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HOUSE BILL NO. 271

Offered January 13, 2016

Prefiled December 31, 2015

A *BILL to amend and reenact §§ 2.2-1839, 8.01-293, 16.1-69.48:5, 16.1-228, 16.1-241, 16.1-243, 16.1-244, 16.1-252, 16.1-253, 16.1-260, 16.1-262, 16.1-264, 16.1-274, 16.1-278.15, 16.1-278.16, 16.1-278.17, 16.1-279.1, 16.1-281, 16.1-296.2, 16.1-298, 17.1-272, 18.2-49.1, 18.2-271.1, 20-49.8, 20-88.34, 20-88.48, 20-103, 20-107.2, 20-108, 20-108.1, 20-108.2, 20-124.2, 20-124.2:1, 20-124.3, 20-124.4, 20-124.5, 20-124.8, 20-124.9, 20-146.1, 20-146.20, 20-146.25, 20-146.26, 63.2-908, 63.2-912, and 63.2-1215 of the Code of Virginia, relating to parenting time.*

Patron—Albo

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1839, 8.01-293, 16.1-69.48:5, 16.1-228, 16.1-241, 16.1-243, 16.1-244, 16.1-252, 16.1-253, 16.1-260, 16.1-262, 16.1-264, 16.1-274, 16.1-278.15, 16.1-278.16, 16.1-278.17, 16.1-279.1, 16.1-281, 16.1-296.2, 16.1-298, 17.1-272, 18.2-49.1, 18.2-271.1, 20-49.8, 20-88.34, 20-88.48, 20-103, 20-107.2, 20-108, 20-108.1, 20-108.2, 20-124.2, 20-124.2:1, 20-124.3, 20-124.4, 20-124.5, 20-124.8, 20-124.9, 20-146.1, 20-146.20, 20-146.25, 20-146.26, 63.2-908, 63.2-912, and 63.2-1215 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-1839. Risk management plans administered by the Department of the Treasury's Risk Management Division for political subdivisions, constitutional officers, etc.

A. The Division shall establish one or more risk management plans specifying the terms and conditions for coverage, subject to the approval of the Governor, and which plans may be purchased insurance, self-insurance or a combination of self-insurance and purchased insurance to provide protection against liability imposed by law for damages and against incidental medical payments resulting from any claim made against any county, city or town; authority, board, or commission; sanitation, soil and water, planning or other district; public service corporation owned, operated or controlled by a locality or local government authority; constitutional officer; state court-appointed attorney; any attorney for any claim arising out of the provision of pro bono legal services for custody and visitation parenting time to an eligible indigent person under a program approved by the Supreme Court of Virginia or the Virginia State Bar; any receiver for an attorney's practice appointed under § 54.1-3900.01 or 54.1-3936; any attorney authorized by the Virginia State Bar for any claim arising out of the provision of pro bono legal services in a Virginia State Bar approved program; affiliate or foundation of a state department, agency or institution; any clinic that is organized in whole or primarily for the delivery of health care services without charge; volunteer drivers for any nonprofit organization providing transportation for persons who are elderly, disabled, or indigent to medical treatment and services, provided the volunteer driver has successfully completed training approved by the Division; any local chapter or program of the Meals on Wheels Association of America or any area agency on aging, providing meal and nutritional services to persons who are elderly, homebound, or disabled, and volunteer drivers for such entities who have successfully completed training approved by the Division; any individual serving as a guardian or limited guardian as defined in § 64.2-2000 for any individual receiving services from a community services board or behavioral health authority or from a state facility operated by the Department of Behavioral Health and Developmental Services; for nontransportation-related state construction contracts less than \$500,000, where the bid bond requirements are waived, prospective contractors shall be prequalified for each individual project in accordance with § 2.2-4317; or the officers, agents or employees of any of the foregoing for acts or omissions of any nature while in an authorized governmental or proprietary capacity and in the course and scope of employment or authorization.

For the purposes of this section, "delivery of health care services without charge" shall be deemed to include the delivery of dental, medical or other health services when a reasonable minimum fee is charged to cover administrative costs.

For purposes of this section, a sheriff or deputy sheriff shall be considered to be acting in the scope of employment or authorization when performing any law-enforcement-related services authorized by the sheriff, and coverage for such service by the Division shall not be subject to any prior notification to or authorization by the Division.

B. In any case in which the coverage provided by one or more risk management plans established pursuant to this section applies, no sheriff or deputy shall be liable for any verdict or civil judgment in

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59 his individual capacity in excess of the approved maximum coverage amount as established by the
60 Division and set forth in the respective coverage plans, which shall be at least \$1.5 million for sheriffs
61 and deputies. If a jury returns an award in excess of \$1.5 million, the judge shall reduce the award and
62 enter judgment against the sheriff or deputy for such damages in the amount of \$1.5 million, provided
63 that this shall not affect the ability of a court to order a remittitur. Nothing in this subsection shall be
64 construed to limit the ability of a plaintiff to pursue the full amount of any judgment against a sheriff or
65 deputy from any available insurance coverage. To the extent that any such award exceeds the coverage
66 available under such risk management plans, the sheriff and any deputy shall be considered immune
67 defendants under subsection F of § 38.2-2206. Automobile insurance carried by a sheriff or deputy in his
68 personal capacity shall not be available to satisfy any verdict or civil judgment under the circumstances
69 in which coverage is provided by one or more risk management plans.

70 C. Participation in the risk management plan shall be voluntary and shall be approved by the
71 participant's respective governing body or by the State Compensation Board in the case of constitutional
72 officers; by the office of the Executive Secretary of the Virginia Supreme Court in the case of state
73 court-appointed attorneys, including attorneys appointed to serve as receivers under § 54.1-3900.01 or
74 54.1-3936, or attorneys under Virginia Supreme Court approved programs; by the Virginia State Bar in
75 the case of attorneys providing pro bono services under Virginia State Bar approved programs; by the
76 Commissioner of the Department of Behavioral Health and Developmental Services for any individual
77 serving as a guardian or limited guardian for any individual receiving services from a state facility
78 operated by the Department or by the executive director of a community services board or behavioral
79 health authority for any individual serving as a guardian or limited guardian for any individual receiving
80 services from the board or authority; and by the Division. Upon such approval, the Division shall
81 assume sole responsibility for plan management, compliance, or removal. The Virginia Supreme Court
82 shall pay the cost for coverage of eligible persons performing services in approved programs of the
83 Virginia Supreme Court. The Virginia State Bar shall pay the cost for coverage of eligible attorneys
84 providing pro bono services in Virginia State Bar approved programs. The Department of Behavioral
85 Health and Developmental Services shall be responsible for paying the cost of coverage for eligible
86 persons performing services as a guardian or limited guardian for any individual receiving services from
87 a state facility operated by the Department. The applicable community services board or behavioral
88 health authority shall be responsible for paying the cost of coverage for eligible persons performing
89 services as a guardian or limited guardian for individuals receiving services from the board or authority.

90 D. The Division shall provide for the legal defense of participating entities and shall reserve the right
91 to settle or defend claims presented under the plan. All prejudgment settlements shall be approved in
92 advance by the Division.

93 E. The risk management plan established pursuant to this section shall provide for the establishment
94 of a trust fund for the payment of claims covered under such plan. The funds shall be invested in the
95 manner provided in § 2.2-1806 and interest shall be added to the fund as earned.

96 The trust fund shall also provide for payment of legal defense costs, actuarial costs, administrative
97 costs, contractual costs and all other expenses related to the administration of such plan.

98 F. The Division shall, in its sole discretion, set the premium and administrative cost to be paid to it
99 for providing a risk management plan established pursuant to this section. The premiums and
100 administrative costs set by the Division shall be payable in the amounts at the time and in the manner
101 that the Division in its sole discretion shall require. The premiums and administrative costs need not be
102 uniform among participants, but shall be set so as to best ensure the financial stability of the plan.

103 G. Notwithstanding any provision to the contrary, a sheriff's department of any city or county, or a
104 regional jail shall not be precluded from securing excess liability insurance coverage beyond the
105 coverage provided by the Division pursuant to this section.

106 **§ 8.01-293. Authorization to serve process, capias or show cause order; execute writ of**
107 **possession and levy upon property.**

108 A. The following persons are authorized to serve process:

109 1. The sheriff within such territorial bounds as described in § 8.01-295;

110 2. Any person of age 18 years or older and who is not a party or otherwise interested in the subject
111 matter in controversy. However, in any case in which custody or ~~visitation~~ *parenting time* of a minor
112 child or children is at issue and a summons is issued for the attendance and testimony of a teacher or
113 other school personnel who is not a party to the proceeding, if such summons is served on school
114 property, it shall be served only by a sheriff or his deputy; or

115 3. A private process server. For purposes of this section, "private process server" means any person
116 18 years of age or older and who is not a party or otherwise interested in the subject matter in
117 controversy, and who charges a fee for service of process.

118 Whenever in this Code the term "officer" or "sheriff" is used to refer to persons authorized to make,
119 return or do any other act relating to service of process, such term shall be deemed to refer to any
120 person authorized by this section to serve process.

B. Notwithstanding any other provision of law (i) only a sheriff or high constable may execute an order or writ of possession for personal, real or mixed property, including an order or writ of possession arising out of an action in unlawful entry and detainer or ejectment; (ii) any sheriff, high constable or law-enforcement officer as defined in § 9.1-101 of the Code of Virginia may serve any capias or show cause order; and (iii) only a sheriff, the high constable for the City of Norfolk or Virginia Beach or a treasurer may levy upon property.

§ 16.1-69.48:5. Fees for services of juvenile and domestic relations district court judges and clerks in certain civil cases.

Except as otherwise provided, upon the initial commencement of any case in the juvenile and domestic relations district court pursuant to subdivision A 3 of § 16.1-241 when the custody or ~~visitation~~ *parenting time* of a child is a subject of controversy or requires determination, there shall be a filing fee of \$25. However, only one \$25 fee shall be required for all custody and ~~visitation~~ *parenting time* petitions simultaneously initiated by a single petitioner. Notwithstanding any other provision of law, there shall be no other fees or costs added to this fee as a condition of filing. No case to which this fee is applicable shall be set for hearing by the clerk until this fee has been paid except on account of poverty as provided in § 17.1-606. Fees shall be paid to the clerk in the jurisdiction in which the petition is filed.

This fee shall not be charged in any case brought by an agent of the Commonwealth or of a local government entity.

When service of process is had on the respondent named in a petition for which the filing fee established by this section has been paid, such petition may be reissued once by changing the return day of such process, for which service there shall be no charge; however, reissuance of such process shall be within three months after the original return day.

In the case of an appeal filed pursuant to § 16.1-296, the clerk shall collect any applicable fees for service of process of the notice of appeal in the circuit court from the appellant prior to transmitting the case to the clerk of the circuit court. For purposes of this section, service of process in the circuit court may include service on the appellee by the sheriff or private process server or certified or registered mail, and service on the attorney for the appellee by regular mail.

§ 16.1-228. Definitions.

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

"Abused or neglected child" means any child:

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

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

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

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

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

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902.

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

"Adoptive home" means the place of residence of any natural person in which a child resides as a

182 member of the household and in which he has been placed for the purposes of adoption or in which he
183 has been legally adopted by another member of the household.

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

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

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

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

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

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

206 "Child in need of supervision" means:

207 1. A child who, while subject to compulsory school attendance, is habitually and without justification
208 absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of
209 any and all educational services and programs that are required to be provided by law and which meet
210 the child's particular educational needs, (ii) the school system from which the child is absent or other
211 appropriate agency has made a reasonable effort to effect the child's regular attendance without success,
212 and (iii) the school system has provided documentation that it has complied with the provisions of
213 § 22.1-258; or

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

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

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

225 "Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an
226 ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of
227 § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an
228 act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if
229 committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to
230 take a blood or breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city, or
231 town.

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

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

238 "Family abuse" means any act involving violence, force, or threat that results in bodily injury or
239 places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by
240 a person against such person's family or household member. Such act includes, but is not limited to, any
241 forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of
242 Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable
243 apprehension of death, sexual assault, or bodily injury.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

309 "Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of
310 § 16.1-269.1 when committed by a juvenile 14 years of age or older.

311 **§ 16.1-241. Jurisdiction; consent for abortion.**

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

319 A. The custody, ~~visitation~~ *parenting time*, support, control or disposition of a child:

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

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

325 2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated
326 as having abused or neglected another child in the care of the parent or custodian;

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

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

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

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

336 In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated
337 in subsection B of § 16.1-269.1, and for any charges ancillary thereto, the jurisdiction of the juvenile
338 court shall be limited to conducting a preliminary hearing to determine if there is probable cause to
339 believe that the juvenile committed the act alleged and that the juvenile was 14 years of age or older at
340 the time of the commission of the alleged offense, and any matters related thereto. In any case in which
341 the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection C of
342 § 16.1-269.1, and for all charges ancillary thereto, if the attorney for the Commonwealth has given
343 notice as provided in subsection C of § 16.1-269.1, the jurisdiction of the juvenile court shall be limited
344 to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile
345 committed the act alleged and that the juvenile was 14 years of age or older at the time of the
346 commission of the alleged offense, and any matters related thereto. A determination by the juvenile
347 court following a preliminary hearing pursuant to subsection B or C of § 16.1-269.1 to certify a charge
348 to the grand jury shall divest the juvenile court of jurisdiction over the charge and any ancillary charge.
349 In any case in which a transfer hearing is held pursuant to subsection A of § 16.1-269.1, if the juvenile
350 court determines to transfer the case, jurisdiction of the juvenile court over the case shall be divested as
351 provided in § 16.1-269.6.

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

356 The authority of the juvenile court to adjudicate matters involving the custody, ~~visitation~~ *parenting*
357 *time*, support, control or disposition of a child shall not be limited to the consideration of petitions filed
358 by a mother, father or legal guardian but shall include petitions filed at any time by any party with a
359 legitimate interest therein. A party with a legitimate interest shall be broadly construed and shall include,
360 but not be limited to, grandparents, step-grandparents, stepparents, former stepparents, blood relatives
361 and family members. A party with a legitimate interest shall not include any person (i) whose parental
362 rights have been terminated by court order, either voluntarily or involuntarily, (ii) whose interest in the
363 child derives from or through a person whose parental rights have been terminated by court order, either
364 voluntarily or involuntarily, including, but not limited to, grandparents, stepparents, former stepparents,
365 blood relatives and family members, if the child subsequently has been legally adopted, except where a
366 final order of adoption is entered pursuant to § 63.2-1241, or (iii) who has been convicted of a violation

of subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state, the United States, or any foreign jurisdiction, when the child who is the subject of the petition was conceived as a result of such violation. The authority of the juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited where the child has previously been awarded to the custody of a local board of social services.

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

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

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

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

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

1. Who has been abused or neglected;
2. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or is otherwise before the court pursuant to subdivision A 4; or

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

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

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

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

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

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

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

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

M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1, and all petitions filed for the purpose of obtaining an order of protection pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 if either the alleged victim or the respondent is a juvenile.

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

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

432 P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 19
433 (§ 63.2-1900 et seq.) of Title 63.2, or by another state in the same manner as if the orders were entered
434 by a juvenile and domestic relations district court upon the filing of a certified copy of such order in the
435 juvenile and domestic relations district court.

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

438 R. [Repealed.]

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

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

443 U. Petitions filed in connection with parental placement adoption consent hearings pursuant to
444 § 63.2-1233. Such proceedings shall be advanced on the docket so as to be heard by the court within 10
445 days of filing of the petition, or as soon thereafter as practicable so as to provide the earliest possible
446 disposition.

447 V. Petitions filed for the purpose of obtaining the court's assistance with the execution of consent to
448 an adoption when the consent to an adoption is executed pursuant to the laws of another state and the
449 laws of that state provide for the execution of consent to an adoption in the court of the
450 Commonwealth.

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

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

458 If the judge authorizes an abortion based on the best interests of the minor, such order shall
459 expressly state that such authorization is subject to the physician or his agent giving notice of intent to
460 perform the abortion; however, no such notice shall be required if the judge finds that such notice would
461 not be in the best interest of the minor. In determining whether notice is in the best interest of the
462 minor, the judge shall consider the totality of the circumstances; however, he shall find that notice is not
463 in the best interest of the minor if he finds that (i) one or more authorized persons with whom the
464 minor regularly and customarily resides is abusive or neglectful, and (ii) every other authorized person,
465 if any, is either abusive or neglectful or has refused to accept responsibility as parent, legal guardian,
466 custodian or person standing in loco parentis.

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

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

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

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

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

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

488 A physician shall not knowingly perform an abortion upon an unemancipated minor unless consent
489 has been obtained or the minor delivers to the physician a court order entered pursuant to this section

and the physician or his agent provides such notice as such order may require. However, neither consent nor judicial authorization nor notice shall be required if the minor declares that she is abused or neglected and the attending physician has reason to suspect that the minor may be an abused or neglected child as defined in § 63.2-100 and reports the suspected abuse or neglect in accordance with § 63.2-1509; or if there is a medical emergency, in which case the attending physician shall certify the facts justifying the exception in the minor's medical record.

For purposes of this subsection:

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

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

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

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

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

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

"Unemancipated minor" means a minor who has not been emancipated by (i) entry into a valid marriage, even though the marriage may have been terminated by dissolution; (ii) active duty with any of the Armed Forces of the United States; (iii) willingly living separate and apart from his or her parents or guardian, with the consent or acquiescence of the parents or guardian; or (iv) entry of an order of emancipation pursuant to Article 15 (§ 16.1-331 et seq.).

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

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

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

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

§ 16.1-243. Venue.

A. Original venue:

1. Cases involving children, other than support or where protective order issued: Proceedings with respect to children under this law, except support proceedings as provided in subdivision 2 or family abuse proceedings as provided in subdivision 3, shall:

a. Delinquency: If delinquency is alleged, be commenced in the city or county where the acts constituting the alleged delinquency occurred or they may, with the written consent of the child and the attorney for the Commonwealth for both jurisdictions, be commenced in the city or county where the child resides;

b. Custody or ~~visitation~~ *parenting time*: In cases involving custody or ~~visitation~~ *parenting time*, be commenced in the court of the city or county which, in order of priority, (i) is the home of the child at the time of the filing of the petition, or had been the home of the child within six months before the filing of the petition and the child is absent from the city or county because of his removal or retention by a person claiming his custody or for other reasons, and a parent or person acting as a parent continues to live in the city or county, (ii) has significant connection with the child and in which there

is substantial evidence concerning the child's present or future care, protection, training and personal relationships, (iii) is where the child is physically present and the child has been abandoned or it is necessary in an emergency to protect the child because he has been subjected to or threatened with mistreatment or abuse or is otherwise neglected or dependent or (iv) it is in the best interest of the child for the court to assume jurisdiction as no other city or county is an appropriate venue under the preceding provisions of this subdivision;

c. Adoption: In parental placement adoption consent hearings pursuant to §§ 16.1-241, 63.2-1233, and 63.2-1237, be commenced in any city or county, provided, however, that diligent efforts shall first be made to commence such hearings (i) in the city or county where the child to be adopted was born, (ii) in the city or county where the birth parent(s) reside, or (iii) in the city or county where the prospective adoptive parent(s) reside. In cases in which a hearing is commenced in a city or county other than one described in clauses (i) through (iii), the petitioner shall certify in writing to the court that diligent efforts to commence a hearing in such city or county have been made but have proven ineffective; and

d. All other cases: In all other proceedings, be commenced in the city or county where the child resides or in the city or county where the child is present when the proceedings are commenced.

2. Support: Proceedings that involve child or spousal support or child and spousal support, exclusive of proceedings arising under Chapter 5 (§ 20-61 et seq.) of Title 20, shall be commenced in the city or county where either party resides or in the city or county where the respondent is present when the proceeding commences.

3. Family abuse: Proceedings in which an order of protection is sought as a result of family abuse shall be commenced where (i) either party has his or her principal residence (ii) the abuse occurred or (iii) a protective order was issued if at the time the proceeding is commenced the order is in effect to protect the petitioner or a family or household member of the petitioner.

B. Transfer of venue:

1. Generally: Except in custody, ~~visitation~~ *parenting time*, and support cases, if the child resides in a city or county of the Commonwealth and the proceeding is commenced in a court of another city or county, that court may at any time, on its own motion or a motion of a party for good cause shown, transfer the proceeding to the city or county of the child's residence for such further action or proceedings as the court receiving the transfer may deem proper. However, such transfer may occur only after adjudication in delinquency proceedings.

2. Custody and ~~visitation~~ *parenting time*: In custody and ~~visitation~~ *parenting time* cases, if venue lies in one of several cities or counties, the court in which the motion for transfer is made shall determine which such city or county is the most appropriate venue unless the parties mutually agree to the selection of venue. In the consideration of the motion, the best interests of the child shall determine the most appropriate forum.

3. Support: In support proceedings, exclusive of proceedings arising under Chapter 5 of Title 20, if the respondent resides in a city or county in the Commonwealth and the proceeding is commenced in a court of another city or county, that court may, at any time on its own motion or a motion of a party for good cause shown or by agreement of the parties, transfer the proceeding to the city or county of the respondent's residence for such further action or proceedings as the court receiving the transfer may deem proper. For the purposes of determining venue of cases involving support, the respondent's residence shall include any city or county in which the respondent has resided within the last six months prior to the commencement of the proceeding or in which the respondent is residing at the time that the motion for transfer of venue is made. If venue is transferable to one of several cities or counties, the court in which the motion for transfer is made shall determine which such city or county is the most appropriate venue unless the parties mutually agree to the selection of such venue.

When the support proceeding is a companion case to a child custody or ~~visitation~~ *parenting time* proceeding, the provisions governing venue in the proceeding involving the child's custody or ~~visitation~~ *parenting time* shall govern.

4. Subsequent transfers: Any court receiving a transferred proceeding as provided in this section may in its discretion transfer such proceeding to a court in an appropriate venue for good cause shown based either upon changes in circumstances or mistakes of fact or upon agreement of the parties. In any transfer of venue in cases involving children, the best interests of the child shall be considered in deciding if and to which court a transfer of venue would be appropriate.

5. Enforcement of orders for support, maintenance and custody: Any juvenile and domestic relations district court to which a suit is transferred for enforcement of orders pertaining to support, maintenance, care or custody pursuant to § 20-79 (c) may transfer the case as provided in this section.

C. Records: Originals of all legal and social records pertaining to the case shall accompany the transfer of venue. Records imaged from the original documents shall be considered original documents for purposes of the transfer of venue. The transferor court may, in its discretion, retain copies as it deems appropriate.

§ 16.1-244. Concurrent jurisdiction; exceptions.

A. Nothing contained in this law shall deprive any other court of the concurrent jurisdiction to determine the custody of children upon a writ of habeas corpus under the law, or to determine the custody, guardianship, ~~visitation~~ *parenting time*, or support of children when such custody, guardianship, ~~visitation~~ *parenting time*, or support is incidental to the determination of causes pending in such courts, nor deprive a circuit court of jurisdiction to determine spousal support in a suit for separate maintenance. However, when a suit for divorce has been filed in a circuit court, in which the custody, guardianship, ~~visitation~~ *parenting time*, or support of children of the parties or spousal support is raised by the pleadings and a hearing, including a pendente lite hearing, is set by the circuit court on any such issue for a date certain or on a motions docket to be heard within 21 days of the filing, the juvenile and domestic relations district courts shall be divested of the right to enter any further decrees or orders to determine custody, guardianship, ~~visitation~~ *parenting time*, or support when raised for such hearing and such matters shall be determined by the circuit court unless both parties agreed to a referral to the juvenile court. Nothing in this section shall deprive a circuit court of the authority to refer any such case to a commissioner for a hearing or shall deprive the juvenile and domestic relations district courts of the jurisdiction to enforce its valid orders prior to the entry of a conflicting order of any circuit court for any period during which the order was in effect or to temporarily place a child in the custody of any person when that child has been adjudicated abused, neglected, in need of services or delinquent subsequent to the order of any circuit court.

B. Jurisdiction of cases involving violations of federal law by a child shall be concurrent and shall be assumed only if waived by the federal court or the United States attorney.

§ 16.1-252. Preliminary removal order; hearing.

A. A preliminary removal order in cases in which a child is alleged to have been abused or neglected may be issued by the court after a hearing wherein the court finds that reasonable efforts have been made to prevent removal of the child from his home. The hearing shall be in the nature of a preliminary hearing rather than a final determination of custody.

B. Prior to the removal hearing, 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 and to the child if he or she is 12 years of age or older. If notice to the parents, guardian, legal custodian or other person standing in loco parentis cannot be given despite diligent efforts to do so, the hearing shall be held nonetheless, and the parents, guardian, legal custodian or other person standing in loco parentis shall be afforded a later hearing on their motion regarding a continuation of the summary removal order. The notice provided herein shall include (i) the time, date and place for the hearing; (ii) a specific statement of the factual circumstances which allegedly necessitate removal of the child; and (iii) notice that child support will be considered if a determination is made that the child must be removed from the home.

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

D. At the removal hearing the child and his parent, guardian, legal custodian or other person standing in loco parentis shall have the right to confront and cross-examine all adverse witnesses and evidence and to present evidence on their own behalf. If the child was 14 years of age or under on the date of the alleged offense and is 16 or under at the time of the hearing, the child's attorney or guardian ad litem, or if the child has been committed to the custody of the Department of Social Services, the local department of social services, may apply for an order from the court that the child's testimony be taken in a room outside the courtroom and be televised by two-way closed-circuit television. The provisions of § 63.2-1521 shall apply, mutatis mutandis, to the use of two-way closed-circuit television except that the person seeking the order shall apply for the order at least 48 hours before the hearing, unless the court for good cause shown allows the application to be made at a later time.

E. In order for a preliminary order to issue or for an existing order to be continued, the petitioning party or agency must prove:

1. The child would be subjected to an imminent threat to life or health to the extent that severe or irreparable injury would be likely to result if the child were returned to or left in the custody of his parents, guardian, legal custodian or other person standing in loco parentis pending a final hearing on the petition; and

2. Reasonable efforts have been made to prevent removal of the child from his home and there are no alternatives less drastic than removal of the child from his home which could reasonably and adequately protect the child's life or health pending a final hearing on the petition. The alternatives less drastic than removal may include but not be limited to the provision of medical, educational, psychiatric, psychological, homemaking or other similar services to the child or family or the issuance of a preliminary protective order pursuant to § 16.1-253.

When a child is removed from his home and there is no reasonable opportunity to provide preventive services, reasonable efforts to prevent removal shall be deemed to have been made.

F. If the court determines that pursuant to subsection E hereof the removal of the child is proper, the

674 court shall:

675 1. Order that the child be placed in the temporary care and custody of a suitable person, subject to
676 the provisions of subsection F1 of this section and under the supervision of the local department of
677 social services, with consideration being given to placement in the temporary care and custody of a
678 relative or other interested individual, including grandparents, until such time as the court enters an
679 order of disposition pursuant to § 16.1-278.2, or, if such placement is not available, in the care and
680 custody of a suitable agency;

681 2. Order that reasonable ~~visitation~~ *parenting time* be allowed between the child and his parents,
682 guardian, legal custodian or other person standing in loco parentis, and between the child and his
683 siblings, if such ~~visitation~~ *parenting time* would not endanger the child's life or health; and

684 3. Order that the parent or other legally obligated person pay child support pursuant to § 16.1-290.

685 In addition, the court may enter a preliminary protective order pursuant to § 16.1-253 imposing
686 requirements and conditions as specified in that section which the court deems appropriate for protection
687 of the welfare of the child.

688 F1. Prior to the entry of an order pursuant to subsection F of this section transferring temporary
689 custody of the child to a relative or other interested individual, including grandparents, the court shall
690 consider whether the relative or other interested individual is one who (i) is willing and qualified to
691 receive and care for the child; (ii) is willing to have a positive, continuous relationship with the child;
692 and (iii) is willing and has the ability to protect the child from abuse and neglect. The court's order
693 transferring temporary custody to a relative or other interested individual should provide for compliance
694 with any preliminary protective order entered on behalf of the child in accordance with the provisions of
695 § 16.1-253; initiation and completion of the investigation as directed by the court and court review of
696 the child's placement required in accordance with the provisions of § 16.1-278.2; and, as appropriate,
697 ongoing provision of social services to the child and the temporary custodian.

698 G. At the conclusion of the preliminary removal order hearing, the court shall determine whether the
699 allegations of abuse or neglect have been proven by a preponderance of the evidence. Any finding of
700 abuse or neglect shall be stated in the court order. However, if, before such a finding is made, a person
701 responsible for the care and custody of the child, the child's guardian ad litem or the local department of
702 social services objects to a finding being made at the hearing, the court shall schedule an adjudicatory
703 hearing to be held within 30 days of the date of the initial preliminary removal hearing. The
704 adjudicatory hearing shall be held to determine whether the allegations of abuse and neglect have been
705 proven by a preponderance of the evidence. Parties who are present at the preliminary removal order
706 hearing shall be given notice of the date set for the adjudicatory hearing and parties who are not present
707 shall be summoned as provided in § 16.1-263. The hearing shall be held and an order may be entered,
708 although a party to the preliminary removal order hearing fails to appear and is not represented by
709 counsel, provided personal or substituted service was made on the person, or the court determines that
710 such person cannot be found, after reasonable effort, or in the case of a person who is without the
711 Commonwealth, the person cannot be found or his post office address cannot be ascertained after
712 reasonable effort.

713 The preliminary removal order and any preliminary protective order issued shall remain in full force
714 and effect pending the adjudicatory hearing.

715 H. If the preliminary removal order includes a finding of abuse or neglect and the child is removed
716 from his home or a preliminary protective order is issued, a dispositional hearing shall be held pursuant
717 to § 16.1-278.2. The dispositional hearing shall be scheduled at the time of the preliminary removal
718 order hearing and shall be held within 60 days of the preliminary removal order hearing. If an
719 adjudicatory hearing is requested pursuant to subsection G, the dispositional hearing shall nonetheless be
720 scheduled at the initial preliminary removal order hearing. All parties present at the preliminary removal
721 order hearing shall be given notice of the date scheduled for the dispositional hearing; parties who are
722 not present shall be summoned to appear as provided in § 16.1-263.

723 I. The local department of social services having "legal custody" of a child as defined in § 16.1-228
724 (i) shall not be required to comply with the requirements of this section in order to redetermine where
725 and with whom the child shall live, notwithstanding that the child had been placed with a natural parent.

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

727 **§ 16.1-253. Preliminary protective order.**

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

734 1. To abstain from offensive conduct against the child, a family or household member of the child or
735 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~~ *parenting time* 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;

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 section the court shall determine whether the allegations of abuse or neglect have been proven by a preponderance of the evidence. Any finding of abuse or neglect shall be stated in the court order. However, if, before such a finding is made, a person responsible for the care and custody of the child, the child's guardian ad litem or the local department of social services objects to a finding being made at the hearing, the court shall schedule an adjudicatory hearing to be held within 30 days of the date of the initial preliminary protective order hearing. The adjudicatory hearing shall be held to determine whether the allegations of abuse and neglect have been proven by a preponderance of the evidence. Parties who are present at the hearing shall be given notice of the date set for the adjudicatory hearing and parties who are not present shall be summoned as provided in § 16.1-263. The adjudicatory hearing 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 determines that such person cannot be found, after reasonable effort, or in the case of a person who is without the Commonwealth, the person cannot be found or his post office address cannot be ascertained after reasonable effort.

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

G. 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 later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal

797 Information Network the respondent's identifying information and the name, date of birth, sex, and race
798 of each protected person provided to the court. A copy of the preliminary protective order containing
799 any such identifying information shall be forwarded forthwith to the primary law-enforcement agency
800 responsible for service and entry of protective orders. Upon receipt of the order by the primary
801 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the
802 identifying information and other appropriate information required by the Department of State Police
803 into the Virginia Criminal Information Network established and maintained by the Department of State
804 Police pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the
805 allegedly abusing person in person as provided in § 16.1-264 and due return made to the court.
806 However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward
807 an attested copy of the order containing the respondent's identifying information and the name, date of
808 birth, sex, and race of each protected person provided to the court to the primary law-enforcement
809 agency providing service and entry of protective orders and upon receipt of the order, the primary
810 law-enforcement agency shall enter the name of the person subject to the order and other appropriate
811 information required by the Department of State Police into the Virginia Criminal Information Network
812 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and
813 the order shall be served forthwith upon the allegedly abusing person in person as provided in
814 § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other
815 appropriate information required by the Department of State Police into the Virginia Criminal
816 Information Network and make due return to the court. The preliminary order shall specify a date for
817 the dispositional hearing. The dispositional hearing shall be scheduled at the time of the hearing
818 pursuant to this section, and shall be held within 60 days of this hearing. If an adjudicatory hearing is
819 requested pursuant to subsection F, the dispositional hearing shall nonetheless be scheduled at the
820 hearing pursuant to this section. All parties present at the hearing shall be given notice of the date and
821 time scheduled for the dispositional hearing; parties who are not present shall be summoned to appear as
822 provided in § 16.1-263.

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

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

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

833 K. The court shall forthwith, but in all cases no later than the end of the business day on which the
834 order was issued, enter and transfer electronically to the Virginia Criminal Information Network the
835 respondent's identifying information and the name, date of birth, sex, and race of each protected person
836 provided to the court. A copy of the preliminary protective order containing any such identifying
837 information shall be forwarded forthwith to the primary law-enforcement agency responsible for service
838 and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the
839 agency shall forthwith verify and enter any modification as necessary to the identifying information and
840 other appropriate information required by the Department of State Police into the Virginia Criminal
841 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et
842 seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as
843 provided in § 16.1-264 and due return made to the court. However, if the order is issued by the circuit
844 court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the
845 respondent's identifying information and the name, date of birth, sex, and race of each protected person
846 provided to the court to the primary law-enforcement agency providing service and entry of protective
847 orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the
848 person subject to the order and other appropriate information required by the Department of State Police
849 into the Virginia Criminal Information Network established and maintained by the Department pursuant
850 to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly
851 abusing person in person as provided in § 16.1-264. Upon service, the agency making service shall enter
852 the date and time of service and other appropriate information required by the Department of State
853 Police into the Virginia Criminal Information Network and make due return to the court. The
854 preliminary order shall specify a date for the full hearing.

855 Upon receipt of the return of service or other proof of service pursuant to subsection C of
856 § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to the
857 primary law-enforcement agency and the agency shall forthwith verify and enter any modification as
858 necessary into the Virginia Criminal Information Network as described above. If the order is later

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

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

§ 16.1-260. Intake; petition; investigation.

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

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

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

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

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

920 compliance with compulsory school attendance as provided in § 22.1-254. The intake officer may refer
921 the juvenile to the appropriate public agency for the purpose of developing a truancy plan using an
922 interagency interdisciplinary team approach. The team may include qualified personnel who are
923 reasonably available from the appropriate department of social services, community services board, local
924 school division, court service unit and other appropriate and available public and private agencies and
925 may be the family assessment and planning team established pursuant to § 2.2-5207. If at the end of the
926 90-day period the juvenile has not successfully completed the truancy plan or the truancy program, then
927 the intake officer shall file the petition.

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

937 C. The intake officer shall accept and file a petition in which it is alleged that (i) the custody,
938 ~~visitation~~ *parenting time*, or support of a child is the subject of controversy or requires determination,
939 (ii) a person has deserted, abandoned or failed to provide support for any person in violation of law, (iii)
940 a child or such child's parent, guardian, legal custodian or other person standing in loco parentis is
941 entitled to treatment, rehabilitation or other services which are required by law, (iv) family abuse has
942 occurred and a protective order is being sought pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1, or
943 (v) an act of violence, force, or threat has occurred, a protective order is being sought pursuant to
944 § 19.2-152.8, 19.2-152.9, or 19.2-152.10, and either the alleged victim or the respondent is a juvenile. If
945 any such complainant does not file a petition, the intake officer may file it. In cases in which a child is
946 alleged to be abused, neglected, in need of services, in need of supervision or delinquent, if the intake
947 officer believes that probable cause does not exist, or that the authorization of a petition will not be in
948 the best interest of the family or juvenile or that the matter may be effectively dealt with by some
949 agency other than the court, he may refuse to authorize the filing of a petition. The intake officer shall
950 provide to a person seeking a protective order pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1 a
951 written explanation of the conditions, procedures and time limits applicable to the issuance of protective
952 orders pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1. If the person is seeking a protective order
953 pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, the intake officer shall provide a written
954 explanation of the conditions, procedures, and time limits applicable to the issuance of protective orders
955 pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10.

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

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

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

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

980 G. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.), the intake officer shall file a
981 report with the division superintendent of the school division in which any student who is the subject of

a petition alleging that such student who is a juvenile has committed an act, wherever committed, which would be a crime if committed by an adult, or that such student who is an adult has committed a crime and is alleged to be within the jurisdiction of the court. The report shall notify the division superintendent of the filing of the petition and the nature of the offense, if the violation involves:

1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;
2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;
4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;
9. Robbery pursuant to § 18.2-58;
10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;
11. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3; or
12. An act of violence by a mob pursuant to § 18.2-42.1.

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

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

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

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

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

3. In the case of a misdemeanor violation of § 18.2-250.1, 18.2-266, 18.2-266.1, or 29.1-738, or the commission of any other alcohol-related offense, provided the juvenile is released to the custody of a parent or legal guardian pending the initial court date. The officer releasing a juvenile to the custody of a parent or legal guardian shall issue a summons to the juvenile and shall also issue a summons requiring the parent or legal guardian to appear before the court with the juvenile. Disposition of the charge shall be in the manner provided in § 16.1-278.8, 16.1-278.8:01, or 16.1-278.9. If the juvenile so charged with a violation of § 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-272, or 29.1-738 refuses to provide a sample of blood or breath or samples of both blood and breath for chemical analysis pursuant to §§ 18.2-268.1 through 18.2-268.12 or 29.1-738.2, the provisions of these sections shall be followed except that the magistrate shall authorize execution of the warrant as a summons. The summons shall be served on a parent or legal guardian and the juvenile, and a copy of the summons shall be forwarded to the court in which the violation is to be tried. When a violation of § 18.2-250.1 is charged by summons, the juvenile shall be entitled to have the charge referred to intake for consideration of informal proceedings pursuant to subsection B, provided such right is exercised by written notification to the clerk not later than 10 days prior to trial. At the time such summons alleging a violation of § 18.2-250.1 is served, the officer shall also serve upon the juvenile written notice of the right to have the charge referred to intake on a form approved by the Supreme Court and make return of such service to the court. If the officer fails to make such service or return, the court shall dismiss the summons without prejudice.

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

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

§ 16.1-262. Form and content of petition.

1043 The petition shall contain the facts below indicated:

1044 "Commonwealth of Virginia, In re _____ (name of child)" a child under eighteen
1045 years of age.

1046 "In the Juvenile and Domestic Relations District Court of the county (or city) of
1047 _____"

1048 1. Statement of name, age, date of birth, if known, and residence of the child.

1049 2. Statement of names and residence of his parents, guardian, legal custodian or other person
1050 standing in loco parentis and spouse, if any.

1051 3. Statement of names and residence of the nearest known relatives if no parent or guardian can be
1052 found.

1053 4. Statement of the specific facts which allegedly bring the child within the purview of this law. If
1054 the petition alleges a delinquent act, it shall make reference to the applicable sections of the Code which
1055 designate the act a crime.

1056 5. Statement as to whether the child is in custody, and if so, the place of detention or shelter care,
1057 and the time the child was taken into custody, and the time the child was placed in detention or shelter
1058 care.

1059 If any of the facts herein required to be stated are not known by the petitioner, the petition shall so
1060 state. The petition shall be verified, except that petitions filed under § 63.2-1237 may be signed by the
1061 petitioner's counsel, and may be upon information.

1062 In accordance with § 16.1-69.32, the Supreme Court may formulate rules for the form and content of
1063 petitions in the juvenile court concerning matters related to the custody, ~~visitation~~ *parenting time*, or
1064 support of a child and the protection, support or maintenance of an adult where the provisions of this
1065 section are not appropriate.

1066 **§ 16.1-264. Service of summons; proof of service; penalty.**

1067 A. If a party designated in subsection A of § 16.1-263 to be served with a summons can be found
1068 within the Commonwealth, the summons shall be served upon him in person or by substituted service as
1069 prescribed in subdivision 2 of § 8.01-296.

1070 If a party designated to be served in § 16.1-263 is without the Commonwealth but can be found or
1071 his address is known, or can with reasonable diligence be ascertained, service of summons may be made
1072 either by delivering a copy thereof to him personally or by mailing a copy thereof to him by certified
1073 mail return receipt requested.

1074 If after reasonable effort a party other than the person who is the subject of the petition cannot be
1075 found or his post-office address cannot be ascertained, whether he is within or without the
1076 Commonwealth, the court may order service of the summons upon him by publication in accordance
1077 with the provisions of §§ 8.01-316 and 8.01-317.

1078 A1. Any person who is subject to an emergency protective order issued pursuant to § 16.1-253.4 or
1079 19.2-152.8 shall have been personally served with the protective order if a law-enforcement officer, as
1080 defined in § 9.1-101, personally provides to such person a notification of the issuance of the order,
1081 which shall be on a form approved by the Executive Secretary of the Supreme Court of Virginia,
1082 provided that all of the information and individual requirements of the order are included on the form.
1083 The officer making service shall enter or cause to be entered the date and time of service and other
1084 appropriate information required by the Department of State Police into the Virginia Criminal
1085 Information Network and make due return to the court.

1086 B. Service of summons may be made under the direction of the court by sheriffs, their deputies and
1087 police officers in counties and cities or by any other suitable person designated by the court. However,
1088 in any case in which custody or ~~visitation~~ *parenting time* of a minor child or children is at issue and a
1089 summons is issued for the attendance and testimony of a teacher or other school personnel who is not a
1090 party to the proceeding, if such summons is served on school property, it shall be served only by a
1091 sheriff or his deputy.

1092 C. Proof of service may be made by the affidavit of the person other than an officer designated in
1093 subsection B hereof who delivers a copy of the summons to the person summoned, but if served by a
1094 state, county or municipal officer his return shall be sufficient without oath.

1095 D. The summons shall be considered a mandate of the court and willful failure to obey its
1096 requirements shall subject any person guilty thereof to liability for punishment as for contempt.

1097 **§ 16.1-274. Time for filing of reports; copies furnished to attorneys; amended reports; fees.**

1098 A. Whenever any court directs an investigation pursuant to subdivision A of § 16.1-237 or
1099 § 16.1-273 or 9.1-153, or an evaluation pursuant to § 16.1-278.5, the probation officer, court-appointed
1100 special advocate, or other agency conducting such investigation shall file such report with the clerk of
1101 the court directing the investigation. The clerk shall furnish a copy of such report to all attorneys
1102 representing parties in the matter before the court no later than 72 hours, and in cases of child custody,
1103 15 days, prior to the time set by the court for hearing the matter. If such probation officer or other
1104 agency discovers additional information or a change in circumstance after the filing of the report, an

amended report shall be filed forthwith and a copy sent to each person who received a copy of the original report. Whenever such a report is not filed or an amended report is filed, the court shall grant such continuance of the proceedings as justice requires. All attorneys receiving such report or amended report shall return such to the clerk upon the conclusion of the hearing and shall not make copies of such report or amended report or any portion thereof. However, the chief judge of each juvenile and domestic relations district court may provide for an alternative means of copying and distributing reports or amended reports filed pursuant to § 9.1-153.

B. Notwithstanding the provisions of §§ 16.1-69.48:2 and 17.1-275, when the court directs the appropriate local department of social services to conduct supervised ~~visitation~~ *parenting time* or directs the appropriate local department of social services or court services unit to conduct an investigation pursuant to § 16.1-273 or to provide mediation services in matters involving a child's custody, ~~visitation~~ *parenting time*, or support, the court shall assess a fee against the petitioner, the respondent, or both, in accordance with fee schedules established by the appropriate local board of social services when the service is provided by a local department of social services or by a court services unit. The fee schedules shall include (i) standards for determining the paying party's or parties' ability to pay and (ii) a scale of fees based on the paying party's or parties' income and family size and the actual cost of the services provided. The fee charged shall not exceed the actual cost of the service. The fee shall be assessed as a cost of the case and shall be paid as prescribed by the court to the local department of social services, locally operated court services unit or Department of Juvenile Justice, whichever performed the service, unless payment is waived. The method and medium for payment for such services shall be determined by the local department of social services, Department of Juvenile Justice, or the locally operated court services unit that provided the services.

C. When a local department of social services or any court services unit is requested by another local department or court services unit in the Commonwealth or by a similar department or entity in another state to conduct an investigation involving a child's custody, ~~visitation~~ *parenting time*, or support pursuant to § 16.1-273 or, in the case of a request from another state pursuant to a provision corresponding to § 16.1-273, or to provide mediation services, or for a local department of social services to provide supervised ~~visitation~~ *parenting time*, the local department or the court services unit performing the service may require payment of fees prior to conducting the investigation or providing mediation services or supervised ~~visitation~~ *parenting time*.

§ 16.1-278.15. Custody or parenting time, child or spousal support generally.

A. In cases involving the custody, ~~visitation~~ *parenting time*, or support of a child pursuant to subdivision A 3 of § 16.1-241, the court may make any order of disposition to protect the welfare of the child and family as may be made by the circuit court. The parties to any petition where a child whose custody, ~~visitation~~ *parenting time*, or support is contested shall show proof that they have attended within the 12 months prior to their court appearance or that they shall attend within 45 days thereafter an educational seminar or other like program conducted by a qualified person or organization approved by the court. The court may require the parties to attend such seminar or program in uncontested cases only if the court finds good cause. The seminar or other program shall be a minimum of four hours in length and shall address the effects of separation or divorce on children, parenting responsibilities, options for conflict resolution and financial responsibilities. Once a party has completed one educational seminar or other like program, the required completion of additional programs shall be at the court's discretion. Parties under this section shall include natural or adoptive parents of the child, or any person with a legitimate interest as defined in § 20-124.1. The fee charged a party for participation in such program shall be based on the party's ability to pay; however, no fee in excess of \$50 may be charged. Whenever possible, before participating in mediation or alternative dispute resolution to address custody, ~~visitation~~ *parenting time*, or support, each party shall have attended the educational seminar or other like program. The court may grant an exemption from attendance of such program for good cause shown or if there is no program reasonably available. Other than statements or admissions by a party admitting criminal activity or child abuse or neglect, no statement or admission by a party in such seminar or program shall be admissible into evidence in any subsequent proceeding. If support is ordered for a child, the order shall also provide that support will continue to be paid for a child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the parent seeking or receiving child support, until the child reaches the age of 19 or graduates from high school, whichever occurs first. The court may also order that support be paid or continue to be paid for any child over the age of 18 who is (a) severely and permanently mentally or physically disabled, and such disability existed prior to the child reaching the age of 18 or the age of 19 if the child met the requirements of clauses (i), (ii), and (iii); (b) unable to live independently and support himself; and (c) residing in the home of the parent seeking or receiving child support.

B. In any case involving the custody or ~~visitation~~ *parenting time* of a child, the court may award custody upon petition to any party with a legitimate interest therein, including, but not limited to,

grandparents, stepparents, former stepparents, blood relatives and family members. The term "legitimate interest" shall be broadly construed to accommodate the best interest of the child. The authority of the juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited where the custody of the child has previously been awarded to a local board of social services.

C. In any determination of support obligation under this section, the support obligation as it becomes due and unpaid creates a judgment by operation of law. Such judgment becomes a lien against real estate only when docketed in the county or city where such real estate is located. Nothing herein shall be construed to alter or amend the process of attachment of any lien on personal property.

D. Orders entered prior to July 1, 2008, shall not be deemed void or voidable solely because the petition or motion that resulted in the order was completed, signed and filed by a nonattorney employee of the Department of Social Services.

E. In cases involving charges for desertion, abandonment or failure to provide support by any person in violation of law, disposition shall be made in accordance with Chapter 5 (§ 20-61 et seq.) of Title 20.

F. In cases involving a spouse who seeks spousal support after having separated from his spouse, the court may enter any appropriate order to protect the welfare of the spouse seeking support.

G. In any case or proceeding involving the custody or ~~visitation~~ *parenting time* of a child, the court shall consider the best interest of the child, including the considerations for determining custody and ~~visitation~~ *parenting time* set forth in Chapter 6.1 (§ 20-124.1 et seq.) of Title 20.

H. In any proceeding before the court for custody or ~~visitation~~ *parenting time* of a child, the court may order a custody or a psychological evaluation of any parent, guardian, legal custodian or person standing in loco parentis to the child, if the court finds such evaluation would assist it in its determination. The court may enter such orders as it deems appropriate for the payment of the costs of the evaluation by the parties.

I. When deemed appropriate by the court in any custody or ~~visitation~~ *parenting time* matter, the court may order drug testing of any parent, guardian, legal custodian or person standing in loco parentis to the child. The court may enter such orders as it deems appropriate for the payment of the costs of the testing by the parties.

§ 16.1-278.16. Failure to comply with support obligation; payroll deduction; commitment.

In cases involving (i) the custody, ~~visitation~~ *parenting time*, or support of a child arising under subdivision A 3 of § 16.1-241, (ii) spousal support arising under subsection L of § 16.1-241, (iii) support, maintenance, care, and custody of a child or support and maintenance of a spouse transferred to the juvenile and domestic relations district court pursuant to § 20-79, or (iv) motions to enforce administrative support orders entered pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2, when the court finds that the respondent (i) (a) has failed to perform or comply with a court order concerning the custody and ~~visitation~~ *parenting time* of a child or a court or administrative order concerning the support and maintenance of a child or a court order concerning the support and maintenance of a spouse or (ii) (b) under existing circumstances, is under a duty to render support or additional support to a child or pay the support and maintenance of a spouse, the court may order a payroll deduction as provided in § 20-79.1, or the giving of a recognizance as provided in § 20-114. If the court finds that the respondent has failed to perform or comply with such order, and personal or substitute service has been obtained, the court may issue a civil show cause summons or a capias pursuant to this section. The court also may order the commitment of the person as provided in § 20-115 or the court may, in its discretion, impose a sentence of up to 12 months in jail, notwithstanding the provisions of §§ 16.1-69.24 and 18.2-458, relating to punishment for contempt. If the court finds that an employer, who is under a payroll deduction order pursuant to § 20-79.1, has failed to comply with such order after being given a reasonable opportunity to show cause why he failed to comply with such order, then the court may proceed to impose sanctions on the employer pursuant to subdivision A 9 of § 20-79.3.

§ 16.1-278.17. Pendente lite support.

In cases involving (i) the custody, ~~visitation~~ *parenting time*, or support of a child arising under subdivision A 3 of § 16.1-241, (ii) spousal support arising under subsection L of § 16.1-241, or (iii) support, maintenance, care, and custody of a child or support and maintenance of a spouse transferred to the juvenile and domestic relations district court pursuant to § 20-79, the court may enter support orders in pendente lite proceedings, provided such proceedings are not ex parte.

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

A. In cases of family abuse, including any case involving an incarcerated or recently incarcerated respondent against whom a preliminary protective order has been issued pursuant to § 16.1-253.1, 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;
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons;

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

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

5. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the respondent and enjoining the respondent from terminating any insurance, registration, or taxes on the motor vehicle and directing the respondent to maintain the insurance, registration, and taxes, as appropriate; however, no such grant of possession or use shall affect title to the vehicle;

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

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

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

9. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner, including a provision for temporary custody or ~~visitation~~ *parenting time* 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.

B. The protective order may be issued for a specified period of time up to a maximum of two years. 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 of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective 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 the protective order for a period not longer than two years to protect the health and safety of the petitioner or persons who are family or household members of the petitioner at the time the request for an extension is made. The extension of 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 of the two-year period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.

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

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

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

F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths,

1289 the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing
1290 violent or threatening acts or harassment against or contact or communication with or physical proximity
1291 to another person, including any of the conditions specified in subsection A, shall be accorded full faith
1292 and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided
1293 reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person
1294 against whom the order is sought to be enforced sufficient to protect such person's due process rights
1295 and consistent with federal law. A person entitled to protection under such a foreign order may file the
1296 order in any juvenile and domestic relations district court by filing with the court an attested or
1297 exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of
1298 the order to the primary law-enforcement agency responsible for service and entry of protective orders
1299 which shall, upon receipt, enter the name of the person subject to the order and other appropriate
1300 information required by the Department of State Police into the Virginia Criminal Information Network
1301 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where
1302 practical, the court may transfer information electronically to the Virginia Criminal Information Network.
1303 Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy
1304 available of any foreign order filed with that court. A law-enforcement officer may, in the performance
1305 of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been
1306 provided to him by any source and may also rely upon the statement of any person protected by the
1307 order that the order remains in effect.

1308 G. Either party may at any time file a written motion with the court requesting a hearing to dissolve
1309 or modify the order. Proceedings to dissolve or modify a protective order shall be given precedence on
1310 the docket of the court.

1311 H. As used in this section:

1312 "Copy" includes a facsimile copy; and

1313 "Protective order" includes an initial, modified or extended protective order.

1314 I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's
1315 office, nor any employee of them, may disclose, except among themselves, the residential address,
1316 telephone number, or place of employment of the person protected by the order or that of the family of
1317 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme
1318 Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

1319 J. No fee shall be charged for filing or serving any petition or order pursuant to this section.

1320 **§ 16.1-281. Foster care plan.**

1321 A. In any case in which (i) a local board of social services places a child through an agreement with
1322 the parents or guardians where legal custody remains with the parents or guardian, or (ii) legal custody
1323 of a child is given to a local board of social services or a child welfare agency, the local department of
1324 social services or child welfare agency shall prepare a foster care plan for such child, as described
1325 hereinafter. The individual family service plan developed by the family assessment and planning team
1326 pursuant to § 2.2-5208 may be accepted by the court as the foster care plan if it meets the requirements
1327 of this section.

1328 The representatives of such department or agency shall involve the child's parent(s) in the
1329 development of the plan, except when parental rights have been terminated or the local department of
1330 social services or child welfare agency has made diligent efforts to locate the parent(s) and such
1331 parent(s) cannot be located, and any other person or persons standing in loco parentis at the time the
1332 board or child welfare agency obtained custody or the board placed the child. The representatives of
1333 such department or agency shall involve the child in the development of the plan, if such involvement is
1334 consistent with the best interests of the child. In cases where either the parent(s) or child is not involved
1335 in the development of the plan, the department or agency shall include in the plan a full description of
1336 the reasons therefor.

1337 The department or child welfare agency shall file the plan with the juvenile and domestic relations
1338 district court within 45 days following the transfer of custody or the board's placement of the child
1339 unless the court, for good cause shown, allows an extension of time, which shall not exceed an
1340 additional 60 days. However, a foster care plan shall be filed in accordance with the provisions of
1341 § 16.1-277.01 with a petition for approval of an entrustment agreement. A foster care plan need not be
1342 prepared if the child is returned to his prior family or placed in an adoptive home within 45 days
1343 following transfer of custody to the board or agency or the board's placement of the child.

1344 B. The foster care plan shall describe in writing (i) the programs, care, services and other support
1345 which will be offered to the child and his parents and other prior custodians; (ii) the participation and
1346 conduct which will be sought from the child's parents and other prior custodians; (iii) the ~~visitation~~
1347 *parenting time* and other contacts ~~which~~ *that* will be permitted between the child and his parents and
1348 other prior custodians; and between the child and his siblings; (iv) the nature of the placement or
1349 placements which will be provided for the child; (v) for school-age children, the school placement of the
1350 child; and (vi) for children 14 years of age and older, the child's needs and goals in the areas of

counseling, education, housing, employment, and money management skills development, along with specific independent living services that will be provided to the child to help him reach these goals. In cases in which a foster care plan approved prior to July 1, 2011, identifies independent living as the goal for the child, and in cases involving children admitted to the United States as refugees or asylees who are 16 years of age or older and for whom the goal is independent living, the plan shall also describe the programs and services which will help the child prepare for the transition from foster care to independent living. If consistent with the child's health and safety, the plan shall be designed to support reasonable efforts which lead to the return of the child to his parents or other prior custodians within the shortest practicable time which shall be specified in the plan. The child's health and safety shall be the paramount concern of the court and the agency throughout the placement, case planning, service provision and review process.

If the department or child welfare agency concludes that it is not reasonably likely that the child can be returned to his prior family within a practicable time, consistent with the best interests of the child, the department, child welfare agency or team shall (a) include a full description of the reasons for this conclusion; (b) provide information on the opportunities for placing the child with a relative or in an adoptive home; (c) design the plan to lead to the child's successful placement with a relative if a subsequent transfer of custody to the relative is planned, or in an adoptive home within the shortest practicable time, and if neither of such placements is feasible; (d) explain why permanent foster care is the plan for the child or independent living is the plan for the child in cases involving children admitted to the United States as refugees or asylees who are 16 years of age or older and for whom the goal is independent living.

"Independent living" as used in this section has the meaning set forth in § 63.2-100.

The local board or other child welfare agency having custody of the child shall not be required by the court to make reasonable efforts to reunite the child with a parent if the court finds that (1) the residual parental rights of the parent regarding a sibling of the child have previously been involuntarily terminated; (2) the parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of any other state, the United States or any foreign jurisdiction that constitutes murder or voluntary manslaughter, or a felony attempt, conspiracy or solicitation to commit any such offense, if the victim of the offense was a child of the parent, a child with whom the parent resided at the time such offense occurred or the other parent of the child; (3) the parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of any other state, the United States or any foreign jurisdiction that constitutes felony assault resulting in serious bodily injury or felony bodily wounding resulting in serious bodily injury or felony sexual assault, if the victim of the offense was a child of the parent or a child with whom the parent resided at the time of such offense; or (4) based on clear and convincing evidence, the parent has subjected any child to aggravated circumstances, or abandoned a child under circumstances which would justify the termination of residual parental rights pursuant to subsection D of § 16.1-283.

As used in this section:

"Aggravated circumstances" means torture, chronic or severe abuse, or chronic or severe sexual abuse, if the victim of such conduct was a child of the parent or child with whom the parent resided at the time such conduct occurred, including the failure to protect such a child from such conduct, which conduct or failure to protect: (i) evinces a wanton or depraved indifference to human life, or (ii) has resulted in the death of such a child or in serious bodily injury to such a child.

"Chronic abuse" or "chronic sexual abuse" means recurring acts of physical abuse that place the child's health, safety and well-being at risk.

"Serious bodily injury" means bodily injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

"Severe abuse" or "severe sexual abuse" may include an act or omission that occurred only once, but otherwise meets the definition of "aggravated circumstances."

Within 30 days of making a determination that reasonable efforts to reunite the child with the parents are not required, the court shall hold a permanency planning hearing pursuant to § 16.1-282.1.

C. A copy of the entire foster care plan shall be sent by the court to the child, if he is 12 years of age or older; the guardian ad litem for the child, the attorney for the child's parents or for any other person standing in loco parentis at the time the board or child welfare agency obtained custody or the board placed the child, to the parents or other person standing in loco parentis, and such other persons as appear to the court to have a proper interest in the plan. However, a copy of the plan shall not be sent to a parent whose parental rights regarding the child have been terminated. A copy of the plan shall be sent by the court to the foster parents. A hearing shall be held for the purpose of reviewing and approving the foster care plan. The hearing shall be held within 60 days of (i) the child's initial foster care placement, if the child was placed through an agreement between the parents or guardians and the

1412 local department of social services or a child welfare agency; (ii) the original preliminary removal order
1413 hearing, if the child was placed in foster care pursuant to § 16.1-252; (iii) the hearing on the petition for
1414 relief of custody, if the child was placed in foster care pursuant to § 16.1-277.02; or (iv) the
1415 dispositional hearing at which the child was placed in foster care and an order was entered pursuant to
1416 § 16.1-278.2, 16.1-278.3, 16.1-278.4, 16.1-278.5, 16.1-278.6, or 16.1-278.8. However, the hearing shall
1417 be held in accordance with the provisions of § 16.1-277.01 with a petition for approval of an
1418 entrustment agreement. If the judge makes any revision in any part of the foster care plan, a copy of the
1419 changes shall be sent by the court to all persons who received a copy of the original of that part of the
1420 plan.

1421 C1. Any order transferring custody of the child to a relative other than the child's prior family shall
1422 be entered only upon a finding, based upon a preponderance of the evidence, that the relative is one
1423 who, after an investigation as directed by the court, (i) is found by the court to be willing and qualified
1424 to receive and care for the child; (ii) is willing to have a positive, continuous relationship with the child;
1425 (iii) is committed to providing a permanent, suitable home for the child; and (iv) is willing and has the
1426 ability to protect the child from abuse and neglect; and the order shall so state. The court's order
1427 transferring custody to a relative should further provide for, as appropriate, any terms or conditions
1428 which would promote the child's interest and welfare; ongoing provision of social services to the child
1429 and the child's custodian; and court review of the child's placement.

1430 C2. Any order entered at the conclusion of the hearing that has the effect of achieving a permanent
1431 goal for the child by terminating residual parental rights pursuant to § 16.1-277.01, 16.1-277.02,
1432 16.1-278.3, or 16.1-283; by placing the child in permanent foster care pursuant to clause (iv) of
1433 subsection A of § 16.1-282.1; or, in cases in which independent living was identified as the goal for a
1434 child in a foster care plan approved prior to July 1, 2011, or in which a child has been admitted to the
1435 United States as a refugee or asylee and is over 16 years of age and independent living has been
1436 identified as the permanency goal for the child, by directing the board or agency to provide the child
1437 with services to achieve independent living status, if the child has attained the age of 16 years, pursuant
1438 to clause (v) of subsection A of § 16.1-282.1 shall state whether reasonable efforts have been made to
1439 place the child in a timely manner in accordance with the foster care plan and to complete the steps
1440 necessary to finalize the permanent placement of the child.

1441 D. The court in which the foster care plan is filed shall be notified immediately if the child is
1442 returned to his parents or other persons standing in loco parentis at the time the board or agency
1443 obtained custody or the board placed the child.

1444 E. At the conclusion of the hearing at which the initial foster care plan is reviewed, the court shall
1445 schedule a foster care review hearing to be held within four months in accordance with § 16.1-282.
1446 However, if an order is entered pursuant to subsection C2, the court shall schedule a foster care review
1447 hearing to be held within 12 months of the entry of such order in accordance with the provisions of
1448 § 16.1-282.2. Parties who are present at the hearing at which the initial foster care plan is reviewed shall
1449 be given notice of the date set for the foster care review hearing and parties who are not present shall
1450 be summoned as provided in § 16.1-263.

1451 F. Nothing in this section shall limit the authority of the juvenile judge or the staff of the juvenile
1452 court, upon order of the judge, to review the status of children in the custody of local boards of social
1453 services or placed by local boards of social services on its own motion. The court shall appoint an
1454 attorney to act as guardian ad litem to represent the child any time a hearing is held to review the foster
1455 care plan filed for the child or to review the child's status in foster care.

1456 **§ 16.1-296.2. Appeals of certain custody and parenting time proceedings.**

1457 A. In any matter in which a filing fee either was or could have been assessed pursuant to
1458 § 16.1-69.48:5, no appeal shall be allowed unless and until the party applying for appeal shall, within 10
1459 days from the entry of the final judgment or order, either (i) pay to the clerk of the court from which
1460 the appeal is taken the amount of the writ tax of the court to which the appeal is taken and all other
1461 applicable costs or (ii) file with the clerk of the court from which the appeal is taken a petition to have
1462 the court to which the appeal is taken determine that the writ tax and costs need not be paid on account
1463 of poverty as provided in § 17.1-606. The judge or clerk of any court from which the appeal is taken
1464 shall promptly transmit to the clerk of the appellate court the original pleadings, together with all
1465 exhibits and other papers filed in the trial of the case, and either (i) the writ tax and costs paid or (ii) a
1466 petition filed to have the court to which the appeal is taken determine that the writ tax and costs need
1467 not be paid on account of poverty as provided in § 17.1-606. Upon receipt of the foregoing by the clerk
1468 of the appellate court, the case shall then be docketed.

1469 B. Notwithstanding any other provision of law, the writ tax of the court to which the appeal is taken
1470 and other applicable costs shall be assessed only once for all custody and ~~visitation~~ parenting time
1471 petitions simultaneously appealed by a single appellant.

1472 **§ 16.1-298. Effect of petition for or pendency of appeal; bail.**

1473 A. Except as provided herein, a petition for or the pendency of an appeal or writ of error shall not

suspend any judgment, order or decree of the juvenile court nor operate to discharge any child concerned or involved in the case from the custody of the court or other person, institution or agency to which the child has been committed unless so ordered by the judge of the juvenile court, the judge of a circuit court or directed in a writ of supersedeas by the Court of Appeals or the Supreme Court or a judge or justice thereof.

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

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

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

3. In cases involving any person over the age of 18 years.

Such suspension as is provided for in this subsection shall not apply to (i) an order for support of a spouse, parent or child or to a preliminary protective order issued pursuant to § 16.1-253, (ii) an order disposing of a motion to reconsider relating to participation in continuing programs pursuant to § 16.1-289.1, (iii) a protective order in cases of family abuse issued pursuant to § 16.1-279.1, including a protective order required by § 16.1-253.2, or a protective order entered in conjunction with a disposition pursuant to § 16.1-278.2, 16.1-278.4, 16.1-278.5, 16.1-278.6, 16.1-278.8, or 16.1-278.14, (iv) a protective order issued pursuant to § 19.2-152.10, including a protective order required by § 18.2-60.4, or (v) an order pertaining to the custody, ~~visitation~~ *parenting time*, or placement of a minor child, unless so ordered by the judge of a circuit court or directed in a writ of supersedeas by the Court of Appeals or the Supreme Court.

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

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

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

§ 17.1-272. Process and service fees generally.

A. The fee for process and service in the following instances shall be \$12:

1. Service on any person, firm or corporation, an order, notice, summons or any other civil process, except as herein otherwise provided, and for service on any person, firm, or corporation any process when the body is not taken and making a return thereof, except that no fee shall be charged for service pursuant to § 2.2-4022.

2. Summoning a witness or garnishee on an attachment.

3. Service on any person of an attachment or other process under which the body is taken and making a return thereon.

4. Service of any order of court not otherwise provided for, except that no fees shall be charged for protective orders issued pursuant to Chapter 11 (§ 16.1-226 et seq.) of Title 16.1.

5. Making a return of a writ of fieri facias where no levy is made or forthcoming bond is taken.

6. Summoning a witness in any case in which custody or ~~visitation~~ *parenting time* of a minor child or children is at issue.

B. The fees for process and service in the following instances shall be \$25:

1. Service and publication of any notice of a publicly-advertised public sale.

2. Service of a writ of possession, except that there shall be an additional fee of \$12 for each additional defendant.

3. Levying upon current money, bank notes, goods or chattels of a judgment debtor pursuant to § 8.01-478.

4. Service of a declaration in ejectment on any person, firm or corporation, except that there shall be an additional fee of \$12 for each additional defendant.

5. Levying distress warrant or an attachment.

6. Levying an execution.

C. The process and service fee for serving any papers returnable out of state shall be \$75, except no fees shall be charged for the service of papers in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protective order or a petition for a protective order. A victim of domestic violence, stalking, or sexual

1535 assault shall not bear the costs associated with the filing of criminal charges against the offender, and no
1536 victim shall bear the costs associated with the filing, issuance, registration, or service of a warrant,
1537 protective order, petition for a protective order, or witness subpoena, issued inside or outside the
1538 Commonwealth.

1539 D. The fees set out in this section shall be allowable for services provided by such officers in the
1540 circuit and district courts.

1541 **§ 18.2-49.1. Violation of court order regarding custody and parenting time; penalty.**

1542 A. Any person who knowingly, wrongfully and intentionally withholds a child from either of a
1543 child's parents or other legal guardian in a clear and significant violation of a court order respecting the
1544 custody or ~~visitation~~ *parenting time* of such child, provided such child is withheld outside of the
1545 Commonwealth, is guilty of a Class 6 felony.

1546 B. Any person who knowingly, wrongfully and intentionally engages in conduct that constitutes a
1547 clear and significant violation of a court order respecting the custody or ~~visitation~~ *parenting time* of a
1548 child is guilty of a Class 3 misdemeanor upon conviction of a first offense. Any person who commits a
1549 second violation of this section within 12 months of a first conviction is guilty of a Class 2
1550 misdemeanor, and any person who commits a third violation occurring within 24 months of the first
1551 conviction is guilty of a Class 1 misdemeanor.

1552 **§ 18.2-271.1. Probation, education, and rehabilitation of person charged or convicted; person**
1553 **convicted under law of another state or federal law.**

1554 A. Any person convicted of a first or second offense of § 18.2-266, or any ordinance of a county,
1555 city, or town similar to the provisions thereof, or provisions of subsection A of § 46.2-341.24, shall be
1556 required by court order, as a condition of probation or otherwise, to enter into and successfully complete
1557 an alcohol safety action program in the judicial district in which such charge is brought or in any other
1558 judicial district upon such terms and conditions as the court may set forth. However, upon motion of a
1559 person convicted of any such offense following an assessment of the person conducted by an alcohol
1560 safety action program, the court, for good cause, may decline to order participation in such a program if
1561 the assessment by the alcohol safety action program indicates that intervention is not appropriate for
1562 such person. In no event shall such persons be permitted to enter any such program which is not
1563 certified as meeting minimum standards and criteria established by the Commission on the Virginia
1564 Alcohol Safety Action Program (VASAP) pursuant to this section and to § 18.2-271.2. However, any
1565 person charged with a violation of a first or second offense of § 18.2-266, or any ordinance of a county,
1566 city, or town similar to the provisions thereof, or provisions of subsection A of § 46.2-341.24, may, at
1567 any time prior to trial, enter into an alcohol safety action program in the judicial district in which such
1568 charge is brought or in any other judicial district. Any person who enters into such program prior to
1569 trial may pre-qualify with the program to have an ignition interlock system installed on any motor
1570 vehicle owned or operated by him. However, no ignition interlock company shall install an ignition
1571 interlock system on any such vehicle until a court issues to the person a restricted license with the
1572 ignition interlock restriction.

1573 B. The court shall require the person entering such program under the provisions of this section to
1574 pay a fee of no less than \$250 but no more than \$300. A reasonable portion of such fee, as may be
1575 determined by the Commission on VASAP, but not to exceed 10 percent, shall be forwarded monthly to
1576 be deposited with the State Treasurer for expenditure by the Commission on VASAP, and the balance
1577 shall be held in a separate fund for local administration of driver alcohol rehabilitation programs. Upon
1578 a positive finding that the defendant is indigent, the court may reduce or waive the fee. In addition to
1579 the costs of the proceeding, fees as may reasonably be required of defendants referred for intervention
1580 under any such program may be charged.

1581 C. Upon conviction of a violation of § 18.2-266 or any ordinance of a county, city or town similar to
1582 the provisions thereof, or subsection A of § 46.2-341.24, the court shall impose the sentence authorized
1583 by § 18.2-270 or 46.2-341.28 and the license revocation as authorized by § 18.2-271. In addition, if the
1584 conviction was for a second offense committed within less than 10 years after a first such offense, the
1585 court shall order that restoration of the person's license to drive be conditioned upon the installation of
1586 an ignition interlock system on each motor vehicle, as defined in § 46.2-100, owned by or registered to
1587 the person, in whole or in part, for a period of six months beginning at the end of the three year license
1588 revocation, unless such a system has already been installed for six months prior to that time pursuant to
1589 a restricted license order under subsection E of this section. Upon a finding that a person so convicted is
1590 required to participate in the program described herein, the court shall enter the conviction on the
1591 warrant, and shall note that the person so convicted has been referred to such program. The court may
1592 then proceed to issue an order in accordance with subsection E of this section, if the court finds that the
1593 person so convicted is eligible for a restricted license. If the court finds good cause for a person not to
1594 participate in such program or subsequently that such person has violated, without good cause, any of
1595 the conditions set forth by the court in entering the program, the court shall dispose of the case as if no
1596 program had been entered, in which event the revocation provisions of § 46.2-389 and subsection A of

§ 46.2-391 shall be applicable to the conviction. The court shall, upon final disposition of the case, send a copy of its order to the Commissioner of the Department of Motor Vehicles. If such order provides for the issuance of a restricted license, the Commissioner of the Department of Motor Vehicles, upon receipt thereof, shall issue a restricted license. Appeals from any such disposition shall be allowed as provided by law. The time within which an appeal may be taken shall be calculated from the date of the final disposition of the case or any motion for rehearing, whichever is later.

D. Any person who has been convicted under the law of another state or the United States of an offense substantially similar to the provisions of § 18.2-266 or subsection A of § 46.2-341.24, and whose privilege to operate a motor vehicle in this Commonwealth is subject to revocation under the provisions of § 46.2-389 and subsection A of § 46.2-391, may petition the general district court of the county or city in which he resides that he be given probation and assigned to a program as provided in subsection A of this section and that, upon entry into such program, he be issued an order in accordance with subsection E of this section. If the court finds that such person would have qualified therefor if he had been convicted in this Commonwealth of a violation of § 18.2-266 or subsection A of § 46.2-341.24, the court may grant the petition and may issue an order in accordance with subsection E of this section as to the period of license suspension or revocation imposed pursuant to § 46.2-389 or subsection A of § 46.2-391. The court shall, as a condition of a restricted license, prohibit such person from operating a motor vehicle that is not equipped with a functioning certified ignition interlock system for a period of time not to exceed the period of license suspension and restriction, not less than six consecutive months without alcohol-related violations of interlock requirements. Such order shall be conditioned upon the successful completion of a program by the petitioner. If the court subsequently finds that such person has violated any of the conditions set forth by the court, the court shall dispose of the case as if no program had been entered and shall notify the Commissioner, who shall revoke the person's license in accordance with the provisions of § 46.2-389 or subsection A of § 46.2-391. A copy of the order granting the petition or subsequently revoking or suspending such person's license to operate a motor vehicle shall be forthwith sent to the Commissioner of the Department of Motor Vehicles.

No period of license suspension or revocation shall be imposed pursuant to this subsection which, when considered together with any period of license suspension or revocation previously imposed for the same offense under the law of another state or the United States, results in such person's license being suspended for a period in excess of the maximum periods specified in this subsection.

E. Except as otherwise provided herein, whenever a person enters a certified program pursuant to this section, and such person's license to operate a motor vehicle, engine or train in the Commonwealth has been suspended or revoked, the court may, in its discretion and for good cause shown, provide that such person be issued a restricted permit to operate a motor vehicle for any of the following purposes: (i) travel to and from his place of employment; (ii) travel to and from an alcohol rehabilitation or safety action program; (iii) travel during the hours of such person's employment if the operation of a motor vehicle is a necessary incident of such employment; (iv) travel to and from school if such person is a student, upon proper written verification to the court that such person is enrolled in a continuing program of education; (v) travel for health care services, including medically necessary transportation of an elderly parent or, as designated by the court, any person residing in the person's household with a serious medical problem upon written verification of need by a licensed health professional; (vi) travel necessary to transport a minor child under the care of such person to and from school, day care, and facilities housing medical service providers; (vii) travel to and from court-ordered visitation parenting time with a child of such person; (viii) travel to a screening, evaluation and education program entered pursuant to § 18.2-251 or subsection H of § 18.2-258.1; (ix) travel to and from court appearances in which he is a subpoenaed witness or a party and appointments with his probation officer and to and from any programs required by the court or as a condition of probation; (x) travel to and from a place of religious worship one day per week at a specified time and place; (xi) travel to and from appointments approved by the Division of Child Support Enforcement of the Department of Social Services as a requirement of participation in an administrative or court-ordered intensive case monitoring program for child support for which the participant maintains written proof of the appointment, including written proof of the date and time of the appointment, on his person; (xii) travel to and from jail to serve a sentence when such person has been convicted and sentenced to confinement in jail and pursuant to § 53.1-131.1 the time to be served is on weekends or nonconsecutive days; or (xiii) travel to and from the facility that installed or monitors the ignition interlock in the person's vehicle. No restricted license issued pursuant to this subsection shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). The court shall order the surrender of such person's license to operate a motor vehicle to be disposed of in accordance with the provisions of § 46.2-398 and shall forward to the Commissioner of the Department of Motor Vehicles a copy of its order entered pursuant to this subsection, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a

1658 permit is issued as is reasonably necessary to identify such person. The court shall also provide a copy
1659 of its order to the person so convicted who may operate a motor vehicle on the order until receipt from
1660 the Commissioner of the Department of Motor Vehicles of a restricted license, if the order provides for
1661 a restricted license for that time period. A copy of such order and, after receipt thereof, the restricted
1662 license shall be carried at all times while operating a motor vehicle. Any person who operates a motor
1663 vehicle in violation of any restrictions imposed pursuant to this section shall be guilty of a violation of
1664 § 18.2-272. Such restricted license shall be conditioned upon enrollment within 15 days in, and
1665 successful completion of, a program as described in subsection A of this section. No restricted license
1666 shall be issued during the first four months of a revocation imposed pursuant to subsection B of
1667 § 18.2-271 or subsection A of § 46.2-391 for a second offense of the type described therein committed
1668 within 10 years of a first such offense. No restricted license shall be issued during the first year of a
1669 revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391 for a second
1670 offense of the type described therein committed within five years of a first such offense. No restricted
1671 license shall be issued during any revocation period imposed pursuant to subsection C of § 18.2-271 or
1672 subsection B of § 46.2-391. Notwithstanding the provisions of § 46.2-411, the fee charged pursuant to
1673 § 46.2-411 for reinstatement of the driver's license of any person whose privilege or license has been
1674 suspended or revoked as a result of a violation of § 18.2-266, subsection A of § 46.2-341.24 or of any
1675 ordinance of a county, city or town, or of any federal law or the laws of any other state similar to the
1676 provisions of § 18.2-266 or subsection A of § 46.2-341.24 shall be \$105. Forty dollars of such
1677 reinstatement fee shall be retained by the Department of Motor Vehicles as provided in § 46.2-411, \$40
1678 shall be transferred to the Commission on VASAP, and \$25 shall be transferred to the Commonwealth
1679 Neurotrauma Initiative Trust Fund.

1680 F. The court shall have jurisdiction over any person entering such program under any provision of
1681 this section until such time as the case has been disposed of by either successful completion of the
1682 program, or revocation due to ineligibility or violation of a condition or conditions imposed by the
1683 court, whichever shall first occur. Revocation proceedings shall be commenced by notice to show cause
1684 why the court should not revoke the privilege afforded by this section. Such notice shall be made by
1685 first-class mail to the last known address of such person, and shall direct such person to appear before
1686 the court in response thereto on a date contained in such notice, which shall not be less than 10 days
1687 from the date of mailing of the notice. Failure to appear in response to such notice shall of itself be
1688 grounds for revocation of such privilege. Notice of revocation under this subsection shall be sent
1689 forthwith to the Commissioner of the Department of Motor Vehicles.

1690 G. For the purposes of this section, any court which has convicted a person of a violation of
1691 § 18.2-266, subsection A of § 46.2-341.24 or any ordinance of a county, city or town similar to the
1692 provisions of § 18.2-266 shall have continuing jurisdiction over such person during any period of license
1693 revocation related to that conviction, for the limited purposes of (i) referring such person to a certified
1694 alcohol safety action program, (ii) providing for a restricted permit for such person in accordance with
1695 the provisions of subsection E, and (iii) imposing terms, conditions and limitations for actions taken
1696 pursuant to clauses (i) and (ii), whether or not it took either such action at the time of the conviction.
1697 This continuing jurisdiction is subject to the limitations of subsection E that provide that no restricted
1698 license shall be issued during a revocation imposed pursuant to subsection C of § 18.2-271 or subsection
1699 B of § 46.2-391 or during the first four months or first year, whichever is applicable, of the revocation
1700 imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391. The provisions of this
1701 subsection shall apply to a person convicted of a violation of § 18.2-266, subsection A of § 46.2-341.24
1702 or any ordinance of a county, city or town similar to the provisions of § 18.2-266 on, after and at any
1703 time prior to July 1, 2003.

1704 H. The State Treasurer, the Commission on VASAP or any city or county is authorized to accept any
1705 gifts or bequests of money or property, and any grant, loan, service, payment or property from any
1706 source, including the federal government, for the purpose of driver alcohol education. Any such gifts,
1707 bequests, grants, loans or payments shall be deposited in the separate fund provided in subsection B.

1708 I. The Commission on VASAP, or any county, city, town, or any combination thereof may establish
1709 and, if established, shall operate, in accordance with the standards and criteria required by this
1710 subsection, alcohol safety action programs in connection with highway safety. Each such program shall
1711 operate under the direction of a local independent policy board chosen in accordance with procedures
1712 approved and promulgated by the Commission on VASAP. Local sitting or retired district court judges
1713 who regularly hear or heard cases involving driving under the influence and are familiar with their local
1714 alcohol safety action programs may serve on such boards. The Commission on VASAP shall establish
1715 minimum standards and criteria for the implementation and operation of such programs and shall
1716 establish procedures to certify all such programs to ensure that they meet the minimum standards and
1717 criteria stipulated by the Commission. The Commission shall also establish criteria for the administration
1718 of such programs for public information activities, for accounting procedures, for the auditing
1719 requirements of such programs and for the allocation of funds. Funds paid to the Commonwealth

hereunder shall be utilized in the discretion of the Commission on VASAP to offset the costs of state programs and local programs run in conjunction with any county, city or town and costs incurred by the Commission. The Commission shall submit an annual report as to actions taken at the close of each calendar year to the Governor and the General Assembly.

J. Notwithstanding any other provisions of this section or of § 18.2-271, nothing in this section shall permit the court to suspend, reduce, limit, or otherwise modify any disqualification from operating a commercial motor vehicle imposed under the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

§ 20-49.8. Judgment or order; costs; birth record.

A. A judgment or order establishing parentage may include any provision directed against the appropriate party to the proceeding, concerning the duty of support, including an equitable apportionment of the expenses incurred on behalf of the child from the date the proceeding under this chapter was filed with the court against the alleged parent or, if earlier, the date an order of the Department of Social Services entered pursuant to Title 63.2 and directing payment of support was delivered to the sheriff or process server for service upon the obligor. The judgment or order may be in favor of the natural parent or any other person or agency who incurred such expenses provided the complainant exercised due diligence in the service of the respondent. The judgment or order may also include provisions for the custody and guardianship of the child, ~~visitation~~ *visitation parenting time* privileges with the child, or any other matter in the best interest of the child. In circumstances where the parent is outside the jurisdiction of the court, the court may enter a further order requiring the furnishing of bond or other security for the payment required by the judgment or order. The judgment or order may direct either party to pay the reasonable and necessary unpaid expenses of the mother's pregnancy and delivery or equitably apportion the unpaid expenses between the parties. However, when the Commonwealth, through the Medicaid program, has paid such expenses, the court may order reimbursement to the Commonwealth for such expenses.

B. A determination of paternity made by any other state shall be given full faith and credit, whether established through voluntary acknowledgment or through administrative or judicial process; provided, however, that, except as may otherwise be required by law, such full faith and credit shall be given only for the purposes of establishing a duty to make payments of support and other payments contemplated by subsection A.

C. For each court determination of parentage made under the provisions of this chapter, a certified copy of the order or judgment shall be transmitted to the State Registrar of Vital Records by the clerk of the court within thirty days after the order becomes final. Such order shall set forth the full name and date and place of birth of the person whose parentage has been determined, the full names of both parents, including the maiden name, if any, of the mother and the name and address of an informant who can furnish the information necessary to complete a new birth record. In addition, when the State Registrar receives a document signed by a man indicating his consent to submit to scientifically reliable genetic tests, including blood tests, to determine paternity and the genetic test results affirming at least a ninety-eight percent probability of paternity, a new birth record shall be completed as provided in § 32.1-261. When the State Registrar receives a copy of a judgment or order for a person born outside of this Commonwealth, such order shall be forwarded to the appropriate registration authority in the state of birth or the appropriate federal agency.

§ 20-88.34. Remedies cumulative.

A. Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law or the recognition of a foreign support order on the basis of comity.

B. This chapter does not provide the exclusive method of establishing or enforcing a support order under the law of the Commonwealth or grant a tribunal of the Commonwealth jurisdiction to render judgment or issue an order relating to child custody or ~~visitation~~ *visitation parenting time* in a proceeding under this chapter.

§ 20-88.48. Duties and powers of responding tribunal.

A. When a responding tribunal of the Commonwealth receives a petition or comparable pleading from an initiating tribunal or directly pursuant to subsection B of § 20-88.44, it shall cause the petition or pleading to be filed and notify the petitioner where and when it was filed. An order for spousal support only shall be forwarded to the appropriate juvenile and domestic relations court.

B. A responding tribunal of the Commonwealth, to the extent not prohibited by other law, may do one or more of the following:

1. Establish or enforce a support order, modify a child support order, determine the controlling child support order, or determine parentage of a child;

2. Order an obligor to comply with a support order, specifying the amount and the manner of compliance;

3. Order income withholding;

1781 4. Determine the amount of any arrearages, and specify a method of payment;
1782 5. Enforce orders by civil or criminal contempt, or both;
1783 6. Set aside property for satisfaction of the support order;
1784 7. Place liens and order execution on the obligor's property;
1785 8. Order an obligor to keep the tribunal informed of the obligor's current residential address,
1786 electronic mail address, telephone number, employer, address of employment, and telephone number at
1787 the place of employment;
1788 9. Issue a capias for an obligor who has failed after proper notice to appear at a hearing ordered by
1789 the tribunal and enter the capias in any local and state computer systems for criminal warrants;
1790 10. Order the obligor to seek appropriate employment by specified methods;
1791 11. Award reasonable attorney's fees and other fees and costs; and
1792 12. Grant any other available remedy.

1793 C. A responding tribunal of the Commonwealth shall include in a support order issued under this
1794 chapter, or in the documents accompanying the order, the calculations on which the support order is
1795 based.

1796 D. A responding tribunal of the Commonwealth may not condition the payment of a support order
1797 issued under this chapter upon compliance by a party with provisions for ~~visitation~~ *parenting time*.

1798 E. If a responding tribunal of the Commonwealth issues an order under this chapter, the tribunal
1799 shall promptly send a copy of the order to the petitioner and the respondent and to the initiating
1800 tribunal, if any.

1801 F. If requested to enforce a support order, arrears, or judgment or modify a support order stated in a
1802 foreign currency, a responding tribunal of the Commonwealth shall convert the amount stated in the
1803 foreign currency to the equivalent amount in U.S. dollars under the applicable official or market
1804 exchange rate as publicly reported.

1805 **§ 20-103. Court may make orders pending suit for divorce, custody or parenting time, etc.**

1806 A. In suits for divorce, annulment and separate maintenance, and in proceedings arising under
1807 subdivision A 3 or subsection L of § 16.1-241, the court having jurisdiction of the matter may, at any
1808 time pending a suit pursuant to this chapter, in the discretion of such court, make any order that may be
1809 proper (i) to compel a spouse to pay any sums necessary for the maintenance and support of the
1810 petitioning spouse, including (a) an order that the other spouse provide health care coverage for the
1811 petitioning spouse, unless it is shown that such coverage cannot be obtained, or (b) an order that a party
1812 pay secured or unsecured debts incurred jointly or by either party, (ii) to enable such spouse to carry on
1813 the suit, (iii) to prevent either spouse from imposing any restraint on the personal liberty of the other
1814 spouse, (iv) to provide for the custody and maintenance of the minor children of the parties, including
1815 an order that either party or both parties provide health care coverage or cash medical support, or both,
1816 for the children, (v) to provide support, calculated in accordance with § 20-108.2, for any child of the
1817 parties to whom a duty of support is owed and to pay or continue to pay support for any child over the
1818 age of 18 who meets the requirements set forth in subsection C of § 20-124.2, (vi) for the exclusive use
1819 and possession of the family residence during the pendency of the suit, (vii) to preserve the estate of
1820 either spouse, so that it be forthcoming to meet any decree which may be made in the suit, (viii) to
1821 compel either spouse to give security to abide such decree, or (ix)(a) to compel a party to maintain any
1822 existing policy owned by that party insuring the life of either party or to require a party to name as a
1823 beneficiary of the policy the other party or an appropriate person for the exclusive use and benefit of the
1824 minor children of the parties and (b) to allocate the premium cost of such life insurance between the
1825 parties, provided that all premiums are billed to the policyholder. Nothing in clause (ix) shall be
1826 construed to create an independent cause of action on the part of any beneficiary against the insurer or
1827 to require an insurer to provide information relating to such policy to any person other than the
1828 policyholder without the written consent of the policyholder. The parties to any petition where a child
1829 whose custody, ~~visitation~~ *parenting time*, or support is contested shall show proof that they have
1830 attended within the 12 months prior to their court appearance or that they shall attend within 45 days
1831 thereafter an educational seminar or other like program conducted by a qualified person or organization
1832 approved by the court except that the court may require the parties to attend such seminar or program in
1833 uncontested cases only if the court finds good cause. The seminar or other program shall be a minimum
1834 of four hours in length and shall address the effects of separation or divorce on children, parenting
1835 responsibilities, options for conflict resolution and financial responsibilities. Once a party has completed
1836 one educational seminar or other like program, the required completion of additional programs shall be
1837 at the court's discretion. Parties under this section shall include natural or adoptive parents of the child,
1838 or any person with a legitimate interest as defined in § 20-124.1. The fee charged a party for
1839 participation in such program shall be based on the party's ability to pay; however, no fee in excess of
1840 \$50 may be charged. Whenever possible, before participating in mediation or alternative dispute
1841 resolution to address custody, ~~visitation~~ *parenting time*, or support, each party shall have attended the
1842 educational seminar or other like program. The court may grant an exemption from attendance of such

program for good cause shown or if there is no program reasonably available. Other than statements or admissions by a party admitting criminal activity or child abuse, no statement or admission by a party in such seminar or program shall be admissible into evidence in any subsequent proceeding.

B. In addition to the terms provided in subsection A, upon a showing by a party of reasonable apprehension of physical harm to that party by such party's family or household member as that term is defined in § 16.1-228, and consistent with rules of the Supreme Court of Virginia, the court may enter an order excluding that party's family or household member from the jointly owned or jointly rented family dwelling. In any case where an order is entered under this paragraph, pursuant to an ex parte hearing, the order shall not exclude a family or household member from the family dwelling for a period in excess of 15 days from the date the order is served, in person, upon the person so excluded. The order may provide for an extension of time beyond the 15 days, to become effective automatically. The person served may at any time file a written motion in the clerk's office requesting a hearing to dissolve or modify the order. Nothing in this section shall be construed to prohibit the court from extending an order entered under this subsection for such longer period of time as is deemed appropriate, after a hearing on notice to the parties. If the party subject to the order fails to appear at this hearing, the court may extend the order for a period not to exceed six months.

C. In cases other than those for divorce in which a custody or ~~visitation~~ *parenting time* arrangement for a minor child is sought, the court may enter an order providing for custody, ~~visitation~~ *parenting time*, or maintenance pending the suit as provided in subsection A. The order shall be directed to either parent or any person with a legitimate interest who is a party to the suit.

D. Orders entered pursuant to this section which provide for custody or ~~visitation~~ *parenting time* arrangements pending the suit shall be made in accordance with the standards set out in Chapter 6.1 (§ 20-124.1 et seq.). Orders entered pursuant to subsection B shall be certified by the clerk and forwarded as soon as possible to the local police department or sheriff's office which shall, on the date of 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 crime information network system established and maintained by the Department of State Police pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. If the order is later dissolved or modified, a copy of the dissolution or modification shall also be certified, forwarded and entered in the system as described above.

E. An order entered pursuant to this section shall have no presumptive effect and shall not be determinative when adjudicating the underlying cause.

§ 20-107.2. Court may decree as to custody and support of children.

Upon entry of a decree providing (i) for the dissolution of a marriage, (ii) for a divorce, whether from the bond of matrimony or from bed and board, (iii) that neither party is entitled to a divorce, or (iv) for separate maintenance, the court may make such further decree as it shall deem expedient concerning the (a) custody or ~~visitation~~ *parenting time* and support of the minor children of the parties as provided in Chapter 6.1 (§ 20-124.1 et seq.) or (b) support of a child over the age of 18 who meets the requirements set forth in subsection C of § 20-124.2, including an order that either party or both parties provide health care coverage or cash medical support, or both.

§ 20-108. Revision and alteration of such decrees.

The court may, from time to time after decreeing as provided in § 20-107.2, on petition of either of the parents, or on its own motion or upon petition of any probation officer or the Department of Social Services, which petition shall set forth the reasons for the relief sought, revise and alter such decree concerning the care, custody, and maintenance of the children and make a new decree concerning the same, as the circumstances of the parents and the benefit of the children may require. The intentional withholding of ~~visitation~~ *parenting time* of a child from the other parent without just cause may constitute a material change of circumstances justifying a change of custody in the discretion of the court.

No support order may be retroactively modified, but may be modified with respect to any period during which there is a pending petition for modification in any court, but only from the date that notice of such petition has been given to the responding party.

Any member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof, who files a petition or is a party to a petition requesting the adjudication of the custody, ~~visitation~~ *parenting time*, or support of a child based on a change of circumstances due to one of the parent's deployment, as that term is defined in § 20-124.7, shall be entitled to have such a petition expedited on the docket of the court.

§ 20-108.1. Determination of child or spousal support.

A. In any proceeding on the issue of determining spousal support, the court shall consider all evidence presented relevant to any issues joined in that proceeding. The court's decision shall be rendered based upon the evidence relevant to each individual case.

B. In any proceeding on the issue of determining child support under this title, Title 16.1, or Title

1904 63.2, the court shall consider all evidence presented relevant to any issues joined in that proceeding. The
1905 court's decision in any such proceeding shall be rendered upon the evidence relevant to each individual
1906 case. However, there shall be a rebuttable presumption in any judicial or administrative proceeding for
1907 child support, including cases involving split custody or shared custody, that the amount of the award
1908 that would result from the application of the guidelines set out in § 20-108.2 is the correct amount of
1909 child support to be awarded. Liability for support shall be determined retroactively for the period
1910 measured from the date that the proceeding was commenced by the filing of an action with any court
1911 provided the complainant exercised due diligence in the service of the respondent or, if earlier, the date
1912 an order of the Department of Social Services entered pursuant to Title 63.2 and directing payment of
1913 support was delivered to the sheriff or process server for service on the obligor.

1914 In order to rebut the presumption, the court shall make written findings in the order, which findings
1915 may be incorporated by reference, that the application of such guidelines would be unjust or
1916 inappropriate in a particular case. The finding that rebuts the guidelines shall state the amount of support
1917 that would have been required under the guidelines, shall give a justification of why the order varies
1918 from the guidelines, and shall be determined by relevant evidence pertaining to the following factors
1919 affecting the obligation, the ability of each party to provide child support, and the best interests of the
1920 child:

1921 1. Actual monetary support for other family members or former family members;

1922 2. Arrangements regarding custody of the children, including the cost of ~~visitation~~ *parenting time*
1923 travel;

1924 3. Imputed income to a party who is voluntarily unemployed or voluntarily under-employed;
1925 provided that income may not be imputed to a custodial parent when a child is not in school, child care
1926 services are not available and the cost of such child care services are not included in the computation
1927 and provided further, that any consideration of imputed income based on a change in a party's
1928 employment shall be evaluated with consideration of the good faith and reasonableness of employment
1929 decisions made by the party, including to attend and complete an educational or vocational program
1930 likely to maintain or increase the party's earning potential;

1931 4. Any child care costs incurred on behalf of the child or children due to the attendance of a
1932 custodial parent in an educational or vocational program likely to maintain or increase the party's
1933 earning potential;

1934 5. Debts of either party arising during the marriage for the benefit of the child;

1935 6. Direct payments ordered by the court for maintaining life insurance coverage pursuant to
1936 subsection D, education expenses, or other court-ordered direct payments for the benefit of the child;

1937 7. Extraordinary capital gains such as capital gains resulting from the sale of the marital abode;

1938 8. Any special needs of a child resulting from any physical, emotional, or medical condition;

1939 9. Independent financial resources of the child or children;

1940 10. Standard of living for the child or children established during the marriage;

1941 11. Earning capacity, obligations, financial resources, and special needs of each parent;

1942 12. Provisions made with regard to the marital property under § 20-107.3, where said property earns
1943 income or has an income-earning potential;

1944 13. Tax consequences to the parties including claims for exemptions, child tax credit, and child care
1945 credit for dependent children;

1946 14. A written agreement, stipulation, consent order, or decree between the parties which includes the
1947 amount of child support; and

1948 15. Such other factors as are necessary to consider the equities for the parents and children.

1949 C. In any proceeding under this title, Title 16.1, or Title 63.2 on the issue of determining child
1950 support, the court shall have the authority to order either party or both parties to provide health care
1951 coverage or cash medical support, as defined in § 63.2-1900, or both, for dependent children if
1952 reasonable under all the circumstances and health care coverage for a spouse or former spouse.

1953 D. In any proceeding under this title, Title 16.1, or Title 63.2 on the issue of determining child
1954 support, the court shall have the authority to order a party to (i) maintain any existing life insurance
1955 policy on the life of either party provided the party so ordered has the right to designate a beneficiary
1956 and (ii) designate a child or children of the parties as the beneficiary of all or a portion of such life
1957 insurance for so long as the party so ordered has a statutory obligation to pay child support for the child
1958 or children.

1959 E. Except when the parties have otherwise agreed, in any proceeding under this title, Title 16.1, or
1960 Title 63.2 on the issue of determining child support, the court shall have the authority to and may, in its
1961 discretion, order one party to execute all appropriate tax forms or waivers to grant to the other party the
1962 right to take the income tax dependency exemption for any tax year or future years, for any child or
1963 children of the parties for federal and state income tax purposes.

1964 F. Notwithstanding any other provision of law, any amendments to this section shall not be
1965 retroactive to a date before the effective date of the amendment, and shall not be the basis for a material

change in circumstances upon which a modification of child support may be based.

G. Child support payments, whether current or arrears, received by a parent for the benefit of and owed to a child in the parent's custody, whether the payments were ordered under this title, Title 16.1, or Title 63.2, shall not be subject to garnishment. A depository wherein child support payments have been deposited on behalf of and traceable to an individual shall not be required to determine the portion of deposits that are subject to garnishment.

H. In any proceeding on the issue of determining child or spousal support or an action for separate maintenance under this title, Title 16.1, or Title 63.2, when the earning capacity, voluntary unemployment, or voluntary under-employment of a party is in controversy, the court in which the action is pending, upon the motion of any party and for good cause shown, may order a party to submit to a vocational evaluation by a vocational expert employed by the moving party, including, but not limited to, any interviews and testing as requested by the expert. The order may permit the attendance of the vocational expert at the deposition of the person to be evaluated. The order shall specify the name and address of the expert, the scope of the evaluation, and shall fix the time for filing the report with the court and furnishing copies to the parties. The court may award costs or fees for the evaluation and the services of the expert at any time during the proceedings. The provisions of this section shall not preclude the applicability of any other rule or law.

§ 20-108.2. Guideline for determination of child support; quadrennial review by Child Support Guidelines Review Panel; executive summary.

A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child support under this title or Title 16.1 or 63.2, including cases involving split custody or shared custody, that the amount of the award which would result from the application of the guidelines set forth in this section is the correct amount of child support to be awarded. In order to rebut the presumption, the court shall make written findings in the order as set out in § 20-108.1, which findings may be incorporated by reference, that the application of the guidelines would be unjust or inappropriate in a particular case as determined by relevant evidence pertaining to the factors set out in § 20-108.1. The Department of Social Services shall set child support at the amount resulting from computations using the guidelines set out in this section pursuant to the authority granted to it in Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and subject to the provisions of § 63.2-1918.

B. For purposes of application of the guideline, a basic child support obligation shall be computed using the schedule set out below. For combined monthly gross income amounts falling between amounts shown in the schedule, basic child support obligation amounts shall be extrapolated. However, unless one of the following exemptions applies where the sole custody child support obligation as computed pursuant to subdivision G 1 is less than the statutory minimum per month, there shall be a presumptive minimum child support obligation of the statutory minimum per month payable by the payor parent. If the gross income of the obligor is equal to or less than 150 percent of the federal poverty level promulgated by the U.S. Department of Health and Human Services from time to time, then the court, upon hearing evidence that there is no ability to pay the presumptive statutory minimum, may set an obligation below the presumptive statutory minimum provided doing so does not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child. Exemptions from this presumptive minimum monthly child support obligation shall include: parents unable to pay child support because they lack sufficient assets from which to pay child support and who, in addition, are institutionalized in a psychiatric facility; are imprisoned for life with no chance of parole; are medically verified to be totally and permanently disabled with no evidence of potential for paying child support, including recipients of Supplemental Security Income (SSI); or are otherwise involuntarily unable to produce income. "Number of children" means the number of children for whom the parents share joint legal responsibility and for whom support is being sought.

SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS

**COMBINED
MONTHLY**

GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
0-350	68	104	126	141	155	169
400	78	119	144	161	177	192
450	88	133	162	181	199	216
500	97	148	179	200	220	239
550	107	162	197	220	242	263
600	116	177	215	240	264	287
650	126	191	232	259	285	310
700	135	206	250	279	307	333
750	145	220	267	298	328	357
800	154	234	284	317	349	379

2029	850	163	248	300	336	369	401
2030	900	171	260	316	353	388	422
2031	950	179	273	331	369	406	442
2032	1000	187	285	346	386	425	462
2033	1050	196	298	361	403	443	482
2034	1100	204	310	375	419	461	501
2035	1150	212	323	390	436	480	521
2036	1200	220	335	405	453	498	541
2037	1250	228	347	420	469	516	561
2038	1300	237	360	435	486	535	581
2039	1350	245	372	450	503	553	601
2040	1400	253	385	465	519	571	621
2041	1450	261	397	480	536	589	641
2042	1500	269	410	495	552	608	661
2043	1550	278	422	509	569	626	680
2044	1600	286	434	524	585	644	700
2045	1650	293	446	538	601	661	718
2046	1700	301	457	552	616	678	737
2047	1750	309	469	566	632	695	756
2048	1800	316	481	579	647	712	774
2049	1850	324	492	593	663	729	792
2050	1900	331	504	607	678	746	811
2051	1950	339	515	621	693	763	829
2052	2000	347	527	635	709	780	848
2053	2050	354	538	648	724	797	866
2054	2100	362	550	662	740	814	884
2055	2150	369	561	676	755	830	903
2056	2200	377	573	690	770	847	921
2057	2250	385	584	703	786	864	940
2058	2300	392	596	717	801	881	958
2059	2350	400	607	731	817	898	976
2060	2400	407	619	745	832	915	995
2061	2450	415	630	759	847	932	1013
2062	2500	423	642	772	863	949	1032
2063	2550	430	653	786	878	966	1050
2064	2600	438	665	800	894	983	1068
2065	2650	445	676	814	909	1000	1087
2066	2700	453	688	828	924	1017	1105
2067	2750	460	699	841	940	1034	1124
2068	2800	468	711	855	955	1051	1142
2069	2850	476	722	869	971	1068	1160
2070	2900	483	734	883	986	1084	1179
2071	2950	491	745	896	1001	1101	1197
2072	3000	498	757	910	1017	1118	1216
2073	3050	506	768	924	1032	1135	1234
2074	3100	514	780	938	1047	1152	1252
2075	3150	521	791	952	1063	1169	1271
2076	3200	529	803	965	1078	1186	1289
2077	3250	536	814	979	1094	1203	1308
2078	3300	544	826	993	1109	1220	1326
2079	3350	551	837	1006	1123	1236	1343
2080	3400	559	848	1019	1138	1252	1361
2081	3450	566	859	1032	1152	1268	1378
2082	3500	574	870	1045	1167	1283	1395
2083	3550	581	881	1057	1181	1299	1412
2084	3600	588	892	1070	1196	1315	1430
2085	3650	596	903	1083	1210	1331	1447
2086	3700	603	914	1096	1224	1347	1464
2087	3750	611	925	1109	1239	1363	1481
2088	3800	618	936	1122	1253	1379	1499
2089	3850	626	947	1135	1268	1395	1516
2090	3900	632	956	1146	1280	1408	1531
2091	3950	638	966	1157	1293	1422	1546
2092	4000	645	975	1168	1305	1436	1561
2093	4050	651	985	1180	1318	1449	1575
2094	4100	658	994	1191	1330	1463	1590
2095	4150	664	1004	1202	1342	1477	1605
2096	4200	670	1013	1213	1355	1490	1620

2097	4250	677	1023	1224	1367	1504	1635
2098	4300	682	1030	1233	1377	1515	1647
2099	4350	687	1038	1242	1387	1526	1658
2100	4400	693	1046	1251	1397	1537	1670
2101	4450	698	1054	1260	1407	1548	1682
2102	4500	704	1062	1268	1417	1559	1694
2103	4550	709	1069	1277	1427	1569	1706
2104	4600	714	1077	1286	1437	1580	1718
2105	4650	720	1085	1295	1447	1591	1730
2106	4700	725	1093	1304	1457	1602	1742
2107	4750	731	1100	1313	1466	1613	1753
2108	4800	736	1108	1322	1476	1624	1765
2109	4850	741	1116	1331	1486	1635	1777
2110	4900	747	1124	1339	1496	1646	1789
2111	4950	752	1131	1348	1506	1656	1800
2112	5000	755	1136	1353	1511	1662	1807
2113	5050	759	1141	1358	1516	1668	1813
2114	5100	762	1145	1362	1522	1674	1820
2115	5150	766	1150	1367	1527	1680	1826
2116	5200	769	1155	1372	1533	1686	1833
2117	5250	773	1159	1377	1538	1692	1839
2118	5300	776	1164	1382	1544	1698	1846
2119	5350	780	1169	1387	1549	1704	1852
2120	5400	783	1173	1392	1554	1710	1859
2121	5450	787	1178	1397	1560	1716	1865
2122	5500	790	1183	1401	1565	1722	1872
2123	5550	794	1187	1406	1571	1728	1878
2124	5600	797	1192	1411	1576	1734	1885
2125	5650	800	1196	1416	1582	1740	1891
2126	5700	803	1201	1421	1587	1746	1897
2127	5750	806	1205	1425	1592	1751	1904
2128	5800	809	1209	1430	1598	1757	1910
2129	5850	812	1213	1435	1603	1763	1917
2130	5900	815	1217	1440	1608	1769	1923
2131	5950	818	1221	1444	1613	1775	1929
2132	6000	821	1226	1449	1619	1781	1936
2133	6050	823	1230	1454	1624	1787	1942
2134	6100	826	1234	1459	1629	1792	1948
2135	6150	829	1238	1464	1635	1798	1955
2136	6200	832	1242	1468	1640	1804	1961
2137	6250	835	1246	1473	1645	1810	1967
2138	6300	838	1251	1478	1651	1816	1974
2139	6350	841	1255	1483	1656	1822	1980
2140	6400	844	1259	1487	1661	1827	1986
2141	6450	847	1263	1492	1667	1833	1993
2142	6500	849	1267	1497	1672	1839	1999
2143	6550	852	1271	1502	1677	1845	2005
2144	6600	855	1276	1506	1683	1851	2012
2145	6650	858	1280	1511	1688	1857	2018
2146	6700	861	1285	1517	1694	1864	2026
2147	6750	865	1291	1524	1703	1873	2036
2148	6800	869	1297	1532	1711	1882	2046
2149	6850	873	1303	1539	1719	1891	2056
2150	6900	877	1309	1547	1728	1900	2066
2151	6950	881	1315	1554	1736	1909	2076
2152	7000	885	1321	1561	1744	1919	2085
2153	7050	889	1328	1569	1752	1928	2095
2154	7100	893	1334	1576	1761	1937	2105
2155	7150	897	1340	1584	1769	1946	2115
2156	7200	901	1346	1591	1777	1955	2125
2157	7250	905	1352	1599	1786	1964	2135
2158	7300	909	1358	1606	1794	1973	2145
2159	7350	913	1364	1613	1802	1982	2155
2160	7400	917	1370	1621	1810	1991	2165
2161	7450	921	1376	1628	1819	2001	2175
2162	7500	925	1382	1636	1827	2010	2185
2163	7550	929	1389	1643	1835	2019	2194
2164	7600	933	1395	1650	1844	2028	2204

2165	7650	937	1401	1658	1852	2037	2214
2166	7700	941	1407	1665	1860	2046	2224
2167	7750	944	1411	1670	1865	2051	2230
2168	7800	946	1413	1672	1867	2054	2233
2169	7850	948	1416	1674	1870	2057	2236
2170	7900	950	1419	1676	1873	2060	2239
2171	7950	953	1421	1679	1875	2063	2242
2172	8000	955	1424	1681	1878	2065	2245
2173	8050	957	1426	1683	1880	2068	2248
2174	8100	959	1429	1685	1883	2071	2251
2175	8150	961	1432	1688	1885	2074	2254
2176	8200	963	1434	1690	1888	2076	2257
2177	8250	965	1436	1692	1890	2079	2260
2178	8300	967	1439	1694	1892	2082	2263
2179	8350	969	1441	1696	1895	2084	2266
2180	8400	971	1444	1699	1897	2087	2269
2181	8450	973	1446	1701	1899	2089	2271
2182	8500	974	1447	1702	1901	2091	2273
2183	8550	975	1449	1704	1903	2093	2276
2184	8600	976	1450	1705	1905	2096	2278
2185	8650	977	1452	1707	1907	2098	2280
2186	8700	978	1453	1709	1909	2100	2282
2187	8750	979	1455	1710	1911	2102	2284
2188	8800	980	1456	1712	1912	2104	2287
2189	8850	981	1457	1714	1914	2106	2289
2190	8900	982	1459	1715	1916	2108	2291
2191	8950	983	1460	1717	1918	2110	2293
2192	9000	984	1462	1719	1920	2112	2295
2193	9050	985	1463	1720	1922	2114	2298
2194	9100	986	1465	1722	1923	2116	2300
2195	9150	987	1466	1724	1925	2118	2302
2196	9200	991	1471	1730	1932	2125	2310
2197	9250	994	1477	1737	1940	2134	2319
2198	9300	998	1483	1743	1947	2142	2328
2199	9350	1002	1488	1750	1955	2150	2337
2200	9400	1005	1494	1757	1962	2159	2346
2201	9450	1009	1499	1764	1970	2167	2355
2202	9500	1013	1505	1771	1978	2176	2365
2203	9550	1017	1511	1778	1986	2185	2375
2204	9600	1021	1518	1786	1995	2194	2385
2205	9650	1025	1524	1793	2003	2203	2395
2206	9700	1029	1530	1801	2011	2212	2405
2207	9750	1033	1536	1808	2020	2222	2415
2208	9800	1037	1543	1816	2028	2231	2425
2209	9850	1041	1549	1823	2036	2240	2435
2210	9900	1046	1555	1831	2045	2249	2445
2211	9950	1050	1561	1838	2053	2258	2455
2212	10000	1054	1567	1845	2061	2268	2465
2213	10050	1058	1574	1853	2070	2277	2475
2214	10100	1062	1580	1860	2078	2286	2485
2215	10150	1066	1586	1868	2086	2295	2495
2216	10200	1070	1592	1875	2095	2304	2505
2217	10250	1074	1599	1883	2103	2314	2515
2218	10300	1079	1605	1891	2112	2323	2525
2219	10350	1083	1611	1898	2121	2333	2536
2220	10400	1087	1618	1906	2129	2342	2546
2221	10450	1091	1624	1914	2138	2351	2556
2222	10500	1095	1631	1921	2146	2361	2566
2223	10550	1100	1637	1929	2155	2370	2576
2224	10600	1104	1643	1937	2163	2380	2587
2225	10650	1108	1650	1944	2172	2389	2597
2226	10700	1112	1656	1952	2180	2398	2607
2227	10750	1117	1662	1960	2189	2408	2617
2228	10800	1121	1669	1967	2197	2417	2627
2229	10850	1125	1675	1975	2206	2427	2638
2230	10900	1129	1682	1983	2214	2436	2648
2231	10950	1134	1688	1990	2223	2445	2658
2232	11000	1138	1694	1998	2232	2455	2668

2233	11050	1142	1701	2005	2240	2464	2678
2234	11100	1146	1707	2013	2249	2474	2689
2235	11150	1150	1714	2021	2257	2483	2699
2236	11200	1154	1718	2026	2263	2489	2706
2237	11250	1157	1722	2030	2267	2494	2711
2238	11300	1159	1726	2034	2272	2499	2717
2239	11350	1162	1730	2038	2276	2504	2722
2240	11400	1165	1733	2042	2281	2509	2727
2241	11450	1168	1737	2046	2285	2514	2733
2242	11500	1171	1741	2050	2290	2519	2738
2243	11550	1173	1745	2054	2294	2524	2743
2244	11600	1176	1749	2058	2299	2529	2749
2245	11650	1179	1752	2062	2303	2534	2754
2246	11700	1182	1756	2066	2308	2538	2759
2247	11750	1185	1760	2070	2312	2543	2765
2248	11800	1187	1764	2074	2317	2548	2770
2249	11850	1190	1768	2078	2321	2553	2775
2250	11900	1193	1771	2082	2326	2558	2781
2251	11950	1196	1775	2086	2330	2563	2786
2252	12000	1199	1779	2090	2335	2568	2791
2253	12050	1201	1783	2094	2339	2573	2797
2254	12100	1204	1787	2098	2344	2578	2802
2255	12150	1207	1790	2102	2348	2583	2808
2256	12200	1210	1795	2107	2354	2589	2815
2257	12250	1213	1800	2113	2360	2596	2822
2258	12300	1216	1804	2118	2366	2603	2829
2259	12350	1220	1809	2124	2372	2610	2837
2260	12400	1223	1814	2129	2378	2616	2844
2261	12450	1226	1818	2135	2384	2623	2851
2262	12500	1229	1823	2140	2391	2630	2858
2263	12550	1232	1828	2146	2397	2636	2866
2264	12600	1235	1832	2151	2403	2643	2873
2265	12650	1239	1837	2157	2409	2650	2880
2266	12700	1242	1842	2162	2415	2657	2888
2267	12750	1245	1846	2168	2421	2663	2895
2268	12800	1248	1851	2173	2427	2670	2902
2269	12850	1251	1856	2178	2433	2677	2910
2270	12900	1254	1860	2184	2439	2683	2917
2271	12950	1257	1865	2189	2446	2690	2924
2272	13000	1261	1870	2195	2452	2697	2931
2273	13050	1264	1874	2200	2458	2704	2939
2274	13100	1267	1879	2206	2464	2710	2946
2275	13150	1270	1884	2211	2470	2717	2953
2276	13200	1273	1888	2217	2476	2724	2961
2277	13250	1276	1893	2222	2482	2730	2968
2278	13300	1279	1898	2228	2488	2737	2975
2279	13350	1283	1902	2233	2494	2744	2983
2280	13400	1286	1907	2239	2501	2751	2990
2281	13450	1289	1912	2244	2507	2757	2997
2282	13500	1292	1916	2250	2513	2764	3005
2283	13550	1295	1921	2256	2520	2772	3013
2284	13600	1297	1925	2262	2526	2779	3021
2285	13650	1300	1930	2268	2533	2786	3029
2286	13700	1303	1935	2274	2540	2794	3037
2287	13750	1306	1939	2280	2546	2801	3045
2288	13800	1308	1944	2286	2553	2808	3053
2289	13850	1311	1948	2292	2560	2816	3061
2290	13900	1314	1953	2298	2566	2823	3069
2291	13950	1317	1957	2304	2573	2830	3077
2292	14000	1320	1962	2310	2580	2838	3085
2293	14050	1322	1967	2316	2586	2845	3093
2294	14100	1325	1971	2322	2593	2852	3101
2295	14150	1328	1976	2328	2600	2860	3109
2296	14200	1331	1980	2333	2607	2867	3117
2297	14250	1334	1985	2339	2613	2875	3125
2298	14300	1336	1990	2345	2620	2882	3133
2299	14350	1339	1994	2351	2627	2889	3141
2300	14400	1342	1999	2357	2633	2897	3149

2301	14450	1345	2003	2363	2640	2904	3157
2302	14500	1347	2008	2369	2647	2911	3164
2303	14550	1350	2013	2375	2653	2919	3172
2304	14600	1353	2017	2381	2660	2926	3180
2305	14650	1356	2022	2387	2667	2933	3188
2306	14700	1359	2026	2393	2673	2941	3196
2307	14750	1361	2031	2399	2680	2948	3204
2308	14800	1364	2036	2405	2686	2955	3212
2309	14850	1368	2040	2410	2692	2961	3219
2310	14900	1371	2045	2415	2698	2967	3226
2311	14950	1375	2050	2420	2703	2974	3232
2312	15000	1378	2055	2425	2709	2980	3239
2313	15050	1382	2059	2430	2714	2986	3246
2314	15100	1385	2064	2435	2720	2992	3252
2315	15150	1389	2069	2440	2726	2998	3259
2316	15200	1392	2074	2445	2731	3004	3266
2317	15250	1396	2078	2450	2737	3010	3272
2318	15300	1400	2083	2455	2742	3017	3279
2319	15350	1403	2088	2460	2748	3023	3286
2320	15400	1407	2093	2465	2754	3029	3292
2321	15450	1410	2098	2470	2759	3035	3299
2322	15500	1414	2102	2475	2765	3041	3306
2323	15550	1417	2107	2480	2770	3047	3312
2324	15600	1421	2112	2485	2776	3053	3319
2325	15650	1424	2117	2490	2781	3060	3326
2326	15700	1428	2121	2495	2787	3066	3333
2327	15750	1431	2126	2500	2793	3072	3339
2328	15800	1435	2131	2505	2798	3078	3346
2329	15850	1438	2136	2510	2804	3084	3353
2330	15900	1442	2140	2515	2809	3090	3359
2331	15950	1445	2145	2520	2815	3097	3366
2332	16000	1449	2150	2525	2821	3103	3373
2333	16050	1453	2155	2530	2826	3109	3379
2334	16100	1456	2159	2535	2832	3115	3386
2335	16150	1458	2162	2538	2835	3119	3390
2336	16200	1459	2164	2541	2838	3122	3394
2337	16250	1461	2167	2544	2841	3125	3397
2338	16300	1462	2169	2546	2844	3128	3401
2339	16350	1464	2171	2549	2847	3132	3404
2340	16400	1465	2173	2551	2850	3135	3408
2341	16450	1466	2175	2554	2853	3138	3411
2342	16500	1468	2177	2557	2856	3141	3415
2343	16550	1469	2179	2559	2859	3144	3418
2344	16600	1471	2182	2562	2862	3148	3422
2345	16650	1472	2184	2564	2864	3151	3425
2346	16700	1473	2186	2567	2867	3154	3428
2347	16750	1475	2188	2570	2870	3157	3432
2348	16800	1476	2190	2572	2873	3160	3435
2349	16850	1477	2192	2575	2876	3164	3439
2350	16900	1479	2194	2577	2879	3167	3442
2351	16950	1480	2196	2580	2882	3170	3446
2352	17000	1481	2198	2582	2885	3173	3449
2353	17050	1483	2200	2585	2887	3176	3452
2354	17100	1484	2203	2588	2890	3179	3456
2355	17150	1486	2205	2590	2893	3182	3459
2356	17200	1487	2207	2593	2896	3186	3463
2357	17250	1488	2209	2595	2899	3189	3466
2358	17300	1490	2211	2598	2902	3192	3470
2359	17350	1491	2213	2600	2905	3195	3473
2360	17400	1492	2215	2603	2907	3198	3476
2361	17450	1494	2217	2605	2910	3201	3480
2362	17500	1495	2219	2608	2913	3204	3483
2363	17550	1497	2222	2611	2916	3208	3487
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2365	17650	1499	2226	2616	2922	3214	3494
2366	17700	1501	2228	2618	2925	3217	3497
2367	17750	1502	2230	2621	2928	3220	3500
2368	17800	1503	2232	2623	2930	3223	3504

2369	17850	1505	2234	2626	2933	3227	3507
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2372	18000	1509	2240	2634	2942	3236	3518
2373	18050	1510	2243	2636	2945	3239	3521
2374	18100	1512	2245	2639	2948	3242	3524
2375	18150	1513	2247	2641	2950	3245	3528
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2379	18350	1520	2256	2652	2963	3259	3542
2380	18400	1522	2259	2655	2966	3263	3547
2381	18450	1524	2262	2658	2970	3266	3551
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2383	18550	1528	2268	2665	2976	3274	3559
2384	18600	1530	2271	2668	2980	3278	3563
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2387	18750	1537	2280	2677	2990	3289	3575
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2389	18850	1541	2285	2683	2997	3297	3584
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2393	19050	1550	2297	2695	3011	3312	3600
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2403	19550	1571	2326	2726	3045	3350	3641
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2405	19650	1575	2332	2732	3052	3357	3649
2406	19700	1578	2335	2735	3055	3361	3653
2407	19750	1580	2338	2738	3059	3365	3658
2408	19800	1582	2341	2742	3062	3369	3662
2409	19850	1584	2344	2745	3066	3372	3666
2410	19900	1586	2347	2748	3069	3376	3670
2411	19950	1588	2350	2751	3073	3380	3674
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2417	20250	1601	2367	2769	3093	3403	3699
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2419	20350	1606	2373	2775	3100	3410	3707
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2425	20650	1619	2390	2794	3121	3433	3731
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2427	20750	1623	2396	2800	3128	3440	3740
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2432	21000	1634	2411	2815	3145	3459	3760
2433	21050	1636	2414	2818	3148	3463	3764
2434	21100	1638	2417	2822	3152	3467	3768
2435	21150	1640	2420	2825	3155	3471	3773
2436	21200	1642	2423	2828	3159	3474	3777

2437	21250	1644	2425	2831	3162	3478	3781
2438	21300	1647	2428	2834	3165	3482	3785
2439	21350	1649	2431	2837	3169	3486	3789
2440	21400	1651	2434	2840	3172	3490	3793
2441	21450	1653	2437	2843	3176	3493	3797
2442	21500	1655	2440	2846	3179	3497	3801
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2445	21650	1661	2449	2857	3191	3510	3816
2446	21700	1663	2452	2861	3195	3515	3821
2447	21750	1665	2455	2865	3200	3520	3826
2448	21800	1667	2458	2868	3204	3524	3831
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2450	21900	1670	2464	2876	3213	3534	3841
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2452	22000	1674	2470	2884	3221	3543	3852
2453	22050	1676	2473	2888	3225	3548	3857
2454	22100	1678	2476	2891	3230	3553	3862
2455	22150	1680	2479	2895	3234	3557	3867
2456	22200	1681	2482	2899	3238	3562	3872
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2460	22400	1689	2494	2914	3255	3581	3892
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2470	22900	1707	2524	2953	3298	3628	3944
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2507	24750	1776	2635	3094	3456	3802	4133
2508	24800	1778	2638	3098	3461	3807	4138
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2514	25100	1789	2656	3121	3486	3835	4169
2515	25150	1791	2659	3125	3491	3840	4174
2516	25200	1792	2662	3129	3495	3844	4179
2517	25250	1794	2665	3133	3499	3849	4184
2518	25300	1796	2668	3136	3503	3854	4189
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2521	25450	1802	2677	3148	3516	3868	4204
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2540	26400	1837	2733	3221	3598	3957	4302
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2542	26500	1841	2739	3228	3606	3967	4312
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2544	26600	1844	2745	3236	3615	3976	4322
2545	26650	1846	2748	3240	3619	3981	4327
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2547	26750	1850	2754	3248	3627	3990	4337
2548	26800	1852	2757	3251	3632	3995	4342
2549	26850	1854	2760	3255	3636	4000	4348
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2553	27050	1861	2772	3270	3653	4018	4368
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2557	27250	1868	2784	3286	3670	4037	4389
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2567	27750	1887	2814	3324	3713	4084	4440
2568	27800	1889	2817	3328	3717	4089	4445
2569	27850	1891	2820	3332	3722	4094	4450
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2608	29800	1921	2857	3363	3757	4132	4492
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2629	30850	1935	2871	3372	3767	4144	4504
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2636	31200	1940	2876	3375	3770	4147	4508
2637	31250	1940	2876	3376	3771	4148	4509
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2639	31350	1942	2878	3377	3772	4149	4510
2640	31400	1942	2878	3377	3772	4150	4511

2641	31450	1943	2879	3378	3773	4150	4511
2642	31500	1943	2880	3378	3773	4151	4512
2643	31550	1944	2880	3378	3774	4151	4512
2644	31600	1945	2881	3379	3774	4152	4513
2645	31650	1945	2882	3379	3775	4152	4513
2646	31700	1946	2882	3380	3775	4153	4514
2647	31750	1947	2883	3380	3776	4153	4515
2648	31800	1947	2884	3381	3776	4154	4515
2649	31850	1948	2884	3381	3777	4154	4516
2650	31900	1949	2885	3382	3777	4155	4516
2651	31950	1949	2886	3382	3778	4155	4517
2652	32000	1950	2886	3382	3778	4156	4518
2653	32050	1951	2887	3383	3779	4156	4518
2654	32100	1951	2888	3383	3779	4157	4519
2655	32150	1952	2888	3384	3780	4158	4519
2656	32200	1953	2889	3384	3780	4158	4520
2657	32250	1953	2890	3385	3781	4159	4520
2658	32300	1954	2890	3385	3781	4159	4521
2659	32350	1955	2891	3385	3782	4160	4522
2660	32400	1955	2892	3386	3782	4160	4522
2661	32450	1956	2893	3386	3783	4161	4523
2662	32500	1957	2893	3387	3783	4161	4523
2663	32550	1957	2894	3387	3784	4162	4524
2664	32600	1958	2895	3388	3784	4162	4525
2665	32650	1959	2895	3388	3784	4163	4525
2666	32700	1959	2896	3389	3785	4163	4526
2667	32750	1960	2897	3389	3785	4164	4526
2668	32800	1960	2897	3389	3786	4165	4527
2669	32850	1961	2898	3390	3786	4165	4527
2670	32900	1962	2899	3390	3787	4166	4528
2671	32950	1962	2899	3391	3787	4166	4529
2672	33000	1963	2900	3391	3788	4167	4529
2673	33050	1964	2901	3392	3788	4167	4530
2674	33100	1964	2901	3392	3789	4168	4530
2675	33150	1965	2902	3392	3789	4168	4531
2676	33200	1966	2903	3393	3790	4169	4532
2677	33250	1966	2903	3393	3790	4169	4532
2678	33300	1967	2904	3394	3791	4170	4533
2679	33350	1968	2905	3394	3791	4170	4533
2680	33400	1968	2905	3395	3792	4171	4534
2681	33450	1969	2906	3395	3792	4172	4534
2682	33500	1970	2907	3395	3793	4172	4535
2683	33550	1970	2907	3396	3793	4173	4536
2684	33600	1971	2908	3396	3794	4173	4536
2685	33650	1972	2909	3397	3794	4174	4537
2686	33700	1972	2909	3397	3795	4174	4537
2687	33750	1973	2910	3398	3795	4175	4538
2688	33800	1974	2911	3398	3796	4175	4539
2689	33850	1974	2912	3399	3796	4176	4539
2690	33900	1975	2912	3399	3797	4176	4540
2691	33950	1976	2913	3399	3797	4177	4540
2692	34000	1976	2914	3400	3798	4177	4541
2693	34050	1977	2914	3400	3798	4178	4541
2694	34100	1977	2915	3401	3799	4178	4542
2695	34150	1978	2916	3401	3799	4179	4543
2696	34200	1979	2916	3402	3800	4179	4543
2697	34250	1979	2917	3402	3800	4180	4544
2698	34300	1980	2917	3402	3800	4181	4544
2699	34350	1981	2918	3403	3801	4181	4545
2700	34400	1981	2919	3403	3801	4182	4545
2701	34450	1982	2919	3404	3802	4182	4546
2702	34500	1983	2920	3404	3802	4183	4546
2703	34550	1983	2921	3405	3803	4183	4547
2704	34600	1984	2921	3405	3803	4184	4548
2705	34650	1984	2922	3405	3804	4184	4548
2706	34700	1985	2923	3406	3804	4185	4549
2707	34750	1986	2923	3406	3805	4185	4549
2708	34800	1986	2924	3407	3805	4186	4550

2709	34850	1987	2925	3407	3806	4186	4550
2710	34900	1988	2925	3407	3806	4187	4551
2711	34950	1988	2926	3408	3807	4187	4552
2712	35000	1989	2927	3408	3807	4188	4552

2713 For gross monthly incomes above \$35,000, add the amount of child support for \$35,000 to the
 2714 following percentages of gross income above \$35,000.

2715	ONE	TWO	THREE	FOUR	FIVE	SIX
2716	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
2717	2.6%	3.4%	3.8%	4.2%	4.6%	5.0%

2718 C. For purposes of this section, "gross income" means all income from all sources, and shall include,
 2719 but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance
 2720 pay, pensions, interest, trust income, annuities, capital gains, social security benefits except as listed
 2721 below, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits,
 2722 veterans' benefits, spousal support, rental income, gifts, prizes or awards.

2723 If a parent's gross income includes disability insurance benefits, it shall also include any amounts
 2724 paid to or for the child who is the subject of the order and derived by the child from the parent's
 2725 entitlement to disability insurance benefits. To the extent that such derivative benefits are included in a
 2726 parent's gross income, that parent shall be entitled to a credit against his or her ongoing basic child
 2727 support obligation for any such amounts, and, if the amount of the credit exceeds the parent's basic child
 2728 support obligations, the credit may be used to reduce arrearages.

2729 Gross income shall be subject to deduction of reasonable business expenses for persons with income
 2730 from self-employment, a partnership, or a closely held business. "Gross income" shall not include:

- 2731 1. Benefits from public assistance and social services programs as defined in § 63.2-100;
- 2732 2. Federal supplemental security income benefits;
- 2733 3. Child support received; or
- 2734 4. Income received by the payor from secondary employment income not previously included in
 2735 "gross income," where the payor obtained the income to discharge a child support arrearage established
 2736 by a court or administrative order and the payor is paying the arrearage pursuant to the order.
 2737 "Secondary employment income" includes but is not limited to income from an additional job, from
 2738 self-employment, or from overtime employment. The cessation of such secondary income upon the
 2739 payment of the arrearage shall not be the basis for a material change in circumstances upon which a
 2740 modification of child support may be based.

2741 For purposes of this subsection: (i) spousal support received shall be included in gross income and
 2742 spousal support paid shall be deducted from gross income when paid pursuant to an order or written
 2743 agreement and (ii) one-half of any self-employment tax paid shall be deducted from gross income.

2744 Where there is an existing court or administrative order or written agreement relating to the child or
 2745 children of a party to the proceeding, who are not the child or children who are the subject of the
 2746 present proceeding, then there is a presumption that there shall be deducted from the gross income of
 2747 the party subject to such order or written agreement, the amount that the party is actually paying for the
 2748 support of a child or children pursuant to such order or agreement.

2749 Where a party to the proceeding has a natural or adopted child or children in the party's household
 2750 or primary physical custody, and the child or children are not the subject of the present proceeding,
 2751 there is a presumption that there shall be deducted from the gross income of that party the amount as
 2752 shown on the Schedule of Monthly Basic Child Support Obligations contained in subsection B that
 2753 represents that party's support obligation based solely on that party's income as being the total income
 2754 available for the natural or adopted child or children in the party's household or primary physical
 2755 custody, who are not the subject of the present proceeding. Provided, however, that the existence of a
 2756 party's financial responsibility for such a child or children shall not of itself constitute a material change
 2757 in circumstances for modifying a previous order of child support in any modification proceeding. Any
 2758 adjustment to gross income under this subsection shall not create or reduce a support obligation to an
 2759 amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and
 2760 provide other basic necessities for the child, as determined by the court.

2761 In cases in which retroactive liability for support is being determined, the court or administrative
 2762 agency may use the gross monthly income of the parties averaged over the period of retroactivity.

2763 D. Except for good cause shown or the agreement of the parties, in addition to any other child
 2764 support obligations established pursuant to this section, any child support order shall provide that the
 2765 parents pay in proportion to their gross incomes, as used for calculating the monthly support obligation,
 2766 any reasonable and necessary unreimbursed medical or dental expenses. The method of payment of those
 2767 expenses shall be contained in the support order. Each parent shall pay his respective share of expenses
 2768 as those expenses are incurred. Any amount paid under this subsection shall not be adjusted by, nor
 2769 added to, the child support calculated in accordance with subsection G. For the purposes of this section,
 2770 medical or dental expenses shall include but not be limited to eyeglasses, prescription medication,

prosthetics, orthodontics, and mental health or developmental disabilities services, including but not limited to services provided by a social worker, psychologist, psychiatrist, counselor, or therapist.

E. The costs for health care coverage as defined in § 63.2-1900, vision care coverage, and dental care coverage for the child or children who are the subject of the child support order that are being paid by a parent or that parent's spouse shall be added to the basic child support obligation. To determine the cost to be added to the basic child support obligation, the cost per person shall be applied to the child or children who are subject of the child support order. If the per child cost is provided by the insurer, that is the cost per person. Otherwise, to determine the cost per person, the cost of individual coverage for the policy holder shall be subtracted from the total cost of the coverage, and the remaining amount shall be divided by the number of remaining covered persons.

F. Any child-care costs incurred on behalf of the child or children due to employment of the custodial parent shall be added to the basic child support obligation. Child-care costs shall not exceed the amount required to provide quality care from a licensed source. When requested by the noncustodial parent, the court may require the custodial parent to present documentation to verify the costs incurred for child care under this subsection. Where appropriate, the court shall consider the willingness and availability of the noncustodial parent to provide child care personally in determining whether child-care costs are necessary or excessive. Upon the request of either party, and upon a showing of the tax savings a party derives from child-care cost deductions or credits, the court shall factor actual tax consequences into its calculation of the child-care costs to be added to the basic child support obligation.

G. 1. Sole custody support. The sole custody total monthly child support obligation shall be established by adding (i) the monthly basic child support obligation, as determined from the schedule contained in subsection B, (ii) costs for health care coverage to the extent allowable by subsection E, and (iii) work-related child-care costs and taking into consideration all the factors set forth in subsection B of § 20-108.1. The total monthly child support obligation shall be divided between the parents in the same proportion as their monthly gross incomes bear to their monthly combined gross income. The monthly obligation of each parent shall be computed by multiplying each parent's percentage of the parents' monthly combined gross income by the total monthly child support obligation.

However, the monthly obligation of the noncustodial parent shall be reduced by the cost for health care coverage to the extent allowable by subsection E when paid directly by the noncustodial parent or that parent's spouse. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

2. Split custody support. In cases involving split custody, the amount of child support to be paid shall be the difference between the amounts owed by each parent as a noncustodial parent, computed in accordance with subdivision 1, with the noncustodial parent owing the larger amount paying the difference to the other parent. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

For the purpose of this section and § 20-108.1, split custody shall be limited to those situations where each parent has physical custody of a child or children born of the parents, born of either parent and adopted by the other parent or adopted by both parents. For the purposes of calculating a child support obligation where split custody exists, a separate family unit exists for each parent, and child support for that family unit shall be calculated upon the number of children in that family unit who are born of the parents, born of either parent and adopted by the other parent or adopted by both parents. Where split custody exists, a parent is a custodial parent to the children in that parent's family unit and is a noncustodial parent to the children in the other parent's family unit.

3. Shared custody support.

(a) Where a party has custody or ~~visitation~~ *parenting time* of a child or children for more than 90 days of the year, as such days are defined in subdivision G 3 (c), a shared custody child support amount based on the ratio in which the parents share the custody and ~~visitation~~ *parenting time* of any child or children shall be calculated in accordance with this subdivision. The presumptive support to be paid shall be the shared custody support amount, unless a party affirmatively shows that the sole custody support amount calculated as provided in subdivision G 1 is less than the shared custody support amount. If so, the lesser amount shall be the support to be paid. For the purposes of this subsection, the following shall apply:

(i) Income share. "Income share" means a parent's percentage of the combined monthly gross income of both parents. The income share of a parent is that parent's gross income divided by the combined gross incomes of the parties.

(ii) Custody share. "Custody share" means the number of days that a parent has physical custody, whether by sole custody, joint legal or joint residential custody, or ~~visitation~~ *parenting time*, of a shared child per year divided by the number of days in the year. The actual or anticipated "custody share" of the parent who has or will have fewer days of physical custody shall be calculated for a one-year period. The "custody share" of the other parent shall be presumed to be the number of days in the year

less the number of days calculated as the first parent's "custody share." For purposes of this calculation, the year may begin on such date as is determined in the discretion of the court, and the day may begin at such time as is determined in the discretion of the court. For purposes of this calculation, a day shall be as defined in subdivision G 3 (c).

(iii) Shared support need. "Shared support need" means the presumptive guideline amount of needed support for the shared child or children calculated pursuant to subsection B of this section, for the combined gross income of the parties and the number of shared children, multiplied by 1.4.

(iv) Sole custody support. "Sole custody support" means the support amount determined in accordance with subdivision G 1.

(b) Support to be paid. The shared support need of the shared child or children shall be calculated pursuant to subdivision G 3 (a)(iii). This amount shall then be multiplied by the other parent's custody share. To that sum for each parent shall be added the other parent's or that parent's spouse's cost of health care coverage to the extent allowable by subsection E, plus the other parent's work-related child-care costs to the extent allowable by subsection F. This total for each parent shall be multiplied by that parent's income share. The support amounts thereby calculated that each parent owes the other shall be subtracted one from the other and the difference shall be the shared custody support one parent owes to the other, with the payor parent being the one whose shared support is the larger. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

(c) Definition of a day. For the purposes of this section, "day" means a period of 24 hours; however, where the parent who has the fewer number of overnight periods during the year has an overnight period with a child, but has physical custody of the shared child for less than 24 hours during such overnight period, there is a presumption that each parent shall be allocated one-half of a day of custody for that period.

(d) Minimum standards. Any calculation under this subdivision shall not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child. If the gross income of either party is equal to or less than 150 percent of the federal poverty level promulgated by the U.S. Department of Health and Human Services from time to time, then the shared custody support calculated pursuant to this subsection shall not be the presumptively correct support and the court may consider whether the sole custody support or the shared custody support is more just and appropriate.

(e) Support modification. When there has been an award of child support based on the shared custody formula and one parent consistently fails to exercise custody or ~~visitation~~ *parenting time* in accordance with the parent's custody share upon which the award was based, there shall be a rebuttable presumption that the support award should be modified.

(f) In the event that the shared custody support calculation indicates that the net support is to be paid to the parent who would not be the parent receiving support pursuant to the sole custody calculation, then the shared support shall be deemed to be the lesser support.

H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this section is reviewed by October 31, 2001, and every four years thereafter, by the Child Support Guidelines Review Panel, consisting of 15 members comprised of four legislative members and 11 nonlegislative citizen members. Members shall be appointed as follows: three members of the House Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Senate Committee on Rules; and one representative of a juvenile and domestic relations district court, one representative of a circuit court, one representative of the Department of Social Services' Division of Child Support Enforcement, three members of the Virginia State Bar, two custodial parents, two noncustodial parents, and one child advocate, upon the recommendation of the Secretary of Health and Human Resources, to be appointed by the Governor. The Panel shall determine the adequacy of the guideline for the determination of appropriate awards for the support of children by considering current research and data on the cost of and expenditures necessary for rearing children, and any other resources it deems relevant to such review. The Panel shall report its findings to the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports before the General Assembly next convenes following such review.

Legislative members shall serve terms coincident with their terms of office. Nonlegislative citizen members shall serve at the pleasure of the Governor. All members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

Legislative members shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the

performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department of Social Services.

The Department of Social Services shall provide staff support to the Panel. All agencies of the Commonwealth shall provide assistance to the Panel, upon request.

The chairman of the Panel shall submit to the Governor and the General Assembly a quadrennial executive summary of the interim activity and work of the Panel no later than the first day of 2006 regular session of the General Assembly and every four years thereafter. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 20-124.2. Court-ordered custody and parenting time arrangements.

A. In any case in which custody or ~~visitation~~ *parenting time* of minor children is at issue, whether in a circuit or district court, the court shall provide prompt adjudication, upon due consideration of all the facts, of custody and ~~visitation~~ *parenting time* arrangements, including support and maintenance for the children, prior to other considerations arising in the matter. The court may enter an order pending the suit as provided in § 20-103. The procedures for determining custody and ~~visitation~~ *parenting time* arrangements shall insofar as practical, and consistent with the ends of justice, preserve the dignity and resources of family members. Mediation shall be used as an alternative to litigation where appropriate. When mediation is used in custody and ~~visitation~~ *parenting time* matters, the goals may include development of a proposal addressing the child's residential schedule and care arrangements, and how disputes between the parents will be handled in the future.

B. In determining custody, the court shall give primary consideration to the best interests of the child. The court shall assure minor children of frequent and continuing contact with both parents, when appropriate, and encourage parents to share in the responsibilities of rearing their children. As between the parents, there shall be no presumption or inference of law in favor of either. The court shall give due regard to the primacy of the parent-child relationship but may upon a showing by clear and convincing evidence that the best interest of the child would be served thereby award custody or ~~visitation~~ *parenting time* to any other person with a legitimate interest. The court may award joint custody or sole custody.

C. The court may order that support be paid for any child of the parties. The court shall also order that support will continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or receiving child support until such child reaches the age of 19 or graduates from high school, whichever first occurs. The court may also order that support be paid or continue to be paid for any child over the age of 18 who is (a) severely and permanently mentally or physically disabled, and such disability existed prior to the child reaching the age of 18 or the age of 19 if the child met the requirements of clauses (i), (ii), and (iii); (b) unable to live independently and support himself; and (c) residing in the home of the parent seeking or receiving child support. In addition, the court may confirm a stipulation or agreement of the parties which extends a support obligation beyond when it would otherwise terminate as provided by law. The court shall have no authority to decree support of children payable by the estate of a deceased party. The court may make such further decree as it shall deem expedient concerning support of the minor children, including an order that either party or both parties provide health care coverage or cash medical support, or both.

D. In any case in which custody or ~~visitation~~ *parenting time* of minor children is at issue, whether in a circuit or district court, the court may order an independent mental health or psychological evaluation to assist the court in its determination of the best interests of the child. The court may enter such order as it deems appropriate for the payment of the costs of the evaluation by the parties.

E. The court shall have the continuing authority and jurisdiction to make any additional orders necessary to effectuate and enforce any order entered pursuant to this section or § 20-103 including the authority to punish as contempt of court any willful failure of a party to comply with the provisions of the order. A parent or other person having legal custody of a child may petition the court to enjoin and the court may enter an order to enjoin a parent of the child from filing a petition relating to custody and ~~visitation~~ *parenting time* of that child for any period of time up to 10 years if doing so is in the best interests of the child and such parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of another state, the United States, or any foreign jurisdiction which constitutes (i) murder or voluntary manslaughter, or a felony attempt, conspiracy or solicitation to commit any such offense, if the victim of the offense was a child of the parent, a child with whom the parent resided at the time the offense occurred, or the other parent of the child, or (ii) felony assault resulting in serious bodily injury, felony bodily wounding resulting in serious bodily injury, or felony sexual assault, if the victim of the offense was a child of the parent or a child with whom the parent resided at the time of the offense. When such a petition to enjoin the filing of a petition for custody and ~~visitation~~ *parenting time* is filed, the court shall appoint a guardian ad litem for

2955 the child pursuant to § 16.1-266.

2956 **§ 20-124.2:1. In camera interviews of child; record.**

2957 In any proceeding in a court of record to determine custody or ~~visitation~~ *parenting time*, when the
2958 court conducts an in camera interview of a minor child whose custody or ~~visitation~~ *parenting time* is at
2959 issue without the presence of the parties or their counsel, a record of the interview shall be prepared,
2960 unless the parties otherwise agree. The record of the interview shall be made a part of the record in the
2961 case unless a decision is made by the court that doing so would endanger the safety of the child. The
2962 cost of creating the record shall be taxed as costs to the parties to the proceeding.

2963 **§ 20-124.3. Best interests of the child; parenting time.**

2964 In determining best interests of a child for purposes of determining custody or ~~visitation~~ *parenting*
2965 *time* arrangements including any pendente lite orders pursuant to § 20-103, the court shall consider the
2966 following:

2967 1. The age and physical and mental condition of the child, giving due consideration to the child's
2968 changing developmental needs;

2969 2. The age and physical and mental condition of each parent;

2970 3. The relationship existing between each parent and each child, giving due consideration to the
2971 positive involvement with the child's life, the ability to accurately assess and meet the emotional,
2972 intellectual and physical needs of the child;

2973 4. The needs of the child, giving due consideration to other important relationships of the child,
2974 including but not limited to siblings, peers and extended family members;

2975 5. The role that each parent has played and will play in the future, in the upbringing and care of the
2976 child;

2977 6. The propensity of each parent to actively support the child's contact and relationship with the other
2978 parent, including whether a parent has unreasonably denied the other parent access to or ~~visitation~~
2979 *parenting time* with the child;

2980 7. The relative willingness and demonstrated ability of each parent to maintain a close and
2981 continuing relationship with the child, and the ability of each parent to cooperate in and resolve disputes
2982 regarding matters affecting the child;

2983 8. The reasonable preference of the child, if the court deems the child to be of reasonable
2984 intelligence, understanding, age and experience to express such a preference;

2985 9. Any history of family abuse as that term is defined in § 16.1-228 or sexual abuse. If the court
2986 finds such a history, the court may disregard the factors in subdivision 6; and

2987 10. Such other factors as the court deems necessary and proper to the determination.

2988 The judge shall communicate to the parties the basis of the decision either orally or in writing.
2989 Except in cases of consent orders for custody and ~~visitation~~ *parenting time*, this communication shall set
2990 forth the judge's findings regarding the relevant factors set forth in this section.

2991 **§ 20-124.4. Mediation.**

2992 In any appropriate case the court shall refer the parents or persons with a legitimate interest to a
2993 dispute resolution evaluation session to be conducted by a mediator certified pursuant to guidelines
2994 promulgated by the Judicial Council at no cost and in accordance with the procedures set out in Chapter
2995 20.2 (§ 8.01-576.4 et seq.) of Title 8.01. In assessing the appropriateness of a referral, the court shall
2996 ascertain upon motion of a party whether there is a history of family abuse. If an agreement is not
2997 reached on any issue through further mediation as agreed to by the parties, prior to the return date set
2998 by the court pursuant to § 8.01-576.5, the court shall proceed with a hearing on any unresolved issue,
2999 unless a continuance has been granted by the court. The fee of a mediator appointed in any custody,
3000 support or ~~visitation~~ *parenting time* case shall be \$100 per appointment and shall be paid by the
3001 Commonwealth from the funds appropriated for payment of appointments made pursuant to subsection B
3002 of § 16.1-267.

3003 **§ 20-124.5. Notification of relocation.**

3004 In any proceeding involving custody or ~~visitation~~ *parenting time*, the court shall include as a
3005 condition of any custody or ~~visitation~~ *parenting time* order a requirement that thirty days' advance
3006 written notice be given to the court and the other party by any party intending to relocate and of any
3007 intended change of address, unless the court, for good cause shown, orders otherwise. The court may
3008 require that the notice be in such form and contain such information as it deems proper and necessary
3009 under the circumstances of the case.

3010 **§ 20-124.8. Deployment; temporary order.**

3011 A. Any court order limiting previously ordered custodial or ~~visitation~~ *parenting time* rights of a
3012 deploying parent or guardian due to the parent's or guardian's deployment shall specify the deployment
3013 as the basis for the order and shall be entered by the court as a temporary order. Any such order shall
3014 further require the nondeploying parent or guardian to provide the court with 30 days advance written
3015 notice of any change of address and any change of telephone number.

3016 B. The court, on motion of the deploying parent or guardian to delegate ~~visitation~~ *parenting time* to a

family member, including a stepparent, with whom the child has a close and substantial relationship and upon finding that such delegation is in the best interests of the child, may enter an order delegating ~~visitation parenting time~~ that:

1. Delegates all or a portion of the deploying parent's or guardian's ~~visitation parenting time~~ rights to such family member, if the deploying parent or guardian had ~~visitation parenting time~~ rights with the child prior to the deployment; or

2. Provides ~~visitation parenting time~~ rights to such family member, if the deploying parent or guardian had physical custody of the child prior to the deployment and the nondeploying parent or guardian, or a family member of the nondeploying parent or guardian, is awarded physical custody during the deployment.

An order delegating or providing ~~visitation parenting time~~ rights to a family member pursuant to this subsection does not create a separate right to ~~visitation parenting time~~ in the family member to whom ~~visitation parenting time~~ rights are delegated or provided. The deploying parent or guardian may at any time, and the nondeploying parent or guardian may upon a showing of a material change in circumstances, file a motion to rescind the order delegating or providing ~~visitation parenting time~~ rights to a family member and such order shall terminate by operation of law upon the return of the deploying parent or guardian from deployment. Written notice of the return of the deployed parent or guardian and the termination of the delegated ~~visitation parenting time~~ shall be provided by the previously deployed parent or guardian to any family member whose ~~visitation parenting time~~ is thereby terminated.

C. The court, on motion of the deploying parent or guardian returning from deployment seeking to amend or review the custody or ~~visitation parenting time~~ order entered based upon the deployment, shall set a hearing on the matter that shall take precedence on the court's docket, and shall be set within 30 days of the filing of the motion. For purposes of this hearing, the nondeploying parent or guardian shall bear the burden of showing that reentry of the custody or ~~visitation parenting time~~ order in effect before the deployment is no longer in the child's best interests.

D. This section shall not otherwise preclude a parent or guardian from petitioning for a modification of a custody or ~~visitation parenting time~~ order based upon a change in circumstances.

§ 20-124.9. When no order is in place; expedited hearing; conduct of hearing.

A. If no court order exists as to the custody, ~~visitation parenting time~~, or support of a child of a deploying parent or guardian, any petition filed to establish custody, ~~visitation parenting time~~, or support for a child of a deploying parent or guardian shall be so identified at the time of filing by the deploying parent or guardian to ensure that the deploying parent or guardian has access to the child, and that reasonable support and other orders are in place for the protection of the parent-child or guardian-child relationship, consistent with the other provisions of this chapter. Such petition shall be expedited on the court's docket in accordance with § 20-108.

B. In any proceeding under this chapter where a deploying parent or guardian is reasonably unable to appear as a result of his deployment, the court, upon motion of the deploying parent or guardian and for good cause shown, may conduct any hearing using a telephonic communication system or an electronic audio and video communication system to provide for the appearance of any parties and witnesses.

§ 20-146.1. Definitions.

In this act:

"Child" means an individual who has not attained eighteen years of age.

"Child custody determination" means a judgment, decree, or other order of a court providing for the legal custody, physical custody, or ~~visitation parenting time~~ with respect to a child. The term includes a permanent, temporary, initial, or modification order. The term does not include an order relating to child support or other monetary obligation of an individual.

"Child custody proceeding" means a proceeding in which legal custody, physical custody, or ~~visitation parenting time~~ with respect to a child is an issue. The term includes a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence, in which the issue may appear. The term does not include a proceeding involving juvenile delinquency, contractual emancipation, or enforcement under Article 3 (§ 20-146.22 et seq.) of this chapter.

"Commencement" means the filing of the first pleading in a proceeding.

"Court" means a court of competent jurisdiction as determined by otherwise applicable Virginia law to establish, enforce, or modify a child custody determination or an entity authorized under the law of another state to establish, enforce or modify a child custody determination.

"Home state" means the state in which a child lived with a parent or a person acting as a parent for at least six consecutive months immediately before the commencement of a child custody proceeding. In the case of a child less than six months of age, the term means the state in which the child lived from birth with any of the persons mentioned. A period of temporary absence of any of the mentioned persons is part of the period.

3078 "Initial determination" means the first child custody determination concerning a particular child.

3079 "Issuing court" means the court that makes a child custody determination for which enforcement is
3080 sought under this act.

3081 "Issuing state" means the state in which a child custody determination is made.

3082 "Modification" means a child custody determination that changes, replaces, supersedes, or is
3083 otherwise made after a previous determination concerning the same child, whether or not it is made by
3084 the court that made the previous determination.

3085 "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability
3086 company, association, joint venture, government, governmental subdivision, agency, or instrumentality,
3087 public corporation, or any other legal or commercial entity.

3088 "Person acting as a parent" means a person, other than a parent, who has (i) physical custody of the
3089 child or has had physical custody for a period of six consecutive months, including any temporary
3090 absence, within one year immediately before the commencement of a child custody proceeding and (ii)
3091 been awarded legal custody by a court or claims a right to legal custody under the laws of this
3092 Commonwealth.

3093 "Physical custody" means the physical care and supervision of a child.

3094 "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States
3095 Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

3096 "Tribe" means an Indian tribe or band, or Alaskan Native village, which is recognized by federal law
3097 or formally acknowledged by a state.

3098 **§ 20-146.20. Information to be submitted to court.**

3099 A. In a child custody proceeding, each party, in its first pleading or in an attached affidavit, shall
3100 give information, if reasonably ascertainable, under oath as to the child's present address or whereabouts,
3101 the places where the child has lived during the past five years, and the names and present addresses of
3102 the persons with whom the child has lived during that period. The pleading or affidavit must state
3103 whether the party:

3104 1. Has participated, as a party or witness or in any other capacity, in any other proceeding
3105 concerning the custody of or ~~visitation~~ *parenting time* with the child and, if so, identify the court, the
3106 case number, and the date of the child custody determination, if any;

3107 2. Knows of any proceeding that could affect the current proceeding, including proceedings for
3108 enforcement and proceedings relating to domestic violence, protective orders, termination of parental
3109 rights, and adoptions, and, if so, identify the court, the case number, and the nature of the proceeding;
3110 and

3111 3. Knows the names and addresses of any persons not a party to the proceeding who has physical
3112 custody of the child or claims rights of legal custody or physical custody of, or ~~visitation~~ *parenting time*
3113 with, the child and, if so, the names and addresses of those persons.

3114 B. If the information required by subsection A is not furnished, the court, upon motion of a party or
3115 its own motion, may stay the proceeding until the information is furnished.

3116 C. If the declaration as to any of the items described in subdivisions A 1, A 2 and A 3 is in the
3117 affirmative, the declarant shall give additional information under oath as required by the court. The court
3118 may examine the parties under oath as to details of the information furnished and other matters pertinent
3119 to the court's jurisdiction and the disposition of the case.

3120 D. Each party has a continuing duty to inform the court of any proceeding in this or any other state
3121 that could affect the current proceeding.

3122 E. If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a
3123 party or child would be jeopardized by disclosure of identifying information, the information shall be
3124 sealed and may not be disclosed to the other party or the public unless the court orders the disclosure to
3125 be made after a hearing in which the court takes into consideration the health, safety, or liberty of the
3126 party or child. In such a hearing the court shall make a written finding that the disclosure is or is not in
3127 the interest of justice. Such hearing and written finding of the issue of disclosure shall be held and made
3128 by the court within fifteen days of the filing of a pleading.

3129 **§ 20-146.25. Temporary parenting time.**

3130 A. A court of this Commonwealth that does not have jurisdiction to modify a child custody
3131 determination may issue a temporary order enforcing:

3132 1. A ~~visitation~~ *parenting time* schedule made by a court of another state; or

3133 2. The ~~visitation~~ *parenting time* provisions of a child custody determination of another state that does
3134 not provide for a specific ~~visitation~~ *parenting time* schedule.

3135 B. If a court of this Commonwealth makes an order under subdivision A 2, it shall specify in the
3136 order a period that it considers adequate to allow the petitioner to obtain an order from a court having
3137 jurisdiction under the criteria specified in Article 2 (§ 20-146.12 et seq.) of this chapter. The order
3138 remains in effect until an order is obtained from the other court or the period expires.

3139 **§ 20-146.26. Registration of child custody determination.**

A. A child custody determination issued by a court of another state may be registered in this Commonwealth, with or without a simultaneous request for enforcement, by sending to the appropriate juvenile and domestic relations district court in this Commonwealth:

1. A letter or other document requesting registration;
2. Two copies, including one certified copy, of the determination sought to be registered, and a statement under penalty of perjury that to the best of the knowledge and belief of the person seeking registration the order has not been modified; and
3. Except as otherwise provided in § 20-146.20, the name and address of the person seeking registration and any parent or person acting as a parent who has been awarded custody or ~~visitation~~ *parenting time* in the child custody determination sought to be registered.

B. On receipt of the documents required by subsection A, the registering court shall:

1. Cause the determination to be filed as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form; and
2. Serve notice upon the persons named pursuant to subdivision A 3 and provide them with an opportunity to contest the registration in accordance with this section.

§ 63.2-908. Permanent foster care placement.

A. Permanent foster care placement means the place in which a child has been placed pursuant to the provisions of §§ 63.2-900, 63.2-903 and this section with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or § 63.2-1517. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

B. A local department or a licensed child-placing agency shall have authority pursuant to a court order to place a child over whom it has legal custody in a permanent foster care placement where the child shall remain until attaining majority or thereafter, until the age of twenty-one years, if such placement is a requisite to providing funds for the care of such child, so long as the child is a participant in an educational, treatment or training program approved pursuant to regulations of the Board. No such child shall be removed from the physical custody of the foster parents in the permanent care placement except upon order of the court or pursuant to § 16.1-251 or § 63.2-1517. The department or agency so placing a child shall retain legal custody of the child. A court shall not order that a child be placed in permanent foster care unless it finds that (i) diligent efforts have been made by the local department to place the child with his natural parents and such efforts have been unsuccessful, and (ii) diligent efforts have been made by the local department to place the child for adoption and such efforts have been unsuccessful or adoption is not a reasonable alternative for a long-term placement for the child under the circumstances.

C. Unless modified by the court order, the foster parent in the permanent foster care placement shall have the authority to consent to surgery, entrance into the armed services, marriage, application for a motor vehicle and driver's license, application for admission into college and any other such activities that require parental consent and shall have the responsibility for informing the placing department or agency of any such actions.

D. Any child placed in a permanent foster care placement by a local department shall, with the cooperation of the foster parents with whom the permanent foster care placement has been made, receive the same services and benefits as any other child in foster care pursuant to §§ 63.2-319, 63.2-900 and 63.2-903 and any other applicable provisions of law.

E. The Board shall establish minimum standards for the utilization, supervision and evaluation of permanent foster care placements.

F. The rate of payment for permanent foster care placements by a local department shall be in accordance with standards and rates established by the Board. The rate of payment for such placements by other licensed child-placing agencies shall be in accordance with standards and rates established by the individual agency.

G. If the child has a continuing involvement with his natural parents, the natural parents should be involved in the planning for a permanent placement. The court order placing the child in a permanent placement shall include a specification of the nature and frequency of ~~visiting~~ *parenting time* arrangements with the natural parents.

H. Any change in the placement of a child in permanent foster care or the responsibilities of the foster parents for that child shall be made only by order of the court which ordered the placement pursuant to a petition filed by the foster parents, local department, licensed child-placing agency or other appropriate party.

§ 63.2-912. Parenting time of child placed in foster care.

The circuit courts and juvenile and domestic relations district courts shall have the authority to grant ~~visitation~~ *parenting time* rights to the natural parents, siblings, and grandparents of any child entrusted

3201 or committed to foster care if the court finds (i) that the parent, sibling, or grandparent had an ongoing
3202 relationship with the child prior to his being placed in foster care and (ii) it is in the best interests of the
3203 child that the relationship continue. The order of the court committing the child to foster care shall state
3204 the nature and extent of any ~~visitation~~ *parenting time* rights granted as provided in this section.

3205 **§ 63.2-1215. Legal effects of adoption.**

3206 The birth parents, and the parents by previous adoption, if any, other than any such parent who is the
3207 husband or wife of one of the petitioners, shall, by final order of adoption, be divested of all legal rights
3208 and obligations in respect to the child including the right to petition any court for ~~visitation~~ *parenting*
3209 *time* with the child. Except where a final order of adoption is entered pursuant to § 63.2-1241, any
3210 person whose interest in the child derives from or through the birth parent or previous adoptive parent,
3211 including but not limited to grandparents, stepparents, former stepparents, blood relatives and family
3212 members shall, by final order of adoption, be divested of all legal rights and obligations in respect to the
3213 child including the right to petition any court for ~~visitation~~ *parenting time* with the child. In all cases the
3214 child shall be free from all legal obligations of obedience and maintenance in respect to such persons
3215 divested of legal rights. Any child adopted under the provisions of this chapter shall, from and after the
3216 entry of the interlocutory order or from and after the entry of the final order where no such interlocutory
3217 order is entered, be, to all intents and purposes, the child of the person or persons so adopting him, and,
3218 unless and until such interlocutory order or final order is subsequently revoked, shall be entitled to all
3219 the rights and privileges, and subject to all the obligations, of a child of such person or persons born in
3220 lawful wedlock. An adopted person is the child of an adopting parent, and as such, the adopting parent
3221 shall be entitled to testify in all cases civil and criminal, as if the adopted child was born of the
3222 adopting parent in lawful wedlock.

3223 **2. That the provisions of this act shall become effective on July 1, 2017.**