# **2020 SESSION**

**ENROLLED** 

1

# VIRGINIA ACTS OF ASSEMBLY - CHAPTER

2 An Act to amend and reenact §§ 16.1-253.1, 16.1-279.1, 19.2-152.9, and 19.2-152.10 of the Code of 3 Virginia, relating to protective orders; motions to dissolve filed by petitioner; ex parte hearing and 4 issuance of order.

5 6

10

## Approved

[H 880]

#### 7 Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-253.1, 16.1-279.1, 19.2-152.9, and 19.2-152.10 of the Code of Virginia are amended 8 9 and reenacted as follows:

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

11 A. Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period of time, subjected to family abuse, the court may issue a preliminary protective order against an 12 allegedly abusing person in order to protect the health and safety of the petitioner or any family or household member of the petitioner. The order may be issued in an ex parte proceeding upon good 13 14 15 cause shown when the petition is supported by an affidavit or sworn testimony before the judge or intake officer. If an ex parte order is issued without an affidavit or a completed form as prescribed by 16 17 subsection D of § 16.1-253.4 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. Immediate and 18 19 present danger of family abuse or evidence sufficient to establish probable cause that family abuse has 20 recently occurred shall constitute good cause. Evidence that the petitioner has been subjected to family 21 abuse within a reasonable time and evidence of immediate and present danger of family abuse may be established by a showing that (i) the allegedly abusing person is incarcerated and is to be released from 22 23 incarceration within 30 days following the petition or has been released from incarceration within 30 24 days prior to the petition, (ii) the crime for which the allegedly abusing person was convicted and 25 incarcerated involved family abuse against the petitioner, and (iii) the allegedly abusing person has made 26 threatening contact with the petitioner while he was incarcerated, exhibiting a renewed threat to the 27 petitioner of family abuse.

28 A preliminary protective order may include any one or more of the following conditions to be 29 imposed on the allegedly abusing person: 30

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

31 2. Prohibiting such contacts by the respondent with the petitioner or family or household members of 32 the petitioner as the court deems necessary for the health or safety of such persons.

3. Granting the petitioner possession of the premises occupied by the parties to the exclusion of the 33 34 allegedly abusing person; however, no such grant of possession shall affect title to any real or personal 35 property.

4. Enjoining the respondent from terminating any necessary utility service to a premises that the 36 37 petitioner has been granted possession of pursuant to subdivision 3 or, where appropriate, ordering the 38 respondent to restore utility services to such premises.

39 5. Granting the petitioner and, where appropriate, any other family or household member of the 40 petitioner, exclusive use and possession of a cellular telephone number or electronic device. The court 41 may enjoin the respondent from terminating a cellular telephone number or electronic device before the 42 expiration of the contract term with a third-party provider. The court may enjoin the respondent from 43 using a cellular telephone or other electronic device to locate the petitioner.

44 6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner 45 alone or jointly owned by the parties to the exclusion of the allegedly abusing person; however, no such grant of possession or use shall affect title to the vehicle. 46

47 7. Requiring that the allegedly abusing person provide suitable alternative housing for the petitioner **48** and 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. 49

50 8. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such 51 petitioner meets the definition of owner in § 3.2-6500.

9. Any other relief necessary for the protection of the petitioner and family or household members of 52 53 the petitioner.

54 B. The court shall forthwith, but in all cases no later than the end of the business day on which the 55 order was issued, enter and transfer electronically to the Virginia Criminal Information Network the 56 respondent's identifying information and the name, date of birth, sex, and race of each protected person

ENROLLED

provided to the court. A copy of a preliminary protective order containing any such identifying 57 58 information shall be forwarded forthwith to the primary law-enforcement agency responsible for service 59 and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the 60 agency shall forthwith verify and enter any modification as necessary to the identifying information and 61 other appropriate information required by the Department of State Police into the Virginia Criminal 62 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et 63 seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as 64 provided in § 16.1-264 and due return made to the court. However, if the order is issued by the circuit 65 court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the 66 respondent's identifying information and the name, date of birth, sex, and race of each protected person 67 provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the 68 69 person subject to the order and other appropriate information required by the Department of State Police 70 into the Virginia Criminal Information Network established and maintained by the Department pursuant 71 to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly 72 abusing person in person as provided in § 16.1-264. Upon service, the agency making service shall enter 73 the date and time of service and other appropriate information required by the Department of State 74 Police into the Virginia Criminal Information Network and make due return to the court. The 75 preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of 76 the issuance of the preliminary order, unless the court is closed pursuant to § 16.1-69.35 or 17.1-207 and 77 such closure prevents the hearing from being held within such time period, in which case the hearing 78 shall be held on the next day not a Saturday, Sunday, legal holiday, or day on which the court is 79 lawfully closed. If such court is closed pursuant to § 16.1-69.35 or 17.1-207, the preliminary protective 80 order shall remain in full force and effect until it is dissolved by such court, until another preliminary protective order is entered, or until a protective order is entered. If the respondent fails to appear at this 81 82 hearing because the respondent was not personally served, or if personally served was incarcerated and 83 not transported to the hearing, the court may extend the protective order for a period not to exceed six months. The extended protective order shall be served forthwith on the respondent. However, upon 84 85 motion of the respondent and for good cause shown, the court may continue the hearing. The preliminary order shall remain in effect until the hearing. Upon request after the order is issued, the 86 87 clerk shall provide the petitioner with a copy of the order and information regarding the date and time 88 of service. The order shall further specify that either party may at any time file a motion with the court 89 requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given 90 precedence on the docket of the court. Upon petitioner's motion to dissolve the preliminary protective 91 order, a dissolution order may be issued ex parte by the court with or without a hearing. If an ex parte 92 hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued ex 93 parte, the court shall serve a copy of such dissolution order on respondent in conformity with 94 §§ 8.01-286.1 and 8.01-296.

95 Upon receipt of the return of service or other proof of service pursuant to subsection C of 96 § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to the 97 primary law-enforcement agency, and the agency shall forthwith verify and enter any modification as 98 necessary into the Virginia Criminal Information Network as described above. If the order is later 99 dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded 100 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, 101 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify 102 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 103 104 above and the order shall be served forthwith and due return made to the court.

105 C. The preliminary order is effective upon personal service on the allegedly abusing person. Except 106 as otherwise provided in § 16.1-253.2, a violation of the order shall constitute contempt of court.

107 D. At a full hearing on the petition, the court may issue a protective order pursuant to § 16.1-279.1 if the court finds that the petitioner has proven the allegation of family abuse by a preponderance of the 108 109 evidence.

110 E. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's 111 office, nor any employee of them, may disclose, except among themselves, the residential address, 112 telephone number, or place of employment of the person protected by the order or that of the family of 113 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme 114 Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

115

F. As used in this section, "copy" includes a facsimile copy. G. No fee shall be charged for filing or serving any petition or order pursuant to this section. 116

H. Upon issuance of a preliminary protective order, the clerk of the court shall make available to the 117

petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

## 120 § 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:

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

127 2. Prohibiting such contacts by the respondent with the petitioner or family or household members of128 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;

134 5. Granting the petitioner and, where appropriate, any other family or household member of the petitioner, exclusive use and possession of a cellular telephone number or electronic device. The court may enjoin the respondent from terminating a cellular telephone number or electronic device before the expiration of the contract term with a third-party provider. The court may enjoin the respondent from using a cellular telephone or other electronic device to locate the petitioner;

6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the 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;

144 7. 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;

147 8. Ordering the respondent to participate in treatment, counseling or other programs as the court 148 deems appropriate;

9. 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

151 10. Any other relief necessary for the protection of the petitioner and family or household members 152 of the petitioner, including a provision for temporary custody or visitation of a minor child.

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

157 B. The protective order may be issued for a specified period of time up to a maximum of two years. 158 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 159 of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner 160 may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective 161 order shall be given precedence on the docket of the court. If the petitioner was a family or household 162 member of the respondent 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 163 164 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 165 specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein 166 167 shall limit the number of extensions that may be requested or issued.

168 C. A copy of the protective order shall be served on the respondent and provided to the petitioner as 169 soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, 170 but in all cases no later than the end of the business day on which the order was issued, enter and 171 transfer electronically to the Virginia Criminal Information Network the respondent's identifying 172 information and the name, date of birth, sex, and race of each protected person provided to the court 173 and shall forthwith forward the attested copy of the protective order containing any such identifying 174 information to the primary law-enforcement agency responsible for service and entry of protective 175 orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith 176 verify and enter any modification as necessary to the identifying information and other appropriate 177 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 178

179 the order shall be served forthwith upon the respondent and due return made to the court. Upon service, 180 the agency making service shall enter the date and time of service and other appropriate information 181 required by the Department of State Police into the Virginia Criminal Information Network and make 182 due return to the court. If the order is later dissolved or modified, a copy of the dissolution or 183 modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency 184 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 185 186 identifying information and other appropriate information required by the Department of State Police 187 into the Virginia Criminal Information Network as described above and the order shall be served 188 forthwith and due return made to the court.

189 D. Except as otherwise provided in § 16.1-253.2, a violation of a protective order issued under this 190 section shall constitute contempt of court.

191 E. The court may assess costs and attorneys' fees against either party regardless of whether an order 192 of protection has been issued as a result of a full hearing.

193 F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate 194 jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, 195 the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing 196 violent or threatening acts or harassment against or contact or communication with or physical proximity 197 to another person, including any of the conditions specified in subsection A, shall be accorded full faith 198 and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided 199 reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person 200 against whom the order is sought to be enforced sufficient to protect such person's due process rights 201 and consistent with federal law. A person entitled to protection under such a foreign order may file the 202 order in any juvenile and domestic relations district court by filing with the court an attested or 203 exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of 204 the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate 205 information required by the Department of State Police into the Virginia Criminal Information Network 206 207 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where 208 practical, the court may transfer information electronically to the Virginia Criminal Information Network. 209 Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy 210 available of any foreign order filed with that court. A law-enforcement officer may, in the performance

211 of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been 212 provided to him by any source and may also rely upon the statement of any person protected by the 213 order that the order remains in effect.

214 G. Either party may at any time file a written motion with the court requesting a hearing to dissolve 215 or modify the order. Proceedings to dissolve or modify a protective order shall be given precedence on 216 the docket of the court. Upon petitioner's motion to dissolve the protective order, a dissolution order 217 may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be 218 heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve 219 a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296. 220

H. As used in this section:

221

222

"Copy" includes a facsimile copy; and

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

223 I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's 224 office, nor any employee of them, may disclose, except among themselves, the residential address, 225 telephone number, or place of employment of the person protected by the order or that of the family of 226 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme 227 Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause. 228

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

229 K. Upon issuance of a protective order, the clerk of the court shall make available to the petitioner 230 information that is published by the Department of Criminal Justice Services for victims of domestic 231 violence or for petitioners in protective order cases. 232

#### § 19.2-152.9. Preliminary protective orders.

233 A. Upon the filing of a petition alleging that (i) the petitioner is or has been, within a reasonable 234 period of time, subjected to an act of violence, force, or threat, or (ii) a petition or warrant has been 235 issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of 236 an act of violence, force, or threat, the court may issue a preliminary protective order against the alleged 237 perpetrator in order to protect the health and safety of the petitioner or any family or household member 238 of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the 239 petition is supported by an affidavit or sworn testimony before the judge or intake officer. If an ex parte

order is issued without an affidavit or a completed form as prescribed by subsection D of § 19.2-152.8
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. Immediate and present danger of any act of
violence, force, or threat or evidence sufficient to establish probable cause that an act of violence, force,
or threat has recently occurred shall constitute good cause.

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

247 1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to248 person or property;

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

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

4. 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.

256 B. The court shall forthwith, but in all cases no later than the end of the business day on which the 257 order was issued, enter and transfer electronically to the Virginia Criminal Information Network the 258 respondent's identifying information and the name, date of birth, sex, and race of each protected person 259 provided to the court. A copy of a preliminary protective order containing any such identifying 260 information shall be forwarded forthwith to the primary law-enforcement agency responsible for service 261 and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the 262 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 263 264 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et 265 seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided 266 in § 16.1-264, and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the 267 268 respondent's identifying information and the name, date of birth, sex, and race of each protected person 269 provided to the court to the primary law-enforcement agency providing service and entry of protective 270 orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the 271 person subject to the order and other appropriate information required by the Department of State Police 272 into the Virginia Criminal Information Network established and maintained by the Department pursuant 273 to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged 274 perpetrator in person as provided in § 16.1-264. Upon service, the agency making service shall enter the 275 date and time of service and other appropriate information required by the Department of State Police 276 into the Virginia Criminal Information Network and make due return to the court. The preliminary order 277 shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the 278 preliminary order, unless the court is closed pursuant to § 16.1-69.35 or 17.1-207 and such closure prevents the hearing from being held within such time period, in which case the hearing shall be held 279 280 on the next day not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. If 281 such court is closed pursuant to § 16.1-69.35 or 17.1-207, the preliminary protective order shall remain 282 in full force and effect until it is dissolved by such court, until another preliminary protective order is 283 entered, or until a protective order is entered. If the respondent fails to appear at this hearing because 284 the respondent was not personally served, the court may extend the protective order for a period not to 285 exceed six months. The extended protective order shall be served as soon as possible on the respondent. 286 However, upon motion of the respondent and for good cause shown, the court may continue the hearing. 287 The preliminary order shall remain in effect until the hearing. Upon request after the order is issued, the 288 clerk shall provide the petitioner with a copy of the order and information regarding the date and time 289 of service. The order shall further specify that either party may at any time file a motion with the court 290 requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given 291 precedence on the docket of the court. Upon petitioner's motion to dissolve the preliminary protective 292 order, a dissolution order may be issued ex parte by the court with or without a hearing. If an ex parte 293 hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued ex 294 parte, the court shall serve a copy of such dissolution order on respondent in conformity with 295 §§ 8.01-286.1 and 8.01-296.

296 Upon receipt of the return of service or other proof of service pursuant to subsection C of 297 § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to 298 primary law-enforcement agency and the agency shall forthwith verify and enter any modification as 299 necessary into the Virginia Criminal Information Network as described above. If the order is later 300 dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded 301 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, 302 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify 303 and enter any modification as necessary to the identifying information and other appropriate information 304 required by the Department of State Police into the Virginia Criminal Information Network as described 305 above and the order shall be served forthwith and due return made to the court.

306 C. The preliminary order is effective upon personal service on the alleged perpetrator. Except as otherwise provided, a violation of the order shall constitute contempt of court. 307

308 D. At a full hearing on the petition, the court may issue a protective order pursuant to § 19.2-152.10 309 if the court finds that the petitioner has proven the allegation that the petitioner is or has been, within a 310 reasonable period of time, subjected to an act of violence, force, or threat by a preponderance of the 311 evidence. 312

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

313 F. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's 314 office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of 315 316 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme 317 Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause. 318

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

319 H. Upon issuance of a preliminary protective order, the clerk of the court shall make available to the 320 petitioner information that is published by the Department of Criminal Justice Services for victims of 321 domestic violence or for petitioners in protective order cases. 322

### § 19.2-152.10. Protective order.

323 A. The court may issue a protective order pursuant to this chapter to protect the health and safety of 324 the petitioner and family or household members of a petitioner upon (i) the issuance of a petition or warrant for, or a conviction of, any criminal offense resulting from the commission of an act of 325 violence, force, or threat or (ii) a hearing held pursuant to subsection D of § 19.2-152.9. A protective 326 327 order issued under this section may include any one or more of the following conditions to be imposed 328 on the respondent:

329 1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to 330 person or property;

331 2. Prohibiting such contacts by the respondent with the petitioner or family or household members of 332 the petitioner as the court deems necessary for the health or safety of such persons;

333 3. Any other relief necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses 334 that may result in injury to person or property, or (iii) communication or other contact of any kind by 335 the respondent; and

4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such 336 337 petitioner meets the definition of owner in § 3.2-6500.

B. The protective order may be issued for a specified period of time up to a maximum of two years. 338 339 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 340 of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner 341 may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective 342 order shall be given precedence on the docket of the court. The court may extend the protective order 343 for a period not longer than two years to protect the health and safety of the petitioner or persons who 344 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 345 346 the last day of the two-year period if no date is specified. Nothing herein shall limit the number of 347 extensions that may be requested or issued.

348 C. A copy of the protective order shall be served on the respondent and provided to the petitioner as 349 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 350 351 transfer electronically to the Virginia Criminal Information Network the respondent's identifying 352 information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order and containing any such identifying 353 354 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 355 verify and enter any modification as necessary to the identifying information and other appropriate 356 information required by the Department of State Police into the Virginia Criminal Information Network 357 358 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and 359 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 360 required into the Virginia Criminal Information Network and make due return to the court. If the order 361

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

369 D. Except as otherwise provided, a violation of a protective order issued under this section shall370 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.

373 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, 374 375 the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing 376 violent or threatening acts or harassment against or contact or communication with or physical proximity 377 to another person, including any of the conditions specified in subsection A, shall be accorded full faith 378 and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided 379 reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person 380 against whom the order is sought to be enforced sufficient to protect such person's due process rights 381 and consistent with federal law. A person entitled to protection under such a foreign order may file the 382 order in any appropriate district court by filing with the court, an attested or exemplified copy of the 383 order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary 384 law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, 385 enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained 386 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may 387 transfer information electronically to the Virginia Criminal Information Network. 388

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

G. Either party may at any time file a written motion with the court requesting a hearing to dissolve or modify the order. Proceedings to modify or dissolve a protective order shall be given precedence on the docket of the court. Upon petitioner's motion to dissolve the protective order, a dissolution order may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

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

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

**406** J. As used in this section:

**407** "Copy" includes a facsimile copy; and

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

409 K. Upon issuance of a protective order, the clerk of the court shall make available to the petitioner
410 information that is published by the Department of Criminal Justice Services for victims of domestic
411 violence or for petitioners in protective order cases.