2014 SESSION

ENROLLED

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VIRGINIA ACTS OF ASSEMBLY - CHAPTER

2 An Act 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, 3 and 19.2-152.10 of the Code of Virginia, relating to protective orders; companion animals.

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Approved

6 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 7 8

Code of Virginia are amended and reenacted as follows:

§ 16.1-253. Preliminary protective order.

10 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 11 12 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 13 household member of the child to observe reasonable conditions of behavior for a specified length of 14 15 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 16 17 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 18 19 life, health or normal development;

3. To allow persons named by the court to come into the child's home at reasonable times designated 20 21 by the court to visit the child or inspect the fitness of the home and to determine the physical or 22 emotional health of the child; 23

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

24 5. To refrain from acts of commission or omission which tend to endanger the child's life, health or 25 normal development; or

26 6. To refrain from such contact with the child or family or household members of the child, as the 27 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 28 29 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 30 31 alternatives which could reasonably and adequately protect the child's life or health pending a final 32 determination on the petition; or

7. To grant the person on whose behalf the order is issued the possession of any companion animal 33 34 as defined in § 3.2-6500 if such person meets the definition of owner in § 3.2-6500.

35 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 36 37 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 38 39 provision of an adversary hearing would be likely to result in serious or irremediable injury to the 40 child's life or health. If an ex parte order is issued without an affidavit being presented, the court, in its 41 order, shall state the basis upon which the order was entered, including a summary of the allegations 42 made and the court's findings. Following the issuance of an ex parte order the court shall provide an 43 adversary hearing to the affected parties within the shortest practicable time not to exceed five business 44 days after the issuance of the order.

45 C. Prior to the hearing required by this section, notice of the hearing shall be given at least 24 hours 46 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 47 child to whom the protective order may be directed and to the child if he or she is 12 years of age or 48 older. The notice provided herein shall include (i) the time, date and place for the hearing and (ii) a 49 50 specific statement of the factual circumstances which allegedly necessitate the issuance of a preliminary 51 protective order.

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

53 E. At the hearing the child, his or her parents, guardian, legal custodian or other person standing in 54 loco parentis and any other family or household member of the child to whom notice was given shall 55 have the right to confront and cross-examine all adverse witnesses and evidence and to present evidence 56 on their own behalf.

HB972ER

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57 F. If a petition alleging abuse or neglect of a child has been filed, at the hearing pursuant to this 58 section the court shall determine whether the allegations of abuse or neglect have been proven by a 59 preponderance of the evidence. Any finding of abuse or neglect shall be stated in the court order. 60 However, if, before such a finding is made, a person responsible for the care and custody of the child, 61 the child's guardian ad litem or the local department of social services objects to a finding being made 62 at the hearing, the court shall schedule an adjudicatory hearing to be held within 30 days of the date of 63 the initial preliminary protective order hearing. The adjudicatory hearing shall be held to determine 64 whether the allegations of abuse and neglect have been proven by a preponderance of the evidence. 65 Parties who are present at the hearing shall be given notice of the date set for the adjudicatory hearing 66 and parties who are not present shall be summoned as provided in § 16.1-263. The adjudicatory hearing 67 shall be held and an order may be entered, although a party to the hearing fails to appear and is not represented by counsel, provided personal or substituted service was made on the person, or the court 68 69 determines that such person cannot be found, after reasonable effort, or in the case of a person who is 70 without the Commonwealth, the person cannot be found or his post office address cannot be ascertained 71 after reasonable effort.

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

74 G. (Effective until July 1, 2014) If at the preliminary protective order hearing held pursuant to this 75 section the court makes a finding of abuse or neglect and a preliminary protective order is issued, a 76 dispositional hearing shall be held pursuant to § 16.1-278.2. The court shall forthwith, but in all cases no 77 later than the end of the business day on which the order was issued, enter and transfer electronically to 78 the Virginia Criminal Information Network the respondent's identifying information and the name, date 79 of birth, sex, and race of each protected person provided to the court. A copy of the preliminary 80 protective order containing any such identifying information shall be forwarded forthwith to the primary 81 law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as 82 necessary to the identifying information and other appropriate information required by the Department of 83 84 State Police into the Virginia Criminal Information Network established and maintained by the 85 Department of State Police pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264 and due return 86 made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall 87 88 forthwith forward an attested copy of the order containing the respondent's identifying information and 89 the name, date of birth, sex, and race of each protected person provided to the court to the primary 90 law-enforcement agency providing service and entry of protective orders and upon receipt of the order, 91 the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal 92 93 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et 94 seq.) of Title 52 and the order shall be served forthwith upon the allegedly abusing person in person as 95 provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service 96 and other appropriate information required by the Department of State Police into the Virginia Criminal 97 Information Network and make due return to the court. The preliminary order shall specify a date for 98 the dispositional hearing. The dispositional hearing shall be scheduled at the time of the hearing 99 pursuant to this section, and shall be held within 75 days of this hearing. If an adjudicatory hearing is 100 requested pursuant to subsection F, the dispositional hearing shall nonetheless be scheduled at the 101 hearing pursuant to this section. All parties present at the hearing shall be given notice of the date and 102 time scheduled for the dispositional hearing; parties who are not present shall be summoned to appear as 103 provided in § 16.1-263.

104 G. (Effective July 1, 2014) If at the preliminary protective order hearing held pursuant to this section the court makes a 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 105 106 107 later than the end of the business day on which the order was issued, enter and transfer electronically to 108 the Virginia Criminal Information Network the respondent's identifying information and the name, date 109 of birth, sex, and race of each protected person provided to the court. A copy of the preliminary 110 protective order containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order 111 112 by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as 113 necessary to the identifying information and other appropriate information required by the Department of 114 State Police 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 115 served forthwith on the allegedly abusing person in person as provided in § 16.1-264 and due return 116 made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall 117

HB972ER

118 forthwith forward an attested copy of the order containing the respondent's identifying information and 119 the name, date of birth, sex, and race of each protected person provided to the court to the primary 120 law-enforcement agency providing service and entry of protective orders and upon receipt of the order, 121 the primary law-enforcement agency shall enter the name of the person subject to the order and other 122 appropriate information required by the Department of State Police into the Virginia Criminal 123 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et 124 seq.) of Title 52 and the order shall be served forthwith upon the allegedly abusing person in person as 125 provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal 126 127 Information Network and make due return to the court. The preliminary order shall specify a date for 128 the dispositional hearing. The dispositional hearing shall be scheduled at the time of the hearing 129 pursuant to this section, and shall be held within 60 days of this hearing. If an adjudicatory hearing is 130 requested pursuant to subsection F, the dispositional hearing shall nonetheless be scheduled at the 131 hearing pursuant to this section. All parties present at the hearing shall be given notice of the date and 132 time scheduled for the dispositional hearing; parties who are not present shall be summoned to appear as 133 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.

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.
I. Neither a law-enforcement purposes, or (iii) permitted by the court for good cause.
J. Violation of any order issued pursuant to this section shall constitute contempt of court.

144 K. The court shall forthwith, but in all cases no later than the end of the business day on which the 145 order was issued, enter and transfer electronically to the Virginia Criminal Information Network the 146 respondent's identifying information and the name, date of birth, sex, and race of each protected person 147 provided to the court. A copy of the preliminary protective order containing any such identifying 148 information shall be forwarded forthwith to the primary law-enforcement agency responsible for service 149 and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the 150 agency shall forthwith verify and enter any modification as necessary to the identifying information and 151 other appropriate information required by the Department of State Police into the Virginia Criminal 152 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et 153 seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as 154 provided in § 16.1-264 and due return made to the court. However, if the order is issued by the circuit 155 court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the 156 respondent's identifying information and the name, date of birth, sex, and race of each protected person 157 provided to the court to the primary law-enforcement agency providing service and entry of protective 158 orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the 159 person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant 160 to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly 161 162 abusing person in person as provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State 163 164 Police into the Virginia Criminal Information Network and make due return to the court. The 165 preliminary order shall specify a date for the full hearing.

Upon receipt of the return of service or other proof of service pursuant to subsection C of 166 § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to the 167 168 primary law-enforcement agency and the agency shall forthwith verify and enter any modification as 169 necessary into the Virginia Criminal Information Network as described above. If the order is later 170 dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded 171 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, 172 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify 173 and enter any modification as necessary to the identifying information and other appropriate information 174 required by the Department of State Police into the Virginia Criminal Information Network as described 175 above and the order shall be served forthwith and due return made to the court.

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

177 § 16.1-253.1. Preliminary protective orders in cases of family abuse; confidentiality.

178 A. Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period

4 of 12

179 of time, subjected to family abuse, the court may issue a preliminary protective order against an 180 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 181 182 cause shown when the petition is supported by an affidavit or sworn testimony before the judge or 183 intake officer. Immediate and present danger of family abuse or evidence sufficient to establish probable 184 cause that family abuse has recently occurred shall constitute good cause. Evidence that the petitioner 185 has been subjected to family abuse within a reasonable time and evidence of immediate and present 186 danger of family abuse may be established by a showing that (i) the allegedly abusing person is 187 incarcerated and is to be released from incarceration within 30 days following the petition or has been 188 released from incarceration within 30 days prior to the petition, (ii) the crime for which the allegedly 189 abusing person was convicted and incarcerated involved family abuse against the petitioner, and (iii) the 190 allegedly abusing person has made threatening contact with the petitioner while he was incarcerated, 191 exhibiting a renewed threat to the petitioner of family abuse.

A preliminary protective order may include any one or more of the following conditions to be 192 193 imposed on the allegedly abusing person: 194

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

195 2. Prohibiting such contacts by the respondent with the petitioner or family or household members of 196 the petitioner as the court deems necessary for the health or safety of such persons.

197 3. Granting the petitioner possession of the premises occupied by the parties to the exclusion of the 198 allegedly abusing person; however, no such grant of possession shall affect title to any real or personal 199 property.

200 4. Enjoining the respondent from terminating any necessary utility service to a premises that the 201 petitioner has been granted possession of pursuant to subdivision 3 or, where appropriate, ordering the 202 respondent to restore utility services to such premises.

203 5. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner 204 alone or jointly owned by the parties to the exclusion of the allegedly abusing person; however, no such 205 grant of possession or use shall affect title to the vehicle.

206 6. Requiring that the allegedly abusing person provide suitable alternative housing for the petitioner and any other family or household member and, where appropriate, requiring the respondent to pay 207 208 deposits to connect or restore necessary utility services in the alternative housing provided.

209 7. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such 210 petitioner meets the definition of owner in § 3.2-6500.

211 8. Any other relief necessary for the protection of the petitioner and family or household members of 212 the petitioner.

213 **B**. The court shall forthwith, but in all cases no later than the end of the business day on which the 214 order was issued, enter and transfer electronically to the Virginia Criminal Information Network the 215 respondent's identifying information and the name, date of birth, sex, and race of each protected person 216 provided to the court. A copy of a preliminary protective order containing any such identifying 217 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 218 219 agency shall forthwith verify and enter any modification as necessary to the identifying information and 220 other appropriate information required by the Department of State Police into the Virginia Criminal 221 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et 222 seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as 223 provided in § 16.1-264 and due return made to the court. However, if the order is issued by the circuit 224 court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the 225 respondent's identifying information and the name, date of birth, sex, and race of each protected person 226 provided to the court to the primary law-enforcement agency providing service and entry of protective 227 orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the 228 person subject to the order and other appropriate information required by the Department of State Police 229 into the Virginia Criminal Information Network established and maintained by the Department pursuant 230 to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly 231 abusing person in person as provided in § 16.1-264. Upon service, the agency making service shall enter 232 the date and time of service and other appropriate information required by the Department of State 233 Police into the Virginia Criminal Information Network and make due return to the court. The 234 preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of 235 the issuance of the preliminary order. If the respondent fails to appear at this hearing because the 236 respondent was not personally served, or if personally served was incarcerated and not transported to the 237 hearing, the court may extend the protective order for a period not to exceed six months. The extended 238 protective order shall be served forthwith on the respondent. However, upon motion of the respondent and for good cause shown, the court may continue the hearing. The preliminary order shall remain in 239

240 effect until the hearing. Upon request after the order is issued, the clerk shall provide the petitioner with 241 a copy of the order and information regarding the date and time of service. The order shall further 242 specify that either party may at any time file a motion with the court requesting a hearing to dissolve or 243 modify the order. The hearing on the motion shall be given precedence on the docket of the court.

244 Upon receipt of the return of service or other proof of service pursuant to subsection C of 245 § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to the 246 primary law-enforcement agency, and the agency shall forthwith verify and enter any modification as 247 necessary into the Virginia Criminal Information Network as described above. If the order is later 248 dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded 249 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, 250 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify 251 and enter any modification as necessary to the identifying information and other appropriate information 252 required by the Department of State Police into the Virginia Criminal Information Network as described 253 above and the order shall be served forthwith and due return made to the court.

254 C. The preliminary order is effective upon personal service on the allegedly abusing person. Except 255 as otherwise provided in § 16.1-253.2, a violation of the order shall constitute contempt of court.

256 D. At a full hearing on the petition, the court may issue a protective order pursuant to § 16.1-279.1 if 257 the court finds that the petitioner has proven the allegation of family abuse by a preponderance of the 258 evidence.

259 E. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's 260 office, nor any employee of them, may disclose, except among themselves, the residential address, 261 telephone number, or place of employment of the person protected by the order or that of the family of 262 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme 263 Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause. 264

F. As used in this section, "copy" includes a facsimile copy. 265

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

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

A. Any judge of a circuit court, general district court, juvenile and domestic relations district court or 267 268 magistrate may issue a written or oral ex parte emergency protective order pursuant to this section in 269 order to protect the health or safety of any person.

270 B. When a law-enforcement officer or an allegedly abused person asserts under oath to a judge or 271 magistrate, and on that assertion or other evidence the judge or magistrate (i) finds that a warrant for a 272 violation of § 18.2-57.2 has been issued or issues a warrant for violation of § 18.2-57.2 and finds that 273 there is probable danger of further acts of family abuse against a family or household member by the 274 respondent or (ii) finds that reasonable grounds exist to believe that the respondent has committed 275 family abuse and there is probable danger of a further such offense against a family or household 276 member by the respondent, the judge or magistrate shall issue an exparte emergency protective order, 277 except if the respondent is a minor, an emergency protective order shall not be required, imposing one 278 or more of the following conditions on the respondent:

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

280 2. Prohibiting such contacts by the respondent with the allegedly abused person or family or 281 household members of the allegedly abused person as the judge or magistrate deems necessary to protect 282 the safety of such persons; and

283 3. Granting the family or household member possession of the premises occupied by the parties to 284 the exclusion of the respondent; however, no such grant of possession shall affect title to any real or 285 personal property; and

286 4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such 287 petitioner meets the definition of owner in § 3.2-6500.

288 When the judge or magistrate considers the issuance of an emergency protective order pursuant to 289 clause (i), he shall presume that there is probable danger of further acts of family abuse against a family 290 or household member by the respondent unless the presumption is rebutted by the allegedly abused 291 person.

292 C. An emergency protective order issued pursuant to this section shall expire at 11:59 p.m. on the 293 third day following issuance. If the expiration occurs on a day that the court is not in session, the 294 emergency protective order shall be extended until 11:59 p.m. on the next day that the juvenile and 295 domestic relations district court is in session. When issuing an emergency protective order under this 296 section, the judge or magistrate shall provide the protected person or the law-enforcement officer seeking 297 the emergency protective order with the form for use in filing petitions pursuant to § 16.1-253.1 and 298 written information regarding protective orders that shall include the telephone numbers of domestic 299 violence agencies and legal referral sources on a form prepared by the Supreme Court. If these forms 300 are provided to a law-enforcement officer, the officer may provide these forms to the protected person

when giving the emergency protective order to the protected person. The respondent may at any timefile a motion with the court requesting a hearing to dissolve or modify the order issued hereunder. Thehearing on the motion shall be given precedence on the docket of the court.

304 D. A law-enforcement officer may request an emergency protective order pursuant to this section 305 and, if the person in need of protection is physically or mentally incapable of filing a petition pursuant 306 to § 16.1-253.1 or 16.1-279.1, may request the extension of an emergency protective order for an 307 additional period of time not to exceed three days after expiration of the original order. The request for 308 an emergency protective order or extension of an order may be made orally, in person or by electronic 309 means, and the judge of a circuit court, general district court, or juvenile and domestic relations district 310 court or a magistrate may issue an oral emergency protective order. An oral emergency protective order 311 issued pursuant to this section shall be reduced to writing, by the law-enforcement officer requesting the 312 order or the magistrate on a preprinted form approved and provided by the Supreme Court of Virginia. 313 The completed form shall include a statement of the grounds for the order asserted by the officer or the 314 allegedly abused person.

315 E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day 316 on which the order was issued, enter and transfer electronically to the Virginia Criminal Information 317 Network the respondent's identifying information and the name, date of birth, sex, and race of each 318 protected person provided to the court or magistrate. A copy of an emergency protective order issued 319 pursuant to this section containing any such identifying information shall be forwarded forthwith to the 320 primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of 321 the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any 322 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 323 324 maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be 325 served forthwith upon the respondent and due return made to the court. However, if the order is issued 326 by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order 327 containing the respondent's identifying information and the name, date of birth, sex, and race of each 328 protected person provided to the court to the primary law-enforcement agency providing service and 329 entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter 330 the name of the person subject to the order and other appropriate information required by the 331 Department of State Police into the Virginia Criminal Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith 332 333 on the respondent. Upon service, the agency making service shall enter the date and time of service and 334 other appropriate information required by the Department of State Police into the Virginia Criminal 335 Information Network and make due return to the court. One copy of the order shall be given to the 336 allegedly abused person when it is issued, and one copy shall be filed with the written report required by subsection D of § 19.2-81.3. The judge or magistrate who issues an oral order pursuant to an 337 electronic request by a law-enforcement officer shall verify the written order to determine whether the 338 339 officer who reduced it to writing accurately transcribed the contents of the oral order. The original copy 340 shall be filed with the clerk of the juvenile and domestic relations district court within five business 341 days of the issuance of the order. If the order is later dissolved or modified, a copy of the dissolution or 342 modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency 343 responsible for service and entry of protective orders, and upon receipt of the order by the primary 344 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the 345 identifying information and other appropriate information required by the Department of State Police 346 into the Virginia Criminal Information Network as described above and the order shall be served 347 forthwith and due return made to the court. Upon request, the clerk shall provide the allegedly abused 348 person with information regarding the date and time of service.

349 F. The availability of an emergency protective order shall not be affected by the fact that the family **350** or household member left the premises to avoid the danger of family abuse by the respondent.

351 G. The issuance of an emergency protective order shall not be considered evidence of any 352 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 § 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.

359 I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's360 office, nor any employee of them, may disclose, except among themselves, the residential address,361 telephone number, or place of employment of the person protected by the order or that of the family of

362 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme363 Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

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

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

366 L. Except as provided in § 16.1-253.2, a violation of a protective order issued under this section **367** shall constitute contempt of court.

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

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

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

375 2. Prohibiting such contacts by the respondent with the petitioner or family or household members of376 the petitioner as the court deems necessary for the health or safety of such persons;

377 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;

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

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

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

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

392 9. Any other relief necessary for the protection of the petitioner and family or household members of393 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, 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.

398 B. The protective order may be issued for a specified period of time up to a maximum of two years. 399 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 400 of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner 401 may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective 402 order shall be given precedence on the docket of the court. If the petitioner was a member of the respondent's family or household at the time the initial protective order was issued, the court may extend 403 the protective order for a period not longer than two years to protect the health and safety of the **404** 405 petitioner or persons who are family or household members of the petitioner at the time the request for 406 an extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day 407 specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein 408 shall limit the number of extensions that may be requested or issued.

409 C. A copy of the protective order shall be served on the respondent and provided to the petitioner as 410 soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, 411 but in all cases no later than the end of the business day on which the order was issued, enter and 412 transfer electronically to the Virginia Criminal Information Network the respondent's identifying 413 information and the name, date of birth, sex, and race of each protected person provided to the court 414 and shall forthwith forward the attested copy of the protective order containing any such identifying 415 information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith 416 417 verify and enter any modification as necessary to the identifying information and other appropriate 418 information required by the Department of State Police into the Virginia Criminal Information Network 419 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and 420 the order shall be served forthwith upon the respondent and due return made to the court. Upon service, 421 the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make 422

423 due return to the court. If the order is later dissolved or modified, a copy of the dissolution or 424 modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency 425 responsible for service and entry of protective orders, and upon receipt of the order by the primary 426 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the 427 identifying information and other appropriate information required by the Department of State Police 428 into the Virginia Criminal Information Network as described above and the order shall be served 429 forthwith and due return made to the court.

430 D. Except as otherwise provided in § 16.1-253.2, a violation of a protective order issued under this 431 section shall constitute contempt of court.

432 E. The court may assess costs and attorneys' fees against either party regardless of whether an order 433 of protection has been issued as a result of a full hearing.

434 F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate 435 jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, 436 the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing 437 violent or threatening acts or harassment against or contact or communication with or physical proximity 438 to another person, including any of the conditions specified in subsection A, shall be accorded full faith 439 and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided 440 reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person 441 against whom the order is sought to be enforced sufficient to protect such person's due process rights 442 and consistent with federal law. A person entitled to protection under such a foreign order may file the 443 order in any juvenile and domestic relations district court by filing with the court an attested or 444 exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of 445 the order to the primary law-enforcement agency responsible for service and entry of protective orders 446 which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network 447 **448** established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network. 449

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy 450 451 available of any foreign order filed with that court. A law-enforcement officer may, in the performance 452 of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been 453 provided to him by any source and may also rely upon the statement of any person protected by the 454 order that the order remains in effect.

455 G. Either party may at any time file a written motion with the court requesting a hearing to dissolve 456 or modify the order. Proceedings to dissolve or modify a protective order shall be given precedence on 457 the docket of the court.

458 H. As used in this section: 459

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"Copy" includes a facsimile copy; and 460

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

I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's 461 462 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 463 464 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. 465

466 J. No fee shall be charged for filing or serving any petition or order pursuant to this section. 467

§ 19.2-152.8. Emergency protective orders authorized.

468 A. Any judge of a circuit court, general district court, juvenile and domestic relations district court or 469 magistrate may issue a written or oral ex parte emergency protective order pursuant to this section in 470 order to protect the health or safety of any person.

471 B. When a law-enforcement officer or an alleged victim asserts under oath to a judge or magistrate 472 that such person is being or has been subjected to an act of violence, force, or threat and on that 473 assertion or other evidence the judge or magistrate finds that (i) there is probable danger of a further 474 such act being committed by the respondent against the alleged victim or (ii) a petition or warrant for the arrest of the respondent has been issued for any criminal offense resulting from the commission of 475 476 an act of violence, force, or threat, the judge or magistrate shall issue an ex parte emergency protective 477 order imposing one or more of the following conditions on the respondent:

478 1. Prohibiting acts of violence, force, or threat or criminal offenses resulting in injury to person or 479 property;

480 2. Prohibiting such contacts by the respondent with the alleged victim or the alleged victim's family 481 or household members as the judge or magistrate deems necessary to protect the safety of such persons; 482 and

3. Such other conditions as the judge or magistrate deems necessary to prevent (i) acts of violence,

8 of 12

HB972ER

484 force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or485 other contact of any kind by the respondent; and

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

488 C. An emergency protective order issued pursuant to this section shall expire at 11:59 p.m. on the 489 third day following issuance. If the expiration occurs on a day that the court is not in session, the 490 emergency protective order shall be extended until 11:59 p.m. on the next day that the court which 491 issued the order is in session. The respondent may at any time file a motion with the court requesting a 492 hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the 493 docket of the court.

494 D. A law-enforcement officer may request an emergency protective order pursuant to this section 495 and, if the person in need of protection is physically or mentally incapable of filing a petition pursuant 496 to § 19.2-152.9 or 19.2-152.10, may request the extension of an emergency protective order for an 497 additional period of time not to exceed three days after expiration of the original order. The request for **498** an emergency protective order or extension of an order may be made orally, in person or by electronic 499 means, and the judge of a circuit court, general district court, or juvenile and domestic relations district 500 court or a magistrate may issue an oral emergency protective order. An oral emergency protective order 501 issued pursuant to this section shall be reduced to writing, by the law-enforcement officer requesting the 502 order or the magistrate, on a preprinted form approved and provided by the Supreme Court of Virginia. 503 The completed form shall include a statement of the grounds for the order asserted by the officer or the 504 alleged victim of such crime.

505 E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day 506 on which the order was issued, enter and transfer electronically to the Virginia Criminal Information 507 Network the respondent's identifying information and the name, date of birth, sex, and race of each 508 protected person provided to the court or magistrate. A copy of an emergency protective order issued 509 pursuant to this section containing any such identifying information shall be forwarded forthwith to the 510 primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any 511 512 modification as necessary to the identifying information and other appropriate information required by 513 the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be 514 515 served forthwith upon the respondent and due return made to the court. However, if the order is issued 516 by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order 517 containing the respondent's identifying information and the name, date of birth, sex, and race of each 518 protected person provided to the court to the primary law-enforcement agency providing service and 519 entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter 520 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 521 522 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served 523 forthwith upon the respondent. Upon service, the agency making service shall enter the date and time of 524 service and other appropriate information required into the Virginia Criminal Information Network and 525 make due return to the court. One copy of the order shall be given to the alleged victim of such crime. 526 The judge or magistrate who issues an oral order pursuant to an electronic request by a law-enforcement 527 officer shall verify the written order to determine whether the officer who reduced it to writing 528 accurately transcribed the contents of the oral order. The original copy shall be filed with the clerk of 529 the appropriate district court within five business days of the issuance of the order. If the order is later 530 dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded 531 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, 532 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify 533 and enter any modification as necessary to the identifying information and other appropriate information 534 required by the Department of State Police into the Virginia Criminal Information Network as described 535 above and the order shall be served forthwith and due return made to the court. Upon request, the clerk 536 shall provide the alleged victim of such crime with information regarding the date and time of service.

537 F. The issuance of an emergency protective order shall not be considered evidence of any 538 wrongdoing by the respondent.

539 G. As used in this section, a "law-enforcement officer" means any (i) person who is a full-time or 540 part-time employee of a police department or sheriff's office which is part of or administered by the 541 Commonwealth or any political subdivision thereof and who is responsible for the prevention and 542 detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth and 543 (ii) member of an auxiliary police force established pursuant to § 15.2-1731. Part-time employees are 544 compensated officers who are not full-time employees as defined by the employing police department or

sheriff's office.

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545 546 H. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's 547 office, nor any employee of them, may disclose, except among themselves, the residential address, 548 telephone number, or place of employment of the person protected by the order or that of the family of 549 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme 550 Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

- I. As used in this section, "copy" includes a facsimile copy.
- J. No fee shall be charged for filing or serving any petition pursuant to this section.

553 K. No emergency protective order shall be issued pursuant to this section against a law-enforcement 554 officer for any action arising out of the lawful performance of his duties.

§ 19.2-152.9. Preliminary protective orders.

556 A. Upon the filing of a petition alleging that (i) the petitioner is or has been, within a reasonable 557 period of time, subjected to an act of violence, force, or threat, or (ii) a petition or warrant has been 558 issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of 559 an act of violence, force, or threat, the court may issue a preliminary protective order against the alleged 560 perpetrator in order to protect the health and safety of the petitioner or any family or household member 561 of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the 562 petition is supported by an affidavit or sworn testimony before the judge or intake officer. Immediate 563 and present danger of any act of violence, force, or threat or evidence sufficient to establish probable 564 cause that an act of violence, force, or threat has recently occurred shall constitute good cause.

565 A preliminary protective order may include any one or more of the following conditions to be 566 imposed on the respondent:

567 1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to 568 person or property;

569 2. Prohibiting such other contacts by the respondent with the petitioner or the petitioner's family or 570 household members as the court deems necessary for the health and safety of such persons; and

571 3. Such other conditions as the court deems necessary to prevent (i) acts of violence, force, or threat, 572 (ii) criminal offenses that may result in injury to person or property, or (iii) communication or other 573 contact of any kind by the respondent; and

574 4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such 575 petitioner meets the definition of owner in § 3.2-6500.

576 B. The court shall forthwith, but in all cases no later than the end of the business day on which the 577 order was issued, enter and transfer electronically to the Virginia Criminal Information Network the 578 respondent's identifying information and the name, date of birth, sex, and race of each protected person 579 provided to the court. A copy of a preliminary protective order containing any such identifying 580 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 581 582 agency shall forthwith verify and enter any modification as necessary to the identifying information and 583 other appropriate information required by the Department of State Police into the Virginia Criminal 584 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided 585 586 in § 16.1-264, and due return made to the court. However, if the order is issued by the circuit court, the 587 clerk of the circuit court shall forthwith forward an attested copy of the order containing the 588 respondent's identifying information and the name, date of birth, sex, and race of each protected person 589 provided to the court to the primary law-enforcement agency providing service and entry of protective 590 orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the 591 person subject to the order and other appropriate information required by the Department of State Police 592 into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided in § 16.1-264. Upon service, the agency making service shall enter the 593 594 595 date and time of service and other appropriate information required by the Department of State Police 596 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 597 598 preliminary order. If the respondent fails to appear at this hearing because the respondent was not 599 personally served, the court may extend the protective order for a period not to exceed six months. The 600 extended protective order shall be served as soon as possible on the respondent. However, upon motion 601 of the respondent and for good cause shown, the court may continue the hearing. The preliminary order 602 shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the 603 petitioner with a copy of the order and information regarding the date and time of service. The order shall further specify that either party may at any time file a motion with the court requesting a hearing 604 to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of 605

HB972ER

606 the court.

Upon receipt of the return of service or other proof of service pursuant to subsection C of **607** 608 § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to 609 primary law-enforcement agency and the agency shall forthwith verify and enter any modification as 610 necessary into the Virginia Criminal Information Network as described above. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded 611 612 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, 613 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify 614 and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described 615 616 above and the order shall be served forthwith and due return made to the court.

617 C. The preliminary order is effective upon personal service on the alleged perpetrator. Except as 618 otherwise provided, a violation of the order shall constitute contempt of court.

619 D. At a full hearing on the petition, the court may issue a protective order pursuant to § 19.2-152.10 620 if the court finds that the petitioner has proven the allegation that the petitioner is or has been, within a reasonable period of time, subjected to an act of violence, force, or threat by a preponderance of the **621** 622 evidence. 623

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

624 F. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's 625 office, nor any employee of them, may disclose, except among themselves, the residential address, 626 telephone number, or place of employment of the person protected by the order or that of the family of 627 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme 628 Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause. 629

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

630 § 19.2-152.10. Protective order.

631 A. The court may issue a protective order pursuant to this chapter to protect the health and safety of 632 the petitioner and family or household members of a petitioner upon (i) the issuance of a petition or 633 warrant for, or a conviction of, any criminal offense resulting from the commission of an act of 634 violence, force, or threat or (ii) a hearing held pursuant to subsection D of § 19.2-152.9. A protective 635 order issued under this section may include any one or more of the following conditions to be imposed 636 on the respondent:

637 1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to 638 person or property;

639 2. Prohibiting such contacts by the respondent with the petitioner or family or household members of 640 the petitioner as the court deems necessary for the health or safety of such persons; and

641 3. Any other relief necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses 642 that may result in injury to person or property, or (iii) communication or other contact of any kind by 643 the respondent; and

644 4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such 645 petitioner meets the definition of owner in § 3.2-6500.

646 B. The protective order may be issued for a specified period of time up to a maximum of two years. 647 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 648 of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner 649 may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective 650 order shall be given precedence on the docket of the court. The court may extend the protective order 651 for a period not longer than two years to protect the health and safety of the petitioner or persons who 652 are family or household members of the petitioner at the time the request for an extension is made. The 653 extension of the protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on 654 the last day of the two-year period if no date is specified. Nothing herein shall limit the number of 655 extensions that may be requested or issued.

656 C. A copy of the protective order shall be served on the respondent and provided to the petitioner as 657 soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, 658 but in all cases no later than the end of the business day on which the order was issued, enter and 659 transfer electronically to the Virginia Criminal Information Network the respondent's identifying 660 information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order and containing any such identifying 661 662 information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith 663 664 verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network 665 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and 666

12 of 12

667 the order shall be served forthwith upon the respondent and due return made to the court. Upon service, 668 the agency making service shall enter the date and time of service and other appropriate information required into the Virginia Criminal Information Network and make due return to the court. If the order 669 670 is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, 671 forwarded forthwith to the primary law-enforcement agency responsible for service and entry of 672 protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall 673 forthwith verify and enter any modification as necessary to the identifying information and other 674 appropriate information required by the Department of State Police into the Virginia Criminal 675 Information Network as described above and the order shall be served forthwith and due return made to 676 the court.

677 D. Except as otherwise provided, a violation of a protective order issued under this section shall 678 constitute contempt of court.

679 E. The court may assess costs and attorneys' fees against either party regardless of whether an order 680 of protection has been issued as a result of a full hearing.

F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate 681 682 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 683 684 violent or threatening acts or harassment against or contact or communication with or physical proximity 685 to another person, including any of the conditions specified in subsection A, shall be accorded full faith 686 and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided **687** reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person 688 against whom the order is sought to be enforced sufficient to protect such person's due process rights 689 and consistent with federal law. A person entitled to protection under such a foreign order may file the 690 order in any appropriate district court by filing with the court, an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary 691 692 law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the 693 Department of State Police into the Virginia Criminal Information Network established and maintained 694 695 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may 696 transfer information electronically to the Virginia Criminal Information Network.

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy 697 **698** available of any foreign order filed with that court. A law-enforcement officer may, in the performance 699 of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been 700 provided to him by any source and may also rely upon the statement of any person protected by the 701 order that the order remains in effect.

702 G. Either party may at any time file a written motion with the court requesting a hearing to dissolve 703 or modify the order. Proceedings to modify or dissolve a protective order shall be given precedence on 704 the docket of the court.

705 H. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's 706 office, nor any employee of them, may disclose, except among themselves, the residential address, 707 telephone number, or place of employment of the person protected by the order or that of the family of 708 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme 709 Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

710 I. No fees shall be charged for filing or serving petitions pursuant to this section. 711

J. As used in this section:

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"Copy" includes a facsimile copy; and

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

714 2. That the provisions of this act may result in a net increase in periods of imprisonment or 715 commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot 716 be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 717 806 of the Acts of Assembly of 2013 requires the Virginia Criminal Sentencing Commission to 718 assign a minimum fiscal impact of \$50,000. Pursuant to \$ 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the 719 720 **Department of Juvenile Justice.**