

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 16.1-245.1 of the Code of Virginia, relating to medical evidence*
3 *admissible in juvenile and domestic relations district court; preliminary protective order hearings.*

4 [S 1429]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 16.1-245.1 of the Code of Virginia is amended and reenacted as follows:**8 **§ 16.1-245.1. Medical evidence admissible in juvenile and domestic relations district court.**

9 In any civil case heard in a juvenile and domestic relations district court involving allegations of
10 child abuse or neglect or family abuse, any party may present evidence, by a report from the treating or
11 examining health care provider as defined in § 8.01-581.1 or the records of a hospital, medical facility
12 or laboratory at which the treatment, examination or laboratory analysis was performed, or both, as to
13 the extent, nature, and treatment of any physical condition or injury suffered by a person and the
14 examination of the person or the result of the laboratory analysis.

15 A medical report shall be admitted if the party intending to present such evidence at trial or hearing
16 gives the opposing party or parties a copy of the evidence and written notice of intention to present it at
17 least ~~ten~~ 10 days, or in the case of a preliminary removal hearing under § 16.1-252 or *in preliminary*
18 *protective order hearings under § 16.1-253 or* 16.1-253.1 at least ~~twenty-four~~ 24 hours, prior to the trial
19 or hearing and if attached to such evidence is a sworn statement of the treating or examining health care
20 provider or laboratory analyst who made the report that (i) the information contained therein is true,
21 accurate, and fully describes the nature and extent of the physical condition or injury and (ii) the patient
22 named therein was the person treated or examined by such health care provider; or, in the case of a
23 laboratory analysis, that the information contained therein is true and accurate.

24 A hospital or other medical facility record shall be admitted if attached to it is a sworn statement of
25 the custodian thereof that the same is a true and accurate copy of the record of such hospital or other
26 medical facility. If thereafter a party summons the health care provider or custodian making such
27 statement to testify in proper person or by deposition taken de bene esse, the court shall determine
28 which party shall pay the fees and costs for such appearance or depositions, or may apportion the same
29 among the parties in such proportion as the ends of justice may require. If such health care provider or
30 custodian is not subject to subpoena for cross-examination in court or by a deposition de bene esse, then
31 the court shall allow a reasonable opportunity for the party seeking the subpoena for such health care
32 provider or custodian to obtain his testimony as the ends of justice may require.