

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 16.1-279.1, 17.1-405, and 19.2-152.10 of the Code of Virginia, relating*  
3 *to appeals of certain interlocutory decrees or orders; report; emergency.*

4 [S 895]  
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That §§ 16.1-279.1, 17.1-405, and 19.2-152.10 of the Code of Virginia are amended and**  
8 **reenacted as follows:**

9 **§ 16.1-279.1. Protective order in cases of family abuse.**

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

- 15 1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;
- 16 2. Prohibiting such contacts by the respondent with the petitioner or family or household members of  
17 the petitioner as the court deems necessary for the health or safety of such persons;
- 18 3. Granting the petitioner possession of the residence occupied by the parties to the exclusion of the  
19 respondent; however, no such grant of possession shall affect title to any real or personal property;
- 20 4. Enjoining the respondent from terminating any necessary utility service to the residence to which  
21 the petitioner was granted possession pursuant to subdivision 3 or, where appropriate, ordering the  
22 respondent to restore utility services to that residence;
- 23 5. Granting the petitioner and, where appropriate, any other family or household member of the  
24 petitioner, exclusive use and possession of a cellular telephone number or electronic device. The court  
25 may enjoin the respondent from terminating a cellular telephone number or electronic device before the  
26 expiration of the contract term with a third-party provider. The court may enjoin the respondent from  
27 using a cellular telephone or other electronic device to locate the petitioner;
- 28 6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner  
29 alone or jointly owned by the parties to the exclusion of the respondent and enjoining the respondent  
30 from terminating any insurance, registration, or taxes on the motor vehicle and directing the respondent  
31 to maintain the insurance, registration, and taxes, as appropriate; however, no such grant of possession  
32 or use shall affect title to the vehicle;
- 33 7. Requiring that the respondent provide suitable alternative housing for the petitioner and, if  
34 appropriate, any other family or household member and where appropriate, requiring the respondent to  
35 pay deposits to connect or restore necessary utility services in the alternative housing provided;
- 36 8. Ordering the respondent to participate in treatment, counseling or other programs as the court  
37 deems appropriate;
- 38 9. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such  
39 petitioner meets the definition of owner in § 3.2-6500; and
- 40 10. Any other relief necessary for the protection of the petitioner and family or household members  
41 of the petitioner, including a provision for temporary custody or visitation of a minor child.

42 A1. If a protective order is issued pursuant to subsection A, the court may also issue a temporary  
43 child support order for the support of any children of the petitioner whom the respondent has a legal  
44 obligation to support. Such order shall terminate upon the determination of support pursuant to  
45 § 20-108.1.

46 B. The protective order may be issued for a specified period of time up to a maximum of two years.  
47 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  
48 of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner  
49 may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective  
50 order shall be given precedence on the docket of the court. If the petitioner was a family or household  
51 member of the respondent at the time the initial protective order was issued, the court may extend the  
52 protective order for a period not longer than two years to protect the health and safety of the petitioner  
53 or persons who are family or household members of the petitioner at the time the request for an  
54 extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day  
55 specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein  
56 shall limit the number of extensions that may be requested or issued.

57 C. A copy of the protective order shall be served on the respondent and provided to the petitioner as  
58 soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith,  
59 but in all cases no later than the end of the business day on which the order was issued, enter and  
60 transfer electronically to the Virginia Criminal Information Network the respondent's identifying  
61 information and the name, date of birth, sex, and race of each protected person provided to the court  
62 and shall forthwith forward the attested copy of the protective order containing any such identifying  
63 information to the primary law-enforcement agency responsible for service and entry of protective  
64 orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith  
65 verify and enter any modification as necessary to the identifying information and other appropriate  
66 information required by the Department of State Police into the Virginia Criminal Information Network  
67 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and  
68 the order shall be served forthwith upon the respondent and due return made to the court. Upon service,  
69 the agency making service shall enter the date and time of service and other appropriate information  
70 required by the Department of State Police into the Virginia Criminal Information Network and make  
71 due return to the court. If the order is later dissolved or modified, a copy of the dissolution or  
72 modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency  
73 responsible for service and entry of protective orders, and upon receipt of the order by the primary  
74 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the  
75 identifying information and other appropriate information required by the Department of State Police  
76 into the Virginia Criminal Information Network as described above and the order shall be served  
77 forthwith and due return made to the court.

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

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

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

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

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

109 H. As used in this section:

110 "Copy" includes a facsimile copy; and

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

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

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

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

121 L. An appeal of *final* protective order issued *by a circuit court* pursuant to this section shall be given  
122 expedited review by the Court of Appeals.

123 **§ 17.1-405. Appellate jurisdiction — Administrative agency, Virginia Workers' Compensation**  
124 **Commission, and civil matter appeals.**

125 A. Unless otherwise provided by law, any aggrieved party may appeal to the Court of Appeals from:

126 1. Any final decision of a circuit court on appeal from (i) a decision of an administrative agency, or  
127 (ii) a grievance hearing decision issued pursuant to § 2.2-3005;

128 2. Any final decision of the Virginia Workers' Compensation Commission;

129 3. Except as provided in subsection B of § 17.1-406, any final judgment, order, or decree of a circuit  
130 court in a civil matter;

131 4. Any interlocutory decree or order pursuant to § 8.01-267.8;

132 5. ~~Any~~ *Except as provided in subsection B*, any interlocutory decree or order involving an equitable  
133 claim in which the decree or order (i) requires money to be paid or the possession or title of property to  
134 be changed or (ii) adjudicates the principles of a cause; or

135 6. Any final judgment, order, or decree of a circuit court (i) involving an application for a concealed  
136 weapons permit pursuant to Article 6.1 (§ 18.2-307.1 et seq.) of Chapter 7 of Title 18.2, (ii) involving  
137 involuntary treatment of prisoners pursuant to § 53.1-40.1 or 53.1-133.04, or (iii) for declaratory or  
138 injunctive relief under § 57-2.02.

139 B. *No interlocutory decree or order shall be appealed if such decree or order involves:*

140 1. *Affirmance or annulment of a marriage;*

141 2. *Divorce;*

142 3. *Custody of a minor child;*

143 4. *Spousal or child support;*

144 5. *Control or disposition of a minor child;*

145 6. *Any other domestic relations matter arising under Title 16.1 or 20; or*

146 7. *Any protective order other than a final protective order issued by a circuit court.*

147 **§ 19.2-152.10. Protective order.**

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

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

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

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

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

163 B. Except as provided in subsection C, the protective order may be issued for a specified period of  
164 time up to a maximum of two years. 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. Prior to the  
166 expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend  
167 the order. Proceedings to extend a protective order shall be given precedence on the docket of the court.  
168 The court may extend the protective order for a period not longer than two years to protect the health  
169 and safety of the petitioner or persons who are family or household members of the petitioner at the  
170 time the request for an extension is made. The extension of the protective order shall expire at 11:59  
171 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  
172 specified. Nothing herein shall limit the number of extensions that may be requested or issued.

173 C. Upon conviction for an act of violence as defined in § 19.2-297.1 and upon the request of the  
174 victim or of the attorney for the Commonwealth on behalf of the victim, the court may issue a  
175 protective order to the victim pursuant to this chapter to protect the health and safety of the victim. The  
176 protective order may be issued for any reasonable period of time, including up to the lifetime of the  
177 defendant, that the court deems necessary to protect the health and safety of the victim. The protective  
178 order shall expire at 11:59 p.m. on the last day specified in the protective order, if any. Upon a

179 conviction for violation of a protective order issued pursuant to this subsection, the court that issued the  
180 original protective order may extend the protective order as the court deems necessary to protect the  
181 health and safety of the victim. The extension of the protective order shall expire at 11:59 p.m. on the  
182 last day specified, if any. Nothing herein shall limit the number of extensions that may be issued.

183 D. A copy of the protective order shall be served on the respondent and provided to the petitioner as  
184 soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith,  
185 but in all cases no later than the end of the business day on which the order was issued, enter and  
186 transfer electronically to the Virginia Criminal Information Network the respondent's identifying  
187 information and the name, date of birth, sex, and race of each protected person provided to the court  
188 and shall forthwith forward the attested copy of the protective order and containing any such identifying  
189 information to the primary law-enforcement agency responsible for service and entry of protective  
190 orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith  
191 verify and enter any modification as necessary to the identifying information and other appropriate  
192 information required by the Department of State Police into the Virginia Criminal Information Network  
193 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and  
194 the order shall be served forthwith upon the respondent and due return made to the court. Upon service,  
195 the agency making service shall enter the date and time of service and other appropriate information  
196 required into the Virginia Criminal Information Network and make due return to the court. If the order  
197 is later dissolved or modified, a copy of the dissolution or modification order shall also be attested,  
198 forwarded forthwith to the primary law-enforcement agency responsible for service and entry of  
199 protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall  
200 forthwith verify and enter any modification as necessary to the identifying information and other  
201 appropriate information required by the Department of State Police into the Virginia Criminal  
202 Information Network as described above and the order shall be served forthwith and due return made to  
203 the court.

204 E. Except as otherwise provided, a violation of a protective order issued under this section shall  
205 constitute contempt of court.

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

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

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

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

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

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

241 K. As used in this section:

242 "Copy" includes a facsimile copy; and

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

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

247 M. An appeal of a *final* protective order issued *by a circuit court* pursuant to this section shall be  
248 given expedited review by the Court of Appeals.

249 **2. That the Virginia Family Law Coalition (the Coalition) shall conduct a study on appeals of**  
250 **interlocutory decrees or orders involving domestic relations matters in the Commonwealth. The**  
251 **Coalition shall report the findings of such study to the Chairmen of the Senate Committee on the**  
252 **Judiciary and the House Committee for Courts of Justice by October 1, 2024.**

253 **3. That an emergency exists and the provisions of the first enactment of this act are in force from**  
254 **its passage.**