcement agency providing service and entry of protective 651 orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police 652 653 into the Virginia Criminal Information Network established and maintained by the Department pursuant **654** to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the respondent. 655 Upon service, the agency making service shall enter the date and time of service and other appropriate 656 information required into the Virginia Criminal Information Network and make due return to the court. 657 If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be 658 attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of 659 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 660 661 Information Network as described above and the order shall be served forthwith and due return made to 662 663 the court.

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

666 D. The court may assess costs and attorneys' fees against either party regardless of whether an order 667 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

674 reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person 675 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 676 order in any appropriate district court by filing with the court, an attested or exemplified copy of the **677** 678 order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary 679 law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, 680 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 681 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may 682 transfer information electronically to the Virginia Criminal Information Network. 683

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.

689 F. Either party may at any time file a written motion with the court requesting a hearing to dissolve690 or modify the order. Proceedings to modify or dissolve a protective order shall be given precedence on691 the docket of the court.

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

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

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

699 2. That the provisions of this act may result in a net increase in periods of imprisonment or 700 commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot 701 be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 702 781 of the Acts of Assembly of 2009 requires the Virginia Criminal Sentencing Commission to 703 assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the 704 necessary appropriation is \$0 for periods of commitment to the custody of the Department of 705 Juvenile Justice.