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HOUSE BILL NO. 972**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Senate Committee for Courts of Justice
on February 17, 2014)

(Patron Prior to Substitute—Delegate Cline)

*A BILL to amend and reenact §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, and 19.2-152.10 of the Code of Virginia, relating to protective orders; companion animals.***Be it enacted by the General Assembly of Virginia:****1. That §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, and 19.2-152.10 of the Code of Virginia are amended and reenacted as follows:****§ 16.1-253. Preliminary protective order.**

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

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

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

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

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

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

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

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

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

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

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

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

F. If a petition alleging abuse or neglect of a child has been filed, at the hearing pursuant to this

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

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

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

106 G. (Effective July 1, 2014) If at the preliminary protective order hearing held pursuant to this section
107 the court makes a finding of abuse or neglect and a preliminary protective order is issued, a
108 dispositional hearing shall be held pursuant to § 16.1-278.2. The court shall forthwith, but in all cases no
109 later than the end of the business day on which the order was issued, enter and transfer electronically to
110 the Virginia Criminal Information Network the respondent's identifying information and the name, date
111 of birth, sex, and race of each protected person provided to the court. A copy of the preliminary
112 protective order containing any such identifying information shall be forwarded forthwith to the primary
113 law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order
114 by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as
115 necessary to the identifying information and other appropriate information required by the Department of
116 State Police into the Virginia Criminal Information Network established and maintained by the
117 Department of State Police pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be
118 served forthwith on the allegedly abusing person in person as provided in § 16.1-264 and due return
119 made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall
120 forthwith forward an attested copy of the order containing the respondent's identifying information and
121 the name, date of birth, sex, and race of each protected person provided to the court to the primary

122 law-enforcement agency providing service and entry of protective orders and upon receipt of the order,
 123 the primary law-enforcement agency shall enter the name of the person subject to the order and other
 124 appropriate information required by the Department of State Police into the Virginia Criminal
 125 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et
 126 seq.) of Title 52 and the order shall be served forthwith upon the allegedly abusing person in person as
 127 provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service
 128 and other appropriate information required by the Department of State Police into the Virginia Criminal
 129 Information Network and make due return to the court. The preliminary order shall specify a date for
 130 the dispositional hearing. The dispositional hearing shall be scheduled at the time of the hearing
 131 pursuant to this section, and shall be held within 60 days of this hearing. If an adjudicatory hearing is
 132 requested pursuant to subsection F, the dispositional hearing shall nonetheless be scheduled at the
 133 hearing pursuant to this section. All parties present at the hearing shall be given notice of the date and
 134 time scheduled for the dispositional hearing; parties who are not present shall be summoned to appear as
 135 provided in § 16.1-263.

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

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

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

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

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

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

179 **§ 16.1-253.1. Preliminary protective orders in cases of family abuse; confidentiality.**

180 A. Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period
 181 of time, subjected to family abuse, the court may issue a preliminary protective order against an
 182 allegedly abusing person in order to protect the health and safety of the petitioner or any family or

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

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

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

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

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

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

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

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

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

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

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

245 modify the order. The hearing on the motion shall be given precedence on the docket of the court.

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

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

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

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

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

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

268 **§ 16.1-253.4. Emergency protective orders authorized in certain cases; penalty.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

370 **§ 16.1-279.1. Protective order in cases of family abuse.**

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

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

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

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

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

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

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

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

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

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

396 A1. If a protective order is issued pursuant to subsection A, the court may also issue a temporary
 397 child support order for the support of any children of the petitioner whom the respondent has a legal
 398 obligation to support. Such order shall terminate upon the determination of support pursuant to
 399 § 20-108.1.

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

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

429 identifying information and other appropriate information required by the Department of State Police
430 into the Virginia Criminal Information Network as described above and the order shall be served
431 forthwith and due return made to the court.

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

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

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

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

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

460 H. As used in this section:

461 "Copy" includes a facsimile copy; and

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

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

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

469 **§ 19.2-152.8. Emergency protective orders authorized.**

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

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

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

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

485 3. Such other conditions as the judge or magistrate deems necessary to prevent (i) acts of violence,
486 force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or
487 other contact of any kind by the respondent; and

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

490 C. An emergency protective order issued pursuant to this section shall expire at 11:59 p.m. on the

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

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

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

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

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

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

552 Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

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

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

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

557 **§ 19.2-152.9. Preliminary protective orders.**

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

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

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

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

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

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

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

609 Upon receipt of the return of service or other proof of service pursuant to subsection C of
610 § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to
611 primary law-enforcement agency and the agency shall forthwith verify and enter any modification as
612 necessary into the Virginia Criminal Information Network as described above. If the order is later
613 dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded

614 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders,
615 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify
616 and enter any modification as necessary to the identifying information and other appropriate information
617 required by the Department of State Police into the Virginia Criminal Information Network as described
618 above and the order shall be served forthwith and due return made to the court.

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

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

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

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

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

632 **§ 19.2-152.10. Protective order.**

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

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

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

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

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

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

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

675 forthwith verify and enter any modification as necessary to the identifying information and other
676 appropriate information required by the Department of State Police into the Virginia Criminal
677 Information Network as described above and the order shall be served forthwith and due return made to
678 the court.

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

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

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

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

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

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

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

713 J. As used in this section:

714 "Copy" includes a facsimile copy; and

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

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