

Supreme Court of Virginia 2020 Court-Initiated Legislation

Subject of Legislation	Bill Number (Patron): Last Action
Clarification of Statutes Related to Postrelease Incarceration of Felons for Violations of Postrelease Supervision	<ul style="list-style-type: none">• HB 752 (Jones): Acts of Assembly, Chapter 1115• SB 312 (Stanley): Acts of Assembly, Chapter 1116
Unclaimed Funds Deposited by Bail Bondsman Upon Surrender of Principal	<ul style="list-style-type: none">• HB 138 (Collins): Incorporated into HB 136 (Collins), Acts of Assembly, Chapter 20• SB 294 (Marsden): Acts of Assembly Chapter 531
Curing Signature Defects in Pleadings	<ul style="list-style-type: none">• HB 1378 (Leftwich): Acts of Assembly Chapter 74• SB 229 (Petersen): Acts of Assembly Chapter 351

EXECUTIVE SECRETARY
KARL R. HADE

**ASSISTANT EXECUTIVE SECRETARY &
LEGAL COUNSEL**
EDWARD M. MACON

COURT IMPROVEMENT PROGRAM
SANDRA L. KARISON, DIRECTOR

EDUCATIONAL SERVICES
CAROLINE E. KIRKPATRICK, DIRECTOR

FISCAL SERVICES
BARRY M. WENZIG, DIRECTOR

HUMAN RESOURCES
RENÉE FLEMING MILLS, DIRECTOR

SUPREME COURT OF VIRGINIA



OFFICE OF THE EXECUTIVE SECRETARY
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219-2334
(804) 786-6455

JUDICIAL INFORMATION TECHNOLOGY
MICHAEL J. RIGGS, SR., DIRECTOR

JUDICIAL PLANNING
CYRIL W. MILLER, JR., DIRECTOR

JUDICIAL SERVICES
PAUL F. DELOSH, DIRECTOR

LEGAL RESEARCH
STEVEN L. DALLE MURA, DIRECTOR

LEGISLATIVE & PUBLIC RELATIONS
KRISTI S. WRIGHT, DIRECTOR

MAGISTRATE SERVICES
JONATHAN E. GREEN, DIRECTOR

September 25, 2020

TO: Committee on District Courts

FROM: Executive Committee,
Judicial Conference of Virginia for District Courts

Re: Legislative Proposal for 2021 General Assembly Session

The Executive Committee of the Judicial Conference of Virginia for District Courts recommends the following legislative proposals for consideration by the Committee on District Courts.¹ These proposals result from a solicitation seeking legislative proposals to improve the administration of justice in the district courts from the members of the Judicial Conference of Virginia for District Courts, as well as district court clerks and Office of the Executive Secretary staff. The submissions were first reviewed by the Law Revision Committee of the Conference and then by the Executive Committee of the Conference. New language is shown as underlined.

1. Expansion of use of audio/visual technology beyond pretrial proceedings in limited circumstances.

This proposal would allow, not require, the court to use two-way electronic video and audio communication for (i) entry of a plea of guilty or nolo contendere and the related sentencing of the defendant charged with a misdemeanor or felony, (ii) entry of a nolle prosequi, or (iii) adjudication of an alleged violation of probation. Such an appearance would require the consent of the court and all parties. These provisions would apply generally and are not restricted to periods defined by an order declaring a judicial emergency. If enacted, this proposal would reduce the transport of prisoners to

¹ The Executive Committees of both the Judicial Conference of Virginia for District Courts and the Judicial Conference of Virginia considered proposal number one. The Executive Committee of the Judicial Conference of Virginia for District Courts approved language that differed slightly from what was approved by the Executive Committee of the Judicial Conference of Virginia. In order to maintain consistency between the Conferences, it was determined that the language adopted by the Executive Committee of the Judicial Conference of Virginia would be presented to the Committee on District Courts and the Judicial Council.

the courthouse and improve the timeliness of getting matters on the docket and before the court.

§ 19.2-3.1. Personal appearance by two-way electronic video and audio communication; standards.

A. Where an appearance is required or permitted before a magistrate, intake officer or, prior to trial, before a judge, the appearance may be by (i) personal appearance before the magistrate, intake officer or judge or (ii) use of two-way electronic video and audio communication. With the consent of the court and all parties, an appearance in a court for the purpose of (i) entry of a plea of guilty or nolo contendere and the related sentencing of the defendant charged with a misdemeanor or felony, (ii) entry of a nolle prosequi, or (iii) adjudication of an alleged violation of probation may be by two-way electronic video and audio communication.

If two-way electronic video and audio communication is used, a magistrate, intake officer or judge may exercise all powers conferred by law and all communications and proceedings shall be conducted in the same manner as if the appearance were in person. If two-way electronic video and audio communication is available for use by a district court for the conduct of a hearing to determine bail or to determine representation by counsel, the court shall use such communication in any such proceeding that would otherwise require the transportation of a person from outside the jurisdiction of the court in order to appear in person before the court. Any documents transmitted between the magistrate, intake officer, or judge and the person appearing before the magistrate, intake officer, or judge may be transmitted by electronically transmitted facsimile process or other electronic method. The facsimile or other electronically generated document 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.

.....

2. Amend Va. Code § 16.1-356 regarding juvenile competency and receipt of order for evaluation.

This proposal would amend § 16.1-356 to require that the appointed evaluator of a juvenile acknowledge receipt of the order by sending a completed DC-343 (TRACKING DOCUMENT FOR SENDING OR RECEIVING EVALUATION OR TREATMENT ORDER UPON ENTRY), or similar form, to the clerk of the court, which is required for adults pursuant to Va. Code § 19.2-169.8. The recommended language tracks the language used for adults in Va. Code § 19.2-169.8. This change would create a record of when the order is received

and help prevent the order and associated evaluation from being overlooked and not completed.

§ 16.1-356. Raising question of competency to stand trial; evaluation and determination of competency.

.....

C. The court shall require the attorney for the Commonwealth to provide to the evaluators appointed under subsection A any information relevant to the evaluation, including, but not limited to (i) a copy of the warrant or petition, (ii) the names and addresses of the attorney for the Commonwealth, the attorney for the juvenile, and the judge ordering the evaluation; and (iii) information about the alleged offense. The court shall require the attorney for the juvenile to provide to the evaluator only the psychiatric records and other information that is deemed relevant to the evaluation of competency. The moving party shall provide the evaluator a summary of the reasons for the evaluation request. All information required by this subsection shall be provided to the evaluator within 96 hours of the issuance of the court order requiring the evaluation and when applicable, shall be submitted prior to admission to the facility providing the inpatient evaluation. If the 96-hour period expires on a Saturday, Sunday or other legal holiday, the 96 hours shall be extended to the next day which is not a Saturday, Sunday or legal holiday. The appointed evaluator or the director of the community services board, behavioral health authority, or hospital shall acknowledge receipt of the order to the clerk of the court on a form developed by the Office of the Executive Secretary of the Supreme Court of Virginia as soon as practicable but no later than the close of business on the next business day following receipt of the order....

SUPREME COURT OF VIRGINIA

EXECUTIVE SECRETARY
KARL R. HADE
ASSISTANT EXECUTIVE SECRETARY & LEGAL COUNSEL
EDWARD M. MACON
COURT IMPROVEMENT PROGRAM
SANDRA L. KARISON, DIRECTOR
EDUCATIONAL SERVICES
CAROLINE E. KIRKPATRICK, DIRECTOR
FISCAL SERVICES
BARRY M. WENZIG, DIRECTOR
HUMAN RESOURCES
RENÉE FLEMING MILLS, DIRECTOR



OFFICE OF THE EXECUTIVE SECRETARY
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219-2334
(804) 786-6455

JUDICIAL INFORMATION TECHNOLOGY
MICHAEL J. RIGGS, SR., DIRECTOR
JUDICIAL PLANNING
CYRIL W. MILLER, JR., DIRECTOR
JUDICIAL SERVICES
PAUL F. DELOSH, DIRECTOR
LEGAL RESEARCH
STEVEN L. DALLE MURA, DIRECTOR
LEGISLATIVE & PUBLIC RELATIONS
KRISTI S. WRIGHT, DIRECTOR
MAGISTRATE SERVICES
JONATHAN E. GREEN, DIRECTOR

MEMORANDUM

TO: The Committee on District Courts
FROM: Steven L. Dalle Mura
Eileen A. Longenecker
Department of Legal Research
RE: Report of the District Court Forms Advisory Committee
DATE: September 25, 2020

On April 2, 2020, your Forms Advisory Committee met to consider the revision of existing forms and the creation of new forms, primarily in response to legislation from the 2020 Session of the General Assembly. The Forms Advisory Committee reviewed the various forms and respectfully submits these recommendations to you for approval.

An explanatory paragraph prefaces each revised district court form or new district court form. If there is a revision to a current form, where feasible, the revision will appear with underlining for inserted text and with strikeouts for deleted text.

We shall be glad to answer any questions regarding these proposals. If, upon review of these materials prior to the CDC meeting, you identify specific problems or questions about these proposals, we would be especially glad to speak with you prior to the meeting, in order that we might have the opportunity to explore fully the issue, in the hope we could then have any necessary resolution ready to present at the meeting. Either of us would be happy to hear from any of you. (Steven Dalle Mura, 804-786-6654, sdallemura@vacourts.gov; Eileen Longenecker, 804-786-8446, elongenecker@vacourts.gov.)

AGENDA

FORM	PAGE NO.
<ol style="list-style-type: none"> 1. DC-210, ACKNOWLEDGEMENT OF SUSPENSION OR REVOCATION OF DRIVER'S LICENSE 2. DC-262, ORDER TO ENTER INTO PROGRAM 3. DC-276, PETITION AND ORDER FOR APPROVAL OF JAIL FEES PAYMENT AGREEMENT 4. DC-277, PETITION AND ORDER AUTHORIZING SUSPENSION OR NONRENEWAL OF DRIVER'S LICENSE – FAILURE TO PAY JAIL FEE 5. DC-278, PETITION FOR RESTRICTED DRIVER'S LICENSE – FAILURE TO PAY JAIL FEE 6. DC-279, RESTRICTED DRIVER'S LICENSE ORDER – FAILURE TO PAY JAIL FEE 7. DC-359, FORFEITURE OF DRIVER'S LICENSE AND RESTRICTED DRIVER'S LICENSE ORDER – DRUG VIOLATION 	6-28
<ol style="list-style-type: none"> 8. DC-260, DRIVER'S LICENSE FORFEITURE/SUSPENSION AND RESTRICTED DRIVING ORDER 9. DC-261, RESTRICTED LICENSE ORDER 10. DC-263, APPLICATION FOR RESTRICTED DRIVER'S LICENSE 11. DC-265, RESTRICTED DRIVER'S LICENSE ORDER AND ENTRY INTO ALCOHOL SAFETY ACTION PROGRAM 12. DC-266, RESTRICTED LICENSE CONDITIONS – IGNITION INTERLOCK ORDER 13. DC-273, PETITION FOR AUTHORIZATION FOR RESTRICTED DRIVER'S LICENSE – CONVICTION OF UNAUTHORIZED DRIVING 14. DC-274, AUTHORIZATION FOR RESTRICTED DRIVER'S LICENSE – CONVICTION OF UNAUTHORIZED DRIVING 15. DC-281, PETITION FOR RESTRICTED DRIVER'S LICENSE – FAILURE TO PAY CHILD SUPPORT 16. DC-282, RESTRICTED DRIVER'S LICENSE ORDER – FAILURE TO PAY CHILD SUPPORT 17. DC-576, DRIVER'S LICENSE DENIAL ORDER (JUVENILE)/DRIVER'S LICENSE SUSPENSION ORDER (UNDERAGE ALCOHOL VIOLATIONS) 18. DC-577, DRIVER'S LICENSE SUSPENSION ORDER AND ENTRY INTO SERVICES PROGRAM (JUVENILE) 	29-60
<ol style="list-style-type: none"> 19. DC-286, DISPOSITION ORDER – UNIFORM SUMMONS 20. DC-312, WARRANT OF ARREST – FELONY 21. DC-314, WARRANT OF ARREST – MISDEMEANOR (STATE) 22. DC-315, WARRANT OF ARREST – MISDEMEANOR (LOCAL) 23. DC-319, SUMMONS 24. DC-420, MOTION FOR SHOW CAUSE SUMMONS OR CAPIAS (GENERAL DISTRICT) 25. DC-635, MOTION FOR SHOW CAUSE SUMMONS OR CAPIAS 	61-75
<ol style="list-style-type: none"> 26. DC-307, CERTIFICATION FOR THE USE OF CANNABIDIOL OIL OR THC-A OIL 	76-82

AGENDA

FORM	PAGE NO.
27. DC-317, ORDER FOR RESTITUTION (ADULT) 28. DC-317-S1, SUPPLEMENTAL SHEET TO ORDER FOR RESTITUTION FOR VICTIM INFORMATION (ADULT/JUVENILE) 29. DC-579, ORDER FOR RESTITUTION (JUVENILE)	83-90
30. DC-318, PETITION FOR RETURN OF SURETY'S CAPIAS DEPOSIT 31. DC-331, SURETY'S CAPIAS AND BAILPIECE RELEASE	91-94
32. DC-327, CHECKLIST FOR BAIL DETERMINATIONS	95-99
33. DC-342, ORDER FOR PSYCHOLOGICAL EVALUATION 34. DC-4040, PETITION TO RESTORE RIGHT TO PURCHASE, POSSESS OR TRANSPORT A FIREARM	100-106
35. DC-345, ORDER FOR TREATMENT OF INCOMPETENT DEFENDANT	107-111
36. DC-383, PETITION FOR PROTECTIVE ORDER 37. DC-385, PROTECTIVE ORDER 38. DC-611, PETITION FOR PROTECTIVE ORDER – FAMILY ABUSE 39. DC-649, PROTECTIVE ORDER FIREARM CERTIFICATION (NEW FORM) 40. DC-650, PROTECTIVE ORDER – FAMILY ABUSE	112-128
41. DC-3000, SUBPOENA DUCES TECUM (CIVIL) – ATTORNEY ISSUED (NEW FORM)	129-132
42. DC-405, PETITION TO TEST BLOOD-BORNE PATHOGENS	133-138
43. DC-407, REQUEST FOR HEARING – EXEMPTION CLAIM 44. DC-454, REQUEST FOR HEARING – GARNISHMENT/LIEN EXEMPTION CLAIM	139-146
45. DC-431, TENANT'S PETITION FOR RELIEF FROM UNLAWFUL EXCLUSION	147-150
46. DC-469, REQUEST FOR WRIT OF EVICTION IN UNLAWFUL DETAINER PROCEEDINGS 47. DC-475, NOTICE OF APPEAL – CIVIL	151-154
48. DC-485, PETITION FOR RESTORATION OF DRIVING PRIVILEGE – HABITUAL OFFENDER 49. DC-487, ORDER RESTORING DRIVING PRIVILEGE – HABITUAL OFFENDER	155-164
50. DC-489, MEDICAL EMERGENCY TEMPORARY DETENTION PETITION 51. DC-490, MEDICAL EMERGENCY TEMPORARY DETENTION ORDER 52. DC-492, EMERGENCY CUSTODY ORDER 53. DC-4050, EXPLANATION OF EMERGENCY CUSTODY PROCEDURES	165-175
54. DC-4000, ORDER FOR ALTERNATIVE TRANSPORTATION PROVIDER 55. DC-4048, ORDER CHANGING TRANSPORTATION PROVIDER FOR TEMPORARY DETENTION ORDER (NEW FORM)	176-183
56. DC-4060, PETITION FOR EMERGENCY SUBSTANTIAL RISK ORDER (NEW FORM) 57. DC-4061, EMERGENCY SUBSTANTIAL RISK ORDER (NEW FORM)	184-193
58. DC-514, ORDER FOR APPOINTMENT OF GUARDIAN AD LITEM 59. DC-540, GUARDIAN AD LITEM CERTIFICATION	194-199
60. DC-518, TRANSFER/RETENTION ORDER 61. DC-520, CERTIFICATION OF JUVENILE FELONY CHARGE 62. DC-521, WAIVER OF PRELIMINARY HEARING AND CERTIFICATION	200-211

AGENDA

FORM	PAGE NO.
63. DC-524, NOTICE OF RIGHT TO CONSIDERATION OF DIVERSION/NOTIFICATION FOR REFERRAL OF CHARGE TO COURT SERVICES UNIT	212-217
64. DC-548, CHILD IN NEED FOR SUPERVISION ORDER 65. DC-563, CHILD IN NEED OF SERVICES ORDER 66. DC-572, JUVENILE COMMITMENT ORDER 67. DC-590, ORDER OF DISPOSITION – VIOLATION OF COURT ORDER FOR STATUS OFFENSE OR CHILD IN NEED OF SUPERVISION (NEW FORM)	218-228
68. DC-552, FOSTER CARE PLAN TRANSMITTAL 69. DC-595, PETITION FOR REVIEW OF VOLUNTARY CONTINUING SERVICES AND SUPPORT AGREEMENT AND APPROVAL OF CASE PLAN 70. DC-596, ORDER APPROVING VOLUNTARY CONTINUING SERVICES AND SUPPORT CASE PLAN	229-241
71. DC-553, DISPOSITIONAL ORDER FOR UNDERLYING PETITION, FOSTER CARE PLAN 72. DC-555, FOSTER CARE REVIEW ORDER 73. DC-5060, PETITION FOR FOSTER CARE PLACEMENT HEARING (QUALIFIED RESIDENTIAL TREATMENT PROGRAM) (NEW FORM) 74. DC-5061, FOSTER CARE PLACEMENT ORDER (QUALIFIED RESIDENTIAL TREATMENT PROGRAM) (NEW FORM) 75. DC-5062, QUALIFIED RESIDENTIAL TREATMENT PROGRAM (QRTP) PLACEMENT SUPPLEMENTAL ORDER (NEW FORM)	242-290
76. DC-556, PETITION FOR PERMANENCY PLANNING HEARING 77. DC-557, PERMANENCY PLANNING ORDER 78. DC-559, SUPPLEMENT TO ORDER TRANSFERRING CUSTODY	291-307
79. DC-562, ORDER FOR CUSTODY TRANSFER TO AGENCY 80. DC-573, ORDER FOR CUSTODY/PARENTING TIME/VISITATION GRANTED TO INDIVIDUAL	308-317
81. DC-569, ADJUDICATION AND DISPOSITION ORDER – DELINQUENCY	318-324
82. DC-574, INFORMATION CONSIDERED IN CHILD CUSTODY/VISITATION PROCEEDINGS	325-327
83. DC-598, ORDER FOR INVOLUNTARY COMMITMENT FOR INPATIENT TREATMENT – MINOR 84. DC-4002, ORDER FOR TREATMENT	328-337
85. DC-606, FINANCIAL STATEMENT FOR ASSESSMENT OF GUARDIAN AD LITEM COSTS	338-340
86. DC-610, PETITION FOR SUPPORT (CIVIL) 87. DC-612, DESERTION/NON-SUPPORT PETITION (CRIMINAL) 88. DC-628, ORDER OF SUPPORT (CIVIL) 89. DC-629, ORDER OF SUPPORT (CRIMINAL) 90. DC-631, MEDIATION SUPPORT AGREEMENT	341-360
91. DC-637, CHILD SUPPORT GUIDELINES WORKSHEET 92. DC-638, CHILD SUPPORT GUIDELINES WORKSHEET – SPLIT CUSTODY 93. DC-640, CHILD SUPPORT GUIDELINES WORKSHEET – SHARED CUSTODY	361-369
94. DC-645, INCOME WITHHOLDING FOR SUPPORT	370-386

AGENDA

FORM	PAGE NO.
95. DC-652, ORDER DISSOLVING PROTECTIVE ORDER	387-399
96. DC-894(A), TEMPORARY DETENTION ORDER – MAGISTRATE 97. DC-895, TEMPORARY DETENTION ORDER – MAGISTRATE (JUVENILE)	400-408

District Court Forms	DC-210	ACKNOWLEDGMENT OF SUSPENSION OR REVOCATION OF DRIVER’S LICENSE
	DC-262	ORDER TO ENTER INTO PROGRAM
	DC-276	PETITION AND ORDER FOR APPROVAL OF JAIL FEES PAYMENT AGREEMENT
	DC-277	PETITION AND ORDER AUTHORIZING SUSPENSION OR NONRENEWAL OF DRIVER’S LICENSE – FAILURE TO PAY JAIL FEE
	DC-278	PETITION FOR RESTRICTED DRIVER’S LICENSE – FAILURE TO PAY JAIL FEE
	DC-279	RESTRICTED DRIVER’S LICENSE ORDER – FAILURE TO PAY JAIL FEE
	DC-359	FORFEITURE OF DRIVER’S LICENSE AND RESTRICTED DRIVER’S LICENSE ORDER – DRUG VIOLATION

Abstract

Identical bills Senate Bill 513 and House Bill 909 amended and repealed several statutes that deal with license suspensions for various reasons. The statutes repealed were §§ 18.2-259.1, 46.2-320.2, 46.2-390.1, 46.2-416.1, and 53.1-127.4. Primarily, effective July 1, 2020, there are no longer license suspensions for drug convictions and deferrals and for unpaid jail fees. As a result of this legislation, DC-210, DC-262 and DC-276 were revised, while DC-277, DC-278 and DC-279 were eliminated. DC-359 was revised to reflect that a restricted driver’s license can only be issued for drug-related license suspensions that occurred prior to July 1, 2020.

Identical bills Senate Bill 2 and House Bill 972 provided for decriminalization of marijuana, and instead imposed a civil penalty of \$25. Among many other provisions, the legislation provided that deferrals in drug cases under § 18.2-251 are limited to criminal drug offenses. As a result of the legislation, DC-262 was revised to reflect that only persons charged with criminal drug offenses are subject to being ordered into an appropriate program.

Identical bills Senate Bill 736 and House Bill 277 provided that a court may allow a defendant to discharge fines and costs owed by earning credits for community service performed while the defendant is incarcerated. Prior to July 1, 2020, fines and costs credits could only be earned before or after incarceration. DC-210 was revised to reflect this change.

Source Senate Bill 513 (Chapter 741, effective July 1, 2020)
House Bill 909 (Chapter 740, effective July 1, 2020)

Senate Bill 2 (Chapter 1286, effective July 1, 2020)
House Bill 972 (Chapter 1285, effective July 1, 2020)

Senate Bill 736 (Chapter 188, effective July 1, 2020)
House Bill 277 (Chapter 25, effective July 1, 2020)

Revision Legislative

Form Type Masters (DC-262, DC-276, DC-277, DC-278)
Printed (DC-210, DC-279, DC-359)

I. ACKNOWLEDGMENT OF SUSPENSION OR REVOCATION OF DRIVER'S LICENSE

Commonwealth of Virginia Va. Code §§ 19.2-354, 19.2-358

Case no(s):
.....
.....
.....
Court date:

Juvenile and Domestic Relations District Court
 General District Court

.....
CITY/COUNTY
.....
COURT ADDRESS
.....
NAME OF DEFENDANT/JUVENILE SSN DRIVER'S LICENSE NO.
.....
RESIDENCE ADDRESS
.....
MAILING ADDRESS IF DIFFERENT FROM ABOVE
.....
TELEPHONE NUMBER

I acknowledge that I have been notified that my driver's license/driving privilege:
 is suspended or revoked for a period of effective as a result of
 my conviction by this court or
 ~~action taken by the Virginia Department of Motor Vehicles pursuant to Va. Code § 46.2-390.1 for the court's conviction or finding of facts sufficient to convict the offender of violating the drug laws (Va. Code §§ 18.2-247 through 18.2-264) of Virginia.~~
 determination by the Virginia Department of Motor Vehicles that I am a habitual offender.

I acknowledge that I owe fines, costs, forfeiture, restitution and/or penalty of \$ plus any additional court-appointed attorney fee, if applicable.
 I can pay the amount due by, which is 30 days from the sentencing on my case(s).
DATE

I further certify that on this date this notice, including Part I, was read, understood by me, a copy given to me and that my license
 WAS WAS NOT surrendered to this court.

..... DATE DEFENDANT Witnessed by:

SEE PART I ON THE BACK OF THIS FORM FOR FURTHER STIPULATIONS, WARNINGS AND INFORMATION CONCERNING THIS ACKNOWLEDGMENT WHICH ARE HEREBY INCORPORATED BY REFERENCE.

II. ORDER FOR PAYMENT AGREEMENT

Having assessed the defendant's ability to pay the fines, costs, forfeiture, restitution (if not otherwise ordered) and/or penalty imposed by taking into account the defendant's financial resources and obligations as set forth on form DC-211 and/or by conducting a verbal inquiry of the defendant,
it is ORDERED that the defendant shall

- make periodic payments of \$ per
beginning with a down payment of \$ (installment payment agreement).
DATE
- pay in full on or before with a down payment of \$ (deferred payment agreement)
DATE
- and will use best efforts to make periodic payments of
\$ per (modified deferred payment agreement).
- do community service work (fines and costs only) on or before to earn credit for all or part of the fines and costs owed.
DATE
 including during imprisonment in accordance with the provisions of §§ 19.2-316.4, 53.1-59, 53.1-60, 53.1-128, 53.1-129, or 53.1-131.

Restitution payments are to be paid in accordance with the court's ORDER FOR RESTITUTION previously entered.
This order regarding the payment of fines, costs, forfeiture, restitution (if not otherwise ordered) and/or penalty applies to the following cases:
 all cases in this court in which fines, costs, forfeiture, restitution (if not otherwise ordered) and/or penalty are owed.
 case no(s) listed at the top of this page.

PART I

I understand that if I provide for payment of a fine or other monies due by a method other than cash and my payment fails, the clerk will send me a written notice of my failure of payment. A penalty of \$50.00 may be charged if the method of payment fails.

I further understand that, if I am convicted of driving while my driver's license is suspended or revoked, I may be fined, sentenced to jail, or both.

I understand that upon suspension or revocation of my license, I may not operate a motor vehicle in Virginia until:

- (1) All periods of suspension imposed by any court or the Department of Motor Vehicles have expired, AND
- (2) The Department of Motor Vehicles reinstates my license (if suspended) or issues a new license (if revoked) after:
 - (a) I have paid the reinstatement fee (if any) to the Department of Motor Vehicles, AND
 - (b) I have met all other administrative requirements of the Department of Motor Vehicles.

PART II

I understand that if the Court has ordered deferred or installment payments, or community service to pay all or part of the fines and costs, I must make all required payments or perform all community service on time.

I understand that:

- (1) the court may assess a one-time \$10.00 fee to cover the costs of the installment, deferred payment or community service agreement;
- (2) as a condition of this agreement, I must promptly inform the court of any change of my mailing address during the term of the agreement;
- (3) if the fines, costs, forfeiture, restitution, and/or penalty are not paid in full by the date ordered, the court shall proceed according to the provisions of Va. Code § 19.2-358, which state that a show cause summons or capias for my arrest may be issued;
- (4) the amount(s) listed in this agreement may be administratively amended by the clerk of this court in the event additional costs should be assessed and if additional costs are assessed, that the clerk will forthwith issue a notice to me of the total amount due by first class mail to my address of record; and
- (5) the court or clerk thereof may adjust the final payment date administratively, without further notice, for installment payment agreements, if I fail to make a scheduled payment or for deferred payments, if I fail to pay in full by the date ordered, for the purposes of referring the account for action pursuant to Va. Code § 19.2-358.

I further understand that if the court does not receive payments as ordered, my case will be referred for collection enforcement action under §§ 19.2-349, 19.2-353.5, 19.2-358, or 58.1-520 through 58.1-534 of the Code of Virginia. If my case is referred for collection enforcement action under § 19.2-349, the amount that I owe and that can be collected will be increased to reflect the additional costs associated with collection action. If any part of the amount remains unpaid, pursuant to § 19.2-358, I may be subject to a jail sentence of up to 60 days or an additional fine of up to \$500.00.

Pursuant to Virginia Code § 19.2-353.5, if interest on outstanding fines and costs owed to this court accrued during a period when I was incarcerated, I understand that I may request that the interest that accrued when I was incarcerated be waived by this court.

Notice to Defendant:

If you are required to enter into an alcohol safety action program (ASAP) as part of the disposition of your case or as a condition of a restricted driving privilege, pursuant to Virginia Code § 18.2-271.1(B), you will be required to pay a fee for the program unless the court has found that you are indigent and the court has reduced or waived the fee. Any restricted driving privilege granted to you by the court may be revoked if you do not timely pay the required fee. If ASAP is required as part of your restricted driving privilege, you must enroll in ASAP within 15 days of your restricted driving privilege being granted.

ORDER TO ENTER INTO PROGRAM

Case No.

Commonwealth of Virginia
 VA. CODE §§ 4.1-305(F), 18.2-251, 18.2-252, 18.2-254, 18.2-271.1, 46.2-392

.....
 CITY/COUNTY

.....
 OFFENDER/PETITIONER

.....
 ADDRESS

.....
 CITY STATE ZIP OFFENSE DATE

- Circuit Court
- General District Court
- Juvenile and Domestic Relations District Court

COMPLETE DATA BELOW IF KNOWN									
RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
D.L.#								STATE	

- Original Order Amended Order
- Drugs Alcohol B.A.C

You have been convicted of driving while intoxicated in violation of the Code of Virginia or local ordinance or a violation of a similar law in another jurisdiction reckless driving involuntary manslaughter or maiming while driving while intoxicated or a criminal drug offense found in Article 1 of Chapter 7 of Title 18.2; the court has found facts sufficient to find you guilty of possession of a controlled substance ~~or possession of marijuana~~, as described in Virginia Code § 18.2-251; or the court has found facts sufficient to find you guilty of underaged consumption, purchase or possession of an alcoholic beverage under Virginia Code § 4.1-305(F).

1. Your driver's license and privilege to drive have been suspended or revoked for a period of and you MAY NOT DRIVE.

2. You are ORDERED to enter the following program:

.....
 PROGRAM/AGENCY NAME AND ADDRESS FEE

~~3. You are not granted a restricted license privilege because your driver's license and privilege have not been suspended or revoked.~~

4. Upon restoration of your privilege to drive, you may only operate a motor vehicle that is equipped with a functioning, certified ignition interlock system.

..... DATE JUDGE

PROGRAM USE ONLY: This is to certify that the above individual has enrolled in the above-named program in conformance with the Code of Virginia and the Order of the court.

..... DATE SIGNATURE

..... PRINT NAME TITLE

PETITION AND ORDER FOR APPROVAL OF JAIL FEES PAYMENT AGREEMENT

Commonwealth of Virginia VA. CODE §§ ~~46.2-320.2~~, 53.1-127.3

Case No.

HEARING DATE:

.....
.....

..... General District Court

..... ADDRESS OF COURT

..... PETITIONER

V.

..... RESPONDENT

..... ADDRESS

..... ADDRESS

..... TELEPHONE NUMBER

Petitioner respectfully requests that this court, pursuant to Virginia Code § 53.1-127.3, approve the deferred or installment payment agreement established by the petitioner, as the respondent is unable to pay in full the jail fees owed to the petitioner pursuant to Virginia Code § 53.1-131.3. A copy of the deferred or installment payment agreement is attached hereto.

..... DATE

..... PETITIONER

Respondent agrees does not agree with the deferred or installment payment agreement.

..... DATE

..... RESPONDENT

NOTICE OF HEARING (CLERK USE ONLY)

TO:
RESPONDENT

A hearing on this PETITION will be held in this court on
HEARING DATE AND TIME

..... DATE

..... CLERK DEPUTY CLERK

Copy of NOTICE OF HEARING sent to petitioner.
DATE INITIALS

ORDER

The court grants the petition, and the deferred or installment payment agreement for fees owed to the petitioner pursuant to Virginia Code § 53.1-131.3 is

approved as submitted.

approved with the following revisions:

.....
.....
.....

~~Respondent's failure or refusal to pay in accordance with the deferred or installment agreement shall result in suspension of respondent's privilege to operate a motor vehicle pursuant to Virginia Code § 46.2-320.2.~~

Petition denied.

Petition dismissed.

..... DATE

..... JUDGE

RETURNS: The respondent was served according to law, as indicated below, unless not found.

Name	
Address	
.....	
<input type="checkbox"/> Personal Service	Tel. No.
<input type="checkbox"/> Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> Served on the Secretary of the Commonwealth	
<input type="checkbox"/> Not found	_____ SERVING OFFICER
..... for _____ DATE	

**PETITION AND ORDER AUTHORIZING SUSPENSION
OR NONRENEWAL OF DRIVER'S LICENSE –
FAILURE TO PAY JAIL FEES**

Commonwealth of Virginia VA. CODE § 46.2-320.2

Case No.

HEARING DATE:

.....
.....

..... General District Court

..... ADDRESS OF COURT

..... PETITIONER

V.

..... RESPONDENT

..... ADDRESS

..... ADDRESS

..... TELEPHONE NUMBER

..... VIRGINIA DRIVER'S LICENSE NUMBER

Petitioner respectfully requests that this court authorize suspension or nonrenewal of respondent's Virginia driver's license pursuant to Virginia Code § 46.2-320.2. Petitioner states the following as good cause in support of this petition:

.....
.....
.....
.....
.....

..... DATE

..... PETITIONER

NOTICE OF HEARING (CLERK USE ONLY)

TO: RESPONDENT

A hearing on this PETITION will be held in this Court on HEARING DATE AND TIME

..... DATE

..... CLERK DEPUTY CLERK

ORDER

Based upon good cause shown, this court authorizes the suspension or nonrenewal of the respondent's Virginia driver's license until such time as the respondent has satisfied one of the following requirements: (i) paid the delinquency for jail fees owed pursuant to Virginia Code § 53.1-131.3 in full or (ii) reached an agreement with the petitioner to satisfy the delinquency within an acceptable period. Petitioner shall notify the Department of Motor Vehicles by electronic communication if the respondent satisfies such requirement. The Department of Motor Vehicles shall restore respondent's driving privilege upon receipt of said notice from the petitioner.

Petition denied.

Petition dismissed.

..... DATE

..... JUDGE

RETURNS: The respondent was served according to law, as indicated below, unless not found.

Name	
Address	
.....	
<input type="checkbox"/> Personal Service	Tel. No.
<input type="checkbox"/> Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> Served on the Secretary of the Commonwealth	
<input type="checkbox"/> Not found	_____
	SERVING OFFICER
.....	for _____
DATE	

OBSOLETE

PETITION FOR RESTRICTED DRIVER'S LICENSE – FAILURE TO PAY JAIL FEE

Commonwealth of Virginia VA. CODE §§ 46.2-320.2, 53.1-131.3, 18.2-271.1

Case No.

HEARING DATE:

General District Court

PETITIONER

DRIVER'S LICENSE NUMBER

STATE

ADDRESS

DATE OF BIRTH

CITY/STATE

ZIP

To the Judge of the above-named court:

The Virginia Department of Motor Vehicles has suspended or refused to renew my driver's license after receiving notice from a local correctional facility or regional jail that (i) I am delinquent in payment of fees imposed under Va. Code § 53.1-131.3 to that facility or jail, (ii) a judgment for such fees has been issued by a court, and (iii) a court has authorized the suspension or nonrenewal of my driver's license. Accordingly, I respectfully request that the court issue a restricted driver's license for a period not to exceed one year, for good cause shown, for the following purposes:

- travel to or from my place of employment.
- travel to and from VASAP.
- travel during my hours of employment, because the operation of a motor vehicle is necessary to my employment described below.

EMPLOYER NAME AND WORK LOCATION

HOURS FOR TRAVEL TO AND FROM WORK

HOURS OF EMPLOYMENT

- travel to and from school. (I understand that I must provide proper written verification to the court that I am enrolled in a continuing program of education.)

SCHOOL NAME AND LOCATION

REQUESTED DATES AND TIMES FOR TRAVEL TO AND FROM SCHOOL

- medically necessary travel for me elderly parent person residing in my household. (I understand that I must provide written verification from a licensed health professional of the need for such travel for an elderly parent or household member.)

NAME AND LOCATION PROVIDER OF MEDICAL SERVICES

- travel necessary to transport a minor child under my care to and from school to and from day care and/or to and from facilities housing medical service provider.

NAME AND LOCATION OF SCHOOL/DAY CARE/MEDICAL SERVICES PROVIDER

- travel to and from court-ordered visitation with my child or children.

NAME(S) AND LOCATION OF CHILD OR CHILDREN

- travel to and from appointments with my probation officer.

NAME AND LOCATION OF PROBATION ENTITY

- travel to and from programs required by court or as conditions of probation.

PROGRAM NAME AND LOCATION

- travel to and from a place of religious place of worship.

NAME AND LOCATION OF PLACE OF RELIGIOUS WORSHIP

REQUESTED DAY (ONE DAY PER WEEK) AND TIME FOR TRAVEL TO AND FROM PLACE OF RELIGIOUS WORSHIP

- 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 which I will have proof of the appointment, including written proof of the date and time of the appointment.
- travel to and from jail to serve a jail sentence that is to be served on weekends or on nonconsecutive days.
- travel to and from a job interview for which I will have with me written proof from my potential employer of the date, time and location of the job interview.

I understand that the court may decide not to issue a restricted driver's license. I understand that a restricted driver's license will not permit me to operate a commercial motor vehicle. I understand that a restricted driver's license will not authorize visitation of my child or children if visitation is otherwise prohibited.

DATE

PETITIONER'S SIGNATURE

**RESTRICTED DRIVER'S LICENSE ORDER —
FAILURE TO PAY JAIL FEE**

Case No.

Commonwealth of Virginia Va. Code §§ 46.2-320.2, 53.1-131.3, 18.2-271.1

Original Order
 Amended Order

..... General District Court
CITY/COUNTY

.....
PETITIONER

.....
ADDRESS

.....
CITY STATE ZIP

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
D.L.#								STATE	

You have advised that the Virginia Department of Motor Vehicles has suspended or refused to renew your driver's license after receiving notice from a local correctional facility or regional jail that (i) you are delinquent in payment of fees imposed under Va. Code § 53.1-131.3 to that facility or jail, (ii) a judgment for such fees has been issued by a court, and (iii) a court has authorized the suspension or nonrenewal of your driver's license. You have petitioned the court to issue a restricted driver's license for a period not to exceed one year, for good cause shown, pursuant to Va. Code § 46.2-320.2.

- No restricted license privilege is granted to you by this ORDER.
- The court has determined that good cause was shown to warrant an exception to the statutory suspension of your driver's license so as to permit the issuance of a restricted license order. Accordingly, a restricted license is authorized for the purposes enumerated on the second and third pages of this ORDER and subject to the conditions below.

CONDITIONS OF RESTRICTED LICENSE: This ORDER is entered and the restricted license is to be issued upon the following conditions:

- (1) **The restricted license privilege granted by this Order is subject to any other conditions, restrictions, suspensions or revocations imposed by a court or the Virginia Department of Motor Vehicles (Virginia DMV). The privilege granted by this Order may be delayed if the Virginia DMV determines that you are not eligible for a restricted license now. IF YOUR LICENSE IS SUSPENDED FOR OTHER REASONS, YOU CANNOT DRIVE UNDER THIS ORDER.**
 - (2) *The restricted license privilege granted by this Order EXPIRES 60 DAYS from the effective date below if this Order is not carried with a restricted license issued by the Virginia DMV or with your home state license if you are not a Virginia resident.*
 - (3) The restricted license privilege granted by this Order is effective beginning
for a period of, unless withdrawn or modified by this Court.
 - (4) The suspension of your full driving privileges will not be lifted until the local correctional facility or regional jail notifies the Virginia Department of Motor Vehicles that you have either (i) paid the delinquency in full or (ii) reached an agreement with the local correctional facility or regional jail to satisfy the delinquency within an acceptable period.
 - (5) You shall immediately notify this court and the Virginia DMV of any change of residential address, or any change to any of the information listed in items "a" through "n" on pages two and three of this ORDER.
 - (6) You shall carry ALL THREE PAGES of this ORDER, and any attachment, at all times while operating a motor vehicle until this restricted license expires.
- Please see reverse side for other applicable conditions.

WARNING: Forging or altering this Order or possessing a forged or altered order is a separate criminal offense punishable by fines and incarceration. Va. Code §§ 18.2-107, 18.2-168, 18.2-169. Driving outside of these restricted privileges constitutes a separate criminal offense.

NOTE: This is page one of a three-page order

Other applicable conditions:

.....

.....

.....

.....

.....

OBSOLETE

.....

FORFEITURE OF DRIVER'S LICENSE AND RESTRICTED DRIVER'S LICENSE ORDER-DRUG VIOLATION

Case No.

(FOR CONVICTIONS AND DEFERRALS PRIOR TO JULY 1, 2020)

Commonwealth of Virginia VA Code §§ 18.2-259.1

COMPLETE DATA BELOW IF KNOWN

.....
CITY/COUNTY

.....
OFFENDER

.....
ADDRESS

.....
CITY STATE ZIP

- Circuit Court
- General District Court
- Juvenile and Domestic Relations District Court

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			

D.L.# _____ STATE _____

- Original Order
- Amended Order

1. Prior to July 1, 2020, you have been/were convicted of violating a law described in former Virginia Code § 18.2-259.1 or of a substantially similar violation under the laws of another state or the United States or the Court has-found facts sufficient to convict you of violating a law described in former Virginia Code § 18.2-259.1, specifically (include case number with corresponding offense statute for each case if multiple cases)

Supplement sheet attached.

Accordingly, your driver's license or privilege to drive is hereby/was suspended for a period of six months for each offense. You were/are ordered to surrender your driver's license, if you have a Virginia driver's license.

2. You are ORDERED, on the terms and conditions listed below, to enter the following rehabilitation or education Program:

PROGRAM NAME AND ADDRESS

- 3. No restricted license privilege is granted to you by this ORDER.
- 4. The court has determined that there are compelling circumstances warranting an exception to the statutory suspension of your driver's license which permit the issuance of a restricted license order. Accordingly, a restricted license is authorized for the purposes enumerated on the second and third pages of this ORDER and subject to the conditions below.

CONDITIONS OF RESTRICTED LICENSE: This ORDER is entered and the restricted license is to be issued upon the following conditions:

- (1) **The restricted license privilege granted by this Order is subject to any other conditions, restrictions, suspensions or revocations imposed by a court or the Virginia Department of Motor Vehicles (Virginia DMV). The privilege granted by this Order may be delayed if the Virginia DMV determines that you are not eligible for a restricted license now. IF YOUR LICENSE IS SUSPENDED FOR OTHER REASONS, YOU CANNOT DRIVE UNDER THIS ORDER.**
 - (2) *The restricted license privilege granted by this Order EXPIRES 15 DAYS from the effective date below unless proof of enrollment in the Program named above is endorsed on the back of page one of this ORDER.*
The restricted license privilege granted by this Order EXPIRES 60 DAYS from the effective date below if this Order is not carried with a restricted license issued by the Virginia DMV or with your home state license if you are not a Virginia resident.
 - (3) The restricted license privilege granted by this Order is effective beginning
If this Order is being issued for an extension for completion of the Program, the privilege granted by this Order is effective for a period of
 - (4) The restricted license privilege granted by this Order is effective until the end of this suspension or revocation period, unless withdrawn or modified by this Court. Upon expiration of the privilege granted by this Order, issuance of a driver's license shall be subject to other conditions, restrictions, suspensions or revocations imposed by a court or the Virginia DMV.
 - (5) If ordered to enter a Program, you shall satisfactorily and timely comply with and successfully complete the Program's requirements.
 - (6) You shall immediately notify this Court, the Virginia DMV, and the Program of any change of residential address, or any change to any of the information listed in items "a" through "h" on pages two and three of this ORDER.
 - (7) You shall carry ALL THREE PAGES of this ORDER, and any attachment, at all times while operating a motor vehicle until this restricted license expires.
- Please see reverse side for other applicable conditions.

WARNING: Forging or altering this Order or possessing a forged or altered order is a separate criminal offense punishable by fines and incarceration. Va. Code §§ 18.2-107, 18.2-168, 18.2-169. Driving outside of these restricted privileges constitutes a separate criminal offense.

NOTE: This is page one of a three-page order.

Other applicable conditions:

.....
.....
.....
.....
.....

This is to certify that the offender described on the front of this Order has enrolled in the Program named in this Order.

.....
DATE

.....
TITLE

.....
SIGNATURE

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 741

An Act to amend and reenact §§ 18.2-251, 46.2-410.1, 46.2-819.2, and 53.1-127.3 of the Code of Virginia and to repeal §§ 18.2-259.1, 46.2-320.2, 46.2-390.1, 46.2-416.1, and 53.1-127.4 of the Code of Virginia, relating to driver's license suspensions for certain non-driving-related offenses.

[S 513]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-251, 46.2-410.1, 46.2-819.2, and 53.1-127.3 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-251. Persons charged with first offense may be placed on probation; conditions; substance abuse screening, assessment treatment and education programs or services; drug tests; costs and fees; violations; discharge.

Whenever any person who has not previously been convicted of any offense under this article or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, or has not previously had a proceeding against him for violation of such an offense dismissed as provided in this section, pleads guilty to or enters a plea of not guilty to possession of a controlled substance under § 18.2-250 or to possession of marijuana under § 18.2-250.1, the court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions. If the court defers further proceedings, at that time the court shall determine whether the clerk of court has been provided with the fingerprint identification information or fingerprints of the person, taken by a law-enforcement officer pursuant to § 19.2-390, and, if not, shall order that the fingerprints and photograph of the person be taken by a law-enforcement officer.

As a term or condition, the court shall require the accused to undergo a substance abuse assessment pursuant to § 18.2-251.01 or 19.2-299.2, as appropriate, and enter treatment and/or education program or services, if available, such as, in the opinion of the court, may be best suited to the needs of the accused based upon consideration of the substance abuse assessment. The program or services may be located in the judicial district in which the charge is brought or in any other judicial district as the court may provide. The services shall be provided by (i) a program licensed by the Department of Behavioral Health and Developmental Services, by a similar program which is made available through the Department of Corrections, (ii) a local community-based probation services agency established pursuant to § 9.1-174, or (iii) an ASAP program certified by the Commission on VASAP.

The court shall require the person entering such program under the provisions of this section to pay all or part of the costs of the program, including the costs of the screening, assessment, testing, and treatment, based upon the accused's ability to pay unless the person is determined by the court to be indigent.

As a condition of probation, the court shall require the accused (a) to successfully complete treatment or education program or services, (b) to remain drug and alcohol free during the period of probation and submit to such tests during that period as may be necessary and appropriate to determine if the accused is drug and alcohol free, (c) to make reasonable efforts to secure and maintain employment, and (d) to comply with a plan of at least 100 hours of community service for a felony and up to 24 hours of community service for a misdemeanor. ~~In addition to any community service required by the court pursuant to clause (d), if the court does not suspend or revoke the accused's license as a term or condition of probation for a violation of § 18.2-250.1, the court shall require the accused to comply with a plan of 50 hours of community service.~~ Such testing shall be conducted by personnel of the supervising probation agency or personnel of any program or agency approved by the supervising probation agency.

Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, and upon determining that the clerk of court has been provided with the fingerprint identification information or fingerprints of such person, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purposes of applying this section in subsequent proceedings.

Notwithstanding any other provision of this section, whenever a court places an individual on probation upon terms and conditions pursuant to this section, such action shall be treated as a conviction for purposes of §§ ~~18.2-259.1~~, § 22.1-315, and ~~46.2-390.1~~, and the driver's license forfeiture provisions of those sections shall be imposed. However, if the court places an individual on probation upon terms

and conditions for a violation of ~~§ 18.2-250.1~~, such action shall not be treated as a conviction for purposes of ~~§ 18.2-259.1 or 46.2-390.1~~, provided that a court (1) may suspend or revoke an individual's driver's license as a term or condition of probation and (2) shall suspend or revoke an individual's driver's license as a term or condition of probation for a period of six months if the violation of ~~§ 18.2-250.1~~ was committed while such person was in operation of a motor vehicle. The provisions of this paragraph shall not be applicable to any offense for which a juvenile has had his license suspended or denied pursuant to § 16.1-278.9 for the same offense.

§ 46.2-410.1. Judicial review of revocation or suspension by Commissioner.

A. Notwithstanding the provisions of § 46.2-410, when the Commissioner orders a revocation or suspension of a person's driver's license under the provisions of this chapter, ~~unless such revocation or suspension is required under § 46.2-390.1~~, the person so aggrieved may, in cases of manifest injustice, within ~~sixty~~ 60 days of receipt of notice of the suspension or revocation, petition the circuit court of the jurisdiction wherein he resides for a hearing to review the Commissioner's order. Manifest injustice is defined as those instances where the Commissioner's order was the result of an error or was issued without authority or jurisdiction. The person shall provide notice of his petition to the attorney for the Commonwealth of that jurisdiction.

B. At the hearing on the petition, if the court finds that the Commissioner's order is manifestly unjust the court may, notwithstanding any other provision of law, order the Commissioner to modify the order or issue the person a restricted license in accordance with the provisions of § 18.2-271.1. For any action under this section, no appeal shall lie from the determination of the circuit court.

C. This section shall not apply to any disqualification of eligibility to operate a commercial motor vehicle imposed by the Commissioner pursuant to Article 6.1 (§ 46.2-341.1 et seq.) of this chapter.

§ 46.2-819.2. Driving a motor vehicle from establishment where motor fuel offered for sale; penalty.

A. No person shall drive a motor vehicle off the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment for such fuel has been made.

B. Any person who violates this section shall be liable for a civil penalty not to exceed \$250 and applicable court costs if the matter proceeds to court.

C. ~~The driver's license of any person found to have violated this section (i) may be suspended, for the first offense, for a period of up to 30 days and (ii) shall be suspended for a period of 30 days for the second and subsequent offenses.~~

~~D. Nothing herein shall preclude a prosecution for larceny.~~

§ 53.1-127.3. Deferred or installment payment agreement for unpaid fees.

If a person is unable to pay in full the fees owed to the local correctional facility or regional jail pursuant to § 53.1-131.3, the sheriff or jail superintendent shall establish a deferred or installment payment agreement subject to the approval of the general district court. As a condition of every such agreement, a person who enters into a deferred or installment payment agreement shall promptly inform the sheriff or jail superintendent of any change of mailing address during the term of the agreement. ~~The sheriff or jail superintendent shall give notice to the person at the time the deferred or installment payment agreement is entered into and the person shall certify on a form prescribed by the local correctional facility or regional jail that he understands that upon his failure or refusal to pay in accordance with a deferred or installment payment agreement, the person's privilege to operate a motor vehicle shall be suspended pursuant to the provisions of § 46.2-320.2.~~

2. That §§ 18.2-259.1, 46.2-320.2, 46.2-390.1, 46.2-416.1, and 53.1-127.4 of the Code of Virginia are repealed.

3. That the Governor shall provide the necessary certifications required pursuant to 23 U.S.C. § 159(a)(3)(B) by September 21, 2020.

VIRGINIA ACTS OF ASSEMBLY -- 2020 RECONVENED SESSION

CHAPTER 1286

An Act to amend and reenact §§ 15.2-1627, 16.1-228, 16.1-260, 16.1-273, 18.2-247, 18.2-248.1, 18.2-250.1, 18.2-251, 18.2-251.02, 18.2-252, 18.2-254, 19.2-392.2, 54.1-3401, as it is currently effective and as it shall become effective, and 54.1-3446 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 19.2-389.3, relating to possession and consumption of marijuana; penalty.

[S 2]

Approved May 21, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1627, 16.1-228, 16.1-260, 16.1-273, 18.2-247, 18.2-248.1, 18.2-250.1, 18.2-251, 18.2-251.02, 18.2-252, 18.2-254, 19.2-392.2, 54.1-3401, as it is currently effective and as it shall become effective, and 54.1-3446 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 19.2-389.3 as follows:

§ 15.2-1627. Duties of attorneys for the Commonwealth and their assistants.

A. No attorney for the Commonwealth, or assistant attorney for the Commonwealth, shall be required to carry out any duties as a part of his office in civil matters of advising the governing body and all boards, departments, agencies, officials and employees of his county or city; of drafting or preparing county or city ordinances; of defending or bringing actions in which the county or city, or any of its boards, departments or agencies, or officials and employees thereof, shall be a party; or in any other manner of advising or representing the county or city, its boards, departments, agencies, officials and employees, except in matters involving the enforcement of the criminal law within the county or city.

B. The attorney for the Commonwealth and assistant attorney for the Commonwealth shall be a part of the department of law enforcement of the county or city in which he is elected or appointed, and shall have the duties and powers imposed upon him by general law, including the duty of prosecuting all warrants, indictments or informations charging a felony, and he may in his discretion, prosecute Class 1, 2 and 3 misdemeanors, or any other violation, the conviction of which carries a penalty of confinement in jail, or a fine of \$500 or more, or both such confinement and fine. He shall enforce all forfeitures, and carry out all duties imposed upon him by § 2.2-3126. He may enforce the provisions of § 18.2-250.1, 18.2-268.3, 29.1-738.2, or 46.2-341.26:3.

§ 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;

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 § 55.1-2000, 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; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

felony offenses under this section or of substantially similar offenses in any other jurisdiction which offenses would be felonies if committed in the Commonwealth, and such prior convictions occurred before the date of the offense alleged in the warrant, indictment, or information, he shall be sentenced to imprisonment for life or for any period not less than five years, five years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence and he shall be fined not more than \$500,000.

§ 18.2-250.1. Possession of marijuana unlawful.

A. It is unlawful for any person knowingly or intentionally to possess marijuana unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.). *The attorney for the Commonwealth or the county, city, or town attorney may prosecute such a case.*

Upon the prosecution of a person for violation of this section, ownership or occupancy of the premises or vehicle upon or in which marijuana was found shall not create a presumption that such person either knowingly or intentionally possessed such marijuana.

Any person who violates this section is ~~guilty of a misdemeanor and shall be confined in jail not more than 30 days and fined not subject to a civil penalty of no more than \$500, either or both; any person, upon a second or subsequent conviction of a violation of this section, is guilty of a Class 1 misdemeanor \$25.~~ *A violation of this section is a civil offense. Any civil penalties collected pursuant to this section shall be deposited into the Drug Offender Assessment and Treatment Fund established pursuant to § 18.2-251.02.*

B. *Any violation of this section shall be charged by summons. A summons for a violation of this section may be executed by a law-enforcement officer when such violation is observed by such officer. The summons used by a law-enforcement officer pursuant to this section shall be in form the same as the uniform summons for motor vehicle law violations as prescribed pursuant to § 46.2-388. No court costs shall be assessed for violations of this section. A person's criminal history record information as defined in § 9.1-101 shall not include records of any charges or judgments for a violation of this section, and records of such charges or judgments shall not be reported to the Central Criminal Records Exchange. However, if a violation of this section occurs while an individual is operating a commercial motor vehicle as defined in § 46.2-341.4, such violation shall be reported to the Department of Motor Vehicles and shall be included on such individual's driving record.*

C. *The procedure for appeal and trial of any violation of this section shall be the same as provided by law for misdemeanors; if requested by either party on appeal to the circuit court, trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2, and the Commonwealth shall be required to prove its case beyond a reasonable doubt.*

D. The provisions of this section shall not apply to members of state, federal, county, city, or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of marijuana is necessary for the performance of their duties.

~~C.~~ E. In any prosecution under this section involving marijuana in the form of cannabidiol oil or THC-A oil as those terms are defined in § 54.1-3408.3, it shall be an affirmative defense that the individual possessed such oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice pursuant to § 54.1-3408.3 for treatment or to alleviate the symptoms of (i) the individual's diagnosed condition or disease, (ii) if such individual is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or disease, or (iii) if such individual has been designated as a registered agent pursuant to § 54.1-3408.3, the diagnosed condition or disease of his principal or, if the principal is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or disease. If the individual files the valid written certification with the court at least 10 days prior to trial and causes a copy of such written certification to be delivered to the attorney for the Commonwealth, such written certification shall be prima facie evidence that such oil was possessed pursuant to a valid written certification.

§ 18.2-251. Persons charged with first offense may be placed on probation; conditions; substance abuse screening, assessment treatment and education programs or services; drug tests; costs and fees; violations; discharge.

Whenever any person who has not previously been convicted of any *criminal* offense under this article or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, or has not previously had a proceeding against him for violation of such an offense dismissed as provided in this section, *or* pleads guilty to or enters a plea of not guilty to possession of a controlled substance under § 18.2-250 ~~or to possession of marijuana under § 18.2-250.1~~, the court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions. If the court defers further proceedings, at that time the court shall determine whether the clerk of court has been provided with the fingerprint

identification information or fingerprints of the person, taken by a law-enforcement officer pursuant to § 19.2-390, and, if not, shall order that the fingerprints and photograph of the person be taken by a law-enforcement officer.

As a term or condition, the court shall require the accused to undergo a substance abuse assessment pursuant to § 18.2-251.01 or 19.2-299.2, as appropriate, and enter treatment and/or education program or services, if available, such as, in the opinion of the court, may be best suited to the needs of the accused based upon consideration of the substance abuse assessment. The program or services may be located in the judicial district in which the charge is brought or in any other judicial district as the court may provide. The services shall be provided by (i) a program licensed by the Department of Behavioral Health and Developmental Services, by a similar program which is made available through the Department of Corrections, (ii) a local community-based probation services agency established pursuant to § 9.1-174, or (iii) an ASAP program certified by the Commission on VASAP.

The court shall require the person entering such program under the provisions of this section to pay all or part of the costs of the program, including the costs of the screening, assessment, testing, and treatment, based upon the accused's ability to pay unless the person is determined by the court to be indigent.

As a condition of probation, the court shall require the accused (a) to successfully complete treatment or education program or services, (b) to remain drug and alcohol free during the period of probation and submit to such tests during that period as may be necessary and appropriate to determine if the accused is drug and alcohol free, (c) to make reasonable efforts to secure and maintain employment, and (d) to comply with a plan of at least 100 hours of community service for a felony and up to 24 hours of community service for a misdemeanor. ~~In addition to any community service required by the court pursuant to clause (d), if the court does not suspend or revoke the accused's license as a term or condition of probation for a violation of § 18.2-250.1, the court shall require the accused to comply with a plan of 50 hours of community service.~~ Such testing shall be conducted by personnel of the supervising probation agency or personnel of any program or agency approved by the supervising probation agency.

Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, and upon determining that the clerk of court has been provided with the fingerprint identification information or fingerprints of such person, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purposes of applying this section in subsequent proceedings.

Notwithstanding any other provision of this section, whenever a court places an individual on probation upon terms and conditions pursuant to this section, such action shall be treated as a conviction for purposes of §§ 18.2-259.1, 22.1-315, and 46.2-390.1, and the driver's license forfeiture provisions of those sections shall be imposed. ~~However, if the court places an individual on probation upon terms and conditions for a violation of § 18.2-250.1, such action shall not be treated as a conviction for purposes of § 18.2-259.1 or 46.2-390.1, provided that a court (1) may suspend or revoke an individual's driver's license as a term or condition of probation and (2) shall suspend or revoke an individual's driver's license as a term or condition of probation for a period of six months if the violation of § 18.2-250.1 was committed while such person was in operation of a motor vehicle.~~ The provisions of this paragraph shall not be applicable to any offense for which a juvenile has had his license suspended or denied pursuant to § 16.1-278.9 for the same offense.

§ 18.2-251.02. Drug Offender Assessment and Treatment Fund.

There is hereby established in the state treasury the Drug Offender Assessment and Treatment Fund, which shall consist of moneys received from (i) fees imposed on certain drug offense convictions pursuant to § 16.1-69.48:3 and subdivisions A 10 and A 11 of § 17.1-275 and § 16.1-69.48:3 (ii) *civil penalties imposed for violations of § 18.2-250.1*. All interest derived from the deposit and investment of moneys in the Fund shall be credited to the Fund. Any moneys not appropriated by the General Assembly shall remain in the Drug Offender Assessment and Treatment Fund and shall not be transferred or revert to the general fund at the end of any fiscal year. All moneys in the Fund shall be subject to annual appropriation by the General Assembly to the Department of Corrections, the Department of Juvenile Justice, and the Commission on VASAP to implement and operate the offender substance abuse screening and assessment program; the Department of Criminal Justice Services for the support of community-based probation and local pretrial services agencies; and the Office of the Executive Secretary of the Supreme Court of Virginia for the support of drug treatment court programs.

§ 18.2-252. Suspended sentence conditioned upon substance abuse screening, assessment, testing, and treatment or education.

The trial judge or court trying the case of any person found guilty of ~~violating a criminal violation~~ of any law concerning the use, in any manner, of drugs, controlled substances, narcotics, marijuana, noxious chemical substances and like substances, shall condition any suspended sentence by first requiring such person to agree to undergo a substance abuse screening pursuant to § 18.2-251.01 and to submit to such periodic substance abuse testing, to include alcohol testing, as may be directed by the

court. Such testing shall be conducted by the supervising probation agency or by personnel of any program or agency approved by the supervising probation agency. The cost of such testing ordered by the court shall be paid by the Commonwealth and taxed as a part of the costs of such ~~criminal~~ proceedings. The judge or court shall order the person, as a condition of any suspended sentence, to undergo such treatment or education for substance abuse, if available, as the judge or court deems appropriate based upon consideration of the substance abuse assessment. The treatment or education shall be provided by a program or agency licensed by the Department of Behavioral Health and Developmental Services, by a similar program or services available through the Department of Corrections if the court imposes a sentence of one year or more or, if the court imposes a sentence of 12 months or less, by a similar program or services available through a local or regional jail, a local community-based probation services agency established pursuant to § 9.1-174, or an ASAP program certified by the Commission on VASAP.

§ 18.2-254. Commitment of convicted person for treatment for substance abuse.

A. Whenever any person who has not previously been convicted of any *criminal* offense under this article or under any statute of the United States or of any state relating to narcotic drugs, marijuana, stimulant, depressant, or hallucinogenic drugs or has not previously had a proceeding against him for violation of such an offense dismissed as provided in § 18.2-251 is found guilty of violating any law concerning the use, in any manner, of drugs, controlled substances, narcotics, marijuana, noxious chemical substances, and like substances, the judge or court shall require such person to undergo a substance abuse screening pursuant to § 18.2-251.01 and to submit to such periodic substance abuse testing, to include alcohol testing, as may be directed by the court. The cost of such testing ordered by the court shall be paid by the Commonwealth and taxed as a part of the costs of the criminal proceedings. The judge or court shall also order the person to undergo such treatment or education for substance abuse, if available, as the judge or court deems appropriate based upon consideration of the substance abuse assessment. The treatment or education shall be provided by a program or agency licensed by the Department of Behavioral Health and Developmental Services or by a similar program or services available through the Department of Corrections if the court imposes a sentence of one year or more or, if the court imposes a sentence of 12 months or less, by a similar program or services available through a local or regional jail, a local community-based probation services agency established pursuant to § 9.1-174, or an ASAP program certified by the Commission on VASAP.

B. The court trying the case of any person alleged to have committed any *criminal* offense designated by this article or by the Drug Control Act (§ 54.1-3400 et seq.) or in any other criminal case in which the commission of the offense was motivated by or closely related to the use of drugs and determined by the court, pursuant to a substance abuse screening and assessment, to be in need of treatment for the use of drugs may commit, based upon a consideration of the substance abuse assessment, such person, upon his conviction, to any facility for the treatment of persons with substance abuse, licensed by the Department of Behavioral Health and Developmental Services, if space is available in such facility, for a period of time not in excess of the maximum term of imprisonment specified as the penalty for conviction of such offense or, if sentence was determined by a jury, not in excess of the term of imprisonment as set by such jury. Confinement under such commitment shall be, in all regards, treated as confinement in a penal institution and the person so committed may be convicted of escape if he leaves the place of commitment without authority. A charge of escape may be prosecuted in either the jurisdiction where the treatment facility is located or the jurisdiction where the person was sentenced to commitment. The court may revoke such commitment at any time and transfer the person to an appropriate state or local correctional facility. Upon presentation of a certified statement from the director of the treatment facility to the effect that the confined person has successfully responded to treatment, the court may release such confined person prior to the termination of the period of time for which such person was confined and may suspend the remainder of the term upon such conditions as the court may prescribe.

C. The court trying a case in which commission of the *criminal* offense was related to the defendant's habitual abuse of alcohol and in which the court determines, pursuant to a substance abuse screening and assessment, that such defendant is in need of treatment, may commit, based upon a consideration of the substance abuse assessment, such person, upon his conviction, to any facility for the treatment of persons with substance abuse licensed by the Department of Behavioral Health and Developmental Services, if space is available in such facility, for a period of time not in excess of the maximum term of imprisonment specified as the penalty for conviction. Confinement under such commitment shall be, in all regards, treated as confinement in a penal institution and the person so committed may be convicted of escape if he leaves the place of commitment without authority. The court may revoke such commitment at any time and transfer the person to an appropriate state or local correctional facility. Upon presentation of a certified statement from the director of the treatment facility to the effect that the confined person has successfully responded to treatment, the court may release such confined person prior to the termination of the period of time for which such person was confined and may suspend the remainder of the term upon such conditions as the court may prescribe.

§ 19.2-389.3. Marijuana possession; limits on dissemination of criminal history record information;

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 188

An Act to amend and reenact § 19.2-354 of the Code of Virginia, relating to payments of court fines and costs; community work in lieu of payment; during imprisonment.

[S 736]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-354 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-354. Authority of court to order payment of fine, costs, forfeitures, penalties or restitution in installments or upon other terms and conditions; community work in lieu of payment.

A. Whenever (i) a defendant, convicted of a traffic infraction or a violation of any criminal law of the Commonwealth or of any political subdivision thereof, or found not innocent in the case of a juvenile, is sentenced to pay a fine, restitution, forfeiture or penalty and (ii) the defendant is unable to make payment of the fine, restitution, forfeiture, or penalty and costs within 30 days of sentencing, the court shall order the defendant to pay such fine, restitution, forfeiture or penalty and any costs which the defendant may be required to pay in deferred payments or installments. The court assessing the fine, restitution, forfeiture, or penalty and costs may authorize the clerk to establish and approve individual deferred or installment payment agreements. If the defendant owes court-ordered restitution and enters into a deferred or installment payment agreement, any money collected pursuant to such agreement shall be used first to satisfy such restitution order and any collection costs associated with restitution prior to being used to satisfy any other fine, forfeiture, penalty, or cost owed. Any payment agreement authorized under this section shall be consistent with the provisions of § 19.2-354.1, including any required minimum payments or other required conditions. The requirements set forth in § 19.2-354.1 shall be posted in the clerk's office and on the court's website, if a website is available. As a condition of every such agreement, a defendant who enters into an installment or deferred payment agreement shall promptly inform the court of any change of mailing address during the term of the agreement. If the defendant is unable to make payment within 90 days of sentencing, the court may assess a one-time fee not to exceed \$10 to cover the costs of management of the defendant's account until such account is paid in full. This one-time fee shall not apply to cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9. Installment or deferred payment agreements shall include terms for payment if the defendant participates in a program as provided in subsection B or C. The court, if such sum or sums are not paid in full by the date ordered, shall proceed in accordance with § 19.2-358.

B. When a person sentenced to the Department of Corrections or a local correctional facility owes any fines, costs, forfeitures, restitution or penalties, he shall be required as a condition of participating in any work release, home/electronic incarceration or nonconsecutive days program as set forth in § 53.1-60, 53.1-131, 53.1-131.1, or 53.1-131.2 to either make full payment or make payments in accordance with his installment or deferred payment agreement while participating in such program. If, after the person has an installment or deferred payment agreement, the person fails to pay as ordered, his participation in the program may be terminated until all fines, costs, forfeitures, restitution and penalties are satisfied. The Director of the Department of Corrections and any sheriff or other administrative head of any local correctional facility shall withhold such ordered payments from any amounts due to such person. Distribution of the money collected shall be made in the following order of priority to:

1. Meet the obligation of any judicial or administrative order to provide support and such funds shall be disbursed according to the terms of such order;
2. Pay any restitution as ordered by the court;
3. Pay any fines or costs as ordered by the court;
4. Pay travel and other such expenses made necessary by his work release employment or participation in an education or rehabilitative program, including the sums specified in § 53.1-150; and
5. Defray the offender's keep.

The balance shall be credited to the offender's account or sent to his family in an amount the offender so chooses.

The Board of Corrections shall promulgate regulations governing the receipt of wages paid to persons participating in such programs, the withholding of payments and the disbursement of appropriate funds.

C. The court shall establish a program and may provide an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the

performance of community service work (i) before or after imprisonment or (ii) in accordance with the provisions of § 19.2-316.4, 53.1-59, 53.1-60, 53.1-128, 53.1-129, or 53.1-131 during imprisonment. The program shall specify the rate at which credits are earned and provide for the manner of applying earned credits against the fine or costs. The court assessing the fine or costs against a person shall inform such person of the availability of earning credit toward discharge of the fine or costs through the performance of community service work under this program and provide such person with written notice of terms and conditions of this program. The court shall have such other authority as is reasonably necessary for or incidental to carrying out this program.

D. When the court has authorized deferred payment or installment payments, the clerk shall give notice to the defendant that upon his failure to pay as ordered he may be fined or imprisoned pursuant to § 19.2-358 and his privilege to operate a motor vehicle will be suspended pursuant to § 46.2-395.

E. The failure of the defendant to enter into a deferred payment or installment payment agreement with the court or the failure of the defendant to make payments as ordered by the agreement shall allow the Tax Commissioner to act in accordance with § 19.2-349 to collect all fines, costs, forfeitures and penalties.

District Court Forms	DC-260	DRIVER’S LICENSE FORFEITURE/SUSPENSION AND RESTRICTED DRIVING ORDER
	DC-261	RESTRICTED LICENSE ORDER
	DC-263	APPLICATION FOR RESTRICTED DRIVER’S LICENSE
	DC-265	RESTRICTED DRIVER’S LICENSE ORDER AND ENTRY INTO ALCOHOL SAFETY ACTION PROGRAM
	DC-266	RESTRICTED LICENSE CONDITIONS – IGNITION INTERLOCK ORDER
	DC-273	PETITION FOR AUTHORIZATION FOR RESTRICTED DRIVER’S LICENSE – CONVICTION OF UNAUTHORIZED DRIVING
	DC-274	AUTHORIZATION FOR RESTRICTED DRIVER’S LICENSE – CONVICTION OF UNAUTHORIZED DRIVING
	DC-281	PETITION FOR RESTRICTED DRIVER’S LICENSE – FAILURE TO PAY CHILD SUPPORT
	DC-282	RESTRICTED DRIVER’S LICENSE ORDER – FAILURE TO PAY CHILD SUPPORT
	DC-576	DRIVER’S LICENSE DENIAL ORDER (JUVENILE)/DRIVER’S LICENSE SUSPENSION ORDER (UNDERAGE ALCOHOL VIOLATIONS)
	DC-577	DRIVER’S LICENSE SUSPENSION ORDER AND ENTRY INTO SERVICES PROGRAM (JUVENILE)

Abstract

Senate 439 added a new permissible driving condition for restricted driver’s licenses, specifically “travel to and from the offices of the Virginia Employment Commission for the purpose of seeking employment.” All of the forms above were revised in some respect as a result of this legislative change.

Senate 439 also provided that if a defendant is convicted of a first offense of § 18.2-266, was an adult at the time of the offense and the defendant’s blood alcohol content was less than .15, then upon motion of a defendant, the only restriction for a restricted driver’s license that the court can impose is ignition interlock, for a period of 12 consecutive months with no alcohol-related violations. DC-261, DC-263 and DC-266 were revised to reflect this new provision.

House Bill 34 allowed a court to issue a restricted driver’s license for first offense blood or breath refusal, with the conditions of ignition interlock on every vehicle owned by the defendant and that the defendant participate in ASAP. DC-266 and DC-576 were revised as a result of this legislation.

Source Senate Bill 439 (Chapter 1007, effective July 1, 2020)
House Bill 34 (Chapter 341, effective July 1, 2020)

Revision Legislative

Form Type Masters (DC-263, DC-273, DC-281)
Printed (DC-260, DC-261, DC-265, DC-266, DC-274, DC-282,
DC-359, DC-576, DC-577)

**DRIVER'S LICENSE FORFEITURE/SUSPENSION
AND RESTRICTED DRIVING ORDER**

Commonwealth of Virginia Va. Code §§ 18.2-266.1; 46.2-392; 46.2-396.1

Case No:

CITY/COUNTY OFFENDER/PETITIONER ADDRESS CITY STATE ZIP	<input type="checkbox"/> Circuit Court <input type="checkbox"/> General District Court <input type="checkbox"/> Juvenile and Domestic Relations District Court	COMPLETE DATA BELOW IF KNOWN																														
		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 5%;">RACE</th> <th style="width: 5%;">SEX</th> <th colspan="3" style="width: 20%;">BORN</th> <th colspan="2" style="width: 10%;">HT.</th> <th style="width: 5%;">WGT.</th> <th style="width: 5%;">EYES</th> <th style="width: 5%;">HAIR</th> </tr> <tr> <td> </td> <td> </td> <td style="width: 5%;">MO.</td> <td style="width: 5%;">DAY</td> <td style="width: 10%;">YR.</td> <td style="width: 5%;">FT.</td> <td style="width: 5%;">IN.</td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td colspan="8" style="border-top: 1px solid black;">D.L.#</td> <td colspan="2" style="border-top: 1px solid black;">STATE</td> </tr> </table>	RACE	SEX	BORN			HT.		WGT.	EYES	HAIR			MO.	DAY	YR.	FT.	IN.				D.L.#								STATE	
RACE	SEX	BORN			HT.		WGT.	EYES	HAIR																							
		MO.	DAY	YR.	FT.	IN.																										
D.L.#								STATE																								
		B.A.C. <input type="checkbox"/> Original Order <input type="checkbox"/> Amended Order																														
OFFENSE DATE																																

1. You have been found guilty of driving after illegally consuming alcohol and disposition of this case is being made pursuant to Va. Code § 18.2-266.1. The Court, as part of its disposition, orders that your driver's license and your privilege to drive be forfeited for a period of: one year (for offenses committed before July 1, 2010 or on or after July 1, 2011) OR six months (for offenses committed between July 1, 2010 and June 30, 2011).
2. You have been convicted of reckless driving aggressive driving in violation of the Code of Virginia. In this case, your driver's license and the privilege to drive have been ORDERED suspended for a period of and you MAY NOT DRIVE except as allowed by the Restricted License Order.
3. You have been convicted of an offense referenced in Va. Code § 46.2-396.1 causing the death of a person. In this case your driver's license and your privilege to drive have been ORDERED suspended for a period of
4. You are ORDERED, on the terms and conditions listed below, to enter the following Program (the Program):

PROGRAM NAME AND ADDRESS	FEE
--------------------------	-----

5. No restricted license privilege is granted to the Petitioner by this ORDER.
 A restricted license privilege is granted to the Petitioner for the purposes enumerated on the second and third pages of this Order and subject to the conditions below.

CONDITIONS OF RESTRICTED LICENSE: This ORDER is entered and the restricted license is to be issued upon the following conditions:

- (1) **The restricted license privilege granted by this Order is subject to any other conditions, restrictions, suspensions or revocations imposed by a court or the Virginia Department of Motor Vehicles (Virginia DMV). The privilege granted by this Order may be delayed if the Virginia DMV determines that you are not eligible for a restricted license now. IF YOUR LICENSE IS SUSPENDED FOR OTHER REASONS, YOU CANNOT DRIVE UNDER THIS ORDER.**
 - (2) ***If you are ordered to attend a Program, the restricted license privilege granted by this Order EXPIRES 15 DAYS from the effective date below unless proof of enrollment in the Program named above is endorsed on the back of page one of this ORDER. The restricted license privilege granted by this Order EXPIRES 60 DAYS from the effective date below if this Order is not carried with a restricted license issued by the Virginia DMV or with your home state license if you are not a Virginia resident.***
 - (3) The restricted license privilege granted by this Order is effective beginning
 If this Order is being issued for an extension for completion of the Program, the privilege granted by this Order is effective for a period of
 - (4) The restricted license privilege granted by this Order is effective until the end of this suspension or revocation period, unless withdrawn or modified by this Court. Upon expiration of the privilege granted by this Order, issuance of a driver's license shall be subject to other conditions, restrictions, suspensions or revocations imposed by a court or the Virginia DMV.
 - (5) If ordered to enter a Program, you shall satisfactorily and timely comply with and successfully complete the Program's requirements.
 - (6) You shall immediately notify this Court, the Virginia DMV, and the Program of any change of residential address; or any change to any of the information listed in items "a" through "h" on pages two and three of this order.
 - (7) You shall carry ALL THREE PAGES of this ORDER, and any attachment, at all times while operating a motor vehicle until this restricted license expires.
- Please see reverse side for other applicable conditions.

WARNING: Forging or altering this Order or possessing a forged or altered order is a separate criminal offense punishable by fines and incarceration. Va. Code §§ 18.2-107, 18.2-168, 18.2-169. Driving outside of these restricted privileges constitutes a separate criminal offense.

NOTE: This is page one of a three-page order.

Name
LAST, FIRST, MIDDLE

Case No.

RESTRICTED LICENSE ORDER

The Virginia Department of Motor Vehicles is ORDERED to issue a restricted driver’s license to you (if you are otherwise eligible for a license and comply with any additional statutory or administrative requirements for the issuance of a license) for the operation of a motor vehicle ONLY for the purposes checked below:

- (a) yes no travel to or from your place of employment by the most direct route as described below.
- (b) yes no travel to or from the Alcohol Safety Action Program named on the first page of this Order and such other locations designated in writing by the Program.
- (c) yes no travel during the hours of employment, IF the operation of a motor vehicle is necessary to the employment described below.

.....
EMPLOYER NAME AND WORK LOCATION

(a) HOURS FOR TRAVEL TO AND FROM WORK

(c) HOURS OF EMPLOYMENT

(d) yes no travel to and from school.

SCHOOL NAME AND LOCATION

.....
AUTHORIZED DATES AND TIMES FOR TRAVEL TO AND FROM SCHOOL

(e) yes no travel for health care services for you elderly parent

a person residing in your household:

.....
MEDICAL SERVICE PROVIDER NAME AND LOCATION

(f-1) yes no you may only operate a motor vehicle that is equipped with a functioning, certified ignition interlock system. See form DC-266, RESTRICTED DRIVER’S LICENSE CONDITIONS – IGNITION INTERLOCK ORDER (attached), the terms of which are incorporated herein by reference.

As you were convicted of a first offense under § 18.2-266 or a substantially similar ordinance of any county, city or town with a blood alcohol content less than .15 and were an adult at the time of the offense, the only condition of your restricted driver’s license is that you are prohibited from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system.

(f-2) yes no travel to and from the facility that installed or monitors the ignition interlock on your vehicle(s).

(g-1) yes no travel necessary to transport a minor child under your care to and from school.

.....
SCHOOL NAME AND LOCATION

.....
AUTHORIZED DATES AND TIMES FOR TRAVEL TO AND FROM SCHOOL

(g-2) yes no travel necessary to transport a minor child under your care to and from day care.

.....
DAY CARE NAME AND LOCATION

.....
AUTHORIZED DATES AND TIMES FOR TRAVEL TO AND FROM DAY CARE

(g-3) yes no travel necessary to transport a minor child under your care to and from facilities housing medical service providers.

.....
MEDICAL SERVICE PROVIDER NAME AND LOCATION

(h) yes no travel to and from court ordered visitation with your child(ren).

.....
NAME(S) AND LOCATION OF CHILD(REN)

NOTE: This is page two of a three-page order for the following forms: DC-260, DC-265, ~~DC-279~~, DC-282, ~~DC-359~~, DC-576, DC-577

(i-1) yes no travel to and from appointments with probation officer.

PROBATION ENTITY AND LOCATION

(i-2) yes no travel to and from programs required by court or as a condition of probation.

PROGRAM NAME AND LOCATION

PROGRAM NAME AND LOCATION

(j) yes no travel to and from a place of religious worship.

NAME AND LOCATION OF PLACE OF RELIGIOUS WORSHIP

AUTHORIZED DAY (ONE DAY PER WEEK) AND TIME FOR TRAVEL TO AND FROM PLACE OF RELIGIOUS WORSHIP

(k) yes no 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 you have with you written proof of the appointment, including written proof of the date and time of the appointment.

(m) yes no travel to and from jail to serve a jail sentence that is to be served on weekends or on nonconsecutive days.

(n) yes no travel to and from a job interview for which you have with you written proof from your potential employer of the date, time and location of the job interview.

(o) yes no travel to and from the offices of the Virginia Employment Commission for the purpose of seeking employment.

In addition, you may travel to and from court appearances in which you are a subpoenaed witness or a party, and should have in your possession the court summons or subpoena when you travel to and from such court appearances.

BUT you may not operate a “commercial motor vehicle” as defined in Virginia Code § 46.2-341.4

ORDER DATE

JUDGE

I have read ALL THREE PAGES of this Order in its entirety, I understand its contents, and I acknowledge that I must carry ALL THREE PAGES of this Order, and any attachment, at all times while operating a motor vehicle until this restricted license expires.

PETITIONER

WARNING: Forging or altering this Order or possessing a forged or altered order is a separate criminal offense punishable by fines and incarceration. Va. Code §§ 18.2-107, 18.2-168, 18.2-169. Driving outside of these restricted privileges constitutes a separate criminal offense.

NOTE: This is page three of a three-page order for the following forms: DC-260, DC-265, ~~DC-279~~, DC-282, ~~DC-359~~, DC-576, DC-577

CONTINUED FROM PAGE 1

(h) <input type="checkbox"/> Necessary travel for Court Ordered visitation with child(ren) Name(s): Location of Child(ren): Days and Times of Visitation:	<input type="checkbox"/> YES <input type="checkbox"/> NO
(i-1) <input type="checkbox"/> Travel to and from appointments with probation officer Name and Location of Probation entity	<input type="checkbox"/> YES <input type="checkbox"/> NO
(i-2) <input type="checkbox"/> Travel to and from programs required by court or as a condition of probation Program Name and Location: Program Name and Location:	<input type="checkbox"/> YES <input type="checkbox"/> NO
(j) <input type="checkbox"/> Travel to and from a place of religious worship Name and Location of place of religious worship: Day of Week (one day per week): Leave Home: Arrive at place of religious worship: Leave place of religious worship: Arrive Home:	<input type="checkbox"/> YES <input type="checkbox"/> NO
(k) <input type="checkbox"/> 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 I will have with me written proof of the appointment, including written proof of the date and time of the appointment.	<input type="checkbox"/> YES <input type="checkbox"/> NO
(m) <input type="checkbox"/> Travel to and from jail to serve a jail sentence that is to be served on weekends or on nonconsecutive days.	<input type="checkbox"/> YES <input type="checkbox"/> NO
(n) <input type="checkbox"/> Travel to and from a job interview for which I will have with me written proof from my potential employer of the date, time and location of the job interview.	<input type="checkbox"/> YES <input type="checkbox"/> NO
(o) <input type="checkbox"/> <u>Travel to and from the offices of the Virginia Employment Commission for the purpose of seeking employment.</u>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> <u>I was convicted of a first offense under § 18.2-266 or a substantially similar ordinance of any county, city or town with a blood alcohol content less than .15 and was an adult at the time of the offense. I request that the only condition of my restricted driver's license be that I am prohibited from operating a motor vehicle without a functioning, certified ignition interlock system as required by law.</u>	<input type="checkbox"/> YES <input type="checkbox"/> NO

I certify that the above information is true and accurate, that my driving privileges are not revoked or suspended for any other reason, and that I have no other pending charges against me that have not been divulged to the court. I understand that a Restricted Driver's License permits me to operate a motor vehicle under the conditions approved by the Court. I further understand that should I be found driving outside the restrictions of the Restricted Driver's License, I may be subject to the imposition of previously suspended sentences in this case and new criminal charges may be brought against me.

.....
DATE

.....
DEFENDANT'S SIGNATURE

Reviewed and Approved as indicated:

.....
DATE

.....
JUDGE

NOTE: This is page two of a two-page form

RESTRICTED DRIVER'S LICENSE ORDER AND ENTRY INTO ALCOHOL SAFETY ACTION PROGRAM

Case No.

Commonwealth of Virginia VA. CODE §§ 18.2-268.3, 18.2-271.1, 46.2-360, 46.2-391

COMPLETE DATA BELOW IF KNOWN

..... [] Circuit Court
 CITY/ COUNTY [] General District Court
 [] Juvenile and Domestic
 OFFENDER/PETITIONER Relations District Court

.....
 ADDRESS

.....
 CITY STATE ZIP OFFENSE DATE

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
DL #							STATE		

[] Original Order [] Amended Order
 [] Drugs [] Alcohol B.A.C.

You have been convicted of [] driving while intoxicated in violation of the Code of Virginia or local ordinance, or an offense substantially similar under the law of another state or of the United States, [] involuntary manslaughter or maiming while driving while intoxicated, or [] a first offense blood or breath refusal; or [] have been adjudicated/ determined to be an habitual offender. In this case,

- [] Your driver's license and privilege to drive have been suspended or revoked for a period of and you MAY NOT DRIVE except as allowed by this Restricted Driver's License Order.
 [] You seek a restricted license after having been convicted in another jurisdiction of driving while intoxicated as a result of which your driver's license has been or will be suspended by the Department of Motor Vehicles.
 [] You seek a restricted license after [] having been declared an habitual offender and/or [] having had your license revoked pursuant to Virginia Code § 46.2-391(B) three years or more prior to this date.
 [] You seek a restricted license after having been declared an habitual offender five or more years prior to this date, the provisions of Virginia Code §§ 46.2-360 or 46.2-361 do not apply, and this Court has found that you do not constitute a threat to the safety and welfare of yourself or others with regards to the driving of a motor vehicle.

2. You are ORDERED, on the terms and conditions listed below, to enter the following Alcohol Safety Action Program (the Program):

.....
 PROGRAM NAME AND ADDRESS FEE

- [] No restricted license privilege is granted to the Petitioner by this ORDER.
 [] A restricted license privilege is granted to the Petitioner for the purposes enumerated on the second and third pages of this Order and subject to the conditions below.

CONDITIONS OF RESTRICTED LICENSE: If a restricted license privilege is granted by this Order, the restricted license is to be issued upon the following conditions:

- The restricted license privilege granted by this Order is subject to any other conditions, restrictions, suspensions or revocations imposed by a court or the Virginia Department of Motor Vehicles (Virginia DMV). The privilege granted by this Order may be delayed if the Virginia DMV determines that you are not eligible for a restricted license now. IF YOUR LICENSE IS SUSPENDED FOR OTHER REASONS, YOU CANNOT DRIVE UNDER THIS ORDER.**
- The restricted license privilege granted by this Order EXPIRES 15 DAYS from the effective date below unless proof of enrollment in the Program named above is endorsed on the back of page one of this ORDER.*
The restricted license privilege granted by this Order EXPIRES 60 DAYS from the effective date below if this Order is not carried with a restricted license issued by the Virginia DMV or with your home state license if you are not a Virginia resident.
- The restricted license privilege granted by this Order is effective beginning
 If this Order is being issued for [] an indefinite suspension [] an extension for completion of the Program, the privilege granted by this Order is effective for a period of
- The restricted license privilege granted by this Order is effective until the end of this suspension or revocation period, unless withdrawn or modified by this Court. Upon expiration of the privilege granted by this Order, issuance of a driver's license shall be subject to other conditions, restrictions, suspensions or revocations imposed by a court or the Virginia DMV.
- You shall satisfactorily and timely comply with and successfully complete the Program's requirements.
- You shall immediately notify this Court, the Virginia DMV, and the Program of any change of residential address, or of any change to the information listed in items "a" through "h" on pages two and three of this Order.
- You shall carry ALL THREE PAGES of this ORDER, and any attachment, at all times while operating a motor vehicle until this restricted license expires.

[] Please see reverse side for other applicable conditions.

WARNING: Forging or altering this Order or possessing a forged or altered order is a separate criminal offense punishable by fines and incarceration. Va. Code §§ 18.2-107, 18.2-168, 18.2-169. Driving outside of these restricted privileges constitutes a separate criminal offense.

NOTE: This is page one of a three-page order.

Other applicable conditions:

.....

.....

.....

.....

.....

This is to certify that the offender described on the front of this Order has enrolled in the Program named in this Order.

.....
DATE	TITLE	SIGNATURE

**RESTRICTED LICENSE CONDITIONS –
IGNITION INTERLOCK ORDER**
(MUST BE ATTACHED TO THE RESTRICTED LICENSE ORDER)
Commonwealth of Virginia VA. CODE § 18.2-270.1

Case No.

General District Court
 Circuit Court

.....
CITY OR COUNTY

.....
OFFENDER

.....
DRIVER'S LICENSE NUMBER

.....
STATE

TO THE OFFENDER:

Effective, you may only, unless otherwise permitted below, operate a motor vehicle equipped with a functioning, certified, ignition interlock system,

including not less than 6 consecutive months without alcohol-related violations,
 including not less than 12 consecutive months without alcohol-related violations pursuant to Virginia Code § 18.2-270.1(C), until:

the period of license suspension/revocation has ended or

.....

An ignition interlock system must be installed on any motor vehicle that you operate, and

You are required to install an ignition interlock system on each motor vehicle owned by or registered to you, in whole or in part, as you have been convicted under Virginia Code § 18.2-51.4; ~~or have been convicted~~ of a second or subsequent offense of Virginia Code § 18.2-266 or a substantially similar ordinance of any county, city or town; or of a first offense under Virginia Code § 18.2-268.3; OR as a condition of license restoration pursuant to Virginia Code § 18.2-271.1(C) or § 46.2-391.

You are required to have an electronic log device installed with the ignition interlock system to measure and record the blood alcohol content at each attempted ignition and random rolling retest during operation of the vehicle.

You shall provide the Commission on VASAP, at least quarterly during the period of court-ordered ignition interlock installation, a printout from such electronic log indicating your blood alcohol content during such ignitions, attempted ignitions, and rolling retests, and showing attempts to circumvent or tamper with the equipment.

You shall provide the Commission on VASAP, within 30 days of the effective date of this order, proof of the installation of the ignition interlock system. You shall pay the cost of installing such system, including leasing or buying the system, as well as monitoring and maintaining the system. The court may revoke your driving privilege for failing to (i) timely install such system or (ii) have the system properly monitored and calibrated.

Yes No You are permitted, solely in the course of your employment, to operate a motor vehicle that is owned or provided by your employer without installation of an ignition interlock system. You may not operate any other vehicle without a functioning ignition interlock system, and you may not operate a school bus, school vehicle, or a commercial motor vehicle as defined in Va. Code § 46.2-341.4. (This is not allowed if your employer is an entity wholly or partially owned or controlled by you.)

Yes No You have been found by the court to be indigent and are eligible for the fund established by Virginia Code § 18.2-270.2 to defray all or part of the costs of the ignition interlock device.

You must carry this order, attached to your restricted license order, with you at all times when operating a motor vehicle.

Original order

Amended order

DATE

.....
JUDGE

I have read this Order in its entirety and I understand it completely.

.....
OFFENDER

WARNING: Forging or altering this Order or possessing a forged or altered order is a separate criminal offense punishable by fines and incarceration. Va. Code §§ 18.2-107, 18.2-168, 18.2-169. Driving outside of these restricted privileges can result in a conviction of driving on a suspended license.

VASAP Use Only: This is to certify that the offender identified on the front of this Order has installed an ignition interlock device on motor vehicles operated by the offender

[] including each motor vehicle owned by or registered to the offender, in whole or in part, as required by this Order.

.....
DATE

.....
TITLE

.....
SIGNATURE

- (g 1-3) [] travel necessary to transport a minor child or children under my care
 (1)[] to and from school (2)[] to and from day care
 (3)[] to and from facilities housing medical service provider.

.....
 NAME AND LOCATION OF SCHOOL/DAY CARE/MEDICAL SERVICE PROVIDER

- (h) [] travel to and from court ordered visitation with my child or children.

.....
 NAME(S) AND LOCATION OF CHILD OR CHILDREN

- (i-1) [] travel to and from appointments with my probation officer.

.....
 NAME AND LOCATION OF PROBATION ENTITY

- (i-2) [] travel to and from programs required by court or as a condition of probation.

.....
 PROGRAM NAME AND LOCATION

- (j) [] travel to and from a place of religious worship.

.....
 NAME AND LOCATION OF PLACE OF RELIGIOUS WORSHIP

.....
 REQUESTED DAY (ONE DAY PER WEEK) AND TIME FOR TRAVEL TO AND FROM PLACE OF WORSHIP

- (k) [] travel to and from appointments approved by the Division of Child Support Enforcement of the Department of Social Services as requirement of participation in an administrative or court-ordered intensive case monitoring program for child support for which I will have with me written proof of the appointment, including written proof of date and time of the appointment.

- (m) [] travel to and from jail to serve a jail sentence that is to be served on weekends or on nonconsecutive days.

- (n) [] travel to and from a job interview for which I will have with me written proof from my potential employer of the date, time and location of the job interview.

- (o) [] travel to and from the offices of the Virginia Employment Commission for the purpose of seeking employment.

I understand that the court may decide not to authorize the Department of Motor Vehicles to issue to me a restricted driver's license.

If this court does authorize the Department of Motor Vehicles to issue to me a restricted driver's license, I understand that I may not drive unless all courts that suspended my driver's license for a violation of § 46.2-301(B), specifically, driving any motor vehicle or any self-propelled machinery or equipment on any highway in Virginia after having my driver's license, learner's permit, or privilege to drive a motor vehicle suspended or revoked; after having been directed not to drive by any court or by the Commissioner; or after having been forbidden to operate a motor vehicle as required by statute or by ordinance, have authorized a restricted driver's license and until receipt of such a restricted license from the Department of Motor Vehicles.

I understand that a restricted driver's license will not permit me to operate a commercial motor vehicle.

I understand that a restricted driver's license will not authorize visitation of my child or children if visitation is otherwise prohibited.

..... DATE PETITIONER'S SIGNATURE

AUTHORIZATION FOR RESTRICTED DRIVER'S LICENSE – CONVICTION FOR UNAUTHORIZED DRIVING

Commonwealth of Virginia VA. CODE §§ 46.2-301(E), 18.2-271.1

Case No.

General District Court Circuit Court
 Juvenile and Domestic Relations District Court

.....
CITY OR COUNTY

.....
PETITIONER

.....
DRIVER'S LICENSE NUMBER

.....
STATE

.....
ADDRESS

.....
DATE OF BIRTH

.....
CITY/STATE

.....
ZIP CODE

Amended Authorization

The court finds that the petitioner's privilege to drive a motor vehicle was suspended by this Court pursuant to § 46.2-301(D) for a violation of § 46.2-301(B), specifically, driving any motor vehicle or any self-propelled machinery or equipment on any highway in Virginia after having a driver's license, learner's permit, or privilege to drive a motor vehicle suspended or revoked; after having been directed not to drive by any court or by the Commissioner; or after having been forbidden to operate a motor vehicle as required by statute or by ordinance, in connection with the cases listed on the following page(s). This list is incorporated into this order by reference.

This Court:

- denies the petition and the Department of Motor Vehicles is NOT authorized to issue a restricted driver's license to the above-named petitioner.**
- upon a showing of good cause, authorizes the Department of Motor Vehicles to issue a restricted driver's license to the above-named petitioner, for the following purposes:
 - (a) travel to or from the place of employment, as described below, by the most direct route.
 - (b) travel to and from VASAP.
 - (c) travel during the hours of employment, because the operation of a motor vehicle is necessary to the employment described below.

.....
EMPLOYER NAME AND WORK LOCATION

.....
HOURS FOR TRAVEL TO AND FROM WORK

.....
HOURS OF EMPLOYMENT

- (d) travel to and from school

.....
SCHOOL NAME AND LOCATION

.....
DATES AND TIMES FOR TRAVEL TO AND FROM SCHOOL

- (e) medically necessary travel for petitioner elderly parent person residing in petitioner's household.

.....
NAME AND LOCATION OF PROVIDER OF MEDICAL SERVICES

- (g 1-3) travel necessary to transport a minor child or children (1) to and from school (2) to and from day care and/or (3) to and from facilities housing medical service provider.

.....
NAME AND LOCATION OF SCHOOL/DAY CARE/MEDICAL SERVICE PROVIDER

- (h) travel to and from court ordered visitation with petitioner's child or children.

.....
NAME(S) AND LOCATION OF CHILD OR CHILDREN

- (i-1) travel to and from appointments with petitioner's probation officer.

.....
NAME AND LOCATION OF PROBATION ENTITY

- (i-2) travel to and from programs required by court or as a condition of probation.

.....
PROGRAM NAME AND LOCATION

- (j) travel to and from a place of religious worship.

.....
NAME AND LOCATION OF PLACE OF RELIGIOUS WORSHIP

.....
AUTHORIZED DAY (ONE DAY WEEK) AND TIME OF TRAVEL TO AND FROM PLACE OF RELIGIOUS WORSHIP

- (k) 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 petitioner has with him or her written proof of the appointment, including written proof of the date and time of the appointment.

- (m) travel to and from jail to serve a jail sentence that is to be served on weekends or on nonconsecutive days.

- (n) travel to and from a job interview for which the petitioner has with him or her written proof from the potential employer of the date, time and location of the job interview.

- (o) travel to and from the offices of the Virginia Employment Commission for the purpose of seeking employment.

.....
DATE

.....
JUDGE

**NOTE: This is page one of a two-page authorization.
Read the second page for information about this authorization.**

**AUTHORIZATION FOR RESTRICTED DRIVER'S LICENSE –
CONVICTION FOR UNAUTHORIZED DRIVING**

This authorization is not a restricted driver's license.

You must obtain a restricted driver's license from the Department of Motor Vehicles before you can operate a motor vehicle.

Even if this Court has authorized the Department of Motor Vehicles to issue you a restricted driver's license for the suspension imposed by this Court, the Department of Motor Vehicles will not issue a restricted driver's license to you unless each court which suspended your driver's license for a violation of § 46.2-301(B), specifically, driving any motor vehicle or any self-propelled machinery or equipment on any highway in Virginia after having your driver's license, learner's permit, or privilege to drive a motor vehicle suspended or revoked; after having been directed not to drive by any court or by the Commissioner; or after having been forbidden to operate a motor vehicle as required by statute or by ordinance, has also authorized a restricted driver's license.

If you obtain a restricted driver's license, it is against the law to operate a motor vehicle in violation of any of the conditions of a restricted driver's license. **You may not operate a "commercial motor vehicle" as defined in Virginia Code § 46.2-341.4.**

You must carry this authorization, with the conditions of the authorization, with you when operating a motor vehicle, along with the restricted driver's license you obtain from the Department of Motor Vehicles.

Convictions in this court which led to suspension of your license for a violation of § 46.2-301(B), specifically, driving any motor vehicle or any self-propelled machinery or equipment on any highway in Virginia after having your driver's license, learner's permit, or privilege to drive a motor vehicle suspended or revoked; after having been directed not to drive by any court or by the Commissioner; or after having been forbidden to operate a motor vehicle as required by statute or by ordinance:

.....
CASE NUMBER	OFFENSE	OFFENSE DATE	CONVICTION DATE
.....
CASE NUMBER	OFFENSE	OFFENSE DATE	CONVICTION DATE
.....
CASE NUMBER	OFFENSE	OFFENSE DATE	CONVICTION DATE
.....
CASE NUMBER	OFFENSE	OFFENSE DATE	CONVICTION DATE
.....
CASE NUMBER	OFFENSE	OFFENSE DATE	CONVICTION DATE
.....
CASE NUMBER	OFFENSE	OFFENSE DATE	CONVICTION DATE

[] Additional sheet attached

PETITION FOR RESTRICTED DRIVER'S LICENSE – FAILURE TO PAY CHILD SUPPORT

Commonwealth of Virginia VA. CODE §§ 46.2-320.1, 18.2-271.1

Case No.

HEARING DATE:

Juvenile and Domestic Relations District Court

PETITIONER

DRIVER'S LICENSE NUMBER

STATE

ADDRESS

DATE OF BIRTH

CITY/STATE

ZIP

To the Judge of the above-named court:

I have received from the Department of Social Services notice of intent to suspend or to refuse to renew my driver's license for failure to pay child support or failure to comply with process relating to a paternity or child support proceedings. Accordingly, I respectfully request that the court issue a restricted driver's license, for good cause shown, for the following purposes:

- [] travel to or from my place of employment.
[] travel to and from VASAP.
[] travel during my hours of employment, because the operation of a motor vehicle is necessary to my employment described below.

EMPLOYER NAME AND WORK LOCATION

HOURS FOR TRAVEL TO AND FROM WORK

HOURS OF EMPLOYMENT

- [] travel to and from school. (I understand that I must provide proper written verification to the court that I am enrolled in a continuing program of education.)

SCHOOL NAME AND LOCATION

REQUESTED DATES AND TIMES FOR TRAVEL TO AND FROM SCHOOL

- [] medically necessary travel for [] me [] elderly parent [] person residing in my household. (I understand that I must provide written verification from a licensed health professional of the need for such travel for an elderly parent or household member.)

NAME AND LOCATION PROVIDER OF MEDICAL SERVICES

- [] travel necessary to transport a minor child under my care [] to and from school [] to and from day care and/or [] to and from facilities housing medical service provider.

NAME AND LOCATION OF SCHOOL/DAY CARE/MEDICAL SERVICES PROVIDER

- [] travel to and from court-ordered visitation with my child or children.

NAME(S) AND LOCATION OF CHILD OR CHILDREN

- [] travel to and from appointments with my probation officer.

NAME AND LOCATION OF PROBATION ENTITY

- [] travel to and from programs required by court or as conditions of probation.

PROGRAM NAME AND LOCATION

- [] travel to and from a place of religious place of worship.

NAME AND LOCATION OF PLACE OF RELIGIOUS WORSHIP

REQUESTED DAY (ONE DAY PER WEEK) AND TIME FOR TRAVEL TO AND FROM PLACE OF RELIGIOUS WORSHIP

- [] 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 which I will have proof of the appointment, including written proof of the date and time of the appointment.
[] travel to and from jail to serve a jail sentence that is to be served on weekends or on nonconsecutive days.
[] travel to and from a job interview for which I will have with me written proof from my potential employer of the date, time and location of the job interview.
[] travel to and from the offices of the Virginia Employment Commission for the purpose of seeking employment.

I understand that the court may decide not to issue a restricted driver's license. I understand that a restricted driver's license will not permit me to operate a commercial motor vehicle. I understand that a restricted driver's license will not authorize visitation of my child or children if visitation is otherwise prohibited.

DATE

PETITIONER'S SIGNATURE

**RESTRICTED DRIVER'S LICENSE ORDER —
FAILURE TO PAY CHILD SUPPORT**

Commonwealth of Virginia Va. Code §§ 46.2-320.1, 18.2-271.1

Case No.

DCSE Case No.

.....
CITY/COUNTY

.....
PETITIONER

.....
ADDRESS

.....
CITY STATE ZIP

- Circuit Court
 Juvenile and Domestic Relations District Court

- Original Order
 Amended Order

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
D.L.#								STATE	

You have advised the court of receipt of notice of intent to suspend or refusal to renew your driver's license for failure to pay child support or failure to comply with process relating to paternity or child support proceedings, and have petitioned the court to issue a restricted driver's license for good cause shown pursuant to Va. Code § 46.2-320.1.

- No restricted license privilege is granted to you by this ORDER.
- The court has determined that there are compelling circumstances warranting an exception to the statutory suspension of your driver's license which permit the issuance of a restricted license order. Accordingly, a restricted license is authorized for the purposes enumerated on the second and third pages of this ORDER and subject to the conditions below.

CONDITIONS OF RESTRICTED LICENSE: This ORDER is entered and the restricted license is to be issued upon the following conditions:

- (1) **The restricted driving privilege granted by this Order is subject to any other conditions, restrictions, suspensions or revocations imposed by a court or the Virginia Department of Motor Vehicles (Virginia DMV). The privilege granted by this Order may be delayed if the Virginia DMV determines that you are not eligible for a restricted license now. IF YOUR LICENSE IS SUSPENDED FOR OTHER REASONS, YOU CANNOT DRIVE UNDER THIS ORDER.**
 - (2) *The restricted driving privilege granted by this Order EXPIRES 60 DAYS from the effective date below if this Order is not carried with a restricted license issued by the Virginia DMV or with your home state license if you are not a Virginia resident.*
 - (3) The restricted license privilege granted by this Order is effective beginning
 - (4) The restricted license privilege granted by this Order is effective unless withdrawn or modified by this Court.
 - (5) The suspension of your full driving privileges will not be lifted until the Department of Social Services certifies to the Department of Motor Vehicles that you have either (i) paid the delinquency in full, (ii) reached an agreement with the Department of Social Services to satisfy the delinquency within a period not to exceed ten years and have made at least one payment pursuant to an agreement with the Department of Social Services, (iii) complied with a subpoena, summons or warrant relating to a paternity or child support proceeding, or (iv) completed or is successfully participating in an intensive case monitoring program for child support as ordered by a juvenile and domestic relations district court or as administered by the Department of Social Services.
 - (6) You shall immediately notify this court, the Virginia DMV, and the Virginia Department of Social Services of any change of residential address, or any change to any of the information listed in items "a" through "h" on pages two and three of this ORDER.
 - (7) You shall carry ALL THREE PAGES of this ORDER, and any attachment, at all times while operating a motor vehicle until this restricted license expires.
- Please see reverse side for other applicable conditions.

WARNING: Forging or altering this Order or possessing a forged or altered order is a separate criminal offense punishable by fines and incarceration. Va. Code §§ 18.2-107, 18.2-168, 18.2-169. Driving outside of these restricted privileges constitutes a separate criminal offense.

NOTE: This is page one of a three-page order

Other applicable conditions:

.....

.....

.....

.....

.....

.....

**DRIVER'S LICENSE DENIAL ORDER (JUVENILE)
DRIVER'S LICENSE SUSPENSION ORDER
(UNDERAGE ALCOHOL VIOLATIONS)**

Case No:

Commonwealth of Virginia Va. Code §§ 4.1-305, 4.1-306, 16.1-278.9, 18.2-271.1

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
D.L.#								STATE	

.....
[] Circuit Court
[] General District Court
[] Juvenile and Domestic
Relations District Court

.....
CITY/COUNTY

.....
OFFENDER'S NAME (LAST, FIRST, MIDDLE)

.....
ADDRESS

.....
CITY STATE ZIP

.....
OFFENSE DATE

[] Drugs* [] Original Order
[] Alcohol [] Amended Order

(*NO restricted driver's license as disposition for drug violation under § 16.1-278.9)

- [] (Juvenile Only) The Court [] has found facts which justify a finding that you are delinquent and this finding involves a violation described in Va. Code § 16.1-278.9 [] has found that you refused to take a blood test in violation of § 18.2-268.2 [] has found that you have failed to comply with school attendance and meeting requirements, as provided in Va. Code § 22.1-258. Therefore, pursuant to Va. Code § 16.1-278.9 your driver's license and privilege to drive is ORDERED denied [] for a period of which period shall be counted from [] the date of this order [] three months following your sixteenth birthday. [] until your seventeenth birthday. [] until your eighteenth birthday.
[] (Adult Only) The Court has found [] you guilty [] facts sufficient to find you guilty of violating [] Va. Code § 4.1-305 [] Va. Code § 4.1-306. Therefore, your driver's license and privilege to drive is ORDERED suspended for a period of, which shall be counted from the date of this order.

- [] yes [] no You are ORDERED on the terms and conditions listed below, to enter this Program:

.....
PROGRAM/AGENCY NAME AND ADDRESS

.....
FEE

- [] The offender was represented by counsel. [] The offender waived his or her right to counsel.
- [] No restricted license privilege is granted by this ORDER.
[] A restricted license privilege is granted to the offender for the purposes enumerated on the second and third pages of this Order and subject to the conditions below.

CONDITIONS OF RESTRICTED LICENSE: This ORDER is entered and the restricted license is to be issued upon the following conditions:

- (1) **The restricted license privilege granted by this Order is subject to any other conditions, restrictions, suspensions or revocations imposed by a court or the Virginia Department of Motor Vehicles (Virginia DMV). The privilege granted by this Order may be delayed if the Virginia DMV determines that you are not eligible for a restricted license now. IF YOUR LICENSE IS SUSPENDED FOR OTHER REASONS, YOU CANNOT DRIVE UNDER THIS ORDER.**
 - (2) **The restricted license privilege granted by this Order EXPIRES 15 DAYS from the effective date below unless proof of enrollment in the Program named above is endorsed on the back of page one of this ORDER. If you are an adult, the restricted license privilege granted by this Order EXPIRES 60 DAYS from the effective date below if this Order is not carried with a restricted license issued by the Virginia DMV or with your home state license if you are not a Virginia resident.**
 - (3) The restricted license privilege granted by this Order is effective beginning
If this Order is being issued for an extension for completion of the Program, the privilege granted by this Order is effective for a period of
 - (4) The restricted license privilege granted by this Order is effective until the end of this suspension or revocation period, unless withdrawn or modified by this Court. Upon expiration of the privilege granted by this Order, issuance of a driver's license shall be subject to other conditions, restrictions, suspensions or revocations imposed by a court or the Virginia DMV.
 - (5) If ordered to enter a Program, you shall satisfactorily and timely comply with and successfully complete the Program's requirements.
 - (6) You shall immediately notify this Court, the Virginia DMV and the Program of any change in residential address, or of any change to any of the information listed in items "a" through "h" on pages two and three of this Order.
 - (7) You must carry ALL THREE PAGES of this Order, and any attachment, at all times while operating a motor vehicle until this restricted license expires or is withdrawn. If you are an adult, you must carry a copy of this order together with the restricted license to be issued by the Virginia DMV upon receipt of such restricted license or by your home state license if you are not a Virginia resident.
- [] Please see reverse side for other applicable conditions.

WARNING: Forging or altering this Order or possessing a forged or altered order is a separate criminal offense punishable by fines and incarceration. Va. Code §§ 18.2-107, 18.2-168, 18.2-169. Driving outside of these restricted privileges constitutes a separate criminal offense.

NOTE: This is page one of a three-page order.

Other applicable conditions:

.....
.....
.....
.....
.....

This is to certify that the offender described on the front of this Order has enrolled in the Program named in this Order.

.....

DATE	TITLE	SIGNATURE
------	-------	-----------

DRIVER'S LICENSE SUSPENSION ORDER AND ENTRY INTO SERVICES PROGRAM (JUVENILE)

Case No:

Commonwealth of Virginia Va. Code §§ 16.1-278.8(9), 16.1-278.5(B)(2)

..... Circuit Court
 Juvenile and Domestic Relations District Court

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
D.L.#								STATE	

..... CITY/COUNTY

..... JUVENILE

..... ADDRESS

..... OFFENSE DATE

Original Order

Amended Order

..... CITY STATE ZIP

- You have been found guilty of a non-traffic delinquency and disposition of this case is being made pursuant to § 16.1-278.8(9).
 have been found in need of supervision and disposition of this case is being made pursuant to § 16.1-278.5(B)(2).
 have previously been found to be in need of supervision and have been found to have willfully and materially violated the order of the court or the terms of the probation pursuant to § 16.1-291(C).
 have been found to have 10 or more unexcused absences from a public school on consecutive school days pursuant to § 46.2-334.001. A restricted driver's license can be issued only if you are employed at least four hours per day and at least 20 hours per week, you have a medical condition that requires you to be able to drive a motor vehicle, or you are the only licensee in your household.
 The Court, without entering a judgment of guilt, has deferred disposition of the non-traffic delinquency charge pursuant to Va. Code § 16.1-278.8

As part of the disposition,

- Your driver's license and privilege to drive are ORDERED suspended for a period of
- yes no You are ORDERED, on the terms and conditions listed below, to enter the following Services Program (the Program):

..... Drugs Alcohol: B.A.C.
 PROGRAM NAME

..... ADDRESS FEE

- No restricted license privilege is granted to you by this ORDER.
 A restricted license privilege is granted to you for the purposes enumerated on the second and third pages of this Order and subject to the conditions below.

CONDITIONS OF RESTRICTED LICENSE: This ORDER is entered and the restricted license is to be issued upon the following conditions:

- The restricted license privilege granted by this Order is further subject to any other conditions, restrictions, suspensions or revocations imposed by a court or the Virginia Department of Motor Vehicles (Virginia DMV). The privilege granted by this Order may be delayed if the Virginia DMV determines that you are not eligible for a restricted license now. **IF YOUR LICENSE IS SUSPENDED FOR OTHER REASONS, YOU CANNOT DRIVE UNDER THIS ORDER.**
- The restricted license privilege granted by this Order **EXPIRES 60 DAYS** from the effective date below if this Order is not carried with a restricted license issued by the Virginia DMV or with your home state license if you are not a Virginia resident.
- The restricted license privilege granted by this Order is effective beginning
 If this Order is being issued for an extension for completion of the Program, the privilege granted by this Order is effective for a period of
- The restricted license privilege granted by this Order is effective until the end of this suspension or revocation period, unless withdrawn or modified by this Court. Upon expiration of the privilege granted by this Order, issuance of a driver's license shall be subject to other conditions, restrictions, suspensions or revocations imposed by a court or the Virginia DMV.
- If so ordered, you will promptly complete your entry into the Program and will satisfactorily and timely comply with and complete the Program's requirements.
- You shall immediately notify this Court, the Virginia DMV, and the Program of any change of residential address; or of any change to any of the information listed in items "a" through "h" on pages two and three of this Order.
- You shall carry ALL THREE PAGES of this ORDER, and any attachment, at all times while operating a motor vehicle until this restricted license expires. You will carry a copy of this order together with the restricted license to be issued by the Virginia Department of Motor Vehicles upon receipt of such restricted license or by your home state license if you are not a Virginia resident.

Please see reverse side for other applicable conditions.

WARNING: Forging or altering this Order or possessing a forged or altered order is a separate criminal offense punishable by fines and incarceration. Va. Code §§ 18.2-107, 18.2-168, 18.2-169. Driving outside of these restricted privileges constitutes a separate criminal offense.

NOTE: This is page one of a three-page order.

Other applicable conditions:

.....
.....
.....
.....
.....

This is to certify that the offender described on the front of this Order has enrolled in the Program named in this Order.

..... DATE TITLE SIGNATURE

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 1007

An Act to amend and reenact §§ 18.2-270.1, 18.2-270.2, 18.2-271.1, and 18.2-272 of the Code of Virginia, relating to driving under the influence; remote alcohol monitoring; penalty.

[S 439]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-270.1, 18.2-270.2, 18.2-271.1, and 18.2-272 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-270.1. Ignition interlock systems; penalty.

A. For purposes of this section and § 18.2-270.2:

"Commission" means the Commission on VASAP.

"Department" means the Department of Motor Vehicles.

"Ignition interlock system" means a device that (i) connects a motor vehicle ignition system to an analyzer that measures a driver's blood alcohol content; (ii) prevents a motor vehicle ignition from starting if a driver's blood alcohol content exceeds 0.02 percent; and (iii) is equipped with the ability to perform a rolling retest and to electronically log the blood alcohol content during ignition, attempted ignition, and rolling retest.

"Remote alcohol monitoring device" means an unsupervised mobile testing device with the ability to confirm the location and presence of alcohol in a person and that is capable of scheduled, random, and on-demand tests that provide immediate, or as-requested, results. A testing device may be worn or used by persons ordered by the court to provide measurements of the presence of alcohol in their blood.

"Rolling retest" means a test of the vehicle operator's blood alcohol content required at random intervals during operation of the vehicle, which triggers the sounding of the horn and flashing of lights if (i) the test indicates that the operator has a blood alcohol content which exceeds 0.02 percent or (ii) the operator fails to take the test.

B. In addition to any penalty provided by law for a conviction under § 18.2-51.4 or 18.2-266 or a substantially similar ordinance of any county, city, or town, any court of proper jurisdiction shall, as a condition of a restricted license, prohibit an offender from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for any period of time not to exceed the period of license suspension and restriction, not less than six consecutive months without alcohol-related violations of the interlock requirements. The court shall, *as a condition of a restricted license* for a conviction under § 18.2-51.4, a second or subsequent offense of § 18.2-266 or a substantially similar ordinance of any county, city, or town, or as a condition of license restoration pursuant to subsection C of § 18.2-271.1 or § 46.2-391, require that such a system be installed on each motor vehicle, as defined in § 46.2-100, owned by or registered to the offender, in whole or in part, for ~~such~~ *any* period of time *not less than six consecutive months without alcohol-related violations of the interlock requirements*. Such condition shall be in addition to any purposes for which a restricted license may be issued pursuant to § 18.2-271.1. ~~The~~ *Whenever an ignition interlock system is required, the* court may order the installation of an ignition interlock system to commence immediately upon conviction. A fee of \$20 to cover court and administrative costs related to the ignition interlock system shall be paid by any such offender to the clerk of the court. The court shall require the offender to install an electronic log device with the ignition interlock system on a vehicle designated by the court to measure the blood alcohol content at each attempted ignition and random rolling retest during operation of the vehicle. The offender shall be enrolled in and supervised by an alcohol safety action program pursuant to § 18.2-271.1 and to conditions established by regulation under § 18.2-270.2 by the Commission during the period for which the court has ordered installation of the ignition interlock system. The offender shall be further required to provide to such program, at least quarterly during the period of court ordered ignition interlock installation, a printout from such electronic log indicating the offender's blood alcohol content during such ignitions, attempted ignitions, and rolling retests, and showing attempts to circumvent or tamper with the equipment. The period of time during which the offender (i) is prohibited from operating a motor vehicle that is not equipped with an ignition interlock system or (ii) is required to have an ignition interlock system installed on each motor vehicle owned by or registered to the offender, in whole or in part, shall be calculated from the date the offender is issued a restricted license by the court; however, such period of time shall be tolled upon the expiration of the restricted license issued by the court until such time as the person is issued a restricted license by the Department.

C. *However, upon motion of an offender, if (i) a conviction was under § 18.2-266 or a substantially similar ordinance of any county, city, or town; (ii) the conviction was for a first offense; (iii) the offender was an adult at the time of the offense; and (iv) the offender's blood alcohol content was less*

than 0.15, the only restriction of a restricted license that the court shall impose is to prohibit the offender from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for not less than 12 consecutive months without alcohol-related violations of the interlock requirements.

D. In any case in which the court requires the installation of an ignition interlock system, the court shall order the offender not to operate any motor vehicle that is not equipped with such a system for the period of time that the interlock restriction is in effect. The clerk of the court shall file with the Department of Motor Vehicles a copy of the order, which shall become a part of the offender's operator's license record maintained by the Department. The Department shall issue to the offender for the period during which the interlock restriction is imposed a restricted license which shall appropriately set forth the restrictions required by the court under this subsection and any other restrictions imposed upon the offender's driving privilege, and shall also set forth any exception granted by the court under subsection ~~F~~ I.

~~D.~~ E. The court may, upon motion of an offender who is ineligible to receive a restricted license in accordance with subsection C, order that the offender (i) use a remote alcohol monitoring device for a period of time coextensive with the period of time of the prohibition imposed under subsection B and (ii) refrain from alcohol consumption during such period of time. Additionally, upon such motion and pursuant to § 18.2-271.1, the court may issue a restricted license to operate a motor vehicle for any purpose to a person who is prohibited from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system when such person is ordered to use a remote alcohol monitoring device pursuant to this subsection and has a functioning, certified ignition interlock system installed on each motor vehicle, as defined in § 46.2-100, owned by or registered to the offender, in whole or in part.

A fee of \$20 to cover court and administrative costs related to the remote alcohol monitoring device shall be paid by any such offender to the clerk of the court. The offender shall be enrolled in and supervised by an alcohol safety action program pursuant to § 18.2-271.1 and shall comply with all conditions established by regulation under § 18.2-270.2 by the Commission during the period for which the court has ordered the use of a remote alcohol monitoring device. The offender shall be further required to provide to such program, at least quarterly during the period of time the offender is ordered to use a remote alcohol monitoring device, a copy of the data from such device indicating the offender's blood alcohol content and showing attempts to circumvent or tamper with the device. The period of time during which the offender is required to use a remote alcohol monitoring device shall be calculated from the date the offender is issued a restricted license by the court; however, such period of time shall be tolled upon the expiration of the restricted license issued by the court until such time as the person is issued a restricted license by the Department.

F. The offender shall be ordered to provide the appropriate ASAP program, within 30 days of the effective date of the order of court, proof of the installation of the ignition interlock system, and, if applicable, proof that the offender is using a remote alcohol monitoring device. The Program shall require the offender to have the system and device monitored and calibrated for proper operation at least every 30 days by an entity approved by the Commission under the provisions of § 18.2-270.2 and to demonstrate proof thereof. The offender shall pay the cost of leasing or buying and monitoring and maintaining the ignition interlock system and the remote alcohol monitoring device. Absent good cause shown, the court may revoke the offender's driving privilege for failing to (i) timely install such system or use such device or (ii) have the system or device properly monitored and calibrated.

~~E.~~ G. No person shall start or attempt to start a motor vehicle equipped with an ignition interlock system for the purpose of providing an operable motor vehicle to a person who is prohibited under this section from operating a motor vehicle that is not equipped with an ignition interlock system. No person shall tamper with, or in any way attempt to circumvent the operation of, an ignition interlock system that has been installed in the motor vehicle of a person under this section. Except as authorized in subsection ~~F~~ I, no person shall knowingly furnish a motor vehicle not equipped with a functioning ignition interlock system to any person prohibited under subsection B from operating any motor vehicle which that is not equipped with such system. A violation of this subsection is punishable as a Class 1 misdemeanor.

H. No person shall tamper with, or in any way attempt to circumvent the operation of, a remote alcohol monitoring device that an offender is ordered to use under this section. A violation of this subsection is punishable as a Class 1 misdemeanor.

Any person who violates this subsection shall have his restricted license issued pursuant to subsection E, as it shall become effective on July 1, 2021, 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 in accordance with the terms of a restricted license issued pursuant to subsection E of § 18.2-271.1.

~~F.~~ I. Any person prohibited from operating a motor vehicle under subsection B may, solely in the course of his employment, operate a motor vehicle that is owned or provided by his employer without installation of an ignition interlock system, if the court expressly permits such operation as a condition of a restricted license at the request of the employer; such person shall not be permitted to operate any

other vehicle without a functioning ignition interlock system and, in no event, shall such person be permitted to operate a school bus, school vehicle, or a commercial motor vehicle as defined in § 46.2-341.4. This subsection shall not apply if such employer is an entity wholly or partially owned or controlled by the person otherwise prohibited from operating a vehicle without an ignition interlock system.

~~G.~~ *J.* The Commission shall promulgate such regulations and forms as are necessary to implement the procedures outlined in this section.

§ 18.2-270.2. Ignition interlock system and remote alcohol monitoring device; certification by Commission on VASAP; regulations; sale or lease; monitoring use; reports.

A. The Executive Director of the Commission on VASAP or his designee shall, pursuant to approval by the Commission, certify ignition interlock systems for use in ~~this~~ *the* Commonwealth and adopt regulations and forms for the installation, maintenance and certification of such ignition interlock systems.

The regulations adopted shall include requirements that ignition interlock systems:

1. Do not impede the safe operation of the vehicle;
2. Minimize opportunities to be bypassed, circumvented or tampered with, and provide evidence thereof;
3. Correlate accurately with established measures of blood alcohol content and be calibrated according to the manufacturer's specifications;
4. Work accurately and reliably in an unsupervised environment;
5. Have the capability to provide an accurate written measure of blood alcohol content for each ignition, attempted ignition, and rolling retest, and record each attempt to circumvent or tamper with the equipment;
6. Minimize inconvenience to other users;
7. Be manufactured or distributed by an entity responsible for installation, user training, service, and maintenance, and meet the safety and operational requirements promulgated by the National Highway Transportation Safety Administration;
8. Operate reliably over the range of motor vehicle environments or motor vehicle manufacturing standards;
9. Be manufactured by an entity which is adequately insured against liability, in an amount established by the Commission, including product liability and installation and maintenance errors;
10. Provide for an electronic log of the driver's experience with the system with an information management system capable of electronically delivering information to the agency supervising the interlock user within ~~twenty-four~~ 24 hours of the collection of such information from the datalogger; and
11. Provide for a rolling retest of the operator's blood alcohol content.

B. The Executive Director of the Commission on VASAP or his designee shall, pursuant to approval by the Commission, certify remote alcohol monitoring devices for use in the Commonwealth and adopt regulations and forms for the installation, maintenance, and certification of such remote alcohol monitoring devices.

C. Such regulations shall also provide for the establishment of a fund, using a percentage of fees received by the manufacturer or distributor providing ignition interlock services or remote alcohol monitoring devices, to afford persons found by the court to be indigent all or part of the costs of an ignition interlock system or remote alcohol monitoring device.

D. The Commission shall design and adopt a warning label to be affixed to an ignition interlock system or remote alcohol monitoring device upon installation. The warning label shall state that a person tampering with, or attempting to circumvent the ignition interlock system shall be or remote alcohol monitoring device is guilty of a Class 1 misdemeanor and, upon conviction, shall be subject to a fine or incarceration or both.

E. The Commission shall publish a list of certified ignition interlock systems and remote alcohol monitoring devices and shall ensure that such systems and devices are available throughout the Commonwealth. The local alcohol safety action program shall make the list available to eligible offenders, who shall have the responsibility and authority to choose which certified ignition interlock company and certified remote alcohol monitoring company will supply the offender's equipment. A manufacturer or distributor of an ignition interlock system or a remote alcohol monitoring device that seeks to sell or lease the ignition interlock system or remote alcohol monitoring device to persons subject to the provisions of § 18.2-270.1 shall pay the reasonable costs of obtaining the required certification, as set forth by the Commission.

~~B.~~ *F.* A person may not sell or lease or offer to sell or lease an ignition interlock system or a remote alcohol monitoring device to any person subject to the provisions of § 18.2-270.1 unless:

1. The system or device has been certified by the Commission; and
2. The warning label adopted by the Commission is affixed to the system.

~~C.~~ *G.* A manufacturer or distributor of an ignition interlock system or remote alcohol monitoring device shall provide such services as may be required at no cost to the Commonwealth. Such services shall include a toll free, ~~twenty-four-hour~~ 24-hour telephone number for the users of ignition interlock

systems or remote alcohol monitoring devices.

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

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

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

C. Upon conviction of a violation of § 18.2-266 or any ordinance of a county, city or town similar to the provisions thereof, or subsection A of § 46.2-341.24, the court shall impose the sentence authorized by § 18.2-270 or 46.2-341.28 and the license revocation as authorized by § 18.2-271. In addition, if the conviction was for a second offense committed within less than 10 years after a first such offense, the court shall order that restoration of the person's license to drive be conditioned upon the installation of an ignition interlock system on each motor vehicle, as defined in § 46.2-100, owned by or registered to the person, in whole or in part, for a period of six months beginning at the end of the three year license revocation, unless such a system has already been installed for six months prior to that time pursuant to a restricted license order under subsection E. Upon a finding that a person so convicted is required to participate in the program described herein, the court shall enter the conviction on the warrant, and shall note that the person so convicted has been referred to such program. The court may then proceed to issue an order in accordance with subsection E, if the court finds that the person so convicted is eligible for a restricted license. If the court finds good cause for a person not to participate in such program or subsequently that such person has violated, without good cause, any of the conditions set forth by the court in entering the program, the court shall dispose of the case as if no 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. The period of time during which the person (i) is prohibited from operating a motor vehicle that is not equipped with an ignition interlock system ~~or~~, (ii) is required to have an ignition interlock system installed on each motor vehicle owned by or registered to the person, in whole or in part, or (iii) is required to use a remote alcohol monitoring device shall be calculated from the date the person is issued a restricted license by the court; however, such period of time shall be tolled upon the expiration of the restricted license issued by the court until such time as the person is issued a restricted license by the Department of Motor Vehicles. 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 and that, upon entry into such program, he be issued an order in accordance with subsection E. 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 as to the period of license suspension or revocation imposed pursuant to § 46.2-389 or subsection A of § 46.2-391. The court (i) 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, and (ii) may, upon request of such person and as a condition of a restricted license, require such person to use a remote alcohol monitoring device in accordance with the provisions of subsection E of § 18.2-270.1, as it shall become effective on July 1, 2021. 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. The period of time during which the person (a) is prohibited from operating a motor vehicle that is not equipped with an ignition interlock system or (b) is required to use a remote alcohol monitoring device shall be calculated from the date the person is issued a restricted license by the court; however, such period of time shall be tolled upon the expiration of the restricted license issued by the court until such time as the person is issued a restricted license by 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 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; (xiii) travel to and from the facility that installed or monitors the ignition interlock in the person's vehicle; ~~or~~ (xiv) travel to and from a job interview for which he maintains on his person written proof from the prospective employer of the date, time, and location of the job interview; or (xv) travel to and from the offices of the Virginia Employment Commission for the purpose of seeking employment. However, (a) any such person who is eligible to receive a restricted license as provided in subsection C of § 18.2-270.1 or (b) any such person ordered to use a remote alcohol monitoring device pursuant to subsection E of § 18.2-270.1, as it shall become effective on July 1, 2021, who has a functioning, certified ignition interlock system as required by law may be issued a restricted permit to operate a motor vehicle for any lawful purpose. 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 permit is issued as is reasonably necessary to identify such person. The court shall also provide a copy of its order to the

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

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

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

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

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

§ 18.2-272. Driving after forfeiture of license.

A. Any person who drives or operates any motor vehicle, engine or train in the Commonwealth during the time for which he was deprived of the right to do so (i) upon conviction of a violation of § 18.2-268.3 or 46.2-341.26:3 or of an offense set forth in subsection E of § 18.2-270, (ii) by § 18.2-271 or 46.2-391.2, (iii) after his license has been revoked pursuant to § 46.2-389 or 46.2-391, or (iv) in violation of the terms of a restricted license issued pursuant to subsection E of § 18.2-271.1, *subsection C of § 18.2-270.1, or subsection E of § 18.2-270.1, as it shall become effective on July 1, 2021*, is guilty of a Class 1 misdemeanor except as otherwise provided in § 46.2-391, and is subject to administrative revocation of his driver's license pursuant to §§ 46.2-389 and 46.2-391. Any person convicted of three violations of this section committed within a 10-year period is guilty of a Class 6 felony.

Nothing in this section or § 18.2-266, 18.2-270, or 18.2-271 shall be construed as conflicting with or repealing any ordinance or resolution of any city, town or county which restricts still further the right of such persons to drive or operate any such vehicle or conveyance.

B. Regardless of compliance with any other restrictions on his privilege to drive or operate a motor vehicle, it shall be a violation of this section for any person whose privilege to drive or operate a motor vehicle has been restricted, suspended or revoked because of a violation of § 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-268.3, 46.2-341.24, or 46.2-341.26:3 or a similar ordinance or law of another state or the United States to drive or operate a motor vehicle while he has a blood alcohol content of 0.02 percent or more.

Any person suspected of a violation of this subsection shall be entitled to a preliminary breath test in accordance with the provisions of § 18.2-267, shall be deemed to have given his implied consent to have samples of his blood, breath or both taken for analysis pursuant to the provisions of § 18.2-268.2, and, when charged with a violation of this subsection, shall be subject to the provisions of §§ 18.2-268.1 through 18.2-268.12.

C. Any person who drives or operates a motor vehicle without a certified ignition interlock system as required by § 46.2-391.01 is guilty of a Class 1 misdemeanor and is subject to administrative revocation of his driver's license pursuant to §§ 46.2-389 and 46.2-391.

D. Any person who drives or operates a motor vehicle who has tampered with, or in any way attempted to circumvent the operation of, a remote alcohol monitoring device that an offender is ordered to use under § 18.2-270.1 is not guilty of a violation of this section but is guilty of a violation of subsection H of § 18.2-270.1.

2. That the provisions of subsection E of § 18.2-270.1 of the Code Virginia, as amended and reenacted by this act, shall become effective on July 1, 2021.

3. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 341

An Act to amend and reenact §§ 18.2-268.3 and 46.2-391.2 of the Code of Virginia, relating to refusal of tests; restricted license.

[H 34]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-268.3 and 46.2-391.2 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-268.3. Refusal of tests; penalties; procedures.

A. It is unlawful for a person who is arrested for a violation of § 18.2-266 or 18.2-266.1 or subsection B of § 18.2-272 or of a similar ordinance to unreasonably refuse to have samples of his breath taken for chemical tests to determine the alcohol content of his blood as required by § 18.2-268.2, and any person who so unreasonably refuses is guilty of a violation of this subsection, which is punishable as follows:

1. A first violation is a civil offense. For a first offense, the court shall suspend the defendant's privilege to drive for a period of one year. This suspension period is in addition to the suspension period provided under § 46.2-391.2.

2. If a person is found to have violated this subsection and within 10 years prior to the date of the refusal he was found guilty of any of the following: a violation of this section, a violation of § 18.2-266, or a violation of any offense listed in subsection E of § 18.2-270 arising out of separate occurrences or incidents, he is guilty of a Class 1 misdemeanor. A conviction under this subdivision shall of itself operate to deprive the person of the privilege to drive for a period of three years from the date of the judgment of conviction. This revocation period is in addition to the suspension period provided under § 46.2-391.2.

B. It is unlawful for a person who is arrested for a violation of § 18.2-266 or 18.2-266.1 or subsection B of § 18.2-272 or of a similar ordinance to unreasonably refuse to have samples of his blood taken for chemical tests to determine the alcohol or drug content of his blood as required by § 18.2-268.2 and any person who so unreasonably refuses is guilty of a violation of this subsection, which is a civil offense and is punishable as follows:

1. For a first offense, the court shall suspend the defendant's privilege to drive for a period of one year. This suspension period is in addition to the suspension period provided under § 46.2-391.2.

2. If a person is found to have violated this subsection and within 10 years prior to the date of the refusal he was found guilty of any of the following: a violation of this section, a violation of § 18.2-266, or a violation of any offense listed in subsection E of § 18.2-270 arising out of separate occurrences or incidents, such violation shall of itself operate to deprive the person of the privilege to drive for a period of three years from the date of the judgment. This revocation period is in addition to the suspension period provided under § 46.2-391.2.

C. When a person is arrested for a violation of § 18.2-51.4, 18.2-266, or 18.2-266.1 or subsection B of § 18.2-272 or of a similar ordinance and such person refuses to permit blood or breath or both blood and breath samples to be taken for testing as required by § 18.2-268.2, the arresting officer shall advise the person, from a form provided by the Office of the Executive Secretary of the Supreme Court (i) that a person who operates a motor vehicle upon a highway in the Commonwealth is deemed thereby, as a condition of such operation, to have consented to have samples of his blood and breath taken for chemical tests to determine the alcohol or drug content of his blood, (ii) that a finding of unreasonable refusal to consent may be admitted as evidence at a criminal trial, (iii) that the unreasonable refusal to do so constitutes grounds for the revocation of the privilege of operating a motor vehicle upon the highways of the Commonwealth, (iv) of the civil penalties for unreasonable refusal to have blood or breath or both blood and breath samples taken, and (v) of the criminal penalty for unreasonable refusal to have breath samples taken within 10 years of a prior conviction for driving while intoxicated or unreasonable refusal, which is a Class 1 misdemeanor. The form from which the arresting officer shall advise the person arrested shall contain a brief statement of the law requiring the taking of blood or breath samples, a statement that a finding of unreasonable refusal to consent may be admitted as evidence at a criminal trial, and the penalties for refusal. The Office of the Executive Secretary of the Supreme Court shall make the form available on the Internet and the form shall be considered an official publication of the Commonwealth for the purposes of § 8.01-388.

D. The arresting officer shall, under oath before the magistrate, execute the form and certify (i) that the defendant has refused to permit blood or breath or both blood and breath samples to be taken for testing; (ii) that the officer has read the portion of the form described in subsection C to the arrested

person; (iii) that the arrested person, after having had the portion of the form described in subsection C read to him, has refused to permit such sample or samples to be taken; and (iv) how many, if any, violations of this section, § 18.2-266, or any offense described in subsection E of § 18.2-270 the arrested person has been convicted of within the last 10 years. Such sworn certification shall constitute probable cause for the magistrate to issue a warrant or summons charging the person with unreasonable refusal. The magistrate shall attach the executed and sworn advisement form to the warrant or summons. The warrant or summons for a first offense under subsection A or any offense under subsection B shall be executed in the same manner as a criminal warrant or summons. If the person arrested has been taken to a medical facility for treatment or evaluation of his medical condition, the arresting officer may read the advisement form to the person at the medical facility, and issue, on the premises of the medical facility, a summons for a violation of this section in lieu of securing a warrant or summons from the magistrate. The magistrate or arresting officer, as the case may be, shall forward the executed advisement form and warrant or summons to the appropriate court.

E. A defendant who is found guilty of a first offense and whose license is suspended pursuant to subdivision A 1 or B 1 may petition the court 30 days after the date of conviction for a restricted license and the court may, for good cause shown, provide that the defendant is issued a restricted license during the remaining period of suspension, or any portion thereof, for any of the purposes set forth in subsection E of § 18.2-271.1. 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.). If the court grants such petition and issues the defendant a restricted license, the court shall order (i) that reinstatement of the defendant's license to drive be conditioned upon (a) the installation of an ignition interlock system on each motor vehicle, as defined in § 46.2-100, owned by or registered to the person, in whole or in part, 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 the interlock requirements and (b) the requirement that such person not operate any motor vehicle that is not equipped with such a system for the period of time that the interlock restriction is in effect and (ii) that, as a condition of probation or otherwise, the defendant enter into and successfully complete an alcohol safety action program in the judicial district in which such charge is brought or in any other judicial district upon such terms and conditions as the court may set forth. However, upon motion of a person convicted of any such offense following an assessment of the person conducted by an alcohol safety action program, the court, for good cause, may decline to order participation in such a program if the assessment conducted by the alcohol safety action program indicates that intervention is not appropriate for such person. In no event shall such persons be permitted to enter any such program that is not certified as meeting minimum standards and criteria established by the Commission on the Virginia Alcohol Safety Action Program (VASAP) pursuant to this section and to § 18.2-271.2. The court shall require the person entering such program under the provisions of this section to pay a fee of no less than \$250 but no more than \$300. A reasonable portion of such fee, as may be determined by the Commission on VASAP, but not to exceed 10 percent, shall be forwarded monthly to be deposited with the State Treasurer for expenditure by the Commission on VASAP, and the balance shall be held in a separate fund for local administration of driver alcohol rehabilitation programs. Upon a positive finding that the defendant is indigent, the court may reduce or waive the fee. In addition to the costs of the proceeding, fees as may reasonably be required of defendants referred for intervention under any such program may be charged.

If the court grants a restricted license to any person pursuant to this section, the court shall order such person to surrender his driver's license 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. This order shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify such person. The court shall also provide a copy of its order to such person who may operate a motor vehicle on the order until receipt from the Commissioner of the Department of Motor Vehicles of a restricted license, but only if the order provides for a restricted license for that period. A copy of the order and, after receipt thereof, the restricted license shall be carried at all times by such person while operating a motor vehicle. The period of time during which the person is prohibited from operating a motor vehicle that is not equipped with an ignition interlock system shall be calculated from the date the person is issued a restricted license by the court; however, such period of time shall be tolled upon the expiration of the restricted license issued by the court until such time as the person is issued a restricted license by the Department of Motor Vehicles. Any person who operates a motor vehicle in violation of any restrictions imposed pursuant to this section shall be guilty of a violation of § 18.2-272. The provisions of subsection F of § 18.2-271.1 shall apply to this subsection mutatis mutandis, except as herein provided.

F. Notwithstanding any other provisions of this section or of § 18.2-271.1, 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.).

District Court Forms	DC-286	DISPOSITION ORDER – UNIFORM SUMMONS
	DC-312	WARRANT OF ARREST – FELONY
	DC-314	WARRANT OF ARREST – MISDEMEANOR (STATE)
	DC-315	WARRANT OF ARREST – MISDEMEANOR (LOCAL)
	DC-319	SUMMONS
	DC-420	MOTION FOR SHOW CAUSE SUMMONS OR CAPIAS
	DC-635	MOTION FOR SHOW CAUSE SUMMONS OR CAPIAS

Abstract

Senate Bill 133 created a new statute that provides that in any criminal case, with certain exceptions, the court may defer proceedings for particular defendants, upon either a plea of guilty or not guilty, place the defendant on probation with terms and conditions, and dismiss the case. The new statute is limited to those defendants who have been diagnosed with an autism spectrum disorder or an intellectual disability and where the court finds by clear and convincing evidence that the criminal conduct was caused by or had a direct relationship to the defendant’s disorder or disability. The forms above were revised to include reference to the new statute.

Source	Senate Bill 133 (Chapter 1004, effective July 1, 2020)
Revision	Legislative
Form Type	Masters

DISPOSITION ORDER—UNIFORM SUMMONS

Summons No. Case No.

Hearing
Date and
Time

.....
NAME OF COURT

The Accused this day:
 tried in absence present with parent/legal guardian

.....
 PROSECUTING ATTORNEY PRESENT (NAME)

.....
 DEFENDANT'S ATTORNEY PRESENT (NAME)
 NO ATTORNEY ATTORNEY WAIVED
 If convicted, no jail sentence will be imposed.

INTERPRETER PRESENT

Plea of Accused: Waived trial and prepaid fines and costs pursuant to Rule 3:B/3:C

Nolo Contendere Guilty Plea voluntary and intelligently entered after the defendant was apprised of his right against compulsory self-incrimination and his right to confront the witness against him.
 Not Guilty Witnesses Sworn
 Plea and Recommendation

And was TRIED and FOUND by me:

Not Guilty Guilty as Charged Finding Sufficient - Deferred
 §

Guilty of

And was FOUND by me to be:

driving a commercial motor vehicle carrying hazardous materials
 a Commercial Driver's License Holder
 Offense: resulted in a fatality in a Highway Safety Corridor
 I ORDER a nolle prosequi on prosecution's motion
 I ORDER the charge dismissed with prejudice
 conditioned upon payment of costs and
 successful completion of traffic school or a driver improvement clinic mature driver school, § 16.1-69.48:1.
 accord and satisfaction, § 19.2-151.
 compliance with law, § 16.1-69.48:1(A)(vi).
 under §§ 4.1-305, 18.2-57.3, 18.2-251, ~~or~~ 19.2-303.2, or 19.2-303.6.

Guilty – upon a violation of a term or condition of a deferred adjudication/disposition.

I impose the following Disposition:

FINE CIVIL PENALTY of \$ with \$ suspended
 JAIL SENTENCE of imposed, of which days mandatory minimum, with suspended for a period of, conditioned upon being of good behavior, keeping the peace, obeying this order and paying fines and costs.
 Serve jail sentence beginning on weekends only
 Work release authorized if eligible required not authorized
 Public work force authorized not authorized

Court Date/Time:		Defendant Name: (Last, First, Middle)						
Courtroom Number:								
Charge:			Street Address: <input type="checkbox"/> Change from DL					
Law Section:		Case Type:		City		State	Zip Code	
Mailing Address If Different:								
Locality:		Race	Sex	DOB				
Amended Charge:		Driver's License Number/DL State:			Plate Number:			
Law Section:		Offense Date:		CDL	CMV	HAZ	FAT	HSC
Agency:		Complainant Name/Unit Number:						
Offense Tracking Number:								
FOR ADMINISTRATIVE USE ONLY Virginia Crime Code:								

- On Probation for
- VASAP local community-based probation agency
- Other
- Monitoring by GPS/other tracking device
- Driver's License suspended for
- Restricted Driver's License per attached order
- Ignition Interlock for
- RESTITUTION order incorporated
- Restitution payment is a condition of suspended sentence
- COMMUNITY SERVICE hours to be completed by and supervised by
 to be credited against fines and costs
- Pay \$50 fee to the Court for Trauma Center Fund
- Other
- Submit to FINGERPRINTING and photograph per attached order
- Remanded for FINGERPRINTING/CCRE Report

- DNA order incorporated
- Bail on Appeal

FINE	
Locality	\$
COSTS	
001 INT CRIM CHILD FEE	\$
113 WITNESS FEE	\$
114/129/237 CIVIL PENALTY	\$
460 FIXED TRAFFIC INFRACTION FEE	\$
461 FIXED MISDEMEANOR FEE	\$
462 FIXED DRUG MISD FEE	\$
120/217 CT.APPT. ATTY	\$
121 TRIED IN ABSENCE FEE	\$
137 TIME TO PAY	\$
192 TRAUMA CENTER FEE	\$
223 LIQUIDATED DAMAGES	\$
228 COURTHOUSE CONSTRUCTION	\$
234 JAIL ADMISSION FEE	\$
243 LOCAL TRNG ACAD FEE	\$
244 COURTHOUSE SECURITY FEE	\$
OTHER (SPECIFY)	\$
.....	\$
TOTAL	\$

WAIVER OF PRELIMINARY HEARING

Understanding my right to a preliminary hearing before the Court named in this warrant to determine whether there is probable cause to believe that I committed a felony AND, having the consequences of my waiver explained to me by the Judge of this Court, I nevertheless WAIVE MY RIGHT TO A PRELIMINARY HEARING on the felony charged in this warrant. Certified to the Circuit Court of this jurisdiction.

 ACCUSED

 ATTORNEY FOR ACCUSED

 DATE

 JUDGE

Offense Tracking Number:

Preliminary Hearing Costs	
120 Ct. Appt. Atty	\$
113 Court Reporter	.....
113 Witness	.....
.....
TOTAL	.....

The named Accused ~~named within~~ was brought before me or appeared this day, ~~and a~~ Upon hearing the evidence, I order the case certified to the grand jury of this jurisdiction, at its next term date, having found probable cause to believe that the Accused committed the felony charged in this warrant.

Bail on certification \$

I ORDER the accused discharged at preliminary hearing and the charge is dismissed.

The charge was reduced to
 The Accused was this day: tried in absence present

PROSECUTING ATTORNEY PRESENT (NAME) _____

DEFENDANT'S ATTORNEY PRESENT (NAME) _____
 NO ATTORNEY ATTORNEY WAIVED

Interpreter present Witnesses sworn
 Certified pursuant to § 19.2-190.1.

Plea of Accused: not guilty guilty nolo contendere
 Plea voluntarily and intelligently entered after the defendant was apprised of his right against compulsory self-incrimination and his right to confront the witnesses against him.

Plea and Recommendation

And was TRIED and FOUND by me:
 not guilty guilty as charged
 guilty of
 VCC
 facts sufficient to find guilt but defer adjudication/disposition to
 DATE AND TIME
 and place accused on probation, §§ 4.1-305, 18.2-57.3, 18.2-251, ~~or~~ 19.2-303.2 or 19.2-303.6.
 A separate order for First Offender is attached and incorporated in this order.

Guilty – upon a violation of a term or condition of a deferred adjudication/disposition.

I impose the following Disposition:

FINE of \$ with \$ suspended

JAIL SENTENCE of imposed,
 of which days mandatory minimum, with suspended for a period of, conditioned upon being of good behavior, keeping the peace, obeying this order and paying fines and costs. Credit is allowed pursuant to § 53.1-187 for time spent in confinement.

Serve jail sentence beginning
 on weekends only

Work release authorized if eligible required not authorized

Public work force authorized not authorized

on PROBATION for
 VASAP local community-based probation agency
 Monitoring by GPS/other tracking device

DRIVER'S LICENSE suspended for
 Restricted Driver's License per attached order

Ignition interlock for

RESTITUTION order incorporated
 Restitution payment is a condition of suspended sentence

COMMUNITY SERVICE hours to be completed by and supervised by
 to be credited against fines and costs

Contact prohibited between defendant and victim/victim's family or household members

Reimburse Commonwealth for investigatory medical fees
 Pay \$50 fee to the Court for Trauma Center Fund

Other.....

.....
 Submit to FINGERPRINTING and photograph per attached order
 Remanded for FINGERPRINTING/CCRE Report

DNA order incorporated

Bail on Appeal \$

 DATE

 JUDGE

FINE

COSTS

461 FIXED MISD FEE

462 FIXED DRUG MISD FEE

001 INT CRIM CHILD FEE

113 WITNESS FEE

113 IGNITION INTERLOCK

113 DUI FEE

113

120 CT. APPT. ATTY

121 TRIAL IN ABSENCE FEE

125 WEIGHING FEE

133 BLOOD TEST FEE

137 TIME TO PAY

192 TRAUMA CENTER FEE

228 COURTHOUSE CONSTRUCTION FEE

234 JAIL ADMISSION FEE

243 LOCAL TRAINING ACADEMY FEE

244 COURTHOUSE SECURITY FEE

OTHER (SPECIFY)

.....

TOTAL \$

Stay of the proceedings pursuant to § 16.1-131.1

 DATE

 JUDGE

And was FOUND by me to be: carrying hazardous materials
 driving a commercial motor vehicle

I ORDER a nolle prosequi on the prosecution's motion

I ORDER the charge dismissed with prejudice
 conditioned upon payment of costs and
 successful completion of traffic school
 mature driver school, § 16.1-69.48:1.
 accord and satisfaction, § 19.2-151.
 under §§ 4.1-305, 18.2-57.3, 18.2-251, ~~or~~ 19.2-303.2 or 19.2-303.6.

 DATE

 JUDGE

The Accused was this day:

tried in absence present

 PROSECUTING ATTORNEY PRESENT (NAME)

 DEFENDANT'S ATTORNEY PRESENT (NAME)
 NO ATTORNEY ATTORNEY WAIVED
 If convicted, no jail sentence will be imposed.

INTERPRETER PRESENT
 Certified pursuant to § 19.2-190.1.

Plea of Accused:
 not guilty Witnesses sworn
 nolo contendere
 guilty Plea voluntarily and intelligently entered after the defendant was apprised of his right against compulsory self-incrimination and his right to confront the witnesses against him.

Plea and Recommendation

And was TRIED and FOUND by me:

not guilty guilty as charged
 guilty of _____
VCC _____

facts sufficient to find guilt but defer adjudication/
disposition to _____

DATE AND TIME
and place accused on probation, §§ 4.1-305, 18.2-57.3,
18.2-251, ~~or~~ 19.2-303.2, or 19.2-303.6.

A separate order for First Offender is attached and
incorporated in this order.

Costs imposed upon defendant.

DATE JUDGE

And was FOUND by me to be:

driving a commercial motor vehicle
 carrying hazardous materials

I ORDER a nolle prosequi on prosecution's motion

I ORDER the charge dismissed with prejudice
 conditioned upon payment of costs and
 successful completion of traffic school
 mature driver school, § 16.1-69.48:1.

accord and satisfaction, § 19.2-151.

under §§ 4.1-305, 18.2-57.3, 18.2-251, ~~or~~ 19.2-
303.2 or 19.2-303.6.

Guilty – upon a violation of a term or condition of a
deferred adjudication/disposition.

I impose the following Disposition:

FINE CIVIL PENALTY of \$ _____
with \$ _____ suspended

JAIL SENTENCE of _____
imposed, of which _____ days
mandatory minimum, with _____ suspended
for a period of _____, conditioned
upon being of good behavior, keeping the peace, obeying this
order and paying fines and costs.

Credit is allowed pursuant to § 53.1-187 for time spent in
confinement.

Serve jail sentence beginning _____
 on weekends only

Work release authorized if eligible required
 not authorized

Public work force authorized not authorized

on PROBATION for _____
 VASAP local community-based probation agency
 Monitoring by GPS/other tracking device

DRIVER'S LICENSE suspended for _____

Restricted Driver's License per attached order
 Ignition Interlock for _____

RESTITUTION order incorporated
 Restitution payment is a condition of suspended sentence

COMMUNITY SERVICE _____ hours to be completed by
_____ and supervised by _____
 to be credited against fines and costs

Contact prohibited between defendant and victim/
victim's family or household members

Reimburse Commonwealth for investigatory medical fees

Pay \$50 fee to the Court for Trauma Center Fund

Other: _____

Submit to FINGERPRINTING and photograph per attached
order

Remanded for FINGERPRINTING/CCRE Report

DNA order incorporated

Bail on Appeal \$ _____

DATE JUDGE

Offense Tracking Number: _____

FINE

_____ \$ _____
LOCALITY

COSTS

461 FIXED MISD FEE _____

462 FIXED DRUG MISD FEE _____

001 INT CRIM CHILD FEE _____

113 WITNESS FEE _____

113 IGNITION INTERLOCK _____

113 DUI FEE _____

113 _____

120 CT. APPT. ATTY _____

121 TRIAL IN ABSENCE FEE _____

125 WEIGHING FEE _____

133 BLOOD TEST FEE _____

137 TIME TO PAY _____

192 TRAUMA CENTER FEE _____

228 COURTHOUSE
CONSTRUCTION FEE _____

234 JAIL ADMISSION FEE _____

243 LOCAL TRAINING
ACADEMY FEE _____

244 COURTHOUSE
SECURITY FEE _____

OTHER (SPECIFY) _____

TOTAL \$ _____

Stay of the proceedings pursuant to § 16.1-131.1

DATE JUDGE

WARRANT OF ARREST—MISDEMEANOR (LOCAL)

COMMONWEALTH OF VIRGINIA Va. Code § 19.2-71, -72

General District Court Criminal Traffic

CITY OR COUNTY

Juvenile and Domestic Relations District Court

City County Town

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and bring the Accused before this Court to answer the charge that the Accused, within this city or county, on or about _____ did unlawfully in violation of Section _____

DATE

_____, Code or Ordinances of this city, county or town:

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of _____

_____, Complainant.

Execution by summons permitted at officer's discretion. not permitted.

DATE AND TIME ISSUED

CLERK MAGISTRATE JUDGE

SUMMONS (If authorized above and by serving officer)

You are hereby commanded to appear before this court located at _____

on _____ at _____ AM/PM.

I promise to appear in accordance with this Summons and certify that my mailing address as shown at right is correct.

ACCUSED

WARNING TO ACCUSED: You may be tried and convicted in your absence if you fail to appear in response to this Summons. Willful failure to appear is a separate offense.

SIGNING THIS NOTICE DOES NOT CONSTITUTE AN ADMISSION OF GUILT.

CASE NO.

ACCUSED:

LAST NAME, FIRST NAME, MIDDLE NAME

ADDRESS/LOCATION

To be completed upon service as Summons

Mailing address Same as above

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			

SSN

DL#

STATE

Commercial Driver's License

CLASS _____ MISDEMEANOR

- EXECUTED by arresting the Accused named above on this day:
- EXECUTED by summoning the Accused named above on this day:
- For legal entities other than individuals, service pursuant to Va. Code § 19.2-76.

DATE AND TIME OF SERVICE

_____, ARRESTING OFFICER

BADGE NO., AGENCY AND JURISDICTION

for _____ SHERIFF

Attorney for the Accused:

Short Offense Description (not a legal definition):

Offense Tracking Number:

FOR ADMINISTRATIVE USE ONLY

Virginia Crime Code:

L

Hearing Date/Time

LOCAL

The Accused was this day:

tried in absence present

PROSECUTING ATTORNEY PRESENT (NAME)

DEFENDANT'S ATTORNEY PRESENT (NAME)

NO ATTORNEY ATTORNEY WAIVED

If convicted, no jail sentence will be imposed

INTERPRETER PRESENT

Certified pursuant to § 19.2-190.1.

Plea of Accused:

not guilty Witnesses sworn

nolo contendere

guilty Plea voluntarily and intelligently entered after the defendant was apprised of his right against compulsory self-incrimination and his right to confront the witnesses against him.

Plea and Recommendation

And was TRIED and FOUND by me:

not guilty guilty as charged

guilty of
VCC

facts sufficient to find guilt but defer adjudication/disposition to

DATE AND TIME
and place accused on probation, §§ 4.1-305, 18.2-57.3, 18.2-251, ~~or~~ 19.2-303.2, or 19.2-303.6.

A separate order for First Offender is attached and incorporated in this order.

Costs imposed upon defendant.

DATE JUDGE

And was FOUND by me to be:

driving a commercial motor vehicle

carrying hazardous materials

I ORDER a nolle prosequi on prosecution's motion

I ORDER the charge dismissed with prejudice

conditioned upon payment of costs and

successful completion of

traffic school

mature driver school, § 16.1-69.48:1.

accord and satisfaction, § 19.2-151.

under §§ 4.1-305, 18.2-57.3, 18.2-251, ~~or~~ 19.2-303.2, or 19.2-303.6.

DATE JUDGE

Guilty – upon a violation of a term or condition of a deferred adjudication/disposition.

I impose the following Disposition:

FINE CIVIL PENALTY of \$
with \$ suspended

JAIL SENTENCE of
imposed, of which days
mandatory minimum, with suspended

for a period of, conditioned upon being of good behavior, keeping the peace, obeying this order and paying fines and costs. Credit is allowed pursuant to § 53.1-187 for time spent in confinement.

Serve jail sentence beginning
 on weekends only

Work release authorized if eligible required
 not authorized

Public work force authorized not authorized

on PROBATION for
 VASAP local community-based probation agency
 Monitoring by GPS/other tracking device

DRIVER'S LICENSE suspended for
 Restricted Driver's License per attached order

Ignition Interlock for

RESTITUTION order incorporated
 Restitution payment is a condition of suspended sentence

COMMUNITY SERVICE hours to be completed by

and supervised by
 to be credited against fines and costs

Contact prohibited between defendant and victim/ victim's family or household members

Other:

Reimburse Commonwealth for investigatory medical fees

Pay \$50 to the Court for Trauma Center Fund

Submit to FINGERPRINTING and photograph per attached order

Remanded for FINGERPRINTING/CCRE Report

DNA order incorporated

Bail on Appeal \$

DATE JUDGE

Offense Tracking Number:

FINE

..... \$
LOCALITY

COSTS

223 LIQUIDATED DAMAGES

461 FIXED MISD FEE

462 FIXED DRUG MISD FEE

001 INT CRIM CHILD FEE

113 WITNESS FEE

113 IGNITION INTERLOCK

113 DUI FEE

113

121 TRIAL IN ABSENCE FEE

133 BLOOD TEST FEE

137 TIME TO PAY

192 TRAUMA CENTER FEE

202 WITNESS FEE

217 CT. APPT. ATTY

228 COURTHOUSE
CONSTRUCTION FEE

234 JAIL ADMISSION FEE

243 LOCAL TRAINING
ACADEMY FEE

244 COURTHOUSE
SECURITY FEE

OTHER (SPECIFY):

TOTAL \$

Stay of the proceedings pursuant to § 16.1-131.1

DATE JUDGE

SUMMONS

COMMONWEALTH OF VIRGINIA Va. Code § 19.2-73; Rule 3A: 4

CITY OR COUNTY

[] General District Court [] Juvenile and Domestic Relations District Court

STREET ADDRESS OF COURT

[] Commonwealth of Virginia [] City [] County [] Town of

TO THE ACCUSED:

You are hereby commanded to appear before this Court on

DATE AND TIME OF HEARING

to answer the charge that on or about

DATE

within this [] Town of [] CITY [] COUNTY you did unlawfully

in violation of Section, [] Code of Virginia (OR) [] Ordinances of this City, County or Town.

YOU MUST APPEAR in court at the time and place shown above and appear at all other times and places and before any court or judge to which this case may be rescheduled, continued, transferred or appealed.

WARNING TO THE ACCUSED: You may be tried and convicted in your absence if you fail to appear in response to this summons. Willful failure to appear for a misdemeanor charge is a separate offense.

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of, Complainant.

DATE AND TIME ISSUED

[] CLERK [] MAGISTRATE [] JUDGE

CASE NO.

ACCUSED:

LAST NAME, FIRST NAME, MIDDLE NAME

ADDRESS/LOCATION

To be completed upon service as Summons

Mailing address Same as above

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			

SSN

DL#

STATE

Commercial Driver's License

CLASS _____ MISDEMEANOR

- EXECUTED by delivering a true copy of this summons to the Accused in person today.
- For legal entities other than individuals, service pursuant to Va. Code § 19.2-76.
- The Accused certified to me the above mailing address.

DATE AND TIME OF SERVICE

ARRESTING OFFICER

BADGE NO., AGENCY AND JURISDICTION

for

SHERIFF

Attorney for the Accused:

Short Offense Description (not a legal definition):

Offense Tracking Number:

FOR ADMINISTRATIVE USE ONLY

Virginia Crime Code:

S

Hearing Date/Time

SUMMONS

The Accused was this day: tried in absence present

PROSECUTING ATTORNEY PRESENT (NAME)

DEFENDANT'S ATTORNEY PRESENT (NAME)

NO ATTORNEY ATTORNEY WAIVED

If convicted, no jail sentence will be imposed

INTERPRETER PRESENT

Certified pursuant to § 19.2-190.1.

Plea of Accused:

not guilty Witnesses sworn

nolo contendere

guilty Plea voluntarily and intelligently entered after the defendant was apprised of his right against compulsory self-incrimination and his right to confront the witnesses against him.

Plea and Recommendation

And was TRIED and FOUND by me:

not guilty guilty as charged

guilty of
VCC.....

facts sufficient to find guilt but defer adjudication/
disposition to

DATE AND TIME

and place accused on probation,

§§ 4.1-305, 18.2-57.3, 18.2-251, ~~or~~ 19.2-303.2, or
19.2-303.6.

A separate order for First Offender is attached
and incorporated in this order.

Costs imposed upon defendant.

DATE

JUDGE

And was FOUND by me to be:

driving a commercial motor vehicle

carrying hazardous materials

I ORDER a nolle prosequi on prosecution's motion

I ORDER the charge dismissed with prejudice

conditioned upon payment of costs and

successful completion of traffic school

mature driver school, § 16.1-69.48:1.

compliance with law, § 16.1-69.48:1(A)(vi).

accord and satisfaction, § 19.2-151.

under §§ 4.1-305, 18.2-57.3, 18.2-251, ~~or~~ 19.2-
303.2, or 19.2-303.6.

DATE

JUDGE

Guilty – upon a violation of a term or condition of a
deferred adjudication/disposition.

I impose the following Disposition:

FINE CIVIL PENALTY of \$
with \$ suspended

JAIL SENTENCE of
imposed, of which days
mandatory minimum with suspended
for a period of, conditioned
upon being of good behavior, keeping the peace, obeying this
order and paying fines and costs.

Pursuant to § 53.1-187, credit is granted for pre-trial detention.

Serve jail sentence beginning
 on weekends only

Work release authorized if eligible required
 not authorized

Public work force authorized not authorized

on PROBATION for
 VASAP local community-based probation agency
 Monitoring by GPS/other tracking device

DRIVER'S LICENSE suspended for
.....

Restricted Driver's License per attached order
 Ignition Interlock for

RESTITUTION order incorporated
 Restitution payment is a condition of suspended
sentence

COMMUNITY SERVICE hours to be
completed by
and supervised by
 to be credited against fines and costs

Contact prohibited between defendant and victim/victim's
family or household members

Reimburse Commonwealth for investigatory medical fees

Pay \$50 fee to the Court for Trauma Center Fund

Other:
.....

Submit to FINGERPRINTING and photograph per attached
order

Remanded for FINGERPRINTING/CCRE Report

DNA order incorporated

Bail on Appeal \$

DATE

JUDGE

Offense Tracking Number:

FINE

..... \$
LOCALITY

COSTS

461 FIXED MISD FEE

462 FIXED DRUG MISD FEE

460 FIXED TRAFFIC
INFRACTION FEE

001 INT CRIM CHILD FEE

113 WITNESS FEE

113 IGNITION INTERLOCK

113 DUI FEE

113

120 CT. APPT. ATTY

121 TRIAL IN ABSENCE FEE

125 WEIGHING FEE

133 BLOOD TEST FEE

137 TIME TO PAY

192 TRAUMA CENTER FEE

223 LIQUIDATED DAMAGES

234 JAIL ADMISSION FEE

243 LOCAL TRAINING
ACADEMY FEE

244 COURTHOUSE
SECURITY FEE

OTHER (SPECIFY)

TOTAL \$

Stay of the proceedings pursuant to § 16.1-131.1

DATE

JUDGE

MOTION FOR SHOW CAUSE SUMMONS OR CAPIAS

Commonwealth of Virginia

Case No.

HEARING DATE AND TIME

General District Court

This motion is filed in connection with Case No.

Party Making this Request:

NAME

ADDRESS/LOCATION

v.

Party to be Served:

NAME

ADDRESS/LOCATION

TELEPHONE NUMBER

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
SSN									

The undersigned respectfully represents to the Court that the respondent should,

pursuant to Va. Code § 19.2-306, serve the sentence previously suspended on for conviction of
DATE because

pursuant to Va. Code § 19.2-123, have his or her recognizance revoked or modified because of the following violation of conditions of release:

be imprisoned, fined or otherwise punished or dealt with according to law

pursuant to Va. Code §§ 18.2-456/16.1-69.24 for failure to obey an order of this court
dated ordering
such act of the respondent being described as

pursuant to Va. Code §§ 18.2-456/16.1-69.24 § 19.2-358 § 19.2-305.2 (restitution only), for failure to pay fines, costs, forfeitures, restitution and/or penalties or an installment thereof; payment due:
\$ on
DATE

pursuant to § 18.2-271.1, have his or her VASAP participation revoked because ~~§ 46.2-395, have his or her driving privilege revoked because~~

pursuant to § 19.2-303.3, have his or her local community-based probation revoked or modified because

pursuant to § 19.2-304, have his or her probation period or conditions modified as follows:
because

pursuant to § 4.1-305 § 18.2-57.3 § 18.2-251 § 19.2-303.2 § 19.2-303.6, have his or her deferral of proceedings revoked and be subjected to the proceedings as provided by law because

(Other – Explain)

Therefore, the undersigned requests the issuance of process to the respondent to answer the above motion.

DATE

TITLE

SIGNATURE

MOTION FOR SHOW CAUSE SUMMONS OR CAPIAS
COMMONWEALTH OF VIRGINIA

Case No.

HEARING DATE AND TIME

Juvenile and Domestic Relations District Court

This motion is filed in connection with Case No.

Party Making this Request: *v. / In re* Party to be Served:

NAME
ADDRESS/LOCATION
TELEPHONE NUMBER

NAME
ADDRESS/LOCATION
TELEPHONE NUMBER

The undersigned respectfully represents to the Court that the respondent should,

[] pursuant to Va. Code § 19.2-306, serve the sentence previously suspended on for conviction of because

COMPLETE DATA BELOW IF KNOWN									
RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			

SSN

[] have his or her recognizance revoked or modified because of the following violation of conditions of release:

[] be imprisoned, fined or otherwise punished or dealt with according to law

[] pursuant to Va. Code §§ 18.2-456/16.1-69.24 for failure to obey an order of [] this Court [] dated ordering

such act of the respondent being described as on DATE

[] pursuant to Va. Code [] §§ 18.2-456/16.1-69.24 [] § 19.2-358 [] § 19.2-305.2 (restitution only), for failure to pay fines, costs, forfeitures, restitution and/or penalties or an installment thereof; payment due: \$ on DATE

[] pursuant to Va. Code § 16.1-278.16 for failure to provide support as ordered on \$ per with \$ arrearage as of DATE

[] pursuant to Va. Code § 16.1-292(A)(i) for failure to obey a child custody or visitation order of [] this Court [] dated ordering such an act of the respondent being described as on DATE

[] pursuant to § 19.2-303.3, have his or her local community-based probation revoked or modified because

[] pursuant to § 19.2-304, have his or her probation period or conditions modified as follows: because

[] pursuant to [] § 4.1-305 [] § 18.2-57.3 [] § 18.2-251 [] § 19.2-303.2 [] § 19.2-303.6, have his or her deferral of proceedings revoked and be subjected to the proceedings as provided by law because

[] (Other – Explain)

Therefore, the undersigned requests the issuance of process to the respondent to answer the above motion.

DATE TITLE

SIGNATURE

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 1004

An Act to amend and reenact §§ 16.1-69.48:1, 17.1-275.2, 17.1-275.7, 19.2-303.4, 19.2-335, and 19.2-336 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 19.2-303.6, relating to deferred disposition; persons with autism or intellectual disabilities.

[S 133]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.48:1, 17.1-275.2, 17.1-275.7, 19.2-303.4, 19.2-335, and 19.2-336 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 19.2-303.6 as follows:

§ 16.1-69.48:1. Fixed fee for misdemeanors, traffic infractions and other violations in district court; additional fees to be added.

A. Assessment of the fees provided for in this section shall be based on (i) an appearance for court hearing in which there has been a finding of guilty; (ii) a written appearance with waiver of court hearing and entry of guilty plea; (iii) for a defendant failing to appear, a trial in his or her absence resulting in a finding of guilty; (iv) an appearance for court hearing in which the court requires that the defendant successfully complete traffic school, a mature driver motor vehicle crash prevention course, or a driver improvement clinic, in lieu of a finding of guilty; (v) a deferral of proceedings pursuant to §§ 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-251 or, 19.2-303.2, or 19.2-303.6; or (vi) proof of compliance with law under §§ 46.2-104, 46.2-324, 46.2-613, 46.2-646, 46.2-711, 46.2-715, 46.2-716, 46.2-752, 46.2-1000, 46.2-1003, 46.2-1052, 46.2-1053, and 46.2-1158.02.

In addition to any other fee prescribed by this section, a fee of \$35 shall be taxed as costs whenever a defendant fails to appear, unless, after a hearing requested by such person, good cause is shown for such failure to appear. No defendant with multiple charges arising from a single incident shall be taxed the applicable fixed fee provided in subsection B, C, or D more than once for a single appearance or trial in absence related to that incident. However, when a defendant who has multiple charges arising from the same incident and who has been assessed a fixed fee for one of those charges is later convicted of another charge that arises from that same incident and that has a higher fixed fee, he shall be assessed the difference between the fixed fee earlier assessed and the higher fixed fee.

A defendant with charges which arise from separate incidents shall be taxed a fee for each incident even if the charges from the multiple incidents are disposed of in a single appearance or trial in absence.

In addition to the fixed fees assessed pursuant to this section, in the appropriate cases, the clerk shall also assess any costs otherwise specifically provided by statute.

B. In misdemeanors tried in district court, except for those proceedings provided for in subsection C, there shall be assessed as court costs a fixed fee of \$61. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.573770);
2. Virginia Crime Victim-Witness Fund (.049180);
3. Regional Criminal Justice Training Academies Fund (.016393);
4. Courthouse Construction/Maintenance Fund (.032787);
5. Criminal Injuries Compensation Fund (.098361);
6. Intensified Drug Enforcement Jurisdiction Fund (.065574);
7. Sentencing/supervision fee (General Fund) (.131148); and
8. Virginia Sexual and Domestic Violence Victim Fund (.032787).

C. In criminal actions and proceedings in district court for a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, there shall be assessed as court costs a fixed fee of \$136. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.257353);
2. Virginia Crime Victim-Witness Fund (.022059);
3. Regional Criminal Justice Training Academies Fund (.007353);
4. Courthouse Construction/Maintenance Fund (.014706);
5. Criminal Injuries Compensation Fund (.044118);
6. Intensified Drug Enforcement Jurisdiction Fund (.029412);
7. Drug Offender Assessment and Treatment Fund (.551471);
8. Forensic laboratory fee and sentencing/supervision fee (General Fund) (.058824); and
9. Virginia Sexual and Domestic Violence Victim Fund (.014706).

D. In traffic infractions tried in district court, there shall be assessed as court costs a fixed fee of \$51. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.764706);
2. Virginia Crime Victim-Witness Fund (.058824);
3. Regional Criminal Justice Training Academies Fund (.019608);
4. Courthouse Construction/Maintenance Fund (.039216);
5. Intensified Drug Enforcement Jurisdiction Fund (.078431); and
6. Virginia Sexual and Domestic Violence Victim Fund (.039216).

§ 17.1-275.2. Fixed fee for felony reduced to misdemeanor.

In circuit court, upon the conviction of a person of any and each misdemeanor reduced from a felony charge, or upon a deferred disposition of proceedings in the case of any and each misdemeanor reduced from a felony charge and deferred pursuant to the terms and conditions of § 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, ~~or~~ 19.2-303.2, *or 19.2-303.6*, there shall be assessed as court costs a fee of \$227, to be known as the fixed fee for felony reduced to misdemeanor. However, this section shall not apply to those proceedings provided for in § 17.1-275.8.

The amount collected, in whole or in part, for the fixed fee for felony reduced to misdemeanor shall be apportioned to the following funds in the fractional amounts designated:

1. Sentencing/supervision fee (General Fund) (.1695154);
2. Forensic science fund (.1707048);
3. Court reporter fund (.1465639);
4. Witness expenses/expert witness fund (.0088106);
5. Virginia Crime Victim-Witness Fund (.0132159);
6. Intensified Drug Enforcement Jurisdiction Fund (.0176211);
7. Criminal Injuries Compensation Fund (.0881057);
8. Commonwealth's attorney fund (state share) (.0881057);
9. Commonwealth's attorney fund (local share) (.0881057);
10. Regional Criminal Justice Academy Training Fund (.0044053);
11. Warrant fee (.0528634);
12. Courthouse construction/maintenance fund (.0088106); and
13. Clerk of the circuit court (.1431718).

§ 17.1-275.7. Fixed misdemeanor fee.

In circuit court, upon (i) conviction of any and each misdemeanor, not originally charged as a felony; (ii) a deferred disposition of proceedings in the case of any and each misdemeanor not originally charged as a felony and deferred pursuant to the terms and conditions of § 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, ~~or~~ 19.2-303.2, *or 19.2-303.6*; (iii) any and each conviction of a traffic infraction or referral to a driver improvement clinic or traffic school in lieu of a finding of guilt for a traffic infraction; or (iv) proof of compliance with law under §§ 46.2-104 and 46.2-1158.02, there shall be assessed as court costs a fee of \$80, to be known as the fixed misdemeanor fee. However, this section shall not apply to those proceedings provided for in § 17.1-275.8. This fee shall be in addition to any fee assessed in the district court.

The amount collected, in whole or in part, for the fixed misdemeanor fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Sentencing/supervision fee (General Fund) (.0125000);
2. Witness expenses/expert witness fee (General Fund) (.0250000);
3. Virginia Crime Victim-Witness Fund (.0375000);
4. Intensified Drug Enforcement Jurisdiction Fund (.0500000);
5. Criminal Injuries Compensation Fund (.2500000);
6. Commonwealth's Attorney Fund (state share) (.0937500);
7. Commonwealth's Attorney Fund (local share) (.0937500);
8. Regional Criminal Justice Academy Training Fund (.0125000);
9. Warrant fee, as prescribed by § 17.1-272 (.1500000);
10. Courthouse Construction/Maintenance Fund (.0250000); and
11. Clerk of the circuit court (.2500000).

§ 19.2-303.4. Payment of costs when proceedings deferred and defendant placed on probation.

A circuit or district court, which has deferred further proceedings, without entering a judgment of guilt, and placed a defendant on probation subject to terms and conditions pursuant to § 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-61, 18.2-67.1, 18.2-67.2, 18.2-251 ~~or~~, 19.2-303.2, *or 19.2-303.6* shall impose upon the defendant costs.

§ 19.2-303.6. Deferred disposition in a criminal case; persons with autism or intellectual disabilities.

A. In any criminal case, except a violation of § 18.2-31, an act of violence as defined in § 19.2-297.1, or any crime for which a deferred disposition is provided for by statute, upon a plea of guilty, or after a plea of not guilty, and the facts found by the court would justify a finding of guilt, the

court may, if the defendant has been diagnosed by a psychiatrist or clinical psychologist with (i) an autism spectrum disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association or (ii) an intellectual disability as defined in § 37.2-100 and the court finds by clear and convincing evidence that the criminal conduct was caused by or had a direct and substantial relationship to the person's disorder or disability, without entering a judgment of guilt and with the consent of the accused, after giving due consideration to the position of the attorney for the Commonwealth and the views of the victim, defer further proceedings and place the accused on probation subject to terms and conditions set by the court. Upon violation of a term or condition, the court may enter an adjudication of guilt; or upon fulfillment of the terms and conditions, the court may discharge the person and dismiss the proceedings against him without an adjudication of guilt. This section shall not limit the authority of any juvenile and domestic relations court granted to it in Title 16.1.

B. Deferred disposition shall be available to the defendant even though he has previously been convicted of a criminal offense, been adjudicated delinquent as a juvenile, or had proceedings deferred and dismissed under this section or under any other provision of law, unless, after having considered the position of the attorney for the Commonwealth, the views of the victims, and any evidence offered by the defendant, the court finds that deferred disposition is inconsistent with the interests of justice.

§ 19.2-335. Judge of district court to certify to clerk of circuit court costs of proceedings in criminal cases before him.

A judge of a district court before whom there is any proceeding in a criminal case, including any proceeding ~~which~~ that has been deferred upon probation of the defendant pursuant to § 16.1-278.8, 16.1-278.9, 18.2-61, 18.2-67.1, 18.2-67.2, 18.2-251 ~~or~~, 19.2-303.2, *or 19.2-303.6*, shall certify to the clerk of the circuit court of his county or city, and a judge or court before whom there is, in a criminal case, any proceeding preliminary to conviction in another court, upon receiving information of the conviction from the clerk of the court wherein it is, shall certify to such clerk, all the expenses incident to such proceedings which are payable out of the state treasury.

§ 19.2-336. Clerk to make up statement of whole cost, and issue execution therefor.

In every criminal case the clerk of the circuit court in which the accused is found guilty or is placed on probation during deferral of the proceedings pursuant to § 16.1-278.8, 16.1-278.9, 18.2-61, 18.2-67.1, 18.2-67.2, 18.2-251 ~~or~~, 19.2-303.2, *or 19.2-303.6* or, if the conviction is in a district court, the clerk to which the judge thereof certifies as aforesaid, shall, as soon as may be, make up a statement of all the expenses incident to the prosecution, including such as are certified under § 19.2-335, and execution for the amount of such expenses shall be issued and proceeded with. Chapter 21 (§ 19.2-339 et seq.) shall apply thereto in like manner as if, on the day of completing the statement, there was a judgment in such court in favor of the Commonwealth against the accused for such amount as a fine. However, in any case in which an accused waives trial by jury, at least 10 days before trial, but the Commonwealth or the court trying the case refuses to so waive, then the cost of the jury shall not be included in such statement or judgment recorded pursuant to § 17.1-275.5.

District Court Form

DC-307

CERTIFICATION FOR THE USE OF CANNABIDIOL
OIL OR THC-A OIL

Abstract

Senate Bill 1015 amended § 18.2-250.1 by eliminating the affirmative defense to possession of marijuana of having a written certification from a medical professional that allows a person to possess cannabidiol oil or THC-A oil. Under the law prior to July 1, 2020, in order to assert the affirmative defense, the person charged had to file the written certification with the court and provide a copy to the attorney for the Commonwealth at least 10 days prior to trial. As this affirmative defense was eliminated by the legislation, the bottom portion of the form that was used to note that a copy of the written certification was provided to the attorney for the Commonwealth was deleted from the form.

Senate Bill 976 amended § 54.1-3408.3 by changing the term from “cannabidiol oil or THC-A oil” to “cannabis oil.” The form was revised to reflect this change.

Source

Senate Bill 1015 (Chapter 764, effective July 1, 2020)
Senate Bill 976 (Chapter 1278, effective July 1, 2020)

Revision

Legislative

Form Type

Master

CERTIFICATION FOR THE USE OF CANNABIDIOL OIL OR THC-A OIL

Commonwealth of Virginia VA. CODE §§ 54.1-3408.3, 18.2-250.1

Pursuant to Virginia Code § 54.1-3408.3, certification for the use of cannabidiol oil or THC-A oil is hereby given, in the course of professional practice, by a practitioner of medicine or osteopathy licensed by the Board of Medicine, a physician assistant licensed by the Board of Medicine, or a nurse practitioner jointly licensed by the Board of Medicine and the Board of Nursing, to

..... for treatment or to alleviate the symptoms of such patient's
NAME OF PATIENT
diagnosed condition or disease determined by the practitioner to benefit from such use.

OR

..... ,
NAME OF PARENT/LEGAL GUARDIAN
 who is the parent or legal guardian of a minor, , or
NAME OF MINOR PATIENT
 who is the parent or legal guardian of an incapacitated adult as defined in Virginia Code § 18.2-369,
.....
NAME OF INCAPACITATED ADULT PATIENT

for treatment or to alleviate the symptoms of such minor's or such incapacitated adult's diagnosed condition or disease determined by the practitioner to benefit from such use.

This certification shall expire one year from the date of this certification.

..... , a date which is earlier than one year
EXPIRATION DATE
from the date of this certification.

Address of patient:

.....
PRINTED NAME OF PRACTITIONER

.....
SIGNATURE OF PRACTITIONER

.....
ADDRESS OF PRACTITIONER

.....
DATE OF THIS CERTIFICATION

.....
TELEPHONE NUMBER OF PRACTITIONER

~~(TO BE COMPLETED BY DEFENDANT IF NECESSARY)~~ Case No.

..... General District Court Circuit Court
..... Juvenile and Domestic Relations District Court
.....
CITY OR COUNTY

Commonwealth of Virginia v.
DEFENDANT

.....
LOCALITY

DEFENDANT'S CERTIFICATE

I hereby certify that I have provided a copy of this CERTIFICATION FOR THE USE OF CANNABIDIOL OIL OR
THC-A OIL to the attorney for the Commonwealth by
METHOD OF DELIVERY

on
DATE

.....
PRINTED NAME OF DEFENDANT COUNSEL FOR DEFENDANT

.....
SIGNATURE OF DEFENDANT COUNSEL FOR DEFENDANT

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 764

An Act to amend and reenact §§ 18.2-250.1 and 54.1-3442.8 of the Code of Virginia, relating to possession of marijuana; cannabidiol oil or THC-A oil.

[S 1015]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-250.1 and 54.1-3442.8 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-250.1. Possession of marijuana unlawful.

A. It is unlawful for any person knowingly or intentionally to possess marijuana unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.).

Upon the prosecution of a person for violation of this section, ownership or occupancy of the premises or vehicle upon or in which marijuana was found shall not create a presumption that such person either knowingly or intentionally possessed such marijuana.

Any person who violates this section is guilty of a misdemeanor and shall be confined in jail not more than 30 days and fined not more than \$500, either or both; any person, upon a second or subsequent conviction of a violation of this section, is guilty of a Class 1 misdemeanor.

B. The provisions of this section shall not apply to members of state, federal, county, city, or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of marijuana is necessary for the performance of their duties.

C. ~~In any prosecution under~~ *The provisions of* this section involving marijuana in the form of cannabidiol oil or THC-A oil as those terms are defined in § 54.1-3408.3, ~~it shall be an affirmative defense that the individual possessed shall not apply to any person who possesses~~ such oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice pursuant to § 54.1-3408.3 for treatment or to alleviate the symptoms of (i) the ~~individual's~~ *person's* diagnosed condition or disease, (ii) if such ~~individual~~ *person* is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or disease, or (iii) if such ~~individual~~ *person* has been designated as a registered agent pursuant to § 54.1-3408.3, the diagnosed condition or disease of his principal or, if the principal is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or disease. ~~If the individual files the valid written certification with the court at least 10 days prior to trial and causes a copy of such written certification to be delivered to the attorney for the Commonwealth, such written certification shall be prima facie evidence that such oil was possessed pursuant to a valid written certification.~~

§ 54.1-3442.8. Criminal liability; exceptions.

~~In any prosecution of an~~ *No* agent or employee of a pharmaceutical processor ~~shall be prosecuted under § 18.2-248, 18.2-248.1, 18.2-250, or 18.2-250.1 for possession or manufacture of marijuana or for possession, manufacture, or distribution of cannabidiol oil or THC-A oil, it shall be an affirmative defense that subject to any civil penalty, denied any right or privilege, or subject to any disciplinary action by a professional licensing board if~~ such agent or employee (i) possessed or manufactured such marijuana for the purposes of producing cannabidiol oil or THC-A oil in accordance with the provisions of this article and Board regulations or (ii) possessed, manufactured, or distributed such cannabidiol oil or THC-A oil in accordance with the provisions of this article and Board regulations. ~~If such agent or employee files a copy of the permit issued to the pharmaceutical processor pursuant to § 54.1-3442.6 with the court at least 10 days prior to trial and causes a copy of such permit to be delivered to the attorney for the Commonwealth, such permit shall be prima facie evidence that (a) such marijuana was possessed or manufactured for the purposes of producing cannabidiol oil or THC-A oil in accordance with the provisions of this article and Board regulations or (b) such cannabidiol oil or THC-A oil was possessed, manufactured, or distributed in accordance with the provisions of this article and Board regulations.~~

VIRGINIA ACTS OF ASSEMBLY -- 2020 RECONVENED SESSION

CHAPTER 1278

An Act to amend and reenact §§ 54.1-3408.3 and 54.1-3442.5 through 54.1-3442.8 of the Code of Virginia, relating to pharmaceutical processors; cannabis dispensing facilities.

[S 976]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3408.3 and 54.1-3442.5 through 54.1-3442.8 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3408.3. Certification for use of cannabis oil for treatment.

A. As used in this section:

"Cannabidiol oil" means any formulation of processed Cannabis plant extract that contains at least 15 percent cannabidiol but no more than five percent tetrahydrocannabinol, or a dilution of the resin of the Cannabis plant that contains at least five milligrams of cannabidiol per dose but not more than five percent tetrahydrocannabinol. ~~"Cannabidiol oil" does not include industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law. "Cannabis oil" means any formulation of processed Cannabis plant extract or a dilution of the resin of the Cannabis plant that contains at least five milligrams of cannabidiol (CBD) or tetrahydrocannabinolic acid (THC-A) and no more than 10 milligrams of tetrahydrocannabinol per dose. "Cannabis oil" does not include industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law.~~

"Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine, a physician assistant licensed by the Board of Medicine, or a nurse practitioner jointly licensed by the Board of Medicine and the Board of Nursing.

"Registered agent" means an individual designated by a patient who has been issued a written certification, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, designated by such patient's parent or legal guardian, and registered with the Board pursuant to subsection G.

~~"THC-A oil" means any formulation of processed Cannabis plant extract that contains at least 15 percent tetrahydrocannabinol acid but not more than five percent tetrahydrocannabinol, or a dilution of the resin of the Cannabis plant that contains at least five milligrams of tetrahydrocannabinol acid per dose but not more than five percent tetrahydrocannabinol.~~

B. A practitioner in the course of his professional practice may issue a written certification for the use of ~~cannabidiol oil or THC-A cannabis~~ oil for treatment or to alleviate the symptoms of any diagnosed condition or disease determined by the practitioner to benefit from such use. *The practitioner shall use his professional judgement to determine the manner and frequency of patient care and evaluation and may employ the use of telemedicine consistent with federal requirements for the prescribing of Schedule II through V controlled substances.*

C. The written certification shall be on a form provided by the Office of the Executive Secretary of the Supreme Court developed in consultation with the Board of Medicine. Such written certification shall contain the name, address, and telephone number of the practitioner, the name and address of the patient issued the written certification, the date on which the written certification was made, and the signature of the practitioner. Such written certification issued pursuant to subsection B shall expire no later than one year after its issuance unless the practitioner provides in such written certification an earlier expiration.

D. No practitioner shall be prosecuted under § 18.2-248 or 18.2-248.1 for dispensing or distributing ~~cannabidiol oil or THC-A cannabis~~ oil for the treatment or to alleviate the symptoms of a patient's diagnosed condition or disease pursuant to a written certification issued pursuant to subsection B. Nothing in this section shall preclude the Board of Medicine from sanctioning a practitioner for failing to properly evaluate or treat a patient's medical condition or otherwise violating the applicable standard of care for evaluating or treating medical conditions.

E. A practitioner who issues a written certification to a patient pursuant to this section shall register with the Board. The Board shall, in consultation with the Board of Medicine, set a limit on the number of patients to whom a practitioner may issue a written certification.

F. A patient who has been issued a written certification shall register with the Board or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, a patient's parent or legal guardian shall register and shall register such patient with the Board.

G. A patient, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian, may designate an individual to act as his registered agent for the purposes of receiving ~~cannabidiol oil or THC-A cannabis~~ oil pursuant to a valid written certification.

Such designated individual shall register with the Board. The Board may set a limit on the number patients for whom any individual is authorized to act as a registered agent.

H. The Board shall promulgate regulations to implement the registration process. Such regulations shall include (i) a mechanism for sufficiently identifying the practitioner issuing the written certification, the patient being treated by the practitioner, his registered agent, and, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, the patient's parent or legal guardian; (ii) a process for ensuring that any changes in the information are reported in an appropriate timeframe; and (iii) a prohibition for the patient to be issued a written certification by more than one practitioner during any given time period.

I. Information obtained under the registration process shall be confidential and shall not be subject to the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However, reasonable access to registry information shall be provided to (i) the Chairmen of the House and Senate Committees Committee for Courts of Justice and the Senate Committee on the Judiciary, (ii) state and federal agencies or local law enforcement for the purpose of investigating or prosecuting a specific individual for a specific violation of law, (iii) licensed ~~physicians~~ practitioners or pharmacists for the purpose of providing patient care and drug therapy management and monitoring of drugs obtained by a registered patient, (iv) a pharmaceutical processor or cannabis dispensing facility involved in the treatment of a registered patient, or (v) a registered patient, his registered agent, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, the patient's parent or legal guardian, but only with respect to information related to such registered patient.

§ 54.1-3442.5. Definitions.

As used in this article:

"~~Cannabidiol oil~~" "*Cannabis oil*" has the same meaning as specified in § 54.1-3408.3.

"*Cannabis dispensing facility*" means a facility that (i) has obtained a permit from the Board pursuant to § 54.1-3442.6; (ii) is owned, at least in part, by a pharmaceutical processor; and (iii) dispenses cannabis oil produced by a pharmaceutical processor to a registered patient, his registered agent, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian.

"Pharmaceutical processor" means a facility that (i) has obtained a permit from the Board pursuant to § 54.1-3408.3 and (ii) cultivates Cannabis plants intended only for the production of ~~cannabidiol oil or~~ ~~THC-A cannabis oil~~, produces ~~cannabidiol oil or~~ ~~THC-A cannabis oil~~, and dispenses ~~cannabidiol oil or~~ ~~THC-A cannabis oil~~ to a registered patient, his registered agent, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian.

"Practitioner" has the same meaning as specified in § 54.1-3408.3.

"Registered agent" has the same meaning as specified in § 54.1-3408.3.

"~~THC-A oil~~" has the same meaning as specified in § 54.1-3408.3.

§ 54.1-3442.6. Permit to operate pharmaceutical processor or cannabis dispensing facility.

A. No person shall operate a pharmaceutical processor or a cannabis dispensing facility without first obtaining a permit from the Board. The application for such permit shall be made on a form provided by the Board and signed by a pharmacist who will be in full and actual charge of the pharmaceutical processor or cannabis dispensing facility. The Board shall establish an application fee and other general requirements for such application.

B. Each permit shall expire annually on a date determined by the Board in regulation. The number of permits that the Board may issue or renew in any year is limited to one *pharmaceutical processor and up to five cannabis dispensing facilities* for each health service area established by the Board of Health. Permits shall be displayed in a conspicuous place on the premises of the pharmaceutical processor and cannabis dispensing facility.

C. The Board shall adopt regulations establishing health, safety, and security requirements for pharmaceutical processors and cannabis dispensing facilities. Such regulations shall include requirements for (i) physical standards; (ii) location restrictions; (iii) security systems and controls; (iv) minimum equipment and resources; (v) recordkeeping; (vi) labeling and packaging; (vii) quarterly inspections; (viii) processes for safely and securely cultivating Cannabis plants intended for producing ~~cannabidiol oil and THC-A oil~~, producing ~~cannabidiol oil and THC-A oil~~, and dispensing and delivering in person ~~cannabidiol oil and THC-A cannabis oil~~ to a registered patient, his registered agent, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian; (ix) a ~~maximum number of marijuana plants a pharmaceutical processor may possess at any one time~~; (x) the secure disposal of plant remains; (xi) a process for registering a ~~cannabidiol oil and THC-A oil product~~; (xii) dosage limitations, which shall provide that each dispensed dose of ~~cannabidiol oil or THC-A cannabis oil~~ not exceed 10 milligrams of tetrahydrocannabinol; and (xiii) (x) a process for the wholesale distribution of and the transfer of ~~cannabidiol oil and THC-A cannabis oil~~ products between pharmaceutical processors and between a pharmaceutical processor and a cannabis dispensing facility; (xi) an allowance for the sale of devices for administration of dispensed products; and (xii) an allowance for the use and distribution of inert product samples containing no cannabinoids for patient demonstration exclusively at the pharmaceutical processor or cannabis dispensing facility, and not for

further distribution or sale, without the need for a written certification. The Board shall also adopt regulations for pharmaceutical processors that include requirements for (a) processes for safely and securely cultivating Cannabis plants intended for producing cannabis oil; (b) a maximum number of marijuana plants a pharmaceutical processor may possess at any one time; (c) the secure disposal of plant remains; and (d) a process for registering cannabis oil products.

D. The Board shall require that after processing and before dispensing cannabis oil, a pharmaceutical processor shall make a sample available from each homogenized batch of product for testing by an independent laboratory located in Virginia meeting Board requirements. A valid sample size for testing shall be determined by each laboratory and may vary due to sample matrix, analytical method, and laboratory-specific procedures. A minimum sample size of 0.5 percent of individual units for dispensing or distribution from each homogenized batch is required to achieve a representative sample for analysis.

E. A laboratory testing samples for a pharmaceutical processor shall obtain a controlled substances registration certificate pursuant to § 54.1-3423 and shall comply with quality standards established by the Board in regulation.

~~*D.*~~ *F.* Every pharmaceutical processor or cannabis dispensing facility shall be under the personal supervision of a licensed pharmacist on the premises of the pharmaceutical processor or cannabis dispensing facility. A pharmacist in charge of a pharmaceutical processor may authorize certain employee access to secured areas designated for cultivation and other areas approved by the Board. No pharmacist shall be required to be on the premises during such authorized access. The pharmacist-in-charge shall ensure security measures are adequate to protect the cannabis from diversion at all times.

~~*E.*~~ *G.* The Board shall require an applicant for a pharmaceutical processor and cannabis dispensing facility permit to submit to fingerprinting and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the applicant. The cost of fingerprinting and the criminal history record search shall be paid by the applicant. The Central Criminal Records Exchange shall forward the results of the criminal history background check to the Board or its designee, which shall be a governmental entity.

~~*F.*~~ *H.* In addition to other employees authorized by the Board, a pharmaceutical processor may employ individuals who may have less than two years of experience (i) to perform cultivation-related duties under the supervision of an individual who has received a degree in horticulture or a certification recognized by the Board or who has at least two years of experience cultivating plants and (ii) to perform extraction-related duties under the supervision of an individual who has a degree in chemistry or pharmacology or at least two years of experience extracting chemicals from plants.

I. A pharmaceutical processor to whom a permit has been issued by the Board may establish up to five cannabis dispensing facilities for the dispensing of cannabis oil that has been cultivated and produced on the premises of a pharmaceutical processor permitted by the Board. Each cannabis dispensing facility shall be located within the same health service area as the pharmaceutical processor.

~~*G.*~~ *J.* No person who has been convicted of (i) a felony under the laws of the Commonwealth or another jurisdiction or (ii) within the last five years, any offense in violation of Article 1 (§ 18.2-247 et seq.) or Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 or a substantially similar offense under the laws of another jurisdiction shall be employed by or act as an agent of a pharmaceutical processor or cannabis dispensing facility.

~~*H.*~~ *K.* Every pharmaceutical processor and cannabis dispensing facility shall adopt policies for pre-employment drug screening and regular, ongoing, random drug screening of employees.

L. A pharmacist at the pharmaceutical processor and the cannabis dispensing facility shall determine the number of pharmacy interns, pharmacy technicians and pharmacy technician trainees who can be safely and competently supervised at one time; however, no pharmacist shall supervise more than six persons performing the duties of a pharmacy technician at one time.

M. Any person who proposes to use an automated process or procedure during the production of cannabis oil that is not otherwise authorized in law or regulation or at a time when a pharmacist will not be on-site may apply to the Board for approval to use such process or procedure pursuant to subsections B through E of § 54.1-3307.2.

§ 54.1-3442.7. Dispensing cannabis oil; report.

~~A.~~ A pharmaceutical processor or cannabis dispensing facility shall dispense or deliver ~~cannabis oil~~ ~~oil or THC-A~~ cannabis oil only in person to (i) a patient who is a Virginia resident or temporarily resides in Virginia as made evident to the Board, has been issued a valid written certification, and is registered with the Board pursuant to § 54.1-3408.3, (ii) such patient's registered agent, or (iii) if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian who is a Virginia resident or temporarily resides in Virginia as made evident to the Board and is registered with the Board pursuant to § 54.1-3408.3. Prior to the initial dispensing of each written certification, the pharmacist or pharmacy technician at the location of the pharmaceutical processor or cannabis dispensing facility shall make and maintain for two years a paper or electronic copy of the

written certification that provides an exact image of the document that is clearly legible; shall view a current photo identification of the patient, registered agent, parent, or legal guardian; and shall verify current board registration of the practitioner and the corresponding patient, registered agent, parent, or legal guardian. Prior to any subsequent dispensing of each written certification, the pharmacist, pharmacy technician, or delivery agent shall view the current written certification; a current photo identification of the patient, registered agent, parent, or legal guardian; and the current board registration issued to the patient, registered agent, parent, or legal guardian. No pharmaceutical processor *or cannabis dispensing facility* shall dispense more than a 90-day supply for any patient during any 90-day period. The Board shall establish in regulation an amount of ~~cannabidiol oil~~ *or THCA cannabis oil* that constitutes a 90-day supply to treat or alleviate the symptoms of a patient's diagnosed condition or disease.

B. A pharmaceutical processor *or cannabis dispensing facility* shall dispense only ~~cannabidiol oil~~ *and THCA cannabis oil* that has been cultivated and produced on the premises of a pharmaceutical processor permitted by the Board. A pharmaceutical processor may begin cultivation upon being issued a permit by the Board.

C. The Board shall report annually by December 1 to the Chairmen of the House ~~and Senate Committees~~ *Committee for Courts of Justice and the Senate Committee on the Judiciary* on the operation of pharmaceutical processors *and cannabis dispensing facilities* issued a permit by the Board, including the number of practitioners, patients, registered agents, and parents or legal guardians of patients who have registered with the Board and the number of written certifications issued pursuant to § 54.1-3408.3.

D. The concentration of tetrahydrocannabinol in any ~~THCA cannabis oil~~ *on site* may be up to 10 percent greater than or less than the level of tetrahydrocannabinol measured for labeling. A pharmaceutical processor *and cannabis dispensing facility* shall ensure that such concentration in any ~~THCA onsite cannabis oil on site~~ *is within such range and*. A pharmaceutical processor producing *cannabis oil* shall establish a stability testing schedule of ~~THCA cannabis oil~~.

§ 54.1-3442.8. Criminal liability; exceptions.

In any prosecution of an agent or employee of a pharmaceutical processor *or cannabis dispensing facility* under § 18.2-248, 18.2-248.1, 18.2-250, or 18.2-250.1 for possession or manufacture of marijuana or for possession, manufacture, or distribution of ~~cannabidiol oil~~ *or THCA cannabis oil*, it shall be an affirmative defense that such agent or employee (i) possessed or manufactured such marijuana for the purposes of producing ~~cannabidiol oil~~ *or THCA cannabis oil* in accordance with the provisions of this article and Board regulations or (ii) possessed, manufactured, or distributed such ~~cannabidiol oil~~ *or THCA cannabis oil* in accordance with the provisions of this article and Board regulations. If such agent or employee files a copy of the permit issued to the pharmaceutical processor *or cannabis dispensing facility* pursuant to § 54.1-3442.6 with the court at least 10 days prior to trial and causes a copy of such permit to be delivered to the attorney for the Commonwealth, such permit shall be prima facie evidence that (a) such marijuana was possessed or manufactured for the purposes of producing ~~cannabidiol oil~~ *or THCA cannabis oil* in accordance with the provisions of this article and Board regulations or (b) such ~~cannabidiol oil~~ *or THCA cannabis oil* was possessed, manufactured, or distributed in accordance with the provisions of this article and Board regulations.

2. That the Board of Pharmacy shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

District Court Forms	DC-317	ORDER FOR RESTITUTION (ADULT)
	DC-317-S1	SUPPLEMENTAL SHEET TO ORDER FOR RESTITUTION FOR VICTIM INFORMATION (ADULT/JUVENILE)
	DC-579	ORDER FOR RESTITUTION (JUVENILE)

Abstract

Chapters 724 and 725 of the 2018 Acts of General Assembly provided that the victim’s contact information on the order for restitution is confidential and not to be disclosed. Prior to this legislation, the statute simply provided that when the defendant is given a copy of the restitution order, that copy was not to include the victim’s contact information, without setting forth that the contact information was confidential. If the victim wanted the information to be confidential, DC-301, REQUEST FOR CONFIDENTIALITY, needed to be submitted to the court by the victim. Given the 2018 legislation, the checkboxes on the forms above regarding DC-301 being attached were deleted as the submission of that form is no longer necessary as it pertains to restitution orders.

Source	Chapters 724 and 725 (2018 Acts of Assembly)
Revision	Legislative
Form Type	Masters, Printed

ORDER FOR RESTITUTION (ADULT)

Commonwealth of Virginia VA. CODE § 19.2-305.1

Case No(s)

- General District Court Circuit Court
 Juvenile and Domestic Relations District Court

CITY OR COUNTY

Commonwealth of Virginia

v.

DEFENDANT

.....

ADDRESS OF DEFENDANT

DATE OF BIRTH

SOCIAL SECURITY NO. (LAST 4 DIGITS ONLY)

CITY

STATE

ZIP

TELEPHONE NO.

Having considered all relevant and material evidence presented as to restitution, the court ORDERS as follows:

THE DEFENDANT IS ORDERED TO PAY RESTITUTION OF \$

with interest accruing at the legal rate from

the date of loss or damage of the date of this order

DATE

DATE

PAYMENT TO THE CLERK'S OFFICE OF THIS COURT IS DUE IN FULL BY

DUE DATE

A HEARING WILL BE HELD ON TO REVIEW COMPLIANCE WITH THIS ORDER.

HEARING DATE AND TIME

The defendant shall pay restitution as follows (if applicable):

as part of an approved payment agreement in accordance with Va. Code § 19.2-354 for the payment of any fines, costs, restitution and other amounts owed; however; payment of restitution is still due in full by the due date above

beginning after release from incarceration.

DATE

PERIOD OF TIME

in payments of \$ per

beginning after release from incarceration.

DATE

PERIOD OF TIME

as described in the payment plan submitted by the defendant which is incorporated in this order.

.....

Payment of restitution shall be made on behalf of the following victim(s):

Supplemental sheet incorporated.

Victim 1: \$ Victim 4: \$

Victim 2: \$ Victim 5: \$

Victim 3: \$ Victim 6: \$

A proportional percentage of a payment shall be paid to each victim. Each victim should be fully paid in the above order.

Restitution to be paid by the defendant jointly and severally with the following convicted/adjudicated delinquent persons and any other co-defendants convicted/adjudicated delinquent:

DEFENDANT JUVENILE

DEFENDANT JUVENILE

DATE OF BIRTH

SOCIAL SECURITY NO. (LAST 4 DIGITS ONLY)

DATE OF BIRTH

SOCIAL SECURITY NO. (LAST 4 DIGITS ONLY)

ADDRESS

ADDRESS

CITY

STATE

ZIP

CITY

STATE

ZIP

TELEPHONE NO.

TELEPHONE NO.

The amount of restitution shall be docketed as a judgment.

Supplemental sheet incorporated.

.....

Note: Any money paid by the defendant will be paid first to restitution, and any collection costs associated with restitution.

DATE

JUDGE

I acknowledge that I received a copy of this page at sentencing.

DEFENDANT

TO CLERK:
THE INFORMATION ON THIS PAGE IS CONFIDENTIAL.
DO NOT PROVIDE A COPY OF
THIS PAGE TO DEFENDANT AT SENTENCING.

Case No(s)

Contact information for victim(s):

.....
VICTIM 1
.....
ADDRESS
.....
CITY STATE ZIP
.....
TELEPHONE NOS.
.....
EMAIL ADDRESS

~~[] DC 301, REQUEST FOR CONFIDENTIALITY, is attached.~~

.....
VICTIM 2
.....
ADDRESS
.....
CITY STATE ZIP
.....
TELEPHONE NOS.
.....
EMAIL ADDRESS

~~[] DC 301, REQUEST FOR CONFIDENTIALITY, is attached.~~

.....
VICTIM 3
.....
ADDRESS
.....
CITY STATE ZIP
.....
TELEPHONE NOS.
.....
EMAIL ADDRESS

~~[] DC 301, REQUEST FOR CONFIDENTIALITY, is attached.~~

The contact information for the victims provided above is correct to the best of my knowledge and belief.

.....
DATE

.....
SIGNATURE OF [] ATTORNEY FOR THE COMMONWEALTH [] DESIGNEE

.....
PRINTED NAME

.....
NAME OF AGENCY OF DESIGNEE
(IF APPLICABLE)

In order to ensure receipt of money paid towards restitution, the victim must notify the court if there is a change of his or her address listed above.

ORDER FOR RESTITUTION (JUVENILE)

Commonwealth of Virginia VA. CODE § 19.2-305.1

Case No(s)

- Circuit Court
 Juvenile and Domestic Relations District Court

CITY OR COUNTY

In re:

[] Commonwealth of Virginia v.
[]
JUVENILE

ADDRESS OF JUVENILE

DATE OF BIRTH

SOCIAL SECURITY NO. (LAST 4 DIGITS ONLY)

CITY

STATE

ZIP

TELEPHONE NO.

Having considered all relevant and material evidence presented as to restitution, the court ORDERS as follows:

THE JUVENILE IS ORDERED TO PAY RESTITUTION OF \$

- [] with interest accruing at the legal rate from
[] the date of loss or damage of [] the date of this order []
DATE DATE

PAYMENT TO THE CLERK'S OFFICE OF THIS COURT IS DUE IN FULL BY DUE DATE

- [] The juvenile shall pay restitution as follows (if applicable):
[] as part of an approved payment agreement in accordance with Va. Code § 19.2-354 for the payment of any fines, costs, restitution and other amounts owed; however; payment of restitution is still due in full by the due date above beginning [] [] after release from incarceration.
DATE PERIOD OF TIME
[] in payments of \$ per beginning [] after release from incarceration.
DATE PERIOD OF TIME
[] as described in the payment plan submitted by the juvenile which is incorporated in this order.
[]

[] Restitution shall be monitored by [] the CSU []

[] A hearing will be held on to review compliance with this order.
HEARING DATE AND TIME

Payment of restitution shall be made on behalf of the following victim(s): [] Supplemental sheet incorporated.

Victim 1: \$ Victim 4: \$
Victim 2: \$ Victim 5: \$
Victim 3: \$ Victim 6: \$

[] A proportional percentage of a payment shall be paid to each victim. [] Each victim should be fully paid in the above order.

[] Restitution to be paid by the juvenile jointly and severally with the following convicted/adjudicated delinquent persons and any other co-defendants convicted/adjudicated delinquent:

Form with columns for DEFENDANT and JUVENILE, including fields for DATE OF BIRTH, SOCIAL SECURITY NO., ADDRESS, CITY, STATE, ZIP, and TELEPHONE NO.

[] The amount of restitution shall be docketed as a judgment. [] Supplemental sheet incorporated.

[]

Note: Any money paid by the juvenile will be paid first to restitution, and any collection costs associated with restitution.

DATE

JUDGE

I acknowledge that I received a copy of this page at sentencing.

JUVENILE

TO CLERK:
THE INFORMATION ON THIS PAGE IS CONFIDENTIAL.
DO NOT PROVIDE A COPY OF
THIS PAGE TO JUVENILE.

Case No(s)

Contact information for victim(s):

.....
VICTIM 1
.....
ADDRESS
.....
CITY STATE ZIP
.....
TELEPHONE NOS.
.....
EMAIL ADDRESS
~~[] DC 301, REQUEST FOR CONFIDENTIALITY, is attached.~~

.....
VICTIM 2
.....
ADDRESS
.....
CITY STATE ZIP
.....
TELEPHONE NOS.
.....
EMAIL ADDRESS
~~[] DC 301, REQUEST FOR CONFIDENTIALITY, is attached.~~

.....
VICTIM 3
.....
ADDRESS
.....
CITY STATE ZIP
.....
TELEPHONE NOS.
.....
EMAIL ADDRESS
~~[] DC 301, REQUEST FOR CONFIDENTIALITY, is attached.~~

The contact information for the victims provided above is correct to the best of my knowledge and belief.

.....
DATE

.....
SIGNATURE OF [] ATTORNEY FOR THE COMMONWEALTH [] DESIGNEE

.....
PRINTED NAME

.....
NAME OF AGENCY OF DESIGNEE
(IF APPLICABLE)

In order to ensure receipt of money paid towards restitution, the victim must notify the court if there is a change of his or her address listed above.

VIRGINIA ACTS OF ASSEMBLY -- 2018 SESSION

CHAPTER 724

An Act to amend and reenact §§ 19.2-305.1, 19.2-349, and 19.2-368.3 of the Code of Virginia, relating to restitution; collection; Criminal Injuries Compensation Fund.

[H 483]

Approved March 30, 2018

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-305.1, 19.2-349, and 19.2-368.3 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-305.1. Restitution for property damage or loss; community service.

A. Notwithstanding any other provision of law, no person convicted of a crime in violation of any provision in Title 18.2, which resulted in property damage or loss, shall be placed on probation or have his sentence suspended unless such person shall make at least partial restitution for such property damage or loss, or shall be compelled to perform community services, or both, or shall submit a plan for doing that which appears to the court to be feasible under the circumstances.

B. Notwithstanding any other provision of law, any person who, on or after July 1, 1995, commits, and is convicted of, a crime in violation of any provision in Title 18.2 shall make at least partial restitution for any property damage or loss caused by the crime or for any medical expenses or expenses directly related to funeral or burial incurred by the victim or his estate as a result of the crime, may be compelled to perform community services and, if the court so orders, shall submit a plan for doing that which appears to be feasible to the court under the circumstances.

B1. Notwithstanding any other provision of law, any person, who on or after July 1, 2005 commits and is convicted of a crime in violation of § 18.2-248 involving the manufacture of any controlled substance, may be ordered, upon presentation of suitable evidence of such costs, by the court to reimburse the Commonwealth or the locality for the costs incurred by the jurisdiction, as the case may be, for the removal and remediation associated with the illegal manufacture of any controlled substance by the defendant.

B2. Notwithstanding any other provision of law, any person who, on or after July 1, 2015, commits and is convicted of a violation of § 18.2-138 for damage to the Capitol or any building, monument, statuary, artwork, or other state property in Capitol Square, or at any other property assigned to the Capitol Police, shall be ordered to pay restitution to the Commonwealth for the full amount of damages. Any person who, on or after July 1, 2015, commits and is convicted of a violation of § 18.2-405, 18.2-407, or 18.2-408 in Capitol Square, or at any other property assigned to the Capitol Police, shall be ordered to pay restitution to the Commonwealth for the full amount of damages to the Capitol or any building, monument, statuary, artwork, or other state property in Capitol Square, or at any other property assigned to the Capitol Police, to which damage is caused during such riot or unlawful assembly. In any prosecution under § 18.2-138, 18.2-405, 18.2-407, or 18.2-408, testimony of the Division of Engineering and Buildings of the Department of General Services or the Division of Risk Management shall be admissible as evidence of value or extent of damages or cost of repairs to the Capitol or any building, monument, statuary, artwork, or other state property in Capitol Square, or at any other property assigned to the Capitol Police. For the purposes of this subsection, "Capitol Square" means the grounds and the interior and exterior of all buildings in that area in the City of Richmond bounded by Bank, Governor, Broad, and Ninth Streets. "Capitol Square" includes the exterior of all state buildings that are at least 50 years old and bordering the boundary streets.

C. At or before the time of sentencing, the court shall receive and consider any plan for making restitution submitted by the defendant. The plan shall include the defendant's home address, place of employment and address, social security number and bank information. If the court finds such plan to be reasonable and practical under the circumstances, it may consider probation or suspension of whatever portion of the sentence that it deems appropriate. By order of the court incorporating the defendant's plan or a reasonable and practical plan devised by the court, the defendant shall make restitution while he is free on probation or work release or following his release from confinement. Additionally, the court may order that the defendant make restitution during his confinement, if feasible, based upon both his earning capacity and net worth as determined by the court at sentencing.

D. At the time of sentencing, the court shall determine the amount to be repaid by the defendant and the terms and conditions thereof. If community service work is ordered, the court shall determine the terms and conditions upon which such work shall be performed. The court shall include such findings in the judgment order. The order shall specify that sums paid under such order shall be paid to the clerk, who shall disburse such sums as the court may, by order, direct. *The clerk shall record receipt of restitution payments in an automated financial management system operated and maintained by the*

Executive Secretary of the Supreme Court or such other system established and maintained by a circuit court clerk pursuant to § 17.1-502. Any court desiring to participate in the Setoff Debt Collection Act (§§ 58.1-520 through 58.1-535) for the purpose of collecting fines or costs or providing restitution shall, at the time of sentencing, obtain the social security number of each defendant.

E. At the time of sentencing, the court shall enter the amount of restitution to be repaid by the defendant, the date by which all restitution is to be paid, ~~and~~ the terms and conditions of such repayment, *and the victim's name and contact information, including the victim's home address, telephone number, and email address*, on a form prescribed by the Office of the Executive Secretary of the Supreme Court of Virginia. If the attorney for the Commonwealth participated in the prosecution of the defendant, the attorney for the Commonwealth or his designee shall complete, to the extent possible, all portions of the form excluding the amount of restitution to be repaid by the defendant and the terms and conditions of such repayment. If the attorney for the Commonwealth did not participate in the prosecution of the defendant, the court or the clerk shall complete the form. A copy of the form, excluding contact information for the victim, shall be provided to the defendant at sentencing. A copy of the form shall be provided to the attorney for the Commonwealth and to the victim, his agent, or his estate upon request and free of charge. *Except as provided in this section or otherwise required by law, the victim's contact information shall be confidential, and the clerk shall not disclose such confidential information to any person.*

F. Unreasonable failure to execute the plan by the defendant shall result in revocation of the probation or imposition of the suspended sentence. A hearing shall be held in accordance with the provisions of this Code relating to revocation of probation or imposition of a suspended sentence before either such action is taken.

G. A defendant convicted of an offense under § 18.2-374.1, 18.2-374.1:1, or 18.2-374.3 shall be ordered to pay mandatory restitution to the victim of the offense in an amount as determined by the court. For purposes of this subsection, "victim" means a person who is depicted in a still or videographic image involved in an offense under § 18.2-374.1, 18.2-374.1:1, or 18.2-374.3.

The Commonwealth shall make reasonable efforts to notify victims of offenses under § 18.2-374.1, 18.2-374.1:1, or 18.2-374.3.

H. If restitution is ordered to be paid by the defendant to the victim of a crime and the victim can no longer be located or identified, the clerk shall deposit any such restitution collected to the Criminal Injuries Compensation Fund for the benefit of crime victims *by November 1 of each year. If a clerk does not have any such restitution to deposit, the clerk shall provide a statement to that effect to the Fund by November 1 of each year.* The administrator shall reserve a sum sufficient in the Fund from which he shall make prompt payment *directly* to the victim for any proper claims. *When depositing such restitution to the Fund, the clerk shall report the victim's last known contact information, including the victim's home address, telephone number, and email address, and the amount of restitution being deposited for that victim.* Before making the deposit ~~he~~, *the administrator* shall record the name, ~~last known address~~ *contact information*, and amount of restitution ~~due~~ *being deposited* for each victim appearing from the clerk's report to be entitled to restitution. *The victim's contact information reported to the Fund shall be confidential and shall not be disseminated further except as otherwise required by law.*

I. If restitution pursuant to § 19.2-305 or this section is ordered to be paid by the defendant to the victim of a crime or other entity, and the Criminal Injuries Compensation Fund has made any payments to or on behalf of the victim for any loss, damage, or expenses included in the restitution order, then upon presentation by the Fund of a written request that sets forth the amount of payments made by the Fund to the victim or on the victim's behalf, the entity collecting restitution shall pay to the Fund as much of the restitution collected as will reimburse the Fund for its payments made to the victim or on the victim's behalf.

J. Whenever a defendant is ordered to pay restitution, any sums collected shall be used first to satisfy such restitution order and any collection costs associated with restitution prior to being used to satisfy any fine, forfeiture, penalty, or cost assessed against the defendant.

§ 19.2-349. Responsibility for collections; clerks to report unsatisfied fines, etc.; duty of attorneys for Commonwealth; duties of Department of Taxation.

A. The clerk of the circuit court and district court of every county and city shall submit to the judge of his court, the Department of Taxation, the State Compensation Board and the attorney for the Commonwealth of his county or city a monthly report of all fines, costs, forfeitures and penalties which are delinquent more than 90 days, including court-ordered restitution of a sum certain, imposed in his court for a violation of state law or a local ordinance which remain unsatisfied, including those which are delinquent in installment payments. The monthly report shall include the social security number or driver's license number of the defendant, if known, and such other information as the Department of Taxation and the Compensation Board deem appropriate. The Executive Secretary shall make the report required by this subsection on behalf of those clerks who participate in the Supreme Court's automated information system.

B. The clerk of the circuit court and district court of every county and city shall submit quarterly to

District Court Forms	DC-318	PETITION FOR RETURN OF SURETY’S CAPIAS DEPOSIT
	DC-331	SURETY’S CAPIAS AND BAILPIECE RELEASE

Abstract

Senate Bill 294 (in part) and House Bill 136 amended certain provisions in § 19.2-149 concerning the procedures for a bondsman obtaining a surety’s capias. The legislation clarified that if a bondsman requests a surety’s capias, a deposit is not required if the reason for the request for the surety’s capias is that the defendant failed to appear in any court. DC-331 was amended to include an option on the form for the bondsman to assert that the defendant failed to appear in a specific court, and for a finding to be made that a deposit is not required based upon that assertion.

The legislation also provided that if a bondsman does not petition the court for the return of the deposit within 15 days from the surrender of the principal, then the deposited funds shall be paid to the Literary Fund. In addition, the legislation set forth that if the court finds that the request for the capias was unreasonable, then the deposited funds are to be given to the payer and not the principal as was required prior to July 1, 2020. DC-318 was revised by adding a place for the bondsman to provide the name and address of the payer so that the court has this information, and by indicating that if the capias request was unreasonable, the funds are to go to the payer.

Source Senate Bill 294 (Chapter 531, effective July 1, 2020)
House Bill 136 (Chapter 20, effective July 1, 2020)

Revision Legislative

Form Type Masters

PETITION FOR RETURN OF SURETY'S CAPIAS DEPOSIT

Commonwealth of Virginia Va. Code § 19.2-149

Case No.

HEARING DATE AND TIME

Charge:

General District Court Circuit Court
 Juvenile and Domestic Relations District Court

CITY OR COUNTY

COURT ADDRESS

Commonwealth of Virginia

v.

DEFENDANT

.....
LOCALITY

PETITION

The undersigned bail bondsman petitions this court within 15 days from the surrender of the principal for the return of the amount deposited upon application for a surety's capias in the above case and provides the following cause for why the bail bondsman is entitled to the amount deposited:

The name and address of the payer is as follows:

PRINT NAME OF PAYER

ADDRESS OF PAYER

DATE

PETITIONER

NOTICE OF HEARING (CLERK USE ONLY)

TO:

BAIL BONDSMAN

A hearing on this PETITION will be held in this Court on

HEARING DATE AND TIME

DATE

CLERK DEPUTY CLERK

ORDER

The court finds that there was sufficient cause for the bail bondsman to surrender the defendant principal through application for a surety's capias. The deposit with the clerk or the magistrate by the bail bondsman of 10% of the bond or \$50, whichever is greater, specifically \$, shall be returned to the bail bondsman no sooner than 16 days after the date of this order.

The court finds that the surrender of the principal by the bail bondsman through application for a surety's capias was unreasonable. The deposited funds in the amount of \$ shall be returned to the ~~defendant principal~~ payer named above no sooner than 16 days after the date of this order.

DATE

JUDGE

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 20

An Act to amend and reenact § 19.2-149 of the Code of Virginia, relating to bail bondsman; deposit for surrender of principal for reasons other than principal's failure to appear.

[H 136]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-149 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-149. How surety on a bond in recognizance may surrender principal and be discharged from liability; deposit for surrender of principal.

A. A bail bondsman or his licensed bail enforcement agent on a bond in a recognizance may at any time arrest his principal and surrender him to the court before which the recognizance was taken or before which such principal's appearance is required, or to the sheriff, sergeant or jailer of the county or city wherein the court before which such principal's appearance is required is located; in addition to the above authority, upon the application of the surety, the court, or the clerk thereof, before which the recognizance was taken, or before which such principal's appearance is required, or any magistrate shall issue a *capias* for the arrest of such principal, and such *capias* may be executed by such bail bondsman or his licensed bail enforcement agent, or by any sheriff, sergeant or police officer, and the person executing such *capias* shall deliver such principal and such *capias* to the sheriff or jailer of the county or the sheriff, sergeant or jailer of the city in which the appearance of such principal is required, and thereupon the surety or the property bail bondsman shall be discharged from liability for any act of the principal subsequent thereto. Upon application of the surety for a *capias*, the surety shall state the basis for which the *capias* is being requested. Such sheriff, sergeant or jailer shall thereafter deliver such *capias* to the clerk of such court, with his endorsement thereon acknowledging delivery of such principal to his custody.

If a magistrate issues a *capias* pursuant to this section, the magistrate shall transmit a copy of the *capias* to the court before which such principal's appearance is required by the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.

B. If a bail bondsman on a bond in a recognizance surrenders his principal for any reason other than a ~~summons to show cause issued by the court for which the principal is~~ *principal's failure to appear in any court*, the bondsman shall deposit with the clerk or magistrate the greater of 10 percent of the amount of the bond or \$50, which shall be made at such time the bondsman makes application for a *capias*. The bondsman shall petition the court within 15 days from the surrender of the principal to show cause, if any can be shown, why the bondsman is entitled to the amount deposited. If the court finds that there was sufficient cause to surrender the principal, the court shall return the deposited funds to the bondsman. If the court finds that the surrender of the principal by the bondsman was unreasonable, the deposited funds shall be returned to the ~~principal payer~~. Remission of funds shall not be issued by the court until the sixteenth day after the finding. *If the bondsman does not petition the court for the return of the deposited funds within 15 days from the surrender of the principal, the deposited funds shall be paid into the state treasury to be credited to the Literary Fund.* Nothing in this subsection shall apply to a private citizen who posted cash or real estate to secure the release of a defendant.

District Court Form

DC-327

CHECKLIST FOR BAIL DETERMINATIONS

Abstract

House Bill 1462 amended § 19.2-120 by deleting language that placed limits on magistrates or clerks in the setting of bail in certain situations. Prior to July 1, 2020, a magistrate or clerk could not admit a person to bail, that was not set by a judge, when the person was charged with an offense with a rebuttable presumption against bail unless the attorney for the Commonwealth had concurred. The legislation deleted the requirement of the agreement of the attorney for the Commonwealth. As such, language referencing the limitation was deleted from both pages of the form.

Source

House Bill 1462 (Chapter 999, effective July 1, 2020)

Revision

Legislative

Form Type

Printed

CHECKLIST FOR BAIL DETERMINATIONS

Commonwealth of Virginia

Name of the Accused

Nature and Circumstances of the Offense

Weight of the Evidence

Length of Time in Community

Place of Employment How Long

Family Ties

Involvement in Education

Financial Resources

Pending Charges

Was a firearm allegedly used in the offense: No Yes

Currently on probation or parole? No Yes

Prior criminal record

The presumption set forth in Virginia Code § 19.2-120 (B) or (C) applies and has been rebutted has not been rebutted.

~~Bail was not set by a judge, the presumption set forth in Virginia Code § 19.2-120 (B) or (C) applies and has been rebutted, and an attorney for the Commonwealth concurs in the accused being admitted to bail. (For magistrate determinations only.)~~

The secured bond provision in Virginia Code § 19.2-123 applies and is waived with the concurrence of the attorney of the Commonwealth or the attorney for the county, city or town.

Prior charges of failing to appear

Is this person likely to obstruct or attempt to obstruct justice or threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness, juror or victim? No Yes

Other information

Bail Set

Special instructions or conditions

Check if more information is on reverse

DATE

MAGISTRATE JUDGE

The judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if the person is currently charged with:

1. An act of violence as defined in § 19.2-297.1;
2. An offense for which the maximum sentence is life imprisonment or death;
3. A violation of §§ 18.2-248, 18.2-248.01, 18.2-255 or § 18.2-255.2 involving a Schedule I or II controlled substance if (i) the maximum term of imprisonment is 10 years or more and the person was previously convicted of a like offense or (ii) the person was previously convicted as a “drug kingpin” as defined in § 18.2-248;
4. A violation of §§ 18.2-308.1, 18.2-308.2, or § 18.2-308.4 and which relates to a firearm and provides for a minimum, mandatory sentence;
5. Any felony, if the person has been convicted of two or more offenses described in subdivision 1 or 2, whether under the laws of this Commonwealth or substantially similar laws of the United States;
6. Any felony committed while the person is on release pending trial for a prior felony under federal or state law or on release pending imposition or execution of sentence or appeal of sentence or conviction;
7. An offense listed in subsection B of § 18.2-67.5:2 and the person had previously been convicted of an offense listed in § 18.2-67.5:2 or a substantially similar offense under the laws of any state or the United States and the judicial officer finds probable cause to believe that the person who is currently charged with one of these offenses committed the offense charged;
8. A violation of § 18.2-374.1 or § 18.2-374.3 where the offender has reason to believe that the solicited person is under 15 years of age and that the offender is at least 5 years older than the solicited person.
9. A violation of §§ 18.2-46.2, 18.2-46.3, 18.2-46.5 or § 18.2-46.7;
10. A violation of §§ 18.2-36.1, 18.2-51.4, 18.2-266 or § 46.2-341.24 and the person has, within the past five years of the instant offense, been convicted three times on different dates of a violation of any combination of these Code sections, or any ordinance of any county, city, or town or the laws of any other state or of the United States substantially similar thereto, and has been at liberty between each conviction; or
11. A second or subsequent violation of § 16.1-253.2 or § 18.2-60.4 or a substantially similar offense under the laws of any state or the United States; or
12. A violation of subsection B of § 18.2-57.2.
13. A violation of subsection C of § 18.2-460 charging the use of threats of bodily harm or force to knowingly attempt to intimidate or impede a witness.
14. A violation of § 18.2-51.6 if the alleged victim is a family or household member as defined in § 16.1-228.
15. A violation of §§ 18.2-355, 18.2-356, 18.2-357 or § 18.2-357.1.

The judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if the person is being arrested pursuant to § 19.2-81.6.

~~A judicial officer who is a magistrate, clerk or deputy clerk of a district court or circuit court may not admit to bail, that is not set by a judge, any person who is charged with an offense listed in 1 through 13 above or who is being arrested pursuant to § 19.2-81.6, without the concurrence of an attorney for the Commonwealth.~~

Virginia Code § 19.2-120

The judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of a person identified by U.S. Immigration and Customs Enforcement (ICE) as illegally present in the United States if such person is charged with one of the offenses enumerated below. However, for misdemeanor offenses under the provisions of law referred to in paragraphs a, b, c and e, and for felony offenses referred to in paragraph d, this presumption applies ONLY IF ICE has guaranteed that, in all such cases in the Commonwealth, it will issue a detainer for the initiation of removal proceedings and reimburse for the costs of incarceration from the time of issuance of the detainer.

- a. An offense listed under subsection C of § 17.1-805 (acts of violence);
- b. An offense listed under subsection A of § 19.2-297.1 (acts of violence);
- c. An offense listed under Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 (crimes against the person) except any offense listed under subsection A of § 18.2-57.2;
- d. A felony offense under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 (drug offenses); or
- e. An offense under Article 2 (§ 18.2-266 et seq.) or any local ordinance substantially similar thereto, Article 4 (§ 18.2-279 et seq.), Article 5 (§ 18.2-288 et seq.), Article 6 (§ 18.2-299 et seq.), Article 6.1 (§ 18.2-307.1 et seq.) or Article 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2 (crimes involving safety).

Virginia Code § 19.2-120.1.

Additional information:

.....
.....
.....
.....

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 999

An Act to amend and reenact § 19.2-120 of the Code of Virginia, relating to admission to bail; rebuttable presumptions against bail.

[H 1462]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-120 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-120. Admission to bail.

Prior to conducting any hearing on the issue of bail, release or detention, the judicial officer shall, to the extent feasible, obtain the person's criminal history.

A. A person who is held in custody pending trial or hearing for an offense, civil or criminal contempt, or otherwise shall be admitted to bail by a judicial officer, unless there is probable cause to believe that:

1. He will not appear for trial or hearing or at such other time and place as may be directed, or
2. His liberty will constitute an unreasonable danger to himself or the public.

B. The judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if the person is currently charged with:

1. An act of violence as defined in § 19.2-297.1;
2. An offense for which the maximum sentence is life imprisonment or death;
3. A violation of § 18.2-248, 18.2-248.01, 18.2-255, or 18.2-255.2 involving a Schedule I or II controlled substance if (i) the maximum term of imprisonment is 10 years or more and the person was previously convicted of a like offense or (ii) the person was previously convicted as a "drug kingpin" as defined in § 18.2-248;
4. A violation of § 18.2-308.1, 18.2-308.2, or 18.2-308.4 and which relates to a firearm and provides for a mandatory minimum sentence;
5. Any felony, if the person has been convicted of two or more offenses described in subdivision 1 or 2, whether under the laws of the Commonwealth or substantially similar laws of the United States;
6. Any felony committed while the person is on release pending trial for a prior felony under federal or state law or on release pending imposition or execution of sentence or appeal of sentence or conviction;
7. An offense listed in subsection B of § 18.2-67.5:2 and the person had previously been convicted of an offense listed in § 18.2-67.5:2 or a substantially similar offense under the laws of any state or the United States and the judicial officer finds probable cause to believe that the person who is currently charged with one of these offenses committed the offense charged;
8. A violation of § 18.2-374.1 or 18.2-374.3 where the offender has reason to believe that the solicited person is under 15 years of age and the offender is at least five years older than the solicited person;
9. A violation of § 18.2-46.2, 18.2-46.3, 18.2-46.5, or 18.2-46.7;
10. A violation of § 18.2-36.1, 18.2-51.4, 18.2-266, or 46.2-341.24 and the person has, within the past five years of the instant offense, been convicted three times on different dates of a violation of any combination of these Code sections, or any ordinance of any county, city, or town or the laws of any other state or of the United States substantially similar thereto, and has been at liberty between each conviction;
11. A second or subsequent violation of § 16.1-253.2 or 18.2-60.4 or a substantially similar offense under the laws of any state or the United States;
12. A violation of subsection B of § 18.2-57.2;
13. A violation of subsection C of § 18.2-460 charging the use of threats of bodily harm or force to knowingly attempt to intimidate or impede a witness;
14. A violation of § 18.2-51.6 if the alleged victim is a family or household member as defined in § 16.1-228; or
15. A violation of § 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1.

C. The judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if the person is being arrested pursuant to § 19.2-81.6.

D. A judicial officer who is a magistrate, clerk, or deputy clerk of a district court or circuit court may not admit to bail, that is not set by a judge, any person who is charged with an offense giving rise to a rebuttable presumption against bail as set out in subsection B or C without the concurrence of an

~~attorney for the Commonwealth. For a person who is charged with an offense giving rise to a rebuttable presumption against bail, any judge~~ *judicial officer* may set or admit such person to bail in accordance with this section ~~after notice and an opportunity to be heard has been provided to the attorney for the Commonwealth.~~

E. The ~~court~~ *judicial officer* shall consider the following factors and such others as it deems appropriate in determining, for the purpose of rebuttal of the presumption against bail described in subsection B, whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of the public:

1. The nature and circumstances of the offense charged;

2. The history and characteristics of the person, including his character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, membership in a criminal street gang as defined in § 18.2-46.1, and record concerning appearance at court proceedings; and

3. The nature and seriousness of the danger to any person or the community that would be posed by the person's release.

F. The judicial officer shall inform the person of his right to appeal from the order denying bail or fixing terms of bond or recognizance consistent with § 19.2-124.

G. If the judicial officer sets a secured bond and the person engages the services of a licensed bail bondsman, the magistrate executing recognizance for the accused shall provide the bondsman, upon request, with a copy of the person's Virginia criminal history record, if readily available, to be used by the bondsman only to determine appropriate reporting requirements to impose upon the accused upon his release. The bondsman shall pay a \$15 fee payable to the state treasury to be credited to the Literary Fund, upon requesting the defendant's Virginia criminal history record issued pursuant to § 19.2-389. The bondsman shall review the record on the premises and promptly return the record to the magistrate after reviewing it.

District Court Forms	DC-342	ORDER FOR PSYCHOLOGICAL EVALUATION
	DC-4040	PETITION TO RESTORE RIGHT TO PURCHASE, POSSESS OR TRANSPORT A FIREARM

Abstract

Identical bills Senate Bill 670 and House Bill 259 provided that it is unlawful for a person who was incompetent to stand trial and likely to remain so for the foreseeable future and whose case was disposed of pursuant to § 19.2-169.3 to purchase, possess or transport a firearm. Upon release, those persons can petition the general district court to restore their right to purchase, possess and transport a firearm using existing process. DC-4040 was amended to accommodate these petitions.

The legislation also revised § 19.2-169.1 to provide that the evaluator preparing the competency report may recommend that the court find the defendant unrestorably incompetent to stand trial and dispose of the case, without treatment, in those cases where the defendant’s competency is primarily affected by an “ongoing and irreversible medical condition” and there are records to support the diagnosis. Language to that effect was added to DC-342.

Source	Senate Bill 670 (Chapter 299, effective July 1, 2020) House Bill 259 (Chapter 1121, effective July 1, 2020)
--------	--

Revision	Legislative
----------	-------------

Form Type	Masters
-----------	---------

ORDER FOR PSYCHOLOGICAL EVALUATION

Case No.

Commonwealth of Virginia Va. Code §§ 19.2-168, 19.2-168.1, 19.2-169.1, 19.2-169.5

.....
COURT NAME AND ADDRESS

Commonwealth of Virginia v.

TYPE OF EVALUATION AND REPORT

- COMPETENCY EVALUATION:** It appearing to the Court, on motion of
 - Commonwealth’s Attorney defendant’s attorney the Court
 and upon hearing evidence or representations of counsel, that there is probable cause to believe that the defendant lacks substantial capacity to understand the proceedings against him or to assist in his own defense, the Court therefore appoints the evaluator(s) listed below to evaluate the defendant and to submit a report, on or before the date shown below, to this Court, the Commonwealth’s Attorney and the defendant’s attorney, concerning: (1) the defendant’s capacity to understand the proceedings against him; (2) his ability to assist his attorney; and (3) his need for treatment in the event that he is found to be incompetent but restorable, or incompetent for the foreseeable future. If a need for restoration treatment is identified in the event he is found incompetent but restorable, or incompetent for the foreseeable future, the report shall state whether inpatient or outpatient treatment (community-based or jail-based) is recommended. In cases where a defendant is likely to remain incompetent for the foreseeable future due to an ongoing and irreversible medical condition, and where prior medical or educational records are available to support the diagnosis, the report may recommend that the court find the defendant unrestorably incompetent to stand trial. No statements of the defendant relating to the time period of the alleged offense shall be included in the report.
- SANITY AT THE TIME OF THE OFFENSE:** It appearing to the Court, upon hearing evidence or representations of counsel for the defendant, that there is probable cause to believe that the defendant’s sanity may be a significant factor in his defense and that the defendant is financially unable to pay for expert assistance, the Court therefore appoints the evaluator(s) listed below to evaluate the defendant’s sanity at the time of the offense and, where appropriate, to assist in the development of an insanity defense. They shall prepare and submit a full report, on or before the date shown below, solely to the defendant’s attorney, concerning the defendant’s sanity at the time of the offense, including whether he may have had a significant mental disease or defect which rendered him insane at the time of the offense. If further evaluation on this issue is necessary, the evaluator(s) shall so state.
- The motion for the evaluation having been made by the Commonwealth after receiving notice pursuant to Virginia Code § 19.2-168, the Court also orders the defendant to submit to an evaluation and has advised the defendant that a refusal to cooperate with the Commonwealth’s evaluator(s) could result in the exclusion of defendant’s expert evidence. The Court further orders the evaluator(s) to submit to the attorneys for the Commonwealth and defendant copies of the report and the records obtained during the evaluation.

DESIGNATION OF EVALUATOR(S)

The Court finds and concludes that:

- the evaluation shall be performed on an outpatient basis at a mental health facility or in jail.

The Court therefore appoints the following evaluator(s) to conduct the evaluation:

.....
EVALUATOR(S): NAME(S) AND TITLE(S) OR NAME OF FACILITY

- the evaluation shall be conducted on an inpatient basis by qualified staff at a hospital designated by the Commissioner of the Department of Behavioral Health and Developmental Services because:
 - an outpatient evaluation (copy attached) has been conducted and the outpatient evaluator opined that a hospital-based evaluation is needed to reliably reach an opinion.
 - the defendant is currently in the custody of the Commissioner of Behavioral Health and Developmental Services pursuant to Virginia Code §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, 19.2-182.9, or Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2.

DUE DATE AND TIME:

The Court further orders that the Commonwealth’s Attorney and the defendant’s attorney forward appropriate background information to the evaluator(s) as required by law.

TO EVALUATORS AND ATTORNEYS: See reverse for additional instructions.

.....
DATE

.....
JUDGE

ADDITIONAL INSTRUCTIONS TO EVALUATOR(S) AND ATTORNEYS

Providing Background Information

1. Competency Evaluation: Prior to an evaluation of competency pursuant to Va. Code § 19.2-169.1, the Commonwealth's Attorney must forward to the evaluator(s) within 96 hours of the issuance of this order:
 - a. a copy of the warrant;
 - b. the names and addresses of the Commonwealth's Attorney, the defendant's attorney, and the judge ordering the evaluation;
 - c. information about the alleged crime; and
 - d. a summary of the reasons for the evaluation request.

The defendant's attorney must provide any available psychiatric records and other information that are deemed relevant within 96 hours of the issuance of this order. Va. Code § 19.2-169.1(C).

2. Sanity at the Time of the Offense: Prior to an evaluation of sanity at the time of the offense, the party making the motion for the evaluation must forward to the evaluator(s):
 - a. a copy of the warrant;
 - b. the names and addresses of the Commonwealth's Attorney, the defendant's attorney, and the judge ordering the evaluation;
 - c. information about the alleged crime, including statements by the defendant made to the police and transcripts of preliminary hearings, if any;
 - d. a summary of the reasons for the evaluation request;
 - e. any available psychiatric, psychological, medical or social records that are deemed relevant; and
 - f. a copy of defendant's criminal record, to the extent reasonably available.

Va. Code § 19.2-169.5(C).

Use of Information Obtained During Evaluation

No statement of disclosure by the defendant concerning the alleged offense made during the evaluation may be used against the defendant at the trial as evidence, or as a basis for such evidence, except on the issue of his/her mental condition at the time of the offense after the defendant raises the issue pursuant to § 19.2-168 of the Code of Virginia. Va. Code § 19.2-169.7.

PETITION TO RESTORE RIGHT TO PURCHASE, POSSESS OR TRANSPORT A FIREARM

Commonwealth of Virginia VA. CODE §§ 18.2-308.1:1, 18.2-308.1:2, 18.2-308.1:3

Case No.

Hearing Date

Circuit Court (Review of Denial Only)

General District Court

.....
CITY OR COUNTY

In re:
NAME OF PETITIONER

.....
DATE OF BIRTH

.....
ADDRESS

.....
TELEPHONE NUMBER

This petition is filed

to restore the right to purchase, possess or transport a firearm

pursuant to Virginia Code § 18.2-308.1:1, by a person who was acquitted by reason of insanity of one of the offenses listed in the statute and committed, upon discharge.

pursuant to Virginia Code § 18.2-308.1:2, by a person who was adjudicated legally incompetent, mentally incapacitated, or incapacitated and whose competency or capacity has been restored.

pursuant to Virginia Code § 18.2-308.1:3, by a person following release from involuntary admission, voluntary admission after issuance of a temporary detention order, or mandatory outpatient treatment; release from a training center; or release under Virginia Code § 19.2-169.3.

for a de novo review in the circuit court of a general district court order denying restoration of the right to purchase, possess or transport a firearm.

The following is true and correct to the best of my knowledge:

1. I was committed or admitted for mental health treatment as described below, such that it became unlawful for me to purchase, possess or transport a firearm:

I was acquitted by reason of insanity of an offense(s) specified in Virginia Code § 18.2-308.1:1 and committed to the custody of the Commissioner of Behavioral Health and Developmental Services pursuant to Virginia Code § 19.2-182.2 et. seq.

on
DATE(S) OF ORDER(S) AND CITY/COUNTY

I was adjudicated legally incompetent pursuant to former Virginia Code § 37.1-128.02 or former § 37.1-134

on
DATE(S) OF ORDER(S) AND CITY/COUNTY

I was adjudicated mentally incapacitated pursuant to former Virginia Code § 37.1-128.1 or former § 37.1-132

on
DATE(S) OF ORDER(S) AND CITY/COUNTY

I was adjudicated incapacitated pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 or former Chapter 10 (§ 37.2-1000 et seq.) of Title 37.2 on

DATE(S) OF ORDER(S) AND CITY/COUNTY

I was involuntarily admitted to a facility or ordered to mandatory outpatient treatment pursuant to Virginia Code § 19.2-169.2

on
DATE(S) OF ORDER(S) AND CITY/COUNTY

I was involuntarily admitted to a facility or ordered to mandatory outpatient treatment as the result of a commitment hearing pursuant to Virginia Code § 37.2-814 et seq. on

DATE(S) OF ORDER(S) AND CITY/COUNTY

.....
DATE(S) OF ORDER(S) AND CITY/COUNTY

I was the subject of a temporary detention order pursuant to Virginia Code § 37.2-809 and agreed to voluntary admission for inpatient treatment pursuant to Virginia Code § 37.2-805 on

DATE(S) OF ORDER(S) AND CITY/COUNTY

.....
DATE(S) OF ORDER(S) AND CITY/COUNTY

I was involuntarily admitted to a facility or ordered to mandatory outpatient treatment as a minor 14 years of age or older as the result of a commitment hearing pursuant to Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1

on
DATE(S) OF ORDER(S) AND CITY/COUNTY

I was a minor 14 years of age or older when I was the subject of a temporary detention order pursuant to Virginia Code § 16.1-340.1 and agreed to voluntary admission pursuant to Virginia Code § 16.1-338 on

.....
DATE(S) OF ORDER(S) AND CITY/COUNTY

I was found incompetent to stand trial and likely to remain so for the foreseeable future and my case was disposed of in accordance with Virginia Code § 19.2-169.3.

.....
DATE(S) OF ORDER(S) AND CITY/COUNTY

2. I am now eligible to petition to restore the right to purchase, possess or transport a firearm having been discharged from the custody of the Commissioner; restored to competency or capacity; ~~or~~ released from admission or treatment; released from a training center; or otherwise released under Virginia Code § 19.2-169.3.

3. I am not otherwise ineligible or legally barred from purchasing, possessing or transporting a firearm under the laws of the Commonwealth or under equivalent laws of any other state or federal law.

In support of this petition, the following documents are attached:

.....
.....
.....

Additional sheet(s) attached and incorporated by reference.

Based upon the facts specifically detailed above, I ask this court to grant this petition and restore to the petitioner the right to purchase, possess or transport a firearm. A hearing is is not requested.

.....
DATE

.....
SIGNATURE OF PETITIONER

Filed by attorney for petitioner

PRINT NAME

.....
ADDRESS

.....
TELEPHONE NUMBER

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 299

An Act to amend and reenact §§ 18.2-308.1:3 and 19.2-169.1 of the Code of Virginia, relating to unrestorably incompetent defendant; competency report.

[S 670]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.1:3 and 19.2-169.1 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-308.1:3. Purchase, possession, or transportation of firearm by persons involuntarily admitted or ordered to outpatient treatment; penalty.

A. It shall be unlawful for any person (i) involuntarily admitted to a facility or ordered to mandatory outpatient treatment pursuant to § 19.2-169.2; (ii) involuntarily admitted to a facility or ordered to mandatory outpatient treatment as the result of a commitment hearing pursuant to Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2; (iii) involuntarily admitted to a facility or ordered to mandatory outpatient treatment as a minor 14 years of age or older as the result of a commitment hearing pursuant to Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1; (iv) who was the subject of a temporary detention order pursuant to § 37.2-809 and subsequently agreed to voluntary admission pursuant to § 37.2-805 or; (v) who, as a minor 14 years of age or older, was the subject of a temporary detention order pursuant to § 16.1-340.1 and subsequently agreed to voluntary admission pursuant to § 16.1-338; or (vi) who was found incompetent to stand trial and likely to remain so for the foreseeable future and whose case was disposed of in accordance with § 19.2-169.3, to purchase, possess, or transport a firearm. A violation of this subsection shall be punishable as a Class 1 misdemeanor.

B. Any person prohibited from purchasing, possessing or transporting firearms under this section may, at any time following his release from involuntary admission to a facility, his release from an order of mandatory outpatient treatment, or his release from voluntary admission pursuant to § 37.2-805 following the issuance of a temporary detention order, *his release from a training center, or his release as provided by § 19.2-169.3*, petition the general district court in the city or county in which he resides or, if the person is not a resident of the Commonwealth, the general district court of the city or county in which the most recent of the proceedings described in subsection A occurred to restore his right to purchase, possess, or transport a firearm. A copy of the petition shall be mailed or delivered to the attorney for the Commonwealth for the jurisdiction where the petition was filed who shall be entitled to respond and represent the interests of the Commonwealth. The court shall conduct a hearing if requested by either party. If the court determines, after receiving and considering evidence concerning the circumstances regarding the disabilities referred to in subsection A and the person's criminal history, treatment record, and reputation as developed through character witness statements, testimony, or other character evidence, that the person will not likely act in a manner dangerous to public safety and that granting the relief would not be contrary to the public interest, the court shall grant the petition. Any person denied relief by the general district court may petition the circuit court for a de novo review of the denial. Upon a grant of relief in any court, the court shall enter a written order granting the petition, in which event the provisions of subsection A do not apply. The clerk of court shall certify and forward forthwith to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of any such order.

C. As used in this section, "treatment record" shall include copies of health records detailing the petitioner's psychiatric history, which shall include the records pertaining to the commitment or adjudication that is the subject of the request for relief pursuant to this section.

§ 19.2-169.1. Raising question of competency to stand trial or plead; evaluation and determination of competency.

A. Raising competency issue; appointment of evaluators. — If, at any time after the attorney for the defendant has been retained or appointed and before the end of trial, the court finds, upon hearing evidence or representations of counsel for the defendant or the attorney for the Commonwealth, that there is probable cause to believe that the defendant, whether a juvenile transferred pursuant to § 16.1-269.1 or adult, lacks substantial capacity to understand the proceedings against him or to assist his attorney in his own defense, the court shall order that a competency evaluation be performed by at least one psychiatrist or clinical psychologist who (i) has performed forensic evaluations; (ii) has successfully completed forensic evaluation training recognized by the Commissioner of Behavioral Health and Developmental Services; (iii) has demonstrated to the Commissioner competence to perform forensic evaluations; and (iv) is included on a list of approved evaluators maintained by the Commissioner.

B. Location of evaluation. — The evaluation shall be performed on an outpatient basis at a mental health facility or in jail unless an outpatient evaluation has been conducted and the outpatient evaluator opines that a hospital-based evaluation is needed to reliably reach an opinion or unless the defendant is in the custody of the Commissioner of Behavioral Health and Developmental Services pursuant to § 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, 19.2-182.9, or Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2.

C. Provision of information to evaluators. — The court shall require the attorney for the Commonwealth to provide to the evaluators appointed under subsection A any information relevant to the evaluation, including, but not limited to (i) a copy of the warrant or indictment; (ii) the names and addresses of the attorney for the Commonwealth, the attorney for the defendant, and the judge ordering the evaluation; (iii) information about the alleged crime; and (iv) a summary of the reasons for the evaluation request. The court shall require the attorney for the defendant to provide any available psychiatric records and other information that is deemed relevant. The court shall require that information be provided to the evaluator within 96 hours of the issuance of the court order pursuant to this section.

D. The competency report. — Upon completion of the evaluation, the evaluators shall promptly submit a report in writing to the court and the attorneys of record concerning (i) the defendant's capacity to understand the proceedings against him; (ii) his ability to assist his attorney; and (iii) his need for treatment in the event he is found incompetent but restorable, or incompetent for the foreseeable future. If a need for restoration treatment is identified pursuant to clause (iii), the report shall state whether inpatient or outpatient treatment (*community-based or jail-based*) is recommended. *In cases where a defendant is likely to remain incompetent for the foreseeable future due to an ongoing and irreversible medical condition, and where prior medical or educational records are available to support the diagnosis, the report may recommend that the court find the defendant unrestorably incompetent to stand trial and the court may proceed with the disposition of the case in accordance with § 19.2-169.3.* No statements of the defendant relating to the time period of the alleged offense shall be included in the report. The evaluator shall also send a redacted copy of the report removing references to the defendant's name, date of birth, case number, and court of jurisdiction to the Commissioner of Behavioral Health and Developmental Services for the purpose of peer review to establish and maintain the list of approved evaluators described in subsection A.

E. The competency determination. — After receiving the report described in subsection D, the court shall promptly determine whether the defendant is competent to stand trial. A hearing on the defendant's competency is not required unless one is requested by the attorney for the Commonwealth or the attorney for the defendant, or unless the court has reasonable cause to believe the defendant will be hospitalized under § 19.2-169.2. If a hearing is held, the party alleging that the defendant is incompetent shall bear the burden of proving by a preponderance of the evidence the defendant's incompetency. The defendant shall have the right to notice of the hearing, the right to counsel at the hearing and the right to personally participate in and introduce evidence at the hearing.

The fact that the defendant claims to be unable to remember the time period surrounding the alleged offense shall not, by itself, bar a finding of competency if the defendant otherwise understands the charges against him and can assist in his defense. Nor shall the fact that the defendant is under the influence of medication bar a finding of competency if the defendant is able to understand the charges against him and assist in his defense while medicated.

District Court Form

DC-345

ORDER FOR TREATMENT OF INCOMPETENT
DEFENDANT

Abstract

Senate Bill 683 amended § 19.2-169.2 by clarifying that when an incompetent defendant is ordered to treatment, if outpatient treatment is ordered, that treatment may occur in a local correctional facility or at a location determined by the appropriate community services board or behavioral health authority. The form was revised to reflect the changes in the legislation.

In addition, a non-legislative suggestion was made to include a section above the judge's signature line to indicate the date and time of a review hearing should a judge wish to set a review hearing when the defendant is ordered to treatment. The form was revised accordingly.

Source

Senate Bill 683 (Chapter 937, effective July 1, 2020)

Revision

Legislative

Form Type

Master

ORDER FOR TREATMENT OF INCOMPETENT DEFENDANT

Case No.

Commonwealth of Virginia VA. CODE §§ 19.2-169.2, 19.2-169.3

.....
COURT NAME AND ADDRESS

Commonwealth of Virginia v.

The Court having found, pursuant to Virginia Code § 19.2-169.1(E), that the ~~D~~defendant is incompetent to stand trial, and ~~having found further~~, based on the attached report or other evidence, that the ~~D~~defendant can be treated to restore his or her competency

~~[] on an outpatient basis in jail or through a local mental health facility~~
~~[] solely on an inpatient basis in a hospital~~

the Court therefore ORDERS that the ~~D~~defendant be treated in an effort to restore ~~him~~the defendant to competency ~~by~~

[] on an outpatient basis in a local correctional facility or at a location determined by the appropriate community services board or behavioral health authority

[] specifically,
NAME OF OUTPATIENT THERAPIST OR FACILITY

[] on an inpatient basis in a hospital, by qualified staff at a hospital to be designated by the Commissioner of Behavioral Health and Developmental Services or his or her designee. Pursuant to Virginia Code § 19.2-169.2, the ~~D~~defendant shall be transferred to and accepted by the hospital designated by the Commissioner as soon as practicable, but no later than 10 days, from the receipt of this Order.

Any psychiatric records and other information that have been deemed relevant and were submitted by the defendant’s attorney to the evaluator pursuant to Virginia Code § 19.2-169.1(C) and any reports submitted pursuant to § 19.2-169.1(D) shall be made available to the director of the community services board or behavioral health authority or his designee, or to the director of the treating inpatient facility or his designee, within 96 hours of the issuance of this order.

If, at any time after treatment commences, the director of the community services board or behavioral health authority or his designee or the director of the treating inpatient facility or his designee believes the defendant’s competency is restored, the director or his designee shall immediately send a report to the court concerning (1) the defendant’s capacity to understand the proceedings against him and (2) the defendant’s ability to assist his attorney.

If, at any time after treatment commences, the director of the community services board or behavioral health authority or his designee or the director of the treating inpatient facility or his designee concludes that the defendant is likely to remain incompetent for the foreseeable future, he shall send a report to the court so stating and indicating whether, in the board, authority, or inpatient facility director’s or his designee’s opinion, the defendant should be (1) released from state custody; (2) committed pursuant to Virginia Code § 37.2-814 et seq.; or (3) certified pursuant to § 37.2-806 in the event he is found to be unrestorably incompetent.

[] *Defendant charged with a misdemeanor crime enumerated in Virginia Code § 19.2-169.3(C).* If the defendant has not been restored to competency after forty-five (45) days from the date of commencement of treatment, the director of the community services board or behavioral health authority, or the director of the treating inpatient facility, or any of their designees, shall send a report indicating the defendant’s status to the court. The report shall also indicate whether the defendant should be released or committed pursuant to § 37.2-817 or certified pursuant to § 37.2-806.

If the defendant has not been restored to competency by six (6) months from the date of the commencement of treatment, the board, authority, or inpatient facility director or his designee shall send a report to the court so stating and indicating whether, in the director’s opinion, the defendant remains restorable to competency or whether the defendant should be (1) released from state custody; (2) committed pursuant to Virginia Code § 37.2-814 et seq.; or (3) certified pursuant to Virginia Code § 37.2-806 in the event he is found to be unrestorably incompetent.

[] A review hearing will be held on at m.
DATE TIME

.....
DATE

.....
JUDGE

WARNING TO DEFENDANT: PURSUANT TO § 18.2-308.1:3, YOU SHALL NOT PURCHASE, POSSESS, OR TRANSPORT A FIREARM UNLESS AND UNTIL YOU ARE RELEASED FROM TREATMENT AND OBTAIN A COURT ORDER RESTORING YOUR RIGHT TO DO SO.

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 937

An Act to amend and reenact §§ 19.2-169.1 and 19.2-169.2 of the Code of Virginia, relating to competency to stand trial; outpatient treatment.

[S 683]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-169.1 and 19.2-169.2 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-169.1. Raising question of competency to stand trial or plead; evaluation and determination of competency.

A. Raising competency issue; appointment of evaluators. — If, at any time after the attorney for the defendant has been retained or appointed and before the end of trial, the court finds, upon hearing evidence or representations of counsel for the defendant or the attorney for the Commonwealth, that there is probable cause to believe that the defendant, whether a juvenile transferred pursuant to § 16.1-269.1 or adult, lacks substantial capacity to understand the proceedings against him or to assist his attorney in his own defense, the court shall order that a competency evaluation be performed by at least one psychiatrist or clinical psychologist who (i) has performed forensic evaluations; (ii) has successfully completed forensic evaluation training recognized by the Commissioner of Behavioral Health and Developmental Services; (iii) has demonstrated to the Commissioner competence to perform forensic evaluations; and (iv) is included on a list of approved evaluators maintained by the Commissioner.

B. Location of evaluation. — The evaluation shall be performed on an outpatient basis at a mental health facility or in jail unless an outpatient evaluation has been conducted and the outpatient evaluator opines that a hospital-based evaluation is needed to reliably reach an opinion or unless the defendant is in the custody of the Commissioner of Behavioral Health and Developmental Services pursuant to § 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, 19.2-182.9, or Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2.

C. Provision of information to evaluators. — The court shall require the attorney for the Commonwealth to provide to the evaluators appointed under subsection A any information relevant to the evaluation, including, but not limited to (i) a copy of the warrant or indictment; (ii) the names and addresses of the attorney for the Commonwealth, the attorney for the defendant, and the judge ordering the evaluation; (iii) information about the alleged crime; and (iv) a summary of the reasons for the evaluation request. The court shall require the attorney for the defendant to provide any available psychiatric records and other information that is deemed relevant. The court shall require that information be provided to the evaluator within 96 hours of the issuance of the court order pursuant to this section.

D. The competency report. — Upon completion of the evaluation, the evaluators shall promptly submit a report in writing to the court and the attorneys of record concerning (i) the defendant's capacity to understand the proceedings against him; (ii) his ability to assist his attorney; and (iii) his need for treatment in the event he is found incompetent but restorable, or incompetent for the foreseeable future. If a need for restoration treatment is identified pursuant to clause (iii), the report shall state whether inpatient or outpatient treatment is recommended. *Outpatient treatment may occur in a local correctional facility or at a location determined by the appropriate community services board or behavioral health authority.* No statements of the defendant relating to the time period of the alleged offense shall be included in the report. The evaluator shall also send a redacted copy of the report removing references to the defendant's name, date of birth, case number, and court of jurisdiction to the Commissioner of Behavioral Health and Developmental Services for the purpose of peer review to establish and maintain the list of approved evaluators described in subsection A.

E. The competency determination. — After receiving the report described in subsection D, the court shall promptly determine whether the defendant is competent to stand trial. A hearing on the defendant's competency is not required unless one is requested by the attorney for the Commonwealth or the attorney for the defendant, or unless the court has reasonable cause to believe the defendant will be hospitalized under § 19.2-169.2. If a hearing is held, the party alleging that the defendant is incompetent shall bear the burden of proving by a preponderance of the evidence the defendant's incompetency. The defendant shall have the right to notice of the hearing, the right to counsel at the hearing and the right to personally participate in and introduce evidence at the hearing.

The fact that the defendant claims to be unable to remember the time period surrounding the alleged offense shall not, by itself, bar a finding of competency if the defendant otherwise understands the

charges against him and can assist in his defense. Nor shall the fact that the defendant is under the influence of medication bar a finding of competency if the defendant is able to understand the charges against him and assist in his defense while medicated.

§ 19.2-169.2. Disposition when defendant found incompetent.

A. Upon finding pursuant to subsection E of § 19.2-169.1 that the defendant, including a juvenile transferred pursuant to § 16.1-269.1, is incompetent, the court shall order that the defendant receive treatment to restore his competency on an outpatient basis or, if the court specifically finds that the defendant requires inpatient hospital treatment, at a hospital designated by the Commissioner of Behavioral Health and Developmental Services as appropriate for treatment of persons under criminal charge. *Outpatient treatment may occur in a local correctional facility or at a location determined by the appropriate community services board or behavioral health authority.* Notwithstanding the provisions of § 19.2-178, if the court orders inpatient hospital treatment, the defendant shall be transferred to and accepted by the hospital designated by the Commissioner as soon as practicable, but no later than 10 days, from the receipt of the court order requiring treatment to restore the defendant's competency. If the 10-day period expires on a Saturday, Sunday, or other legal holiday, the 10 days shall be extended to the next day that is not a Saturday, Sunday, or legal holiday. Any psychiatric records and other information that have been deemed relevant and submitted by the attorney for the defendant pursuant to subsection C of § 19.2-169.1 and any reports submitted pursuant to subsection D of § 19.2-169.1 shall be made available to the director of the community services board or behavioral health authority or his designee or to the director of the treating inpatient facility or his designee within 96 hours of the issuance of the court order requiring treatment to restore the defendant's competency. If the 96-hour period expires on a Saturday, Sunday, or other legal holiday, the 96 hours shall be extended to the next day that is not a Saturday, Sunday, or legal holiday.

B. If, at any time after the defendant is ordered to undergo treatment under subsection A of this section, the director of the community services board or behavioral health authority or his designee or the director of the treating inpatient facility or his designee believes the defendant's competency is restored, the director or his designee shall immediately send a report to the court as prescribed in subsection D of § 19.2-169.1. The court shall make a ruling on the defendant's competency according to the procedures specified in subsection E of § 19.2-169.1.

C. The clerk of court shall certify and forward forthwith to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of an order for treatment issued pursuant to subsection A.

District Court Forms	DC-383	PETITION FOR PROTECTIVE ORDER
	DC-385	PROTECTIVE ORDER
	DC-611	PETITION FOR PROTECTIVE ORDER – FAMILY ABUSE
	DC-649	PROTECTIVE ORDER FIREARM CERTIFICATION (NEW FORM)
	DC-650	PROTECTIVE ORDER – FAMILY ABUSE

Abstract

Identical bills Senate Bill 479 and House Bill 1004 added a new provision to § 18.2-308.1:4, the statute that addresses firearm prohibitions that apply to protective orders. The legislation, in part, requires the court to order that a respondent subject to a final protective order pursuant to § 16.1-279.1 or 19.2-152.10 must surrender, sell or transfer any firearm within 24 hours of being served with the protective order. In addition, within 48 hours of being served, the respondent is required to file a written certification with the court indicating either that the respondent does not possess any firearms or that all firearms possessed by the respondent have been surrendered, sold or transferred.

As a result of the legislation, a new certification form was created for the respondent to file with the court regarding the status of any firearms possessed by the respondent. In addition, language was added to DC-385 and DC-650 reflecting the requirements of the legislation.

The identical bills also required that the petitions for a protective order include a provision where the petitioner can indicate whether the petitioner knows or has reason to know that the respondent owns or possesses firearms. DC-383 and DC-611 were revised to include that provision.

Source Senate Bill 479 (Chapter 1260, effective July 1, 2020)
House Bill 1004 (Chapter 1221, effective July 1, 2020)

Revision Legislative

Form Type Masters

PETITION FOR PROTECTIVE ORDER

Commonwealth of Virginia Va. Code §§ 19.2-152.9; 19.2-152.10

Case No.

Hearing Date and Time

General District Court Circuit Court

Juvenile and Domestic Relations District Court

SUMMONS FOR HEARING

TO ANY AUTHORIZED OFFICER: Summon the Respondent as provided below:

TO THE RESPONDENT: You are commanded to appear before this Court on

DATE AND TIME

at for a hearing on this Petition.

NAME AND ADDRESS OF COURT

DATE ISSUED

CLERK DEPUTY CLERK

TO THE PETITIONER: Please provide your information on form DC-621, NON-DISCLOSURE ADDENDUM.

RESPONDENT'S DESCRIPTION (IF KNOWN)

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
		SSN							
DRIVER'S LICENSE NO.							STATE	EXP.	

PETITIONER

v.

RESPONDENT

RESPONDENT'S ADDRESS/LOCATION

Telephone no. (H) (W)

The undersigned Petitioner respectfully represents to the court that:

1. A warrant or petition has been issued charging the Respondent with a criminal offense resulting from the commission of an act of violence, force, or threat; OR
2. ~~The~~ Respondent is committing or, within a reasonable time, has committed an act of violence, force, or threat, specifically:

See accompanying affidavit.

3. Petitioner and Respondent cohabited, as intimate partners, more than 12 months ago but not within the previous 12 months.
4. A protective order of any type involving the parties is currently in effect.
5. Petitioner knows or has reason to know that the Respondent owns or otherwise possesses firearms.

PETITIONER, THEREFORE, RESPECTFULLY REQUESTS that a protective order be issued,

with without a preliminary protective order being issued prior to the full hearing, and that any order impose on the Respondent the following conditions and such conditions as the judge deems appropriate as allowed by law:

- Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or property.
- Prohibiting such other contact with the Petitioner as the judge deems necessary for the health and safety of the Petitioner.
- Prohibiting such other contact with the Petitioner's family or household members named below, as the judge deems necessary for their health and safety. (Please provide on form DC-621, NON-DISCLOSURE ADDENDUM, the date of birth, gender, and race for each family or household member listed.)

NAMES OF FAMILY OR HOUSEHOLD MEMBERS

Case No.

[] Granting the Petitioner possession of the companion animal described as
NAME/TYPE

[] Such other conditions as the judge may deem necessary to prevent acts of violence, force or threat, criminal offenses resulting in injury to person or property, or communication or other contact of any kind by the Respondent, namely:

.....
.....

.....
DATE

.....
PETITIONER

.....
ATTORNEY'S ADDRESS AND TELEPHONE NUMBER

by
PETITIONER'S ATTORNEY

(When attested, this Petition shall also be an affidavit of the facts as stated in the Petition.) Sworn to and affirmed before me this

..... day of, 20

.....
[] INTAKE OFFICER (*JUVENILE ONLY*) [] CLERK
[] NOTARY PUBLIC My commission expires:
Notary Registration No.

..... DATE AND TIME FILED	..... [ ] CLERK [] DEPUTY CLERK
TO THE PETITIONER: You are summoned to appear in this court on	
..... DATE	..... [ ] CLERK [] DEPUTY CLERK

RETURNS: Each person was served according to law, as indicated below, unless not found.

RESPONDENT:	
Name:	
Address	
Tel. No.	
<input type="checkbox"/> PERSONAL SERVICE	
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> Not Found	
..... DATE	SERVING OFFICER for
..... TIME	

PETITIONER: (See form DC-621, NON-DISCLOSURE ADDENDUM)	
Name:	
<input type="checkbox"/> PERSONAL SERVICE	
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> Not Found	
..... DATE	SERVING OFFICER for
..... TIME	

“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, or (v) any individual who has a child in common with the defendant, 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 twelve (12) months, cohabitated with the person, and any children of either of them residing in the same home with the person.

“Act of violence, force, or threat” means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et. seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

PROTECTIVE ORDER

Commonwealth of Virginia VA. CODE § 19.2-152.10

Case No.

- General District Court Circuit Court
- Juvenile and Domestic Relations District Court

- Amended Protective Order Extension of Protective Order Conviction for Violation of Protective Order

PETITIONER

[Empty box for Petitioner Name]

LAST FIRST MIDDLE

And on behalf of minor family or household member(s):
(list each name and date of birth)

.....
.....
.....

PETITIONER'S DATE OF BIRTH

[Empty box for Petitioner's Date of Birth]

Other protected family or household members:
(list each name and date of birth)

.....
.....
.....

V.

RESPONDENT

[Empty box for Respondent Name]

LAST FIRST MIDDLE

RESPONDENT'S ADDRESS

.....
.....

RESPONDENT IDENTIFIERS (IF KNOWN)

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
		SSN							
DRIVER'S LICENSE NO.						STATE		EXP.	

CAUTION: Weapon Involved

Distinguishing features:

THE COURT FINDS that it has jurisdiction over the parties and subject matter, that the Respondent was given reasonable notice and an opportunity to be heard, and that

- A ~~+~~warrant ~~+~~or petition has been issued charging the Respondent with a criminal offense resulting from the commission of an act of violence, force, or threat as defined in Va. Code § 19.2-152.7:1, **OR**
- The Respondent has been convicted of
 - a criminal offense resulting from the commission of an act of violence, force, or threat as defined in Va. Code § 19.2-152.7:1.
 - a violation of a protective order pursuant to Va. Code § 18.2-60.4, **OR**
- A full hearing on the petition for a protective order has been held pursuant to Va. Code § 19.2-152.9(D), **OR**
- A hearing has been held pursuant to Va. Code § 19.2-152.10(B) on a motion to extend a protective order.

THE COURT FURTHER FINDS that the Petitioner and the Respondent

- cohabited more than 12 months ago but not within the past 12 months have never cohabited.

Accordingly, to protect the health and safety of the Petitioner and family or household members of the Petitioner, **THE COURT ORDERS** that:

- The Respondent shall not commit acts of violence, force, or threat or criminal offenses that may result in injury to person or property.
- The Respondent shall have no contact of any kind with the Petitioner
 - except as follows:
- The Respondent shall have no contact of any kind with the family or household members of the Petitioner named above
 - except as follows:
- The Petitioner is granted possession of the companion animal described as

[] It is further ordered that

[] Supplemental Sheet to Protective Order, Form DC-653, attached and incorporated by reference. Number of supplemental pages:

[X] The Respondent shall surrender, sell or transfer any firearm possessed by Respondent, within 24 hours after being served with this order, as follows:

- (a) surrender any such firearm to a designated local law-enforcement agency;
- (b) sell or transfer any such firearm to a dealer as defined in § 18.2-308.2; or
- (c) sell or transfer any such firearm to any person who is not prohibited by law from possessing a firearm.

[X] The Respondent shall, within 48 hours after being served with this order:

- (a) complete the attached certification form stating either that the Respondent does not possess any firearms or that all firearms possessed by the Respondent have been surrendered, sold or transferred; and
- (b) file the completed certification form with the clerk of the court that entered this order.

[] Final judgment having been rendered on appeal from the juvenile and domestic relations district court, this matter is remanded to the jurisdiction of the juvenile and domestic relations district court in accordance with Virginia Code § 16.1-297.

THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL

..... at 11:59 p.m.		
MONTH	DAY	YEAR

.....

DATE

JUDGE

~~See warnings and notices to Respondent on page two.~~

WARNINGS TO RESPONDENT:

If Respondent violates the conditions of this order, Respondent may be sentenced to jail and/or ordered to pay a fine. This order will be entered into the Virginia Criminal Information Network. Either party may at any time file a motion with the court requesting a hearing to dissolve or modify this order; however, this Order remains in full force and effect unless and until dissolved or modified by the court. **Only the court can change this Order.**

Federal Offenses: Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. § 2262). Federal law provides penalties for possessing, transporting, shipping or receiving any firearm or ammunition while subject to a qualifying protective order and under the circumstances specified in 18 U.S.C. § 922(g)(8).

Full Faith and Credit: This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, and any U.S. Territory, and may be enforced on Tribal Lands (18 U.S.C. § 2265).

VIRGINIA FIREARMS PROHIBITIONS:

Pursuant to Code of Virginia § 18.2-308.1:4, Respondent shall not purchase, transport or possess any firearm while this order is in effect. For a period of 24 hours after being served with this order, Respondent may, however, continue to possess and transport a firearm possessed by Respondent at the time of service for the purposes of surrendering the firearm to a law-enforcement agency, or selling or transferring that firearm to a dealer as defined in § 18.2-308.2:2 or to any person who is not prohibited by law from possessing that firearm.

If Respondent has a concealed handgun permit, Respondent must immediately surrender that permit to the court issuing this order.

RETURNS: Each person was served according to law, as indicated below, unless not found.

<p>RESPONDENT:</p> <p>NAME</p> <p>.....</p> <p>ADDRESS</p> <p>.....</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:70%;"><input type="checkbox"/> PERSONAL SERVICE</td> <td>TELEPHONE NUMBER</td> </tr> </table> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:70%;"><input type="checkbox"/> NOT FOUND</td> <td></td> </tr> </table> <p>_____</p> <p style="text-align: center;">SERVING OFFICER</p> <p>for _____</p> <p>.....</p> <p style="text-align: center;">DATE AND TIME</p> <p>RESPONDENT'S DESCRIPTION (for VCIN entry):</p> <p>RACE SEX</p> <p>DOB:</p> <p>HGT WGT</p> <p>EYES HAIR</p> <p>SSN</p> <p>Tel. No.</p> <p>Relationship to Petitioner/Plaintiff</p> <p>Distinguishing features</p>	<input type="checkbox"/> PERSONAL SERVICE	TELEPHONE NUMBER	<input type="checkbox"/> NOT FOUND		<p>PETITIONER: (See form DC-621, NON-DISCLOSURE ADDENDUM)</p> <p>NAME</p> <p>.....</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:70%;"><input type="checkbox"/> PERSONAL SERVICE</td> <td></td> </tr> </table> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:70%;"><input type="checkbox"/> NOT FOUND</td> <td></td> </tr> </table> <p>_____</p> <p style="text-align: center;">SERVING OFFICER</p> <p>for _____</p> <p>.....</p> <p style="text-align: center;">DATE AND TIME</p> <p><input type="checkbox"/> Copy delivered to:</p> <p>.....</p> <p>.....</p> <p>by TITLE</p> <p>.....</p> <p style="text-align: center;">SIGNATURE</p> <p>.....</p>	<input type="checkbox"/> PERSONAL SERVICE		<input type="checkbox"/> NOT FOUND	
<input type="checkbox"/> PERSONAL SERVICE	TELEPHONE NUMBER								
<input type="checkbox"/> NOT FOUND									
<input type="checkbox"/> PERSONAL SERVICE									
<input type="checkbox"/> NOT FOUND									

~~**WARNINGS TO RESPONDENT:** Pursuant to Code of Virginia § 18.2-308.1:4, Respondent shall not purchase or transport any firearm while this order is in effect. **If Respondent has a concealed handgun permit, Respondent must immediately surrender that permit to the court issuing this order.** If Respondent violates the conditions of this order, Respondent may be sentenced to jail and/or ordered to pay a fine. This order will be entered into the Virginia Criminal Information Network. Either party may at any time file a motion with the court requesting a hearing to dissolve or modify this order; however, this Order remains in full force and effect unless and until dissolved or modified by the court. **Only the court can change this Order.**~~

~~**Federal Offenses:** Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. § 2262). Federal law provides penalties for possessing, transporting, shipping or receiving any firearm or ammunition while subject to a qualifying protective order and under the circumstances specified in 18 U.S.C. § 922(g)(8).~~

~~**Full Faith and Credit:** This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, and any U.S. Territory, and may be enforced on Tribal Lands (18 U.S.C. § 2265).~~

DEFINITIONS:

“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, or (v) any individual who has a child in common with the defendant, 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 twelve (12) months, cohabitated with the person, and any children of either of them residing in the same home with the person.

“Act of violence, force, or threat” means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et. seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

[] Prohibiting such contact with the following family or household members as the judge deems necessary for their health and safety. (Please provide on Form DC-621, NON-DISCLOSURE ADDENDUM, the date of birth, gender and race for each family or household member listed.)

NAME NAME NAME
NAME NAME NAME

[] Granting the Petitioner possession of the premises occupied by Petitioner and Respondent to the exclusion of the Respondent. This residence is located at

[] Prohibiting the Respondent from terminating [] requiring that the Respondent restore necessary utility service(s) to the premises indicated above, specifically, UTILITY SERVICE(S)

[] Granting the Petitioner temporary exclusive possession or use of a motor vehicle jointly owned by the parties or owned by the Petitioner alone, described as follows:

[] Prohibiting the Respondent from terminating the [] insurance [] registration [] taxes on this motor vehicle.
[] Requiring the Respondent to maintain the [] insurance [] registration [] taxes for this motor vehicle.

[] Requiring that the Respondent provide suitable alternative housing for the Petitioner [] and other family or household members [] and requiring the Respondent to pay deposit(s) to connect or restore necessary utility service(s) in the alternative housing, specifically, UTILITY SERVICE(S)

[] Granting temporary custody or visitation of a minor child or children to Petitioner (UCCJEA affidavit attached). (PROTECTIVE ORDER only.)

[] Provide temporary support for minor children.

[] Granting the Petitioner possession of the companion animal described as NAME/TYPE

[] Granting the Petitioner [] and other family or household members exclusive use and possession of a cellular telephone number or electronic device.

[] Prohibiting the Respondent from terminating a cellular telephone number or electronic device before the expiration of the contract term with a third-party provider.
[] Prohibiting the Respondent from using a cellular or other electronic device to locate the Petitioner.

[] Other relief necessary for protection:

DATE PETITIONER
ATTORNEY'S ADDRESS AND TELEPHONE NUMBER by PETITIONER'S ATTORNEY

(When attested, this Petition shall also be an affidavit of the facts as stated in the Petition.)

Sworn to/affirmed and signed before me this day.

DATE [] INTAKE OFFICER [] CLERK

FOR NOTARY PUBLIC'S USE ONLY:
State of [] City [] County
Acknowledged, subscribed and sworn to before me this day of, 20
NOTARY REGISTRATION NUMBER NOTARY PUBLIC (My commission expires:)
This block is enclosed in a rectangular box.

RETURNS: Each person was served according to law, as indicated below, unless not found.

RESPONDENT:	
NAME	
ADDRESS	
TELEPHONE NO.	
<input type="checkbox"/> PERSONAL SERVICE	
<input type="checkbox"/> NOT FOUND	

SERVING OFFICER	
for _____	

DATE AND TIME	
Respondent's Description (for VCIN)	
RACE	SEX
DOB	
HGT	WGT
EYES	HAIR
SSN	
Telephone No.	
Relationship to Petitioner/Plaintiff	
Distinguishing features	

PETITIONER: (See form DC-621, NON-DISCLOSURE ADDENDUM)	
NAME	
TELEPHONE NO.	
<input type="checkbox"/> PERSONAL SERVICE	
<input type="checkbox"/> NOT FOUND	

SERVING OFFICER	
for _____	

DATE AND TIME	
[] Copy delivered to	

by _____	
TITLE	

SIGNATURE	

DATE	

“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, or (v) any individual who has a child in common with the defendant, 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 twelve (12) months, cohabitated with the person, and any children of either of them residing in the same home with the person.

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

**PROTECTIVE ORDER
FIREARM CERTIFICATION**

Commonwealth of Virginia Va. Code § 18.2-308.1:4

Case No.

..... General District Court Circuit Court
 Juvenile and Domestic Relations District Court

.....
ADDRESS OF COURT

..... V.
PETITIONER RESPONDENT

I, the named Respondent, certify pursuant to Virginia Code § 18.2-308.1:4 that

I do not possess any firearms.

OR

I have surrendered, sold or transferred all firearms that were possessed by me, as required by the issued Protective Order.

I understand that I am required to file this completed certification form with the clerk of the court that entered the Protective Order within 48 hours after being served with the Protective Order.

I further understand that I am required to surrender my concealed firearm permit, if any, to the court named above that entered the Protective Order.

.....
DATE

.....
SIGNATURE OF RESPONDENT

.....
PRINTED NAME OF RESPONDENT

VIRGINIA FIREARMS PROHIBITION:
Pursuant to Virginia Code § 18.2-308.1:4, Respondent shall not purchase, transport or possess any firearm while the Protective Order is in effect.

(FOR COURT USE ONLY)

As the Respondent failed to file the required certification form with the clerk of the court, a show cause summons for contempt of court shall be issued and served on the Respondent.

.....
DATE

.....
JUDGE

PROTECTIVE ORDER – FAMILY ABUSE

Commonwealth of Virginia VA. CODE § 16.1-279.1

Case No.

Circuit Court

Juvenile and Domestic Relations District Court

Amended Protective Order Extension of Protective Order Conviction for Violation of Protective Order

PETITIONER

[Empty box for Petitioner Name]

LAST FIRST MIDDLE

And on behalf of minor family or household members:
(list each name and date of birth)

.....
.....
.....

PETITIONER'S DATE OF BIRTH

[Empty box for Petitioner's Date of Birth]

Other protected family or household members:
(list each name and date of birth)

.....
.....
.....

V.

RESPONDENT

[Empty box for Respondent Name]

LAST FIRST MIDDLE

Petitioner's relationship to Respondent:

.....
.....
RESPONDENT'S ADDRESS

RESPONDENT IDENTIFIERS (IF KNOWN)

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
		SSN							
DRIVER'S LICENSE NO.						STATE		EXP.	

Distinguishing features:

CAUTION: Weapon Involved

THE COURT FINDS that it has jurisdiction over the parties and subject matter, that the Respondent was given reasonable notice and an opportunity to be heard, AND that the Petitioner has proven the allegation of family abuse by a preponderance of the evidence, a motion to modify or extend a protective order was properly before the court, or the Respondent has been convicted of a violation of a protective order pursuant to Va. Code § 16.1-253.2.

Accordingly, to protect the health and safety of the Petitioner and family or household members of the Petitioner, **THE COURT ORDERS** that:

The Respondent shall not commit acts of family abuse or criminal offenses that result in injury to person or property.

The Respondent shall have no contact of any kind with the Petitioner

except as follows:

The Respondent shall have no contact of any kind with the family or household members of the Petitioner named above

except as follows:

Additional terms of this order are set forth on page two.

THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL

.....			at 11:59 p.m.
MONTH	DAY	YEAR	

WARNINGS TO RESPONDENT: (See additional warnings to Respondent on page two.)

Full Faith and Credit: This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, and any U.S. Territory, and may be enforced on Tribal Lands (18 U.S.C. § 2265).

Federal Offenses: Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. § 2262). Federal law provides penalties for possessing, transporting, shipping, receiving or purchasing any firearm or ammunition while subject to a qualifying protective order and under the circumstances specified in 18 U.S.C. § 922(g)(8).

Only the court can change this order.

It is further ORDERED as follows:

[] The Petitioner is granted possession of the residence occupied by the parties to the exclusion of the Respondent. The residence is located at The Respondent shall immediately leave and stay away from the residence; however, no such grant of possession shall affect title to any real or personal property.

[] Until further order, being necessary for the protection of the Petitioner and family or household members of the Petitioner, [] temporary custody of [] temporary visitation with is as follows:

[] The Respondent shall not terminate [] Respondent shall restore necessary utility service(s) to the premises indicated above, specifically, UTILITY SERVICE(S)

[] The Petitioner is granted temporary exclusive possession or use of a motor vehicle jointly owned by the parties or owned by the Petitioner alone, described as follows: Such grant shall not affect title to the vehicle.

[] The Respondent shall not terminate the [] insurance [] registration [] taxes on this motor vehicle.

[] The Respondent shall maintain the [] insurance [] registration [] taxes for this motor vehicle.

[] The Respondent shall provide suitable alternative housing for the Petitioner [] and family or household members as follows:

[] The Respondent shall pay deposit(s) to connect or restore necessary utility service(s) in the alternative housing, specifically, UTILITY SERVICE(S)

[] The Respondent shall participate in the following treatment, counseling or other program: PROGRAM NAME AND ADDRESS

[] The Petitioner is granted possession of the companion animal described as NAME/TYPE

[] The Petitioner [] and family or household members of the Petitioner is/are granted exclusive use and possession of a cellular telephone number or electronic device, as follows:

[] The Respondent shall not terminate a cellular telephone number or electronic device before expiration of the contract term with a third-party provider, as follows:

[] The Respondent shall not use a cellular telephone or other electronic device to locate the Petitioner.

[] It is further ordered that

[] Supplemental Sheet to Protective Order, Form DC-653, attached and incorporated by reference. Number of supplemental pages

[X] The Respondent shall surrender, sell or transfer any firearm possessed by Respondent, within 24 hours after being served with this order, as follows:

(a) surrender any such firearm to a designated local law-enforcement agency;

(b) sell or transfer any such firearm to a dealer as defined in § 18.2-308.2; or

(c) sell or transfer any such firearm to any person who is not prohibited by law from possessing a firearm.

[X] The Respondent shall, within 48 hours after being served with this order:

(a) complete the attached certification form stating either that the Respondent does not possess any firearms or that all firearms possessed by the Respondent have been surrendered, sold or transferred; and

(b) file the completed certification form with the clerk of the court that entered this order.

[] Final judgment having been rendered on appeal from the juvenile and domestic relations district court, this matter is remanded to the jurisdiction of the juvenile and domestic relations district court pursuant to Va. Code § 16.1-297.

..... DATE

..... JUDGE

ADDITIONAL WARNINGS TO RESPONDENT:

If Respondent violates the conditions of this order, Respondent may be sentenced to jail and/or ordered to pay a fine. This order will be entered into the Virginia Criminal Information Network. Either party may at any time file a motion with the court requesting a hearing to dissolve or modify this order; however, this order remains in full force and effect unless and until dissolved or modified by the court.

VIRGINIA FIREARMS PROHIBITIONS:

Pursuant to Code of Virginia § 18.2-308.1:4, Respondent shall not purchase, transport or possess any firearm while this order is in effect. For a period of 24 hours after being served with this order, Respondent may, however, continue to possess and transport a firearm possessed by Respondent at the time of service for the purposes of surrendering the firearm to a law-enforcement agency, or selling or transferring that firearm to a dealer as defined in § 18.2-308.2:2 or to any person who is not prohibited by law from possessing that firearm.

If Respondent has a concealed handgun permit, Respondent must immediately surrender that permit to the court issuing this order.

RETURNS: Each person was served according to law, as indicated below, unless not found.

RESPONDENT:	
NAME	
ADDRESS	
<input type="checkbox"/> PERSONAL SERVICE	TELEPHONE NUMBER
<input type="checkbox"/> NOT FOUND	

SERVING OFFICER	
for _____	

DATE AND TIME	
RESPONDENT'S DESCRIPTION (for VCIN entry):	
RACE	SEX
DOB:	
HGT	WGT
EYES	HAIR
SSN	
Relationship to Petitioner/Plaintiff	
Distinguishing features	
.....	

PETITIONER: (See form DC-621, NON-DISCLOSURE ADDENDUM)	
NAME	
.....	
<input type="checkbox"/> PERSONAL SERVICE	
<input type="checkbox"/> NOT FOUND	

SERVING OFFICER	
for _____	

DATE AND TIME	
<input type="checkbox"/> Copy delivered to	
.....	
.....	
by	
TITLE	
.....	
SIGNATURE	
.....	

DEFINITIONS:

“Family abuse” means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, bodily injury and that is committed by a person against such person’s family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et. seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable 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, or (v) any individual who has a child in common with the defendant, 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 twelve (12) months, cohabitated with the person, and any children of either of them residing in the same home with the person.

VIRGINIA ACTS OF ASSEMBLY -- 2020 RECONVENED SESSION

CHAPTER 1260

An Act to amend and reenact §§ 18.2-308.1:4 and 18.2-308.2:1 of the Code of Virginia, relating to protective orders; possession of firearms; surrender or transfer of firearms; penalty.

[S 479]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.1:4 and 18.2-308.2:1 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-308.1:4. Purchase or transportation of firearm by persons subject to protective orders; penalties.

A. It is unlawful for any person who is subject to (i) a protective order entered pursuant to § 16.1-253.1, 16.1-253.4, 16.1-278.2, 16.1-279.1, 19.2-152.8, 19.2-152.9, or 19.2-152.10; (ii) an order issued pursuant to subsection B of § 20-103; (iii) an order entered pursuant to subsection D of § 18.2-60.3; (iv) a preliminary protective order entered pursuant to subsection F of § 16.1-253 where a petition alleging abuse or neglect has been filed; or (v) an order issued by a tribunal of another state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to those cited in clauses (i), (ii), (iii), or (iv) to purchase or transport any firearm while the order is in effect. Any person with a concealed handgun permit shall be prohibited from carrying any concealed firearm, and shall surrender his permit to the court entering the order, for the duration of any protective order referred to herein. A violation of this subsection is a Class 1 misdemeanor.

B. In addition to the prohibition set forth in subsection A, it is unlawful for any person who is subject to a protective order entered pursuant to § 16.1-279.1 *or* 19.2-152.10 or an order issued by a tribunal of another state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to § 16.1-279.1 *or* 19.2-152.10 to knowingly possess any firearm while the order is in effect, provided that for a period of 24 hours after being served with a protective order in accordance with subsection C of § 16.1-279.1 *or* subsection C of § 19.2-152.10 such person may continue to possess and, notwithstanding the provisions of subsection A, transport any firearm possessed by such person at the time of service for the purposes of *surrendering any such firearm to a law-enforcement agency in accordance with subsection C or selling or transferring any such firearm to a dealer as defined in § 18.2-308.2:2 or to any person who is not otherwise prohibited by law from possessing such firearm in accordance with subsection C.* A violation of this subsection is a Class 6 felony.

C. *Upon issuance of a protective order pursuant to § 16.1-279.1 or 19.2-152.10, the court shall order the person who is subject to the protective order to (i) within 24 hours after being served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection C of § 19.2-152.10 (a) surrender any firearm possessed by such person to a designated local law-enforcement agency, (b) sell or transfer any firearm possessed by such person to a dealer as defined in § 18.2-308.2:2, or (c) sell or transfer any firearm possessed by such person to any person who is not otherwise prohibited by law from possessing such firearm and (ii) within 48 hours after being served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection C of § 19.2-152.10, certify in writing, on a form provided by the Office of the Executive Secretary of the Supreme Court, that such person does not possess any firearms or that all firearms possessed by such person have been surrendered, sold, or transferred and file such certification with the clerk of the court that entered the protective order. The willful failure of any person to certify in writing in accordance with this section that all firearms possessed by such person have been surrendered, sold, or transferred or that such person does not possess any firearms shall constitute contempt of court.*

D. *The person who is subject to a protective order pursuant to § 16.1-279.1 or 19.2-152.10 shall be provided with the address and hours of operation of a designated local law-enforcement agency and the certification forms when such person is served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection C of § 19.2-152.10.*

E. *A law-enforcement agency that takes into custody a firearm surrendered to such agency pursuant to subsection C by a person who is subject to a protective order pursuant to § 16.1-279.1 or 19.2-152.10 shall prepare a written receipt containing the name of the person who surrendered the firearm and the manufacturer, model, and serial number of the firearm and provide a copy to such person. Any firearm surrendered to and held by a law-enforcement agency pursuant to subsection C shall be returned by such agency to the person who surrendered the firearm upon the expiration or dissolution of the protective order entered pursuant to § 16.1-279.1 or 19.2-152.10. Such agency shall*

return the firearm within five days of receiving a written request for the return of the firearm by the person who surrendered the firearm and a copy of the receipt provided to such person by the agency. Prior to returning the firearm to such person, the law-enforcement agency holding the firearm shall confirm that such person is no longer subject to a protective order issued pursuant to § 16.1-279.1 or 19.2-152.10 and is not otherwise prohibited by law from possessing a firearm. A firearm surrendered to a law-enforcement agency pursuant to subsection C may be disposed of in accordance with the provisions of § 15.2-1721 if (i) the person from whom the firearm was seized provides written authorization for such disposal to the agency or (ii) the firearm remains in the possession of the agency more than 120 days after such person is no longer subject to a protective order issued pursuant to § 16.1-279.1 or 19.2-152.10 and such person has not submitted a request in writing for the return of the firearm.

F. Any law-enforcement agency or law-enforcement officer that takes into custody, stores, possesses, or transports a firearm pursuant to this section shall be immune from civil or criminal liability for any damage to or deterioration, loss, or theft of such firearm.

G. The law-enforcement agencies of the counties, cities, and towns within each judicial circuit shall designate, in coordination with each other, and provide to the chief judges of all circuit and district courts within the judicial circuit, one or more local law-enforcement agencies to receive and store firearms pursuant to this section. The law-enforcement agencies shall provide the chief judges with a list that includes the addresses and hours of operation for any law-enforcement agencies so designated that such addresses and hours of operation may be provided to a person served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection C of § 19.2-152.10.

§ 18.2-308.2:1. Prohibiting the selling, etc., of firearms to certain persons.

Any person who sells, barter, gives or furnishes, or has in his possession or under his control with the intent of selling, bartering, giving or furnishing, any firearm to any person he knows is prohibited from possessing or transporting a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, or 18.2-308.1:3, subsection B of § 18.2-308.1:4, § 18.2-308.2, subsection B of § 18.2-308.2:01, or § 18.2-308.7 shall be guilty of a Class 4 felony. However, this prohibition shall not be applicable when the person convicted of the felony, adjudicated delinquent or acquitted by reason of insanity has (i) been issued a permit pursuant to subsection C of § 18.2-308.2 or been granted relief pursuant to subsection B of § 18.2-308.1:1, or § 18.2-308.1:2 or 18.2-308.1:3; (ii) been pardoned or had his political disabilities removed in accordance with subsection B of § 18.2-308.2; or (iii) obtained a permit to ship, transport, possess or receive firearms pursuant to the laws of the United States.

2. That any petition for a protective order promulgated by the Executive Secretary of the Supreme Court of Virginia shall include a provision where the petitioner may indicate whether the petitioner knows or has reason to know that the respondent owns or otherwise possesses any firearms.

3. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

District Court Forms DC-3000 SUBPOENA DUCES TECUM (CRIMINAL) –
ATTORNEY ISSUED

Abstract Senate Bill 801 authorized an attorney to issue a subpoena duces tecum in any criminal case. The bill also required that the subpoena be “on a form approved by the Executive Secretary of the Supreme Court.” The provisions of Virginia Supreme Court Rule 3A:12(b) apply so the subpoena is returnable to the court, rather than to the attorney who issues the subpoena, which was incorporated in the new form.

Source Senate Bill 801 (Chapter 771, effective July 1, 2020)

Revision Legislative

Form Type Master

SUBPOENA DUCES TECUM (CRIMINAL) –

Case No.

ATTORNEY ISSUED VA. CODE §§ 16.1-131, 19.2-10.4

Commonwealth of Virginia Supreme Court Rules 1:12, 3A:12(b)

HEARING DATE AND TIME

..... Court

COURT ADDRESS

V.

TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:

You are commanded to summon

NAME

STREET ADDRESS

CITY

STATE

ZIP

A. You are commanded to appear in court on at m.
DATE TIME
and to bring with you the items as described in the attached affidavit or order together with a copy of this SUBPOENA DUCES TECUM.

B. You are commanded to appear in the clerk’s office of the court at the address shown above on
on at m. and to bring with you the items as
DATE TIME
described in the attached affidavit or order together with a copy of this SUBPOENA DUCES TECUM.

C. You are commanded to deliver to the clerk’s office of this court on or before
..... at m. the items as described
DATE TIME
in the attached affidavit or order together with a copy of this SUBPOENA DUCES TECUM.

This Subpoena Duces Tecum is issued by the attorney for and on behalf of

PARTY NAME

NAME OF ATTORNEY

VIRGINIA STATE BAR NUMBER

OFFICE ADDRESS

TELEPHONE NUMBER OF ATTORNEY

OFFICE ADDRESS

FACSIMILE NUMBER OF ATTORNEY

DATE ISSUED

SIGNATURE OF ATTORNEY

Notice to Recipient: See page two for further information.

RETURN OF SERVICE (see page two of this form)

TO the person summoned:

If you are served with this subpoena less than 14 days prior to the date that compliance with this subpoena is required, you may object by notifying the party who issued the subpoena of your objection in writing and describing the basis of your objection in that writing.

This SUBPOENA DUCES TECUM is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.

TO the person authorized to serve this process: Upon execution, the return of this process shall be made to the clerk of court.

NAME:	
ADDRESS:	
.....	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No.
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above:	
<input type="checkbox"/> Posted on front door or such other door as appear to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> NOT FOUND	....., Sheriff
..... DATE	by Deputy Sheriff

CERTIFICATE OF COUNSEL

I,, counsel for, hereby certify that a copy of the foregoing subpoena duces tecum was
DELIVERY METHOD
to, counsel of record for, and to the clerk's office of the court in which this case is pending on the day of

SIGNATURE OF ATTORNEY

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 771

An Act to amend the Code of Virginia by adding a section numbered 19.2-10.4, relating to subpoena duces tecum; attorney-issued subpoena duces tecum; criminal cases.

[S 801]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-10.4 as follows:

§ 19.2-10.4. Subpoena duces tecum; attorney-issued subpoena duces tecum.

In any criminal case a subpoena duces tecum may be issued by the attorney of record who is an active member of the Virginia State Bar at the time of issuance, as an officer of the court. Any such subpoena duces tecum shall be on a form approved by the Executive Secretary of the Supreme Court of Virginia, signed by the attorney of record as if a pleading, and shall include the attorney's address. A copy of the signed subpoena duces tecum, together with the attorney's certificate of service pursuant to Rule 1:12, shall be mailed or delivered to the adverse party and to the clerk's office of the court in which the case is pending on the day of issuance by the attorney. The law governing subpoenas duces tecum issued pursuant to Rule 3A:12(b) shall apply. A sheriff shall not be required to serve an attorney-issued subpoena duces tecum that is not issued at least five business days prior to the date production of evidence is desired. When an attorney transmits one or more subpoenas duces tecum to a sheriff to be served in his jurisdiction, the provisions in § 8.01-407 regarding such transmittals shall apply.

If the time for compliance with a subpoena duces tecum issued by an attorney is less than 14 days after service of the subpoena, the person to whom it is directed may serve upon the party issuing the subpoena a written objection setting forth any grounds upon which such production, inspection, or testing should not be required. If objection is made, the party on whose behalf the subpoena duces tecum was issued and served shall not be entitled to the requested production, inspection, or testing, except pursuant to an order of the court, but may, upon notice to the person to whom the subpoena was directed, move for an order to compel production, inspection, or testing. Upon such timely motion, the court may quash, modify, or sustain the subpoena duces tecum.

Subpoenas duces tecum for medical records issued by an attorney shall be subject to the provisions of §§ 8.01-413 and 32.1-127.1:03, except that no separate fee for issuance shall be imposed.

District Court Form DC-405 PETITION TO TEST BLOOD-BORNE PATHOGENS

Abstract House Bill 664 amended § 32.1-45.2 dealing with exposure by a public safety employee to bodily fluids of a person in a possible exposure prone incident where the person is now deceased. The legislation removed the provision that required consent from the deceased person's next of kin. As a result, any petition filed with the general district court where consent is refused will no longer include situations involving a deceased person's next of kin. As such, language referencing refusal of the next of kin was removed from the form.

Source House Bill 664 (Chapter 502, effective July 1, 2020)

Revision Legislative

Form Type Master

PETITION TO TEST BLOOD-BORNE PATHOGENS

Commonwealth of Virginia

VA. CODE § 32.1-45.2

Court Case No.

..... General District Court

Hearing Date and Time:

ADDRESS OF COURT

TO ANY AUTHORIZED OFFICER: You are commanded to summon the Respondent, and the
 Health Department.
 TO THE RESPONDENT: You are summoned to appear before this court at the above address on
 to answer the Petition's claim.
 DATE AND TIME

 DATE _____ [] CLERK [] DEPUTY CLERK [] MAGISTRATE

.....
 PETITIONER

 ADDRESS

 PETITIONER'S TITLE IF AN AGENT OF A
 PUBLIC SAFETY AGENCY

 V.

 RESPONDENT

 ADDRESS

 ATTORNEY FOR THE PETITIONER:

 ATTORNEY FOR THE RESPONDENT:

The undersigned petitioner is:

- [] an employee, as that term is defined in Virginia Code § 32.1-45.2(J), of the public safety agency who has potentially been exposed to a blood-borne pathogen and pursuant to Va. Code § 32.1-45.2(B) consent for testing has been refused ~~or the individual who is the basis of the exposure is deceased and consent for testing has been refused by decedent's next of kin.~~
- [] an agent of a public safety agency whose employee has potentially been exposed to a blood-borne pathogen and pursuant to Va. Code § 32.1-45.2(B) consent for testing has been refused ~~or the individual who is the basis of the exposure is deceased and consent for testing has been refused by the decedent's next of kin.~~
- [] a person potentially exposed to a blood-borne pathogen pursuant to Virginia Code § 32.1-45.2(C) and consent for testing of the public safety agency employee has been refused.

Therefore, the undersigned petitions this court to determine whether an exposure prone incident, as defined in Va. Code § 32.1-45.2(L) has occurred, and to order testing and disclosure of the test results to me.

Date of alleged exposure:

Place of alleged exposure:

Name and address of the individual whose body fluids I desire to have tested:

I request testing for [] Human Immunodeficiency virus [] Hepatitis B virus [] Hepatitis C virus.

Date: Signature of Petitioner: _____

ORDER

- [] I find by a preponderance of the evidence after being advised by the State Health Commissioner or his designee that an exposure prone incident as defined in Va. Code § 32.1-45.2(L) has occurred, and I order testing for blood-borne pathogens as requested in the petition. The test results shall be disclosed to the petitioner as soon as they are completed.
- [] Respondent is ordered to appear at on at m. for such testing.
FACILITY NAME DATE TIME
- [] I do not find by a preponderance of the evidence after being advised by the State Health Commissioner or his designee that an exposure prone incident as defined in Va. Code § 32.1-45.2(L) has occurred, and I order the petition dismissed.

I order the record of this case to be sealed. _____
DATE JUDGE

RETURNS: Each person was served according to law, as indicated below, unless not found.

NAME

.....

ADDRESS

.....

PERSONAL SERVICE Tel. No.

Being unable to make personal service, a copy was delivered in the following manner:

Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.

.....

.....

Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

NOT FOUND _____ SERVING OFFICER

..... for _____

DATE

NAME

Director of the Health Department

.....

ADDRESS

.....

PERSONAL SERVICE Tel. No.

Being unable to make personal service, a copy was delivered in the following manner:

Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.

.....

.....

Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

NOT FOUND _____ SERVING OFFICER

..... for _____

DATE

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 502

An Act to amend and reenact §§ 32.1-45.1, 32.1-45.2, 32.1-48.015, and 32.1-116.3 of the Code of Virginia, relating to exposure to decedent's body fluids; testing.

[H 664]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-45.1, 32.1-45.2, 32.1-48.015, and 32.1-116.3 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-45.1. Deemed consent to testing and release of test results related to infection with human immunodeficiency virus or hepatitis B or C viruses.

A. Whenever any health care provider, or any person employed by or under the direction and control of a health care provider, is directly exposed to body fluids of a patient in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the patient whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such patient shall also be deemed to have consented to the release of such test results to the person who was exposed. In other than emergency situations, it shall be the responsibility of the health care provider to inform patients of this provision prior to providing them with health care services which create a risk of such exposure.

B. Whenever any patient is directly exposed to body fluids of a health care provider, or of any person employed by or under the direction and control of a health care provider, in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the patient who was exposed.

C. For the purposes of this section, "health care provider" means any person, facility or agency licensed or certified to provide care or treatment by the Department of Health, Department of Behavioral Health and Developmental Services, Department of Rehabilitative Services, or the Department of Social Services, any person licensed or certified by a health regulatory board within the Department of Health Professions except for the Boards of Funeral Directors and Embalmers and Veterinary Medicine or any personal care agency contracting with the Department of Medical Assistance Services.

D. "Health care provider," as defined in subsection C, shall be deemed to include any person who renders emergency care or assistance, without compensation and in good faith, at the scene of an accident, fire, or any life-threatening emergency, or while en route therefrom to any hospital, medical clinic or doctor's office during the period while rendering such emergency care or assistance. The Department of Health shall provide appropriate counseling and opportunity for face-to-face disclosure of any test results to any such person.

E. Whenever any law-enforcement officer, salaried or volunteer firefighter, or salaried or volunteer emergency medical services provider is directly exposed to body fluids of a person in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the person who was exposed. *If the person whose body fluids were involved in the exposure is deceased, the decedent's next of kin shall be deemed to have consented to testing of the decedent's blood for infection with human immunodeficiency virus or hepatitis B or C viruses and release of such test results to the person who was exposed.*

F. Whenever a person is directly exposed to the body fluids of a law-enforcement officer, salaried or volunteer firefighter, or salaried or volunteer emergency medical services provider in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. The law-enforcement officer, salaried or volunteer firefighter, or salaried or volunteer emergency medical services provider shall also be deemed to have consented to the release of such test results to the person who was exposed.

G. For the purposes of this section, "law-enforcement officer" means a person who is both (i) engaged in his public duty at the time of such exposure and (ii) employed by any sheriff's office, any

adult or youth correctional facility, or any state or local law-enforcement agency, or any agency or department under the direction and control of the Commonwealth or any local governing body that employs persons who have law-enforcement authority.

H. Whenever any school board employee is directly exposed to body fluids of any person in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the school board employee who was exposed.

I. Whenever any person is directly exposed to the body fluids of a school board employee in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the school board employee whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. The school board employee shall also be deemed to have consented to the release of such test results to the person.

J. For the purposes of this section, "school board employee" means a person who is both (i) acting in the course of employment at the time of such exposure and (ii) employed by any local school board in the Commonwealth.

K. For purposes of this section, if the person whose blood specimen is sought for testing is a minor, consent for obtaining such specimen shall be obtained from the parent, guardian, or person standing in loco parentis of such minor prior to initiating such testing. If the parent or guardian or person standing in loco parentis withholds such consent, or is not reasonably available, the person potentially exposed to the human immunodeficiency virus or hepatitis B or C viruses, or the employer of such person, may petition the juvenile and domestic relations district court in the county or city where the minor resides or resided, or, in the case of a nonresident, the county or city where the health care provider, law-enforcement agency or school board has its principal office or, in the case of a health care provider rendering emergency care pursuant to subsection D, the county or city where the exposure occurred, for an order requiring the minor to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this section.

L. Except as provided in subsection K, if the person whose blood specimen is sought for testing refuses to provide such specimen, any person identified by this section who was potentially exposed to the human immunodeficiency virus or the hepatitis B or C viruses in the manner described by this section, or the employer of such person, may petition, on a form to be provided by the Office of the Executive Secretary of the Supreme Court of Virginia, the general district court of the county or city in which the person whose specimen is sought resides or resided, or, in the case of a nonresident, the county or city where the health care provider, law-enforcement agency or school board has its principal office or, in the case of a health care provider rendering emergency care pursuant to subsection D, the county or city where the exposure occurred, for an order requiring the person to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this section. A hearing on such a petition shall be given precedence on the docket so as to be heard by the court within 48 hours of the filing of the petition, or, if the court is closed during such time period, such petition shall be heard on the next day that the court is in session. A copy of the petition, which shall specify the date and location of the hearing, shall be provided to the person whose specimen is sought. At any hearing before the court, the person whose specimen is sought or his counsel may appear. The court may be advised by the Commissioner or his designee prior to entering any testing order. If the general district court determines that there is probable cause to believe that a person identified by this section has been exposed in the manner prescribed by this section, the court shall issue an order requiring the person whose bodily fluids were involved in the exposure to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this section. If a testing order is issued, both the petitioner and the person from whom the blood specimen is sought shall receive counseling and opportunity for face-to-face disclosure of any test results by a licensed practitioner or trained counselor.

M. Any person who is subject to a testing order may appeal the order of the general district court to the circuit court of the same jurisdiction within 10 days of receiving notice of the order. Any hearing conducted pursuant to this subsection shall be held in camera as soon as practicable. The record shall be sealed. The order of the circuit court shall be final and nonappealable.

N. No specimen obtained pursuant to this section shall be tested for any purpose other than for the purpose provided for in this section, nor shall the specimen or the results of any testing pursuant to this section be used for any purpose in any criminal matter or investigation. Any violation of this subsection shall constitute reversible error in any criminal case in which the specimen or results were used.

§ 32.1-45.2. Public safety employees; testing for blood-borne pathogens; procedure available for certain citizens; definitions.

A. If, in the course of employment, an employee of a public safety agency is involved in a possible exposure prone incident, the employee shall immediately, or as soon thereafter as practicable, notify the agency of the incident in accordance with the agency's procedures for reporting workplace accidents.

B. If, after reviewing the facts of the possible exposure prone incident with the employee and after medical consultation, the agency concludes that it is reasonable to believe that an exposure prone incident may have occurred, *and the person whose body fluids were involved in the exposure prone incident is deceased, the agency shall (i) immediately contact the custodian of the remains and request that a specimen of blood be preserved for testing and (ii) contact the next of kin of the decedent and inform the next of kin that the specimen will be tested for hepatitis B or C viruses and human immunodeficiency virus and the results of such testing released to the person who was exposed.*

C. If, after reviewing the facts of the possible exposure prone incident with the employee and after medical consultation, the agency concludes that it is reasonable to believe that an exposure prone incident may have occurred and the person whose body fluids were involved in the exposure prone incident is alive, the agency shall request the person whose body fluids were involved to submit to testing for hepatitis B or C virus and human immunodeficiency virus as provided in § 32.1-37.2 and to authorize disclosure of the test results or (ii) if the person is deceased, the agency shall request the custodian of the remains to preserve a specimen of blood and shall request the decedent's next of kin to consent, as provided in § 32.1-37.2, to such testing and to authorize disclosure of the test results.

~~C.~~ D. If a person is involved in a possible exposure prone incident involving the body fluids of an employee of a public safety agency, the person may request the agency to review the facts of the possible exposure prone incident for purposes of obtaining the employee's consent to test for hepatitis B or C virus and human immunodeficiency virus as provided in § 32.1-37.2 and to authorize disclosure of the test results. If, after reviewing the facts and after medical consultation, the agency concludes it is reasonable to believe an exposure prone incident involving the person and the employee may have occurred, (i) the agency shall request the employee whose body fluids were involved to give consent to submit to testing for hepatitis B or C virus and human immunodeficiency virus and to authorize disclosure of the test results or (ii) if the employee is deceased, the agency shall request the custodian of the remains to preserve a specimen of blood and shall request the decedent's next of kin to provide consent, as provided in § 32.1-37.2, to such testing and to authorize disclosure of the test results.

~~D.~~ E. If consent is refused under subsection ~~B~~ of this section C, the public safety agency or the employee may petition the general district court of the city or county in which the person resides or resided, or in the case of a nonresident, the city or county of the public safety agency's principal office, to determine whether an exposure prone incident has occurred and to order testing and disclosure of the test results.

If consent is refused under subsection ~~C~~ of this section D, the person involved in the possible exposure prone incident may petition the general district court of the city or county of the public safety agency's principal office to determine whether an exposure prone incident has occurred and to order testing and disclosure of the test results.

~~E.~~ F. If the court finds by a preponderance of the evidence that an exposure prone incident has occurred, it shall order testing for hepatitis B or C virus and human immunodeficiency virus and disclosure of the test results. The court shall be advised by the Commissioner or his designee in making this finding. The hearing shall be held in camera as soon as practicable after the petition is filed. The record shall be sealed.

~~F.~~ G. A party may appeal an order of the general district court to the circuit court of the same jurisdiction within ten days from the date of the order. Any such appeal shall be de novo, in camera, and shall be heard as soon as possible by the circuit court. The circuit court shall be advised by the Commissioner or his designee. The record shall be sealed. The order of the circuit court shall be final and nonappealable.

~~G.~~ H. Disclosure of any test results provided by this section shall be made to the district health director of the jurisdiction in which the petition was brought or the district in which the person or employee was tested. The district health director or his designee shall inform the parties of the test results and counsel them in accordance with subsection ~~B~~ C of § 32.1-37.2.

~~H.~~ I. The results of the tests shall be confidential as provided in § 32.1-36.1.

~~I.~~ J. No person known or suspected to be positive for infection with hepatitis B or C virus or human immunodeficiency virus shall be refused services for that reason by any public safety agency personnel.

~~J.~~ K. For the purpose of this section and for no other purpose, the term "employee" shall include: (i) any person providing assistance to a person employed by a public safety agency who is directly affected by a possible exposure prone incident as a result of the specific crime or specific circumstances involved in the assistance and (ii) any victim of or witness to a crime who is directly affected by a possible exposure prone incident as a result of the specific crime.

~~K.~~ L. This section shall not be deemed to create any duty on the part of any person where none exists otherwise, and a cause of action shall not arise from any failure to request consent or to consent to testing under this section. The remedies available under this section shall be exclusive.

~~L.~~ M. For the purposes of this section, the following terms shall apply:

"Exposure prone incident" means a direct exposure to body fluids of another person in a manner which may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit hepatitis B or C virus or human immunodeficiency virus and which occurred during the

NOTICE TO DEBTOR — HOW TO CLAIM EXEMPTIONS

The attached paper is a legal process which has been issued by the court clerk on request of a creditor who holds a judgment against you or claims that you owe him money or property. This allows the Sheriff either to take or to “levy upon” (make a list of) certain property in your possession for future sale.

The law provides that some types of property and funds (including some wages) cannot be taken by legal process. Such property is exempt. The Sheriff may not take or “levy on” certain property (§§ 34-26 and 34-27 of the Code of Virginia). Some of these items are:

The family Bible; wedding and engagement rings; family portraits and family heirlooms not to exceed \$5,000 in value; a lot in a burial ground; all wearing apparel of the householder not to exceed \$1,000 in value; all household furnishings including, but not limited to, beds, dressers, floor coverings, stoves, refrigerators, washing machines, dryers, sewing machines, pots and pans for cooking, plates, and eating utensils, not to exceed \$5,000 in value; firearms, not to exceed a total of \$3,000 in value; all animals owned as pets, such as cats, dogs, birds, squirrels, rabbits and other pets not kept or raised for sale or profit; medically prescribed health aids; tools, books, instruments, implements, equipment and machines, including motor vehicles, vessels, and aircraft, which are necessary for use in the course of the householder’s occupation or trade not exceeding \$10,000 in value, except that a perfected security interest on such personal property shall have priority over the claim of exemption under this part (“occupation,” includes enrollment in any public or private elementary, secondary, or vocational school or institution of higher education); motor vehicles, not held as exempt as necessary for use in the course of the householder’s occupation or trade owned by the householder, not to exceed a total of \$6,000 in value, except that a perfected security interest on a motor vehicle shall have priority over the claim of exemption under this part; those portions of a tax refund or government payment attributable to the Child Tax Credit or Additional Child Tax Credit pursuant to § 24 of the Internal Revenue Code of 1986, as amended, or the Earned Income Credit pursuant to § 32 of the Internal Revenue Code of 1986, as amended; unpaid spousal or child support.

The value of an item claimed as exempt shall be the fair market value of the item less any prior security interest. The monetary limits, where provided, are applicable to the total value of property claimed as exempt.

Exemptions which may apply are listed on the other side of this form and the items listed above can be claimed under No. 12. Please read these carefully.

If you believe that any of your property that the Sheriff wants to take or “levy upon” is exempt, you should tell the Sheriff the property that you believe is exempt and which exemption applies. You should also identify any property which belongs to someone else and who is the owner of such property. A false statement may be punished as contempt under §18.2-456(5) of the Code of Virginia.

If the Sheriff “levies on” or takes property that you believe is exempt, you should promptly (i) fill out the REQUEST FOR HEARING—EXEMPTION CLAIM form and (ii) deliver or mail the form to the clerk’s office of this court. If the attached paper is an Attachment Summons, you have the right to a prompt hearing within ten business days from the date that you file your request for a hearing with the court. In all other cases, you must *ask* for a prompt hearing before the “Return Date” on the attached papers. If the attached paper is a Writ of Fieri Facias, the property may be sold by the Sheriff before the “Return Date;” therefore, if you wish to claim an exemption, you should ask immediately for a prompt hearing on your claim. At a prompt hearing, the only thing that you may do is explain why your property is exempt. If you do not come to court on the date and at the time set and prove that your property is exempt, you may lose some of your rights regarding your property.

If the Sheriff takes your property, you may post a bond to recover your property; however, once you post a bond, the creditor may post a bond to have the property kept from you. If you retain possession of any property “levied on,” *it is your responsibility* not to sell, damage, or otherwise dispose of such property “levied on” until the proceedings are finished.

If the attached paper is an Attachment Summons, a Warrant of Distress, an Order of Seizure in Distress, a Warrant in Detinue or an Order for Detinue Seizure, no judgment has been entered against you yet. On the “Return Date” shown on the attached paper, your case will be tried or scheduled for trial. At that time, you may tell the judge any defenses you may have to the creditor’s claims.

It may be helpful to you to *promptly* seek the advice of an attorney regarding this and other exemption rights.

THE REQUEST FOR HEARING—EXEMPTION CLAIM FORM IS PRINTED ON THE OTHER SIDE.

REQUEST FOR HEARING – EXEMPTION CLAIM

Commonwealth of Virginia VA. CODE § 8.01-546.1

Case No.

..... Court

..... V.
PLAINTIFF/JUDGMENT CREDITOR DEFENDANT/JUDGMENT DEBTOR

I claim that the exemption(s) ~~which~~that are checked below apply in this case:

MAJOR EXEMPTIONS UNDER FEDERAL AND STATE LAW —

[There is no exemption solely because you are having difficulty paying your bills.]

- 1. Social Security benefits and Supplemental Security Income (SSI) (42 U.S.C. § 407).
- 2. Veteran’s benefits (38 U.S.C. § 5301).
- 3. Federal civil service retirement benefits (5 U.S.C. § 8346).
- 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- 5. Longshore and Harbor Workers' Compensation Act (33 U.S.C. § 916).
- 6. Black lung benefits (30 U.S.C. §§ 931 (b)(2)(F) and 932(a)).

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

- 7. Seaman's, master's or fisherman’s wages, except for child or spousal support and maintenance (46 U.S.C.A. § 11109).
- 8. Unemployment compensation benefits (§ 60.2-600, Code of Virginia).

This exemption may not be applicable in child support cases (§ 60.2-608, Code of Virginia).

- 9. Portions or amounts of wages subject to garnishment (§ 34-29, Code of Virginia).
- 10. Public assistance payments (§ 63.2-506, Code of Virginia).
- 11. a. Homestead – \$5,000, or \$10,000 if the householder is 65 years of age or older, worth of cash, personal articles or real property and, in addition, real or personal property used as the principal residence of the householder or the householder’s dependents not exceeding \$25,000 in value (§§ 34-4, Code of Virginia) [Attach list of items claimed].
- b. Property of disabled veterans – additional \$10,000 worth of cash, personal articles or real property (§ 34-4.1, Code of Virginia) [Attach list of items claimed].

Exemptions listed under 11 may not be claimed in certain cases such as payment of child or spousal support, or the purchase of the article which is being taken or levied on (§ 34-5, Code of Virginia).

- 12. Certain specific articles — see description on reverse side (§§ 34-26 and 34-27, Code of Virginia) [Attach list of articles claimed].
- 13. Workers’ Compensation (§ 65.2-531, Code of Virginia).
- 14. Growing crops (§ 8.01-489, Code of Virginia).
- 15. Benefits from group life insurance policies (§ 38.2-3339, Code of Virginia).
- 16. Proceeds from industrial sick benefits insurance (§ 38.2-3549, Code of Virginia).
- 17. Assignments of certain salary and wages (§ 8.01-525.10, Code of Virginia).
- 18. Pre-need funeral contracts (§ 54.1-2823, Code of Virginia).
- 19. Benefits for victims of crime (§ 19.2-368.12, Code of Virginia).
- 20. Certain retirement benefits (§ 34-34, Code of Virginia).
- 21. Other (describe exemption):

I request a court hearing to decide the validity of my claim. Notice of the hearing should be given to me at:

..... ADDRESS TELEPHONE NUMBER

The statements made in this request are true to the best of my knowledge and belief.

..... DATE SIGNATURE OF DEFENDANT/JUDGMENT DEBTOR

NOTICE TO JUDGMENT DEBTOR HOW TO CLAIM EXEMPTIONS FROM GARNISHMENT AND LIEN

The attached Summons in Garnishment or Notice of Lien has been issued on request of a creditor who holds a judgment against you. The Summons may cause your property or wages to be held or taken to pay the judgment.

The law provides that certain property and wages cannot be taken in garnishment. Such property is said to be exempted. A summary of some of the major exemptions is set forth in the request for hearing form. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) fill out the claim for exemption form and (ii) deliver or mail the form to the clerk's office of this court.

You have a right to a hearing within seven business days from the date you file your claim with the court. If the creditor is asking that your wages be withheld, the method of computing the amount of wages ~~which~~that are exempt from garnishment by law is indicated on the Summons in Garnishment attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

On the day of the hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents ~~which~~that may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

If you do not claim an exemption and do not otherwise contest the garnishment, you are not required to appear in court on the return date on the Garnishment Summons.

It may be helpful for you to seek the advice of an attorney in this matter.

THE REQUEST FOR HEARING FORM IS PRINTED ON THE REVERSE OF THIS FORM.

**REQUEST FOR HEARING –
GARNISHMENT/LIEN EXEMPTION CLAIM**

Case No.

Commonwealth of Virginia VA. CODE § 8.01-512.4

.....
COURT NAME

.....
JUDGMENT CREDITOR

v.

.....
JUDGMENT DEBTOR

and

.....
GARNISHEE

I claim that the exemption(s) from garnishment or lien ~~which~~that are checked below apply in this case:

MAJOR EMEMPTIONS UNDER FEDERAL AND STATE LAW
[There is no exemption solely because you are having difficulty paying your bills.]

- _____ 1. Social Security benefits and Supplemental Security Income (SSI) (42 U.S.C. § 407).
- _____ 2. Veterans’ benefits (38 U.S.C. § 5301).
- _____ 3. Federal civil service retirement benefits (5 U.S.C. § 8346).
- _____ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- _____ 5. Longshore and Harbor Workers’ Compensation Act (33 U.S.C. § 916).
- _____ 6. Black Lung benefits.

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

- _____ 7. Seaman’s, master’s or fisherman’s wages, except for child support or spousal support and maintenance (46 U.S.C. § 11109).
- _____ 8. Unemployment compensation benefits (§ 60.2-600, Code of Virginia). This exemption may not be applicable in child support cases (§ 60.2-608, Code of Virginia).
- _____ 9. Amounts in excess of portions of wages subject to garnishment (§ 34-29, Code of Virginia).
- _____ 10. Public assistance payments (§ 63.2-506, Code of Virginia).
- _____ 11. Homestead exemption of \$5,000 in cash, or \$10,000 if the householder is 65 years of age or older, and in addition, real or personal property used as the principal residence of the householder or householder’s dependents not exceeding \$25,000 in value. (§ 34-4, Code of Virginia). This exemption may not be claimed in certain cases, such as payment of child or spousal support (§ 34-5, Code of Virginia).
- _____ 12. Property of disabled veterans – additional \$10,000 cash (§ 34-4.1, Code of Virginia).
- _____ 13. Worker’s Compensation benefits (§ 65.2-531, Code of Virginia).
- _____ 14. Growing crops (§ 8.01-489, Code of Virginia).
- _____ 15. Benefits from group life insurance policies (§ 38.2-3339, Code of Virginia).
- _____ 16. Proceeds from industrial sick benefits insurance (§ 38.2-3549, Code of Virginia).
- _____ 17. Assignments of certain salary and wages (§ 8.01-525.10, Code of Virginia).
- _____ 18. Benefits for victims of crime (§ 19.2-368.12, Code of Virginia).
- _____ 19. Proceeds from funeral trusts (§ 54.1-2823, Code of Virginia).
- _____ 20. Certain retirement benefits (§ 34-34, Code of Virginia).
- _____ 21. Child support payments (§ 20-108.1, Code of Virginia).
- _____ 22. Support for dependent children (§ 34-4.2, Code of Virginia). To claim this exemption, an affidavit that complies with the requirements of subsection B of § 34-4.2 and two items of proof showing entitlement to this exemption must be attached to this exemption form. (The affidavit, form DC-449, AFFIDAVIT CONCERNING DEPENDENT CHILDREN AND HOUSEHOLD INCOME, is available at <http://www.vacourts.gov/forms/district/dc449.pdf> or the clerk’s office.)
- _____ 23. Other (describe exemption): \$

I request a court hearing to decide the validity of my claim. Notice of hearing should be given to me at:

.....
ADDRESS

.....
TELEPHONE NUMBER

The statements made in this request are true to the best of my knowledge and belief.

.....
DATE

.....
SIGNATURE OF JUDGMENT DEBTOR

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 328

An Act to amend and reenact §§ 8.01-512.4, 34-4, 34-6, 34-14, 34-17, and 34-21 of the Code of Virginia, relating to homestead exemption; bankruptcy exemptions.

[H 790]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-512.4, 34-4, 34-6, 34-14, 34-17, and 34-21 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-512.4. Notice of exemptions from garnishment and lien.

No summons in garnishment shall be issued or served, nor shall any notice of lien be served on a financial institution pursuant to § 8.01-502.1, unless a notice of exemptions and claim for exemption form are attached. The notice shall contain the following statement:

NOTICE TO JUDGMENT DEBTOR

HOW TO CLAIM EXEMPTIONS FROM GARNISHMENT AND LIEN

The attached Summons in Garnishment or Notice of Lien has been issued on request of a creditor who holds a judgment against you. The Summons may cause your property or wages to be held or taken to pay the judgment.

The law provides that certain property and wages cannot be taken in garnishment. Such property is said to be exempted. A summary of some of the major exemptions is set forth in the request for hearing form. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) fill out the claim for exemption form and (ii) deliver or mail the form to the clerk's office of this court. You have a right to a hearing within seven business days from the date you file your claim with the court. If the creditor is asking that your wages be withheld, the method of computing the amount of wages ~~which~~ *that* are exempt from garnishment by law is indicated on the Summons in Garnishment attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld you may file a claim for exemption.

On the day of the hearing you should come to court ready to explain why your property is exempted, and you should bring any documents ~~which~~ *that* may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

REQUEST FOR HEARING-GARNISHMENT/LIEN EXEMPTION CLAIM

I claim that the exemption(s) from garnishment or lien ~~which~~ *that* are checked below apply in this case:

MAJOR EXEMPTIONS UNDER FEDERAL AND STATE LAW

___ 1. Social Security benefits and Supplemental Security Income (SSI) (42 U.S.C. § 407).

___ 2. Veterans' benefits (38 U.S.C. § 5301).

___ 3. Federal civil service retirement benefits (5 U.S.C. § 8346).

___ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).

___ 5. Longshore and Harbor Workers' Compensation Act (33 U.S.C. § 916).

___ 6. Black lung benefits.

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

___ 7. Seaman's, master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C. § 11109).

___ 8. Unemployment compensation benefits (§ 60.2-600, Code of Virginia). This exemption may not be applicable in child support cases (§ 60.2-608, Code of Virginia).

___ 9. Portions or amounts of wages subject to garnishment (§ 34-29, Code of Virginia).

___ 10. Public assistance payments (§ 63.2-506, Code of Virginia).

___ 11. Homestead exemption of \$5,000, or \$10,000 if the debtor is 65 years of age or older, in cash, *and, in addition, real or personal property used as the principal residence of the householder or the householder's dependents not exceeding \$25,000 in value* (§ 34-4, Code of Virginia). This exemption may not be claimed in certain cases, such as payment of spousal or child support (§ 34-5, Code of Virginia).

___ 12. Property of disabled veterans — additional \$10,000 cash (§ 34-4.1, Code of Virginia).

___ 13. Workers' Compensation benefits (§ 65.2-531, Code of Virginia).

___ 14. Growing crops (§ 8.01-489, Code of Virginia).

___ 15. Benefits from group life insurance policies (§ 38.2-3339, Code of Virginia).

- ___ 16. Proceeds from industrial sick benefits insurance (§ 38.2-3549, Code of Virginia).
- ___ 17. Assignments of certain salary and wages (§ 8.01-525.10, Code of Virginia).
- ___ 18. Benefits for victims of crime (§ 19.2-368.12, Code of Virginia).
- ___ 19. Preneed funeral trusts (§ 54.1-2823, Code of Virginia).
- ___ 20. Certain retirement benefits (§ 34-34, Code of Virginia).
- ___ 21. Child support payments (§ 20-108.1, Code of Virginia).
- ___ 22. Support for dependent minor children (§ 34-4.2, Code of Virginia). To claim this exemption,

the debtor shall attach to the claim for exemption form an affidavit that complies with the requirements of subsection B of § 34-4.2 and two items of proof showing that the debtor is entitled to this exemption.

___ 23. Other (describe exemption): \$ _____

I request a court hearing to decide the validity of my claim. Notice of the hearing should be given me at:

(address)

(telephone no.)

The statements made in this request are true to the best of my knowledge and belief.

(date)

(signature of judgment debtor)

§ 34-4. Exemption created.

Every householder shall be entitled, in addition to the property or estate exempt under §§ 23.1-707, 34-26, 34-27, 34-29, and 64.2-311, to hold exempt from creditor process arising out of a debt, real and personal property, or either, to be selected by the householder, including money and debts due the householder not exceeding \$5,000 in value or, if the householder is 65 years of age or older, not exceeding \$10,000 in value, *and, in addition, real or personal property used as the principal residence of the householder or the householder's dependents not exceeding \$25,000 in value.* In addition, upon a showing that a householder supports dependents, the householder shall be entitled to hold exempt from creditor process real and personal property, or either, selected by the householder, including money or monetary obligations or liabilities due the householder, not exceeding \$500 in value for each dependent.

For the purposes of this section, "dependent" means an individual who derives support primarily from the householder and who does not have assets sufficient to support himself, but in no case shall an individual be the dependent of more than one householder.

§ 34-6. How exemption of real estate secured; form to claim exemption of real property.

In order to secure the benefit of the exemptions of real estate under §§ 34-4 and 34-4.1, the householder, by a writing signed by him and duly admitted to record, to be recorded as deeds are recorded, in the county or city wherein such real estate or any part thereof is located or, if such property is located outside of the Commonwealth, in the county or city in the Commonwealth where the householder resides, shall declare his intention to claim such benefit and select and set apart the real estate to be held by the householder as exempt, and describe the same with reasonable certainty, affixing to the description his cash valuation of the estate so selected and set apart. *However, if such real estate is claimed exempt in a case filed under Title 11 of the United States Code, the official Schedule of Property Claimed as Exempt filed in the United States Bankruptcy Court claiming such exemptions shall be sufficient to set apart such property as exempt.* Equitable as well as legal estates may be so selected and set apart. The following form, or one which is substantially similar, shall be used and shall be sufficient for the writing required by this section:

HOMESTEAD DEED FOR REAL PROPERTY

Name of Householder _____

Name of title holder of record (if different) _____

Is the householder a disabled veteran entitled to claim the additional exemption under § 34-4.1? _____

Address of Householder _____

Name(s) and age(s) of dependent(s) _____

County/city/state in which real property claimed as exempt is located _____

Description of property claimed as exempt

Value of property described above _____

Number of homestead deeds that have been filed by the Householder _____

Exemption amount previously claimed on prior homestead deeds

List the jurisdictions where previous homestead deeds were filed

(Signature of Householder)

[ACKNOWLEDGMENT]

Such writing or deed shall not be required to secure any exemption under this Code except those exemptions created by §§ 34-4 and 34-4.1.

§ 34-14. How set apart in personal estate; form to claim exemption of personal property.

Such personal estate selected by the householder and under §§ § 34-4, 34-4.1, or § 34-13 shall be set apart in a writing signed by him. He shall, in the writing, designate and describe with reasonable certainty the personal estate so selected and set apart and each parcel or article, affixing to each his cash valuation thereof. Such writing shall be admitted to record, to be recorded as deeds are recorded in the county or city wherein such householder resides. *However, if such personal estate is claimed exempt in a case filed under Title 11 of the United States Code, the official Schedule of Property Claimed as Exempt filed in the United States Bankruptcy Court claiming such exemptions shall be sufficient to set apart such property as exempt.*

The following form, or one which is substantially similar, shall be used and shall be sufficient, when duly admitted to record in the county or city in which the householder resides, to exempt such described personal property from creditor process:

HOMESTEAD DEED FOR PERSONAL PROPERTY

Name of Householder _____

Is the householder a disabled veteran entitled to claim the additional exemption under § 34-4.1? _____

Address of Householder _____

Name(s) and age(s) of dependent(s) _____

County/city in which householder resides _____

Description of property claimed as exempt and its value _____

Number of homestead deeds that have been filed by the Householder _____

Exemption amount previously claimed on prior homestead deeds _____

List the jurisdictions where previous homestead deeds were filed _____

(Signature of Householder)

[ACKNOWLEDGMENT]

Such writing or deed shall not be required to secure any exemption under this Code except those exemptions created by §§ 34-4, 34-4.1 and 34-13.

§ 34-17. When exemption may be set apart; garnished wages.

A. The real or personal estate ~~which~~ *that* a householder is entitled to hold as exempt may be set apart at any time before it is subjected by sale under creditor process *or by a trustee in bankruptcy*, or, if such creditor process does not require sale of the property, before it is turned over to the creditor. ~~To claim an exemption in bankruptcy, a householder who (i) files a voluntary petition in bankruptcy or (ii) against whom an involuntary petition in bankruptcy is filed shall set such real or personal property apart on or before the fifth day after the date of the meeting held pursuant to 11 U.S.C. § 341, but not thereafter. A householder who converts a case from Chapters 11, 12, or 13 to Chapter 7 shall set such real or personal property apart on or before the fifth day after the date of the meeting held pursuant to 11 U.S.C. § 341 in the Chapter 7 case, but not thereafter. Nothing in this section shall affect the right of the trustee in bankruptcy, with the approval of the court, to proceed immediately with the sale or other disposition of personal property which the trustee determines to be perishable or particularly susceptible to price deterioration.~~

B. A claim of homestead exemption to protect garnished wages may be filed by the debtor after the garnishment summons is served on the employer but prior to or upon the return date of the garnishment summons and shall be considered by the garnishing court.

§ 34-21. When householder's right to exemption is exhausted.

When the ~~maximum~~ *an* amount of property, whether real or personal, or both, has been ~~one~~ set apart to be held by a householder as exempt under § 34-4 ~~or~~ §, 34-4.1, ~~he or~~ 34-13, *such amount* shall ~~not afterwards for a period of eight years from such setting apart be entitled to the exemption of any estate other than that so set apart or as otherwise provided by law applied against the maximum amount to which the householder is entitled to set apart as exempt under § 34-4, 34-4.1, or 34-13.~~

2. That the Executive Secretary of the Supreme Court of Virginia shall promulgate and update the forms necessary to comply with the provisions of the first enactment of this act.

District Court Forms

DC-431

TENANT'S PETITION FOR RELIEF FROM
UNLAWFUL EXCLUSION

Abstract

House Bill 1401 amended the statute that addresses a tenant's remedies to a landlord's unlawful ouster, exclusion or diminution of service. The legislation added a new paragraph to § 55.1-243 that provides that upon receipt of a petition by the tenant for relief from unlawful exclusion, if the court finds that the tenant tried to provide actual notice to the landlord of the hearing on the petition, then the court can issue a preliminary order on the petition *ex parte* if good cause is found, and schedule a full hearing within 5 days of issuing the *ex parte* order.

Source

House Bill 1401 (Chapter 30, effective July 1, 2020)

Revision

Legislative

Form Type

Master

RETURNS: Each defendant was served according to law, as indicated below, unless not found.

NAME	
.....	
ADDRESS	
.....	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No.
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.	
.....	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> Served on Secretary of the Commonwealth	
<input type="checkbox"/> NOT FOUND	..... SERVING OFFICER
.....	for
DATE	

NAME	
.....	
ADDRESS	
.....	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No.
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.	
.....	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> Served on Secretary of the Commonwealth	
<input type="checkbox"/> NOT FOUND	..... SERVING OFFICER
.....	for
DATE	

NAME	
.....	
ADDRESS	
.....	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No.
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.	
.....	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> Served on Secretary of the Commonwealth	
<input type="checkbox"/> NOT FOUND	..... SERVING OFFICER
.....	for
DATE	

OBJECTION TO VENUE:

To the Defendant(s): If you believe that Plaintiff(s) should have filed this suit in a different city or county, you may file a written request to have the case moved for trial to the general district court of that city or county. To do so, you must do the following:

1. Prepare a written request which contains (a) this court's name, (b) the case number and the "return date" as shown on the other side of this form in the right corner, (c) Plaintiff(s)' name(s) and Defendant(s)' name(s), (d) the phrase "I move to object to venue of this case in this court because" and state the reasons for your objection and also state in which city or county the case should be tried, and (e) your signature and mailing address.
2. File the written request in the clerk's office before the trial date (use the mail at your own risk) or give it to the judge when your case is called on the return date. Also send or deliver a copy to plaintiff.
3. If you mail this request to the court, you will be notified of the judge's decision.

I certify that I mailed a copy of this document to the defendants named therein at the address shown therein on	
.....
DATE	<input type="checkbox"/> Plaintiff <input type="checkbox"/> Plaintiff's Atty. <input type="checkbox"/> Plaintiff's Agent
.....	
Fi. Fa. issued on	
Interrogatories issued on:	
Garnishment issued on	
.....	

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 30

An Act to amend and reenact § 55.1-1243 of the Code of Virginia, relating to landlord and tenant; remedy for unlawful ouster; ex parte issuance of order to recover possession.

[H 1401]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1243 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1243. Tenant's remedies for landlord's unlawful ouster, exclusion, or diminution of service.

A. If a landlord unlawfully removes or excludes a tenant from the premises or willfully diminishes services to the tenant by interrupting or causing the interruption of an essential service to the tenant, the tenant may obtain an order from a general district court to recover possession, require the landlord to resume any such interrupted essential service, or terminate the rental agreement and, in any case, recover the actual damages sustained by him and reasonable attorney fees. If the rental agreement is terminated, the landlord shall return all of the security deposit in accordance with § 55.1-1226.

B. *Upon receipt of a petition under this section for an order to recover possession or restore essential services and a finding that the petitioner has attempted to provide the landlord with actual notice of the hearing on the petition, the judge of the general district court may issue such order ex parte upon a finding of good cause to do so. Such ex parte order shall be a preliminary order that specifies a date for a full hearing on the merits of the petition. The full hearing shall be held within five days of the issuance of the ex parte order.*

REQUEST FOR WRIT OF EVICTION IN UNLAWFUL DETAINER PROCEEDINGS

Commonwealth of Virginia Va. Code § 8.01-471

..... [] General District Court [] Circuit Court
CITY OR COUNTY

TO THE COURT:

I/we, the plaintiff(s) in this proceeding, request that this court issue a writ of eviction against the defendants with regard to the following premises:

This request is made upon a judgment for possession dated:

I/we present that, following the entry of the judgment for possession, the landlord has not entered into a new written rental agreement with the tenant.

[] This writ of eviction is requested pursuant to the Virginia Residential Landlord and Tenant Act. The landlord has provided the required notice set forth in Virginia Code § 55.1-1250.

[] Tenant has exercised the right of redemption under Virginia Code § 55.1-1250 in the last 12 months.

.....
DATE [] PLAINTIFF [] PLAINTIFF'S ATTORNEY [] PLAINTIFF'S AGENT
.....
PRINTED NAME OF [] AGENT [] ATTORNEY

WRIT OF EVICTION

Va. Code §§ 8.01-470, 8.01-472

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth to cause the Plaintiff(s) to have possession of the following premises from the defendant(s):

You are further commanded to make a return before me within 30 days of this date as to the day and manner of executing this writ.

.....
DATE [] CLERK [] JUDGE

Notice to Defendant (Tenant):

If the landlord has checked the box above that this writ of eviction is requested pursuant to the Virginia Residential Landlord and Tenant Act, then you may pay the landlord, the landlord's attorney or the court all amounts claimed on the Summons for Unlawful Detainer, including current rent, damages, late fees, costs of court, any civil recovery, attorney fees and sheriff fees no less than 2 business days before the date scheduled by the sheriff for the eviction, in order to avoid the eviction. You may pay by cashier's check, certified check or money order. You may exercise this right only once every 12 months that you continue to live in the same place. If you appeal the unlawful detainer case and pay any required bond, writ tax and costs after the sheriff has served the notice of intent to execute the writ of eviction, you must notify the sheriff of your appeal.

CASE NO.

.....
PLAINTIFF(S) (LAST NAME, FIRST NAME, MIDDLE INITIAL)

.....
V.

.....
DEFENDANT(S) (LAST NAME, FIRST NAME, MIDDLE INITIAL)

.....
.....
.....

CAME TO HAND

.....
DATE AND TIME

....., SHERIFF

EXECUTED by taking into possession the within-named premises and delivering possession of it to the plaintiff(s).

.....
DATE

....., SHERIFF

by
DEPUTY SHERIFF

NOTICE OF APPEAL – CIVIL

Commonwealth of Virginia VA. CODE §§ 16.1-106, 16.1-106.1, 16.1-107, 16.1-113, 16.1-298

General District Court
 Juvenile and Domestic Relations District Court

.....
CITY OR COUNTY

.....
DATE OF FINAL ORDER

I, the undersigned, note my appeal of the judgment of this court to the circuit court of this city or county.

My appeal is scheduled to be called for trial setting of trial date on

DATE AND TIME OF APPEARANCE

in the circuit court, located at

.....
STREET ADDRESS OF CIRCUIT COURT

.....
TELEPHONE NUMBER

I understand that I must contact the circuit court clerk’s office for instructions for setting the trial date.

I understand that within 30 days, or within 10 days in an unlawful detainer case (except within 30 days in an unlawful detainer case against an indigent former owner based upon a foreclosure), of the entry of judgment, I must deliver to the Clerk of this Court:

- 1. \$ for circuit court writ tax, costs, and fees for service of process, if applicable.
- and
- 2. (a) \$ appeal bond with sufficient surety approved by the Judge or Clerk of this Court, cash deposit, bank check, or by draft from the escrow account of my attorney. The appeal bond must be written to indemnify the party in whose favor a judgment was rendered in this Court in the event that such party is awarded a judgment on appeal in circuit court.
- or
- (b) A written irrevocable confirmation of liability insurance coverage in an amount sufficient to satisfy the judgment from my insurer.
- or
- (c) An order by the court finding that I am indigent for the purpose of appeal pursuant to Virginia Code § 16.1-107.

I also understand that I must pay the writ tax and costs if applicable and post the appeal bond within the applicable time period of the entry of judgment for the appeal in my case to be complete (“perfected”), and that my failure to do so within the applicable time period will result in the loss of my appeal rights. I further understand that the order or judgment which I am appealing remains in full force and effect if it involves a protective order, continuing programs pursuant to Virginia Code § 16.1-289.1 or other proceedings specified by law, until changed or annulled by the circuit court.

I also understand that if I am appealing an unlawful detainer for a residential dwelling unit, once the appeal in my case is complete (“perfected”), I am required to pay the rental amount in the rental agreement to the plaintiff on or before the 5th day of each month. I understand that if I do not pay, the circuit court judge is required, upon motion of the plaintiff and without a hearing, to enter judgment for the outstanding rent, late charges, attorney fees and any other charges due as of that date, subtracting any payments that I made as shown in court accounts or on a written affidavit submitted by the plaintiff, or the plaintiff’s managing agent or attorney, and to enter an order for possession without any further hearings or proceedings. [If this appeal is being made after the sheriff has served the notice of intent to execute a writ of eviction, you must notify the sheriff of this appeal.](#)

.....
DATE APPEAL NOTED

.....
APPELLANT: PLAINTIFF/PETITIONER DEFENDANT/RESPONDENT

by
ATTORNEY FOR APPELLANT

NOTICE: Promptly communicate with the clerk of the circuit court of this jurisdiction concerning the subpoenaing of witnesses and, in an appeal of a final civil judgment, any need for interpreters, and if you wish to request a jury trial. Failure to appear in the circuit court at the designated date and time may result in the dismissal of your appeal.

WITHDRAWAL OF APPEAL: If this appeal is withdrawn within ten (10) days after entry of the judgment or order when no appeal bond or costs are required to perfect the appeal, or before being “perfected” by posting required appeal bond or paying required costs, no additional costs will be taxed against you. After ten (10) days or after the appeal is “perfected” by posting the required appeal bond or paying required costs, in accordance with § 16.1-106.1, any withdrawal of the appeal must occur in Circuit Court. Upon withdrawal of the appeal in Circuit Court, additional costs will be incurred and any cash bond posted to perfect the appeal may be disbursed.

CASE NO.

NOTICE OF APPEAL

.....
PLAINTIFF/PETITIONER NAME (LAST, FIRST, MIDDLE)

v.

.....
DEFENDANT/RESPONDENT NAME (LAST, FIRST, MIDDLE)

JUDGMENT DATE:

PLAINTIFF’S/PETITIONER’S ATTORNEY

Same as on Attached

DEFENDANT’S/RESPONDENT’S ATTORNEY

Same as on Attached

WITHDRAWAL

I, the undersigned, withdraw my appeal in this case

.....
DATE

.....
APPELLANT

by
ATTORNEY FOR APPELLANT

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 1049

An Act to amend and reenact § 16.1-106 of the Code of Virginia, relating to appeals of right in general district court; appeals of final orders or judgments entered in the same action or related action.

[S 545]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-106 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-106. Appeals from courts not of record in civil cases.

A. From any order entered or judgment rendered in a court not of record in a civil case in which the matter in controversy is of greater value than \$20, exclusive of interest, any attorney fees contracted for in the instrument, and costs, or when the case involves the constitutionality or validity of a statute of the Commonwealth, or of an ordinance or bylaw of a municipal corporation, or of the enforcement of rights and privileges conferred by the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), or of a protective order pursuant to § 19.2-152.10, or of an action filed by a condominium unit owners' association or unit owner pursuant to § 55.1-1959, or of an action filed by a property owners' association or lot owner pursuant to § 55.1-1819, *or from any order entered or judgment rendered in a general district court that alters, amends, overturns, or vacates any prior final order*, there shall be an appeal of right, if taken within 10 days after such order or judgment, to a court of record. Such appeal shall be to a court of record having jurisdiction within the territory of the court from which the appeal is taken and shall be heard de novo.

B. If any party timely notices an appeal as provided by subsection A, such notice of appeal shall be deemed a timely notice of appeal by any other party on a final order or judgment entered in the same or a related action arising from the same conduct, transaction, or occurrence as the underlying action; however, all parties will be required to timely perfect their own respective appeals by giving a bond and the writ tax and costs, if any, in accordance with § 16.1-107.

If an appeal is noted and perfected after the sheriff has served the notice of intent to execute a writ of eviction, which is required to be served at least 72 hours before such eviction in accordance with law, the party noting or noting and perfecting such appeal shall notify the sheriff of such appeal.

C. The court from which an appeal is sought may refuse to suspend the execution of a judgment that refuses, grants, modifies, or dissolves an injunction in a case brought pursuant to § 2.2-3713 of the Virginia Freedom of Information Act. A protective order issued pursuant to § 19.2-152.10, including a protective order required by § 18.2-60.4, shall remain in effect upon petition for or the pendency of an appeal or writ of error unless ordered suspended by the judge of a circuit court or so directed in a writ of supersedeas by the Court of Appeals or the Supreme Court.

District Court Forms	DC-485	PETITION FOR RESTORATION OF DRIVING PRIVILEGE – HABITUAL OFFENDER
	DC-487	ORDER RESTORING DRIVING PRIVILEGE – HABITUAL OFFENDER

Abstract Identical bills Senate 1 and House Bill 1196 eliminated driver’s license suspensions for failure to pay fines and costs. In addition, under the law prior to July 1, 2020 related to habitual offenders, in order to petition the court pursuant to § 46.2-361 for restoration of the privilege to drive a motor vehicle in Virginia, the person must have paid in full all outstanding fines, court costs and judgments related to the habitual offender determination before the petition could be filed. The legislation eliminated this requirement, and as such, this language was removed from the two forms above.

Source Senate Bill 1 (Chapter 965, effective July 1, 2020)
House Bill 1196 (Chapter 964, effective July 1, 2020)

Revision Legislative

Form Type Masters

**PETITION FOR RESTORATION OF DRIVING PRIVILEGE –
HABITUAL OFFENDER**

Case No.

Commonwealth of Virginia

VA. CODE §§ 46.2-358; -359; -360; -361

**HEARING DATE
AND TIME**

..... General District Court

CITY OR COUNTY

PETITIONER'S NAME

ADDRESS

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
D.L.#								STATE	

TO THE JUDGE OF THE ABOVE NAMED COURT:

I respectfully represent that I was adjudged to be an habitual offender by the General District Court
on
DATE

I have attached a certified “Habitual Offender Restoration Transcript” of my driving record from the Department of Motor Vehicles.

CHECK ONE BOX AS THE BASIS OF YOUR PETITION:

[] **A.** Restoration under Va. Code § 46.2-360(1) (Eligibility only after five (5) years from the date of your adjudication – unless you are entitled to credit under subsection (iii) below.) I have been adjudged to be and habitual offender based in part on and dependent upon convictions of Va. Code § 18.2-266, § 18.2-51.4 or Subsection A of § 46.2-341.24 or valid local ordinance or law of another state or jurisdiction relating to operating a motor vehicle under the influence of intoxicants or drugs.

I represent that:

- (i) At the time of the convictions, I was addicted to or psychologically dependent on the use of alcohol or other drugs; and
- (ii) At this time I am no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and
- (iii) Five years have passed from the date on which I was adjudged to be an habitual offender

[For the purposes of determining eligibility under this section, I rely on a period of credit for administrative suspension by the Department of Motor Vehicles, pursuant to Virginia Code § 46.2- 391(B) (for third offense drunk driving) prior to adjudication:

[] Yes [] No If yes, period of suspension under § 46.2-391(B): to]; and

- (iv) I do not constitute a threat to the safety and welfare of myself or others with respect to the operation of a motor vehicle.

I request that the Court restore my privilege to operate a motor vehicle in the Commonwealth upon my evaluation by the Virginia Alcohol Safety Action Program.

[] **B.** Restricted Driver's License under Va. Code § 46.2-360(2) (Eligibility only after three (3) years from the date of your adjudication – unless you are entitled to credit under (iii) below.) I have been adjudged to be an habitual offender based in part on and dependent upon convictions of Va. Code § 18.2-266, § 18.2-51.4 or Subsection A of § 46.2-341.24 or valid local ordinance or law of another state or jurisdiction relating to operating a motor vehicle under the influence of intoxicants or drugs.

I represent that:

- (i) At the time of my convictions, I was addicted to or psychologically dependent on the use of alcohol or other drugs; and
- (ii) At this time I am no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and
- (iii) At least *three* years have passed from the date on which I was adjudged to be and habitual offender

[For purposes of determining eligibility under this section, I rely on a period of credit for administrative suspension by the Department of Motor Vehicles, pursuant to Virginia Code § 46.2- 391(B) (for third offense drunk driving) prior to adjudication.

[] Yes [] No If yes, period of suspension under § 46.2-391(B): to]; and

- (iv) I do not constitute a threat to the safety and welfare of myself or others with respect to the operation of a motor vehicle; and

I request that the Court order the issuance of a restricted license to allow me to drive to and from work and during the course of my employment, upon evaluation by the Virginia Alcohol Safety Action Program.

NAME AND ADDRESS OF EMPLOYER

DAYS AND HOURS WORKED

[] **C.** Restoration under Va. Code § 46.2-361(A) (Eligibility only after three (3) years from the adjudication ~~and after all fines, court costs, forfeitures, restitution, penalties and/or judgments have been paid in full.~~) I have been adjudged to be an habitual offender and such adjudication was not based on any drunk driving conviction(s), but was based *in part* and dependent upon a conviction of driving while my license or privilege to drive was suspended or revoked where the suspension or revocation was only for:

- failure to pay fines, costs, forfeitures, restitution and/or penalties; or
- failure to furnish proof of financial responsibility, or
- failure to satisfy a judgment.

I represent that:

- (i) At least *three* years have passed since the date of my adjudication to be an habitual offender.
- (ii) I do not constitute a threat to the safety and welfare of myself or others with respect to the operation of a motor vehicle.

[] **D.** Restoration under Va. Code § 46.2-361(B) (~~Immediate eligibility after all fines, court costs, forfeitures, restitution, penalties and judgments have been paid.~~) I have been adjudged to be an habitual offender based *entirely* upon convictions of driving while my license or privilege to drive was suspended or revoked where the suspension or revocation was only for:

- failure to pay fines, costs, forfeitures, restitution and/or penalties; or
- failure to furnish proof of financial responsibility;
- failure to pay uninsured motorist fee; or
- failure to satisfy a judgment.

~~I attach proof that all fines, costs, forfeitures, restitution, penalties and/or judgments have been paid in full, and~~

I attach proof of financial responsibility.

I attach proof of motor vehicle insurance or payment of uninsured motorist fee.

I represent that I do not constitute a threat to the safety and welfare of myself or others with respect to the operation of a motor vehicle. I request that the Court restore my privilege to operate a motor vehicle in the Commonwealth.

[] **E.** Restoration under Va. Code § 46.2-359 (Eligibility upon reaching eighteen years of age.) I have been adjudged to be an habitual offender based in whole or in part based on findings of not innocent while I was a juvenile. I am now eighteen years of age or older. I request that the Court restore my privilege to operate a motor vehicle in the Commonwealth.

[] **F.** Restoration under Va. Code § 46.2-358 (Eligibility only five (5) years from the adjudication where adjudication was based on no drunk driving convictions.) I have been adjudged to be an habitual offender, and at least five years have passed since the date of such adjudication. I represent that I do not constitute a threat to the safety and welfare of myself or others with regard to the operation of a motor vehicle. I request that the Court restore my privilege to operate a motor vehicle in the Commonwealth.

I request that the Court hold a hearing on my petition. I understand that the hearing will be held no less than thirty (30) days from the date notice of this petition is served on the Commonwealth's Attorney and the Commissioner of the Department of Motor Vehicles.

I understand that the Commonwealth's Attorney and the Commissioner of the Department of Motor Vehicles may object to my petition and that the Court may deny my petition to restore my privilege to operate a motor vehicle in the Commonwealth, may deny the issuance of a restricted driver's license or may place conditions on my privilege to operate a motor vehicle.

.....
DATE

PETITIONER'S SIGNATURE

RETURN – COMMONWEALTH'S ATTORNEY:	
SERVED ON	NAME
.....	SERVING OFFICER
DATE	
FOR _____	

RETURN – COMMISSIONER OF DMV:	
SERVED ON	NAME
.....	SERVING OFFICER
DATE	
FOR _____	

**ORDER RESTORING DRIVING PRIVILEGE –
HABITUAL OFFENDER**

Commonwealth of Virginia VA. CODE §§ 46.2-358; -359; -360; -361

Case No.

..... General District Court
CITY OR COUNTY

.....
PETITIONER'S NAME

.....
ADDRESS

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
D.L.#								STATE	

ON THE PETITION FOR RESTORATION OF DRIVING PRIVILEGE, AND ON THE EVIDENCE HEARD, INCLUDING THE EVALUATION OF THE VIRGINIA ALCOHOL SAFETY ACTION PROGRAM, IF APPLICABLE, THE COURT FINDS THAT:

The Petitioner was adjudged to be an habitual offender by this Court on
DATE

AND THAT:

[] **A.** (Va. Code § 46.2-360(1)) The Petitioner has been adjudged to be an habitual offender based in part on and dependent upon convictions of Va. Code § 18.2-266, § 18.2-51.4 or Subsection A of § 46.2-341.24 or valid local ordinance or law of another state or jurisdiction relating to operating a motor vehicle under the influence of intoxicants or drugs, and:

- (i) At the time of the previous convictions, Petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; and
- (ii) At this time he is no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and
- (iii) *Five* years have passed from the date on which Petitioner was adjudged to be an habitual offender
[A period of credit is included for an administrative suspension by the Department of Motor Vehicles pursuant to Virginia Code § 46.2-391(B) (for third offense drunk driving) prior to adjudication.
[] Yes [] No If yes, period of suspension under § 46.2-391(B): to]; and
- (iv) That Petitioner does not constitute a threat to the safety and welfare of himself or others with respect to the operation of a motor vehicle.
- (v) That the Court has reviewed the evaluation of the Petitioner prepared by the Virginia Alcohol Safety Action Program and considered its recommendations.

- B.** (Va. Code § 46.2-360(2)) The Petitioner has been adjudged to be an habitual offender based in part on and dependent upon convictions of Va. Code § 18.2-266, § 18.2-51.4 or Subsection A of § 46.2-341.24 or valid local ordinance or law of another state or jurisdiction relating to operating a motor vehicle under the influence of intoxicants or drugs, and:
- (i) At the time of the previous convictions, Petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; and
 - (ii) At this time he is no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and
 - (iii) *Three* years have passed from the date on which Petitioner was adjudged to be an habitual offender
[A period of credit is included for an administrative suspension by the Department of Motor Vehicles pursuant to Virginia Code § 46.2-391(B) (for third offense drunk driving) prior to adjudication.
 Yes No If yes, period of suspension under § 46.2-391(B): to]; and
 - (iv) Petitioner does not constitute a threat to the safety and welfare of himself or others with respect to the operation of a motor vehicle; and
 - (v) The Court has reviewed the evaluation of the Petitioner prepared by the Virginia Alcohol Safety Action Program and considered its recommendations.
- C.** (Virginia Code § 46.2-361(A)) The Petitioner has been adjudged to be an habitual offender and such adjudication was not based on any drunk driving conviction(s), but was *based in part* and dependent upon convictions of driving while his license or privilege to drive was suspended or revoked where the suspension or revocation was only for:
- failure to pay fines, costs, penalties, forfeitures and/or restitution; or
 - failure to furnish proof of financial responsibility, or
 - failure to satisfy a judgment; and
- ~~All fines, costs, penalties, forfeitures, restitution and/or judgments have been paid in full; and~~
- (i) Petitioner has demonstrated proof of financial responsibility; and
 - (ii) *Three* years have passed since the date of Petitioner's adjudication to be an habitual offender; and
 - (iii) Petitioner does not constitute a threat to the safety and welfare of himself or others with respect to the operation of a motor vehicle.
- D.** (Virginia Code § 46.2-361(B)) The Petitioner has been adjudged to be an habitual offender *based entirely* upon convictions of driving while his license or privilege to drive was suspended or revoked where the suspension or revocation was only for:
- failure to pay fines, costs, penalties, forfeitures and/or restitution; or
 - failure to furnish proof of financial responsibility,
 - failure to pay uninsured motorist fee; or
 - failure to satisfy a judgment; and
- ~~All fines, costs, forfeitures, restitution, penalties and/or judgments have been paid in full; and~~
- (i) Petitioner has demonstrated proof of financial responsibility;
 - (ii) Petitioner has demonstrated motor vehicle insurance or payment of uninsured motorist fee; and
 - (iii) Petitioner does not constitute a threat to the safety and welfare of himself or others with respect to the operation of a motor vehicle.

- E.** (Virginia Code § 46.2-359) The Petitioner has been adjudged to be an habitual offender in whole or in part based on findings of not innocent while Petitioner was a juvenile, and Petitioner is now eighteen years of age or older.
- F.** (Virginia Code § 46.2-358) The Petitioner has been adjudged to be an habitual offender and such adjudication was not based on any drunk driving conviction(s), and five years have passed since the date of such adjudication, and Petitioner does not constitute a threat to the safety and welfare of himself or others with regard to the operation of a motor vehicle.
- G.** The Petitioner has not demonstrated sufficient evidence to support the granting of his petition to have his privilege to drive in the Commonwealth restored.

IT IS THEREFORE ORDERED THAT:

Petitioner’s privilege to drive a motor vehicle in the Commonwealth is restored under the Habitual Offender Act, subject to any other requirements for restoration under other provisions of law.

Petitioner’s privilege to drive a motor vehicle in the Commonwealth is restored subject to the following special conditions:

.....

Petitioner is granted a restricted license to drive a motor vehicle in the Commonwealth, until for the purposes enumerated in the restricted driver’s license, during which time he shall be subject to the supervision of the Virginia Alcohol Safety Action Program.

- Travel to/from work Travel to/from VASAP Travel during work Travel to/from school
- Medically necessary travel Travel to/from day care/school/medical service facility for child Ignition interlock
- Travel to/from court-ordered visitation with child
- Travel to/from appointments with probation officer
- Travel to/from programs required by court or as condition of probation
- Travel to/from place of religious worship
- Travel to/from approved appointments in an administrative or court-ordered intensive case monitoring child support program
- Travel to/from jail to serve jail sentence on weekends or nonconsecutive days
- Travel to/from a job interview
- [Travel to/from offices of the Virginia Employment Commission.](#)

The petition to restore driving privileges in the Commonwealth is denied.

.....
DATE

.....
JUDGE

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 965

An Act to amend and reenact §§ 19.2-258.1, 19.2-354, 19.2-354.1, 33.2-503, 46.2-203.1, 46.2-301, 46.2-361, 46.2-383, 46.2-391.1, 46.2-416, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, 46.2-819.5, 46.2-940, and 46.2-1200.1 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 46.2-808.2; and to repeal § 46.2-395 and Article 18 (§§ 46.2-944.1 through 46.2-947) of Chapter 8 of Title 46.2 of the Code of Virginia, relating to suspension of driver's license for nonpayment of fines or costs.

[S 1]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-258.1, 19.2-354, 19.2-354.1, 33.2-503, 46.2-203.1, 46.2-301, 46.2-361, 46.2-383, 46.2-391.1, 46.2-416, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, 46.2-819.5, 46.2-940, and 46.2-1200.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-808.2 as follows:

§ 19.2-258.1. Trial of traffic infractions; measure of proof; failure to appear.

For any traffic infraction cases tried in a district court, the court shall hear and determine the case without the intervention of a jury. For any traffic infraction case appealed to a circuit court, the defendant shall have the right to trial by jury. The defendant shall be presumed innocent until proven guilty beyond a reasonable doubt.

When a person charged with a traffic infraction fails to enter a written or court appearance, he shall be deemed to have waived court hearing and the case may be heard in his absence, after which he shall be notified of the court's finding. ~~He shall be advised that if he fails to comply with any order of the court therein, the court may order suspension of his driver's license as provided in § 46.2-395 but; however,~~ the court shall not issue a warrant for his failure to appear pursuant to § 46.2-938.

§ 19.2-354. Authority of court to order payment of fine, costs, forfeitures, penalties or restitution in installments or upon other terms and conditions; community work in lieu of payment.

A. Whenever (i) a defendant, convicted of a traffic infraction or a violation of any criminal law of the Commonwealth or of any political subdivision thereof, or found not innocent in the case of a juvenile, is sentenced to pay a fine, restitution, forfeiture or penalty and (ii) the defendant is unable to make payment of the fine, restitution, forfeiture, or penalty and costs within 30 days of sentencing, the court shall order the defendant to pay such fine, restitution, forfeiture or penalty and any costs which the defendant may be required to pay in deferred payments or installments. The court assessing the fine, restitution, forfeiture, or penalty and costs may authorize the clerk to establish and approve individual deferred or installment payment agreements. If the defendant owes court-ordered restitution and enters into a deferred or installment payment agreement, any money collected pursuant to such agreement shall be used first to satisfy such restitution order and any collection costs associated with restitution prior to being used to satisfy any other fine, forfeiture, penalty, or cost owed. Any payment agreement authorized under this section shall be consistent with the provisions of § 19.2-354.1, including any required minimum payments or other required conditions. The requirements set forth in § 19.2-354.1 shall be posted in the clerk's office and on the court's website, if a website is available. As a condition of every such agreement, a defendant who enters into an installment or deferred payment agreement shall promptly inform the court of any change of mailing address during the term of the agreement. If the defendant is unable to make payment within 90 days of sentencing, the court may assess a one-time fee not to exceed \$10 to cover the costs of management of the defendant's account until such account is paid in full. This one-time fee shall not apply to cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9. Installment or deferred payment agreements shall include terms for payment if the defendant participates in a program as provided in subsection B or C. The court, if such sum or sums are not paid in full by the date ordered, shall proceed in accordance with § 19.2-358.

B. When a person sentenced to the Department of Corrections or a local correctional facility owes any fines, costs, forfeitures, restitution or penalties, he shall be required as a condition of participating in any work release, home/electronic incarceration or nonconsecutive days program as set forth in § 53.1-60, 53.1-131, 53.1-131.1, or 53.1-131.2 to either make full payment or make payments in accordance with his installment or deferred payment agreement while participating in such program. If, after the person has an installment or deferred payment agreement, the person fails to pay as ordered, his participation in the program may be terminated until all fines, costs, forfeitures, restitution and penalties are satisfied. The Director of the Department of Corrections and any sheriff or other

A. In addition to any other penalty provided by this section, any motor vehicle administratively impounded or immobilized under the provisions of § 46.2-301.1 may, in the discretion of the court, be impounded or immobilized for an additional period of up to 90 days upon conviction of an offender for driving while his driver's license, learner's permit, or privilege to drive a motor vehicle has been suspended or revoked for (i) a violation of § 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-272, or 46.2-341.24 or a substantially similar ordinance or law in any other jurisdiction or (ii) driving after adjudication as an habitual offender, where such adjudication was based in whole or in part on an alcohol-related offense, or where such person's license has been administratively suspended under the provisions of § 46.2-391.2. However, if, at the time of the violation, the offender was driving a motor vehicle owned by another person, the court shall have no jurisdiction over such motor vehicle but may order the impoundment or immobilization of a motor vehicle owned solely by the offender at the time of arrest. All costs of impoundment or immobilization, including removal or storage expenses, shall be paid by the offender prior to the release of his motor vehicle.

B. Except as provided in §§ 46.2-304 and 46.2-357, no resident or nonresident (i) whose driver's license, learner's permit, or privilege to drive a motor vehicle has been suspended or revoked or (ii) who has been directed not to drive by any court or by the Commissioner, or (iii) who has been forbidden, as prescribed by operation of any statute of the Commonwealth or a substantially similar ordinance of any county, city or town, to operate a motor vehicle in the Commonwealth shall thereafter drive any motor vehicle or any self-propelled machinery or equipment on any highway in the Commonwealth until the period of such suspension or revocation has terminated or the privilege has been reinstated or a restricted license is issued pursuant to subsection E. ~~A clerk's notice of suspension of license for failure to pay fines or costs given in accordance with § 46.2-395 shall be sufficient notice for the purpose of maintaining a conviction under this section.~~ For the purposes of this section, the phrase "motor vehicle or any self-propelled machinery or equipment" shall not include mopeds.

C. A violation of subsection B is a Class 1 misdemeanor. A third or subsequent offense occurring within a 10-year period shall include a mandatory minimum term of confinement in jail of 10 days. However, the court shall not be required to impose a mandatory minimum term of confinement in any case where a motor vehicle is operated in violation of this section in a situation of apparent extreme emergency which requires such operation to save life or limb.

D. Upon a violation of subsection B, the court shall suspend the person's license or privilege to drive a motor vehicle for the same period for which it had been previously suspended or revoked. In the event the person violated subsection B by driving during a period of suspension or revocation which was not for a definite period of time, the court shall suspend the person's license, permit or privilege to drive for an additional period not to exceed 90 days, to commence upon the expiration of the previous suspension or revocation or to commence immediately if the previous suspension or revocation has expired; ~~however, in the event that the person violated subsection B by driving during a period of suspension imposed pursuant to § 46.2-395, the additional 90-day suspension imposed pursuant to this subsection shall run concurrently with the suspension imposed pursuant to § 46.2-395 in accordance with subsection F of § 46.2-395.~~

E. Any person who is otherwise eligible for a restricted license may petition each court that suspended his license pursuant to subsection D for authorization for a restricted license, provided that the period of time for which the license was suspended by the court pursuant to subsection D, if measured from the date of conviction, has expired, even though the suspension itself has not expired. A court may, for good cause shown, authorize the Department of Motor Vehicles to issue a restricted license for any of the purposes set forth in subsection E of § 18.2-271.1. No restricted license shall be issued unless each court that issued a suspension of the person's license pursuant to subsection D authorizes the Department to issue a restricted license. Any restricted license issued pursuant to this subsection shall be in effect until the expiration of any and all suspensions issued pursuant to subsection D, except that it shall automatically terminate upon the expiration, cancellation, suspension, or revocation of the person's license or privilege to drive for any other cause. No restricted license issued pursuant to this subsection shall permit a person to operate a commercial motor vehicle as defined in the Commercial Driver's License Act (§ 46.2-341.1 et seq.). The court shall forward to the Commissioner a copy of its authorization entered pursuant to this subsection, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a license is issued as is reasonably necessary to identify the person. The court shall also provide a copy of its authorization to the person, who may not operate a motor vehicle until receipt from the Commissioner of a restricted license. A copy of the restricted license issued by the Commissioner shall be carried at all times while operating a motor vehicle.

F. Any person who operates a motor vehicle or any self-propelled machinery or equipment in violation of the terms of a restricted license issued pursuant to subsection E of § 18.2-271.1 is not guilty of a violation of this section but is guilty of a violation of § 18.2-272.

§ 46.2-361. Restoration of privilege after driving while license revoked or suspended for failure to furnish proof of financial responsibility or pay uninsured motorist fee.

A. Any person who has been found to be an habitual offender, where the determination or

adjudication was based in part and dependent on a conviction as set out in subdivision 1 c of former § 46.2-351, may, after three years from the date of the final order of a court entered under this article, or if no such order was entered then the notice of the determination or adjudication by the Commissioner, petition the court in which he was found to be an habitual offender, or the circuit court in the political subdivision in which he then resides, for restoration of his privilege to drive a motor vehicle in the Commonwealth. In no event, however, shall the provisions of this subsection apply when such person's determination or adjudication was also based in part and dependent on a conviction as set out in subdivision 1 b of former § 46.2-351. In such case license restoration shall be in compliance with the provisions of § 46.2-360.

B. Any person who has been found to be an habitual offender, where the determination or adjudication was based entirely upon a combination of convictions of § 46.2-707 and convictions as set out in subdivision 1 c of former § 46.2-351, may, after ~~payment in full of all outstanding fines, costs and judgments relating to his determination,~~ and furnishing proof of (i) financial responsibility and (ii) compliance with the provisions of Article 8 (§ 46.2-705 et seq.) of Chapter 6 ~~of this title~~ or both, if applicable, petition the court in which he was found to be an habitual offender, or the circuit court in the political subdivision in which he then resides, for restoration of his privilege to drive a motor vehicle in the Commonwealth.

C. This section shall apply only where the conviction or convictions as set out in subdivision 1 c of former § 46.2-351 resulted from a suspension or revocation ordered pursuant to (i) *former* § 46.2-395 for failure to pay fines and costs, (ii) § 46.2-459 for failure to furnish proof of financial responsibility, or (iii) § 46.2-417 for failure to satisfy a judgment, provided *that* the judgment has been paid in full prior to the time of filing the petition or was a conviction under § 46.2-302 or former § 46.1-351.

D. On any such petition, the court, in its discretion, may restore to the person his privilege to drive a motor vehicle, on whatever conditions the court may prescribe, if the court is satisfied from the evidence presented that the petitioner does not constitute a threat to the safety and welfare of himself or others with respect to the operation of a motor vehicle, ~~and that he has satisfied in full all outstanding court costs, court fines and judgments relating to determination as an habitual offender~~ and *has* furnished proof of financial responsibility, if applicable.

E. A copy of any petition filed hereunder shall be served on the attorney for the Commonwealth for the jurisdiction wherein the petition was filed, and shall also be served on the Commissioner of the Department of Motor Vehicles, who shall provide to the attorney for the Commonwealth a certified copy of the petitioner's driving record. The Commissioner shall also advise the attorney for the Commonwealth whether there is anything in the records maintained by the Department that might make the petitioner ineligible for restoration, and may also provide notice of any potential ineligibility to the Attorney General's Office, which may join in representing the interests of the Commonwealth where it appears that the petitioner is not eligible for restoration. The hearing on a petition filed pursuant to this article shall not be set for a date sooner than ~~thirty~~ 30 days after the petition is filed and served as provided herein.

§ 46.2-383. Courts to forward abstracts of records or furnish abstract data of conviction by electronic means in certain cases; records in office of Department; inspection; clerk's fee for reports.

A. In the event (i) a person is convicted of a charge described in subdivision 1 or 2 of § 46.2-382 or § 46.2-382.1 ~~or~~, (ii) a person fails ~~or refuses to pay any fine, costs, forfeiture, restitution or penalty, or any installment thereof, imposed in any traffic case,~~ or (iii) a person forfeits bail or collateral or other deposit to secure the defendant's appearance on the charges, unless the conviction has been set aside or the forfeiture vacated, ~~or~~ (iv) (iii) a court assigns a defendant to a driver education program or alcohol treatment or rehabilitation program, or both such programs, as authorized by § 18.2-271.1, ~~or~~ (v) (iv) compliance with the court's probation order is accepted by the court in lieu of a conviction under § 18.2-266 or the requirements specified in § 18.2-271 as provided in § 18.2-271.1, or (vi) (v) there is rendered a judgment for damages against a person as described in § 46.2-382, every district court or clerk of a circuit court shall forward an abstract of the record to the Commissioner within 18 days after such conviction, ~~failure or refusal to pay,~~ forfeiture, assignment, or acceptance, and in the case of civil judgments, on the request of the judgment creditor or his attorney, within 30 days after judgment has become final. No abstract of the record in a district court shall be forwarded to the Commissioner unless the period allowed for an appeal has elapsed and no appeal has been perfected. On or after July 1, 2013, in the event that a conviction or adjudication has been nullified by separate order of the court, the clerk shall forward to the Commissioner an abstract of that record.

B. Abstract data of conviction may be furnished to the Commissioner by electronic means provided that the content of the abstract and the certification complies with the requirements of § 46.2-386. In cases where the abstract data is furnished by electronic means, the paper abstract shall not be required to be forwarded to the Commissioner. The Commissioner shall develop a method to ensure that all data is received accurately. The Commissioner, with the approval of the Governor, may destroy the record of any conviction, forfeiture, assignment, acceptance, or judgment, when three years has elapsed from the date thereof, except records of conviction or forfeiture on charges of reckless driving and speeding,

District Court Forms	DC-489	MEDICAL EMERGENCY TEMPORARY DETENTION PETITION
	DC-490	MEDICAL EMERGENCY TEMPORARY DETENTION ORDER
	DC-492	EMERGENCY CUSTODY ORDER
	DC-4050	EXPLANATION OF EMERGENCY CUSTODY PROCEDURES

Abstract

Identical bills Senate Bill 738 and House Bill 1452 amended the statutes that address emergency custody orders and medical emergency temporary detention orders. The legislation provided that, in addition to the current time limitations, a person subject to an emergency custody order can remain in custody until a medical emergency temporary detention order is entered pursuant to § 37.2-1104. DC-492 and DC-4050 were amended to reflect that change.

With respect to medical emergency temporary detention orders, various provisions of § 37.2-1104 were revised by the legislation. DC-489 and DC-490 were revised accordingly.

Source

Senate Bill 738 (Chapter 1267, effective July 1, 2020)
House Bill 1452 (Chapter 1233, effective July 1, 2020)

Revision

Legislative

Form Type

Masters (DC-489, DC-490 and DC-492)
Printed (DC-4050)

**MEDICAL EMERGENCY
TEMPORARY DETENTION PETITION**

Case No.

Commonwealth of Virginia VA. CODE §§ 37.2-1104; 53.1-40.1(F); 53.1-133.04(G)

General District Court

Circuit Court

.....
CITY OR COUNTY

.....
NAME OF RESPONDENT PRISONER

.....
ADDRESS OF RESPONDENT

I,, a licensed physician, or in the case of a prisoner sentenced and committed to the Department of Corrections or confined in a local or regional correctional facility, a licensed physician, psychiatrist, or clinical psychologist, state that:

I attempted to obtain consent of the above-named respondent for treatment of the following physical or mental condition:

The respondent is located within the jurisdiction of the above-named court at

.....
NAME AND ADDRESS OF FACILITY

To the best of my knowledge, the respondent is incapable of making an informed decision, or is incapable of communicating such a decision, on treatment of the above-described physical or mental condition because of:

- the following physical or mental condition:
- an undiagnosed physical or mental condition whose symptoms are:

I understand that a person with dysphasia or other communications disorders who is mentally competent and able to communicate shall not be considered incapable of giving informed consent by law and this respondent is not such a person to the best of my knowledge.

The medical standard of care calls for the following testing, observation or treatment:

.....
.....
.....

- within the next 24 hours, pursuant to § 37.2-1104, to prevent ~~death or injury~~, disability, death or to treat an emergency medical condition that requires immediate action to avoid ~~other~~ harm, ~~injury or death to the person resulting from such mental or physical condition.~~
- within the next 12 hours, pursuant to § 53.1-40.1(F) or § 53.1-133.04(G), to prevent death, disability or a serious irreversible condition to the prisoner.

(Check and complete if applicable)

- The respondent does not desire testing, observation or treatment because of the following religious practices:

.....

- Family member objections are:

.....

.....
DATE AND TIME

.....
SIGNATURE OF PETITIONER

- Oral petition by the above-named physician, psychiatrist, or clinical psychologist, who agreed with this transcription when it was read back to him or her.

.....
DATE AND TIME

.....
SIGNATURE OF JUDICIAL OFFICER

**MEDICAL EMERGENCY
TEMPORARY DETENTION ORDER**

Commonwealth of Virginia VA. CODE §§ 37.2-1104; 53.1-40.1(F); 53.1-133.04(G)

Case No.

..... [] General District Court [] Circuit Court
CITY OR COUNTY

NAME OF RESPONDENT [] PRISONER ADDRESS OF RESPONDENT

[] Original Order [] Modified Order [] Termination Order

Upon information and advice given to the undersigned judge or magistrate [] in writing [] orally by

....., a licensed physician, psychiatrist or clinical psychologist, who stated that he
NAME
attempted to obtain consent of the above-named respondent for treatment of the following mental or physical condition:

The above-named physician, psychiatrist or clinical psychologist further stated that:

1. The respondent is an adult who is located within the jurisdiction of the above-named court.

NAME AND ADDRESS OF FACILITY

2. To the best of his or her knowledge, the respondent is incapable of giving informed consent to treatment of the above-described mental or physical condition because of:

[] the following physical or mental condition:

[] an undiagnosed physical or mental condition whose symptoms are:

3. He or she understood that a person with dysphasia or other communication disorders who is mentally competent and able to communicate shall not be considered incapable of giving informed consent by law and this patient is not such a person to the best of his or her knowledge.

4. The medical standard of care calls for the following testing, observation or treatment:

[] within the next 24 hours, pursuant to § 37.2-1104, to prevent ~~death or injury~~, disability, death or ~~to treat an emergency medical condition that requires immediate action to avoid~~ other harm, injury or death to the person resulting from the mental or physical condition.

[] within the next 12 hours, pursuant to § 53.1-40.1(F) or § 53.1-133.04(G), to prevent death, disability or a serious irreversible condition.

Check and complete if applicable:

[] The patient does not desire testing, observation or treatment because of the following religious practices:

[] Family member objections are:

After considering these statements and taking into consideration all above-described recognized religious practices (if any) and family objections (if any)

[] I do not find probable cause to believe that the statutory requirements for the issuance of this order have been met.

[] I find probable cause to believe the above statements and to believe that the statutory requirements for the issuance of this order have been met, and I authorize for a period not to exceed [] 12 hours (§ 53.1-40.1(F) and § 53.1-133.04(G))

[] 24 hours (§ 37.2-1104)

— temporary detention of the above-described patient by a hospital emergency ~~room~~ department or other appropriate facility, and

[] testing, observation or treatment described above.

OR

[] the following testing, observation or treatment

[] I order the termination of authorization previously ordered in this case based on information from

specifically

DATE AND TIME

[] JUDGE [] SPECIAL JUSTICE [] MAGISTRATE

SEE WARNINGS AND NOTICES ON PAGE TWO OF TWO

WARNINGS AND NOTICES

If, before completion of authorized testing, observation or treatment, the physician determines that a person subject to this order pursuant to Virginia Code § 37.2-1104 has become capable of giving consent, the physician shall rely on the person's decision of whether to consent to further observation, testing or treatment. If, before issuance of this order or during its period of effectiveness, the physician learns of objection by a member of the person's immediate family to the testing, observation or treatment, he shall notify the court or magistrate, who shall consider the objection in determining whether to issue, modify or terminate the order. A person with dysphasia or other communications disorder who is mentally competent and able to communicate shall not be considered incapable of giving informed consent.

EMERGENCY CUSTODY ORDER

Commonwealth of Virginia VA. CODE §§ 37.2-808, 19.2-182.9; § 37.2-817.2

Case No.

[] Circuit Court [] General District Court

NAME AND ADDRESS OF RESPONDENT

TO ANY AUTHORIZED OFFICER OF:

This emergency custody order is hereby issued
[] upon motion of the undersigned [] upon a sworn petition
[] and facts presented by

NAME TELEPHONE NUMBER

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
SSN									
DL#					STATE				

based upon probable cause to believe that the respondent:

- [] pursuant to § 37.2-808, is incapable of volunteering or unwilling to volunteer for treatment, has a mental illness and is in need of hospitalization or treatment, and there exists a substantial likelihood that, as a result of mental illness, the respondent will, in the near future, cause serious physical harm to self or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information OR suffer serious harm due to respondent's lack of capacity to protect self from harm or to provide for respondent's own basic human needs.
- [] pursuant to § 19.2-182.9, is an acquittee on conditional release, and has violated the conditions of release or is no longer a proper subject for conditional release, and requires inpatient hospitalization.

[] The respondent failed to appear for a hearing on to review a [] mandatory outpatient treatment plan [] discharge plan pursuant to § 37.2-817.2. DATE

THEREFORE, you are commanded to execute this order, take the respondent into custody and

- [] transport the respondent to the location listed below for evaluation by a person designated by the community services board or behavioral health authority who is skilled in the diagnosis and treatment of mental illness and who has completed a certification program approved by the Department of Behavioral Health and Developmental Services in order to assess the need for hospitalization or treatment.
- [] transfer custody of the respondent to the alternative transportation provider, DC-4000, ORDER FOR ALTERNATIVE TRANSPORTATION PROVIDER, is attached.

Custody of the respondent may be transferred pursuant to § 37.2-808(E). The respondent shall remain in custody until (a) a temporary detention order is issued in accordance with § 37.2-809, (b) an order for temporary detention for observation, testing or treatment is entered in accordance with § 37.2-1104, ending law enforcement custody, (c) until the respondent is released, or (d) until this emergency custody order expires. If the undersigned judicial officer issues this order pursuant to § 19.2-182.9, the period of custody may not exceed eight hours from the time that you execute this order. If the undersigned judicial officer issues this order pursuant to § 37.2-808, then (1) the order is void if not executed within eight hours of the time of issuance and (2) the order is valid for a period not to exceed eight hours from the time of execution. If the order becomes void for lack of timely execution, pursuant to § 37.2-808(M), a law-enforcement officer must return the order to the office of the clerk of the issuing court, or, if such office is not open, to any magistrate serving that court.

CURRENT LOCATION OF RESPONDENT

NAME AND ADDRESS OF LOCATION FOR EVALUATION OR EXAMINATION

- [] Transport the respondent to the medical facility (specified below) to obtain the following:
 - [] emergency medical evaluation or treatment, before transporting the respondent to the above specified location for evaluation.
 - [] a medical evaluation, before transporting the respondent to a hospital at which the respondent may be admitted for detention if a physician at that hospital requires a medical evaluation of the respondent prior to the admission.

NAME AND ADDRESS OF MEDICAL EVALUATION FACILITY

TO THE PERSON CONDUCTING THE MENTAL HEALTH EVALUATION:

Virginia Code § 37.2-808 and § 19.2-182.9 require that you evaluate the respondent pursuant to this order. Upon completion of your evaluation, promptly report the results of your evaluation to the appropriate judicial officer.

TO THE PERSON PROVIDING EMERGENCY MEDICAL EVALUATION OR TREATMENT:

Virginia Code § 37.2-808 requires that you conduct the medical evaluation or treatment immediately in accordance with state and federal law.

TO ANY HEALTH CARE PROVIDER as defined in Virginia Code § 32.1-127.1:03, or other provider who has provided or is currently providing services to or is currently evaluating the respondent: Virginia Code § 37.2-804.2 requires you to disclose certain information upon request. (See Page Two, AUTHORIZATION FOR DISCLOSURE AND USE OF HEALTH INFORMATION.)

DATE AND TIME OF ISSUANCE

[] MAGISTRATE [] JUDGE [] SPECIAL JUSTICE

<p>EXECUTED by taking the respondent into custody on this day:</p> <p>..... DATE AND TIME</p> <p>..... OFFICER TAKING RESPONDENT INTO CUSTODY</p> <p>..... BADGE NO., AGENCY AND JURISDICTION</p> <p>for SHERIFF</p>	<p>Respondent evaluation completed:</p> <p>..... DATE AND TIME</p> <p>..... NAME OF FACILITY</p> <p>by</p> <p>..... TITLE</p>
---	---

AUTHORIZATION FOR DISCLOSURE AND USE OF HEALTH INFORMATION

Under Virginia Code § 37.2-804.2, any health care provider, as defined in Virginia Code § 32.1-127.1:03, or other provider who has provided or is currently providing services to a person who is the subject of proceedings pursuant to Title 37.2, Chapter 8 of the Code of Virginia must, upon request, disclose to a magistrate, the court, the person's attorney, the person's guardian *ad litem*, the examiner identified to perform an examination of a person who is the subject of a commitment hearing for involuntary admission, the community services board or its designee performing any related evaluation, preadmission screening, or monitoring duties, or a law-enforcement officer any information that is necessary and appropriate for the performance of his duties pursuant to § 37.2-800 et seq. Any health care provider, as defined in § 32.1-127.1:03, or other provider who has provided or is currently evaluating or providing services to a person who is the subject of emergency custody or involuntary temporary detention proceedings must disclose information that may be necessary for the treatment of such person to any other health care provider or other provider evaluating or providing services to or monitoring the treatment of the person. Health records disclosed to a law-enforcement officer must be limited to information necessary to protect the officer, the person, or the public from physical injury or to address the health care needs of the person. Information disclosed to a law-enforcement officer must not be used for any other purpose, disclosed to others, or retained.

Any health care provider providing services to a person who is the subject of proceedings pursuant to Title 37.2, Chapter 8 of the Code of Virginia, shall (i) inform the person that his family member or personal representative, including any agent named in an advance directive executed in accordance with the Health Care Decisions (§ 54.1-2981 et. seq.), will be notified of information that is directly relevant to such individual's involvement with the person's health care, which may include the person's location and general condition, in accordance with subdivision D 34 of § 32.1-127.1:03, and (ii) make a reasonable effort to so notify the person's family member or personal representative, unless the provider has actual knowledge that the family member or personal representative is currently prohibited by court order from contacting the person. No health care provider shall be required to notify a person's family member or personal representative pursuant to § 37.2-804.2 if the health care provider has actual knowledge that such notice has been provided.

Any health care provider disclosing records pursuant to Virginia Code § 37.2-804.2 will be immune from civil liability for any harm resulting from the disclosure, including any liability under the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.), as amended, unless the person or provider disclosing such records intended the harm or acted in bad faith.

EXPLANATION OF EMERGENCY CUSTODY PROCEDURES

Commonwealth of Virginia

VA. CODE §§ 37.2-808, 37.2-817.2

To the Respondent:

You are a person who has been taken into emergency custody pursuant to Va. Code § 37.2-808 or § 37.2-817.2.

You were taken into emergency custody because a judge, special justice, or magistrate issued an emergency custody order, a law-enforcement officer believed that you met the criteria for emergency custody, or because you voluntarily consented to be transported for assessment or evaluation, you then revoked your consent, and the officer believed that you met the criteria for emergency custody.

You were taken into emergency custody because the judge, special justice, magistrate or law-enforcement officer decided that there was probable cause to believe that:

1. You have a mental illness and there exists a substantial likelihood that, as a result of mental illness, you will in the near future
 - a. cause serious physical harm to yourself or others as evidenced by your recent behavior causing, attempting or threatening harm and other relevant information, OR
 - b. suffer serious harm due to your lack of capacity to protect yourself from harm or to provide for your basic needs, AND
2. You are in need of hospitalization or treatment, AND
3. You are unwilling to volunteer or incapable of volunteering for hospitalization or treatment.

While you are in emergency custody, you will be transported by a law-enforcement officer or an alternative transportation provider to a convenient location to be evaluated to determine whether you meet the criteria for temporary detention, and to assess the need for you to be hospitalized or treated.

You may also be transported to a medical facility if it is determined that emergency medical evaluation or treatment is necessary, or if a doctor at the hospital where you may be detained requires a medical evaluation before you can be admitted.

You will remain in emergency custody until a temporary detention order is issued ([§ 37.2-809](#)), until an order for temporary detention for observation, testing or treatment is entered ([§ 37.2-1104](#)), until you are released, or until the emergency custody order expires. The maximum amount of time that you could remain in emergency custody is 8 hours.

If you were taken into emergency custody as a result of an emergency custody order, the order must have been executed within 8 hours after the order was issued or the order is void. An emergency custody order is executed when a law-enforcement officer takes you into custody under the order. When the emergency custody order is executed or a law-enforcement officer takes you into custody without an order, the law-enforcement officer must then notify the community services board right away.

VIRGINIA ACTS OF ASSEMBLY -- 2020 RECONVENED SESSION

CHAPTER 1267

An Act to amend and reenact §§ 37.2-808 and 37.2-1104 of the Code of Virginia, relating to temporary detention for observation and treatment.

[S 738]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-808 and 37.2-1104 of the Code of Virginia are amended and reenacted as follows:

§ 37.2-808. Emergency custody; issuance and execution of order.

A. Any magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion, an emergency custody order when he has probable cause to believe that any person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. Any emergency custody order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

When considering whether there is probable cause to issue an emergency custody order, the magistrate may, in addition to the petition, consider (1) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (2) any past actions of the person, (3) any past mental health treatment of the person, (4) any relevant hearsay evidence, (5) any medical records available, (6) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (7) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue an emergency custody order.

B. Any person for whom an emergency custody order is issued shall be taken into custody and transported to a convenient location to be evaluated to determine whether the person meets the criteria for temporary detention pursuant to § 37.2-809 and to assess the need for hospitalization or treatment. The evaluation shall be made by a person designated by the community services board who is skilled in the diagnosis and treatment of mental illness and who has completed a certification program approved by the Department.

C. The magistrate issuing an emergency custody order shall specify the primary law-enforcement agency and jurisdiction to execute the emergency custody order and provide transportation. However, the magistrate shall consider any request to authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner, upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified primary law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order. In such cases, a copy of the emergency custody order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the community services board or its designee responsible for conducting the evaluation. The community services board or its designee conducting the evaluation shall return a copy of the emergency custody order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

Transportation under this section shall include transportation to a medical facility as may be necessary to obtain emergency medical evaluation or treatment that shall be conducted immediately in accordance with state and federal law. Transportation under this section shall include transportation to a

medical facility for a medical evaluation if a physician at the hospital in which the person subject to the emergency custody order may be detained requires a medical evaluation prior to admission.

D. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall order the primary law-enforcement agency from the jurisdiction served by the community services board that designated the person to perform the evaluation required in subsection B to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. If the community services board serves more than one jurisdiction, the magistrate shall designate the primary law-enforcement agency from the particular jurisdiction within the community services board's service area where the person who is the subject of the emergency custody order was taken into custody or, if the person has not yet been taken into custody, the primary law-enforcement agency from the jurisdiction where the person is presently located to execute the order and provide transportation.

E. The law-enforcement agency or alternative transportation provider providing transportation pursuant to this section may transfer custody of the person to the facility or location to which the person is transported for the evaluation required in subsection B, G, or H if the facility or location (i) is licensed to provide the level of security necessary to protect both the person and others from harm, (ii) is actually capable of providing the level of security necessary to protect the person and others from harm, and (iii) in cases in which transportation is provided by a law-enforcement agency, has entered into an agreement or memorandum of understanding with the law-enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody, provided, however, that the facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody.

F. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing an emergency custody order pursuant to this section.

G. A law-enforcement officer who, based upon his observation or the reliable reports of others, has probable cause to believe that a person meets the criteria for emergency custody as stated in this section may take that person into custody and transport that person to an appropriate location to assess the need for hospitalization or treatment without prior authorization. A law-enforcement officer who takes a person into custody pursuant to this subsection or subsection H may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of obtaining the assessment. Such evaluation shall be conducted immediately. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

H. A law-enforcement officer who is transporting a person who has voluntarily consented to be transported to a facility for the purpose of assessment or evaluation and who is beyond the territorial limits of the county, city, or town in which he serves may take such person into custody and transport him to an appropriate location to assess the need for hospitalization or treatment without prior authorization when the law-enforcement officer determines (i) that the person has revoked consent to be transported to a facility for the purpose of assessment or evaluation, and (ii) based upon his observations, that probable cause exists to believe that the person meets the criteria for emergency custody as stated in this section. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

I. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section.

J. A representative of the primary law-enforcement agency specified to execute an emergency custody order or a representative of the law-enforcement agency employing a law-enforcement officer who takes a person into custody pursuant to subsection G or H shall notify the community services board responsible for conducting the evaluation required in subsection B, G, or H as soon as practicable after execution of the emergency custody order or after the person has been taken into custody pursuant to subsection G or H.

K. The person shall remain in custody until (i) a temporary detention order is issued *in accordance with § 37.2-809, until* (ii) *an order for temporary detention for observation, testing, or treatment is entered in accordance with § 37.2-1104, ending law enforcement custody,* (iii) the person is released, or ~~until~~ (iv) the emergency custody order expires. An emergency custody order shall be valid for a period not to exceed eight hours from the time of execution.

L. Nothing in this section shall preclude the issuance of an order for temporary detention for testing, observation, or treatment pursuant to § 37.2-1104 for a person who is also the subject of an emergency custody order issued pursuant to this section. In any case in which an order for temporary detention for testing, observation, or treatment is issued for a person who is also the subject of an emergency custody order, the person may be detained by a hospital emergency room or other appropriate facility for testing, observation, and treatment for a period not to exceed 24 hours, unless extended by the court as part of an order pursuant to § 37.2-1101, in accordance with subsection A C of § 37.2-1104. Upon completion

of testing, observation, or treatment pursuant to § 37.2-1104, the hospital emergency room or other appropriate facility in which the person is detained shall notify the nearest community services board, and the designee of the community services board shall, as soon as is practicable and prior to the expiration of the order for temporary detention issued pursuant to § 37.2-1104, conduct an evaluation of the person to determine if he meets the criteria for temporary detention pursuant to § 37.2-809.

M. Any person taken into emergency custody pursuant to this section shall be given a written summary of the emergency custody procedures and the statutory protections associated with those procedures.

N. If an emergency custody order is not executed within eight hours of its issuance, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if such office is not open, to any magistrate serving the jurisdiction of the issuing court.

O. In addition to the eight-hour period of emergency custody set forth in subsection G, H, or K, if the individual is detained in a state facility pursuant to subsection E of § 37.2-809, the state facility and an employee or designee of the community services board as defined in § 37.2-809 may, for an additional four hours, continue to attempt to identify an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual.

P. Payments shall be made pursuant to § 37.2-804 to licensed health care providers for medical screening and assessment services provided to persons with mental illnesses while in emergency custody.

Q. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

§ 37.2-1104. Temporary detention in hospital for testing, observation, or treatment.

A. ~~Upon the advice of a licensed physician who has attempted to obtain consent and upon a finding of probable cause to believe that an adult person within the court's jurisdiction is incapable of making an informed decision regarding treatment of a physical or mental condition or is incapable of communicating such a decision due to a physical or mental condition and that the medical standard of care calls for testing, observation, or treatment within the next 24 hours to prevent death or disability, or to treat an emergency medical condition that requires immediate action to avoid harm, injury, or death, the~~ *As used in this section, "mental or physical condition" includes intoxication.*

B. ~~The court or, if the court is unavailable, a magistrate serving the jurisdiction where the respondent is located may, with the advice of a licensed physician who has attempted to obtain informed consent of an adult person to treatment of a mental or physical condition, issue an order authorizing temporary detention of the adult person by in a hospital emergency room department or other appropriate facility and authorizing such for testing, observation, or treatment upon a finding that (i) probable cause exists to believe the person is incapable of making or communicating an informed decision regarding treatment of a physical or mental condition due to a mental or physical condition and (ii) the medical standard of care calls for observation, testing, or treatment within the next 24 hours to prevent injury, disability, death, or other harm to the person resulting from such mental or physical condition.~~

C. ~~The duration of temporary detention may pursuant to this section shall not be for a period exceeding exceed 24 hours, unless extended by the court as part of an order authorizing treatment under § 37.2-1101. If, before completion of authorized testing, observation, or treatment, the physician determines that a person subject to an order under this subsection has become capable of making and communicating an informed decision, the physician shall rely on the person's decision on whether to consent to further testing, observation, or treatment. If, before issuance of an order under this subsection or during its period of effectiveness, the physician learns of an objection by a member of the person's immediate family to the testing, observation, or treatment, he shall so notify the court or magistrate, who shall consider the objection in determining whether to issue, modify, or terminate the order.~~

~~B-~~ D. A court or, if the court is unavailable, a magistrate serving the jurisdiction may issue an order authorizing temporary detention for testing, observation, or treatment for a person who is also the subject of an emergency custody order issued pursuant to § 37.2-808, if such person meets the criteria set forth in subsection A B. In any case in which an order for temporary detention for testing, observation, or treatment is issued for a person who is also the subject of an emergency custody order pursuant to § 37.2-808, the hospital emergency room or other appropriate facility in which the person is detained for testing, observation, or treatment shall notify the nearest community services board when such testing, observation, or treatment is complete, and the designee of the community services board shall, as soon as is practicable and prior to the expiration of the order for temporary detention issued pursuant to subsection A B, conduct an evaluation of the person to determine if he meets the criteria for temporary detention pursuant to § 37.2-809.

2. That the Department of Behavioral Health and Developmental Services shall convene a work group to include representatives from the Virginia College of Emergency Physicians, the Virginia Hospital and Healthcare Association, the Virginia Sheriff's Association, and the Office of the Executive Secretary of the Supreme Court of Virginia to develop standard policies and procedures regarding medical temporary detention orders. The work group shall complete its work no later than December 1, 2020.

District Court Forms	DC-4000	ORDER FOR ALTERNATIVE TRANSPORTATION PROVIDER
	DC-4048	ORDER CHANGING TRANSPORTATION PROVIDER FOR TEMPORARY DETENTION ORDER

Abstract

Identical bills Senate Bill 603 and House Bill 1118 amended both the adult and juvenile statutes that deal with transportation for temporary detention orders. Language was added setting forth that if an alternative transportation provider providing transportation for a person subject to a temporary detention order is no longer able to provide the transportation, then custody of the person is to be transferred to local law enforcement. If the person subject to a temporary detention order is a minor, then the alternative transportation provider shall advise the minor’s parent that a change in custody has occurred. Language was added to DC-4000 to reflect this change.

In addition, the legislation provided that a magistrate has the authority to change a transportation provider indicated in the temporary detention order if transportation of the person subject to the temporary detention order has not yet started. In order to facilitate this change, a new form was created for use by magistrates.

Source Senate Bill 603 (Chapter 880, effective July 1, 2020)
House Bill 1118 (Chapter 879, effective July 1, 2020)

Revision Legislative

Form Type Masters

**ORDER FOR ALTERNATIVE
TRANSPORTATION PROVIDER**

Case No.

Commonwealth of Virginia VA. CODE §§ 37.2-808; 37.2-810; 37.2-829; 16.1-340; 16.1-340.1; 16.1-340.2; 16.1-345

General District Court Circuit Court
 Juvenile and Domestic Relations District Court

.....
CITY/COUNTY

In re
NAME OF RESPONDENT JUVENILE

As an alternative to transportation of the respondent by a law enforcement agency, consideration has been given by the undersigned judicial officer to authorizing transportation by an alternative transportation provider of the respondent who is

- an adult, pursuant to Va. Code
 - § 37.2-808 as provided in the attached **emergency custody order**.
 - § 37.2-810 as provided in the attached **temporary detention order** entered pursuant to § 37.2-809, based upon finding that the respondent meets the criteria of § 37.2-809(B).
 - § 37.2-829 in conjunction with a proceeding pursuant to § 37.2-814, in which the respondent **volunteered for admission**.
 as provided in the attached order for **involuntary admission** pursuant to §§ 37.2-815 through 37.2-821.
- a juvenile, pursuant to Va. Code
 - § 16.1-340 as provided in the attached **emergency custody order**.
 - § 16.1-340.2 as provided in the attached **temporary detention order** entered pursuant to § 16.1-340.1, based upon finding that the juvenile meets the criteria of § 16.1-340.1(A).
 - § 16.1-345 as provided in the attached order for **involuntary admission** of the juvenile.

In accordance with the provisions of the Virginia Code, the undersigned judicial officer has determined that the alternative transportation provider designated below is available and willing to provide transportation to the respondent, and is able to provide transportation to the respondent in a safe manner, based upon information provided by the petitioner; the community services board or its designee; the local law-enforcement agency; the person’s treating physician; the proposed alternative transportation provider; or by other person(s) who are available and have knowledge of the respondent, namely:

NAME	RELATIONSHIP TO RESPONDENT/TITLE	FACILITY/AGENCY	TELEPHONE NUMBER
NAME	RELATIONSHIP TO RESPONDENT/TITLE	FACILITY/AGENCY	TELEPHONE NUMBER

It is hereby ORDERED that the respondent shall be transported as specified in the attached order by an alternative transportation provider, namely:

NAME	RELATIONSHIP TO RESPONDENT/TITLE	FACILITY/AGENCY	TELEPHONE NUMBER
NAME	RELATIONSHIP TO RESPONDENT/TITLE	FACILITY/AGENCY	TELEPHONE NUMBER

The alternative transportation provider shall transport the respondent from the respondent’s current location to the location(s) specified on the attached order, or if this order is entered pursuant to §§ 37.2-810 or 16.1-340.2 as noted above, to the alternative facility of temporary detention identified by the employee or designee of the community services board, if the alternative transportation provider continues to have custody of the respondent when an alternative facility is identified.

If the alternative transportation provider providing transportation of the respondent who is the subject of a temporary detention order or who is being transported pursuant to § 16.1-345 or § 37.2-829 becomes unable to continue providing that transportation after taking custody of the respondent, the primary law-enforcement agency for the jurisdiction in which the alternative transportation provider is located at the time that provider becomes unable to continue providing transportation shall take custody of the respondent and transport the respondent to the proper facility. In the case of a minor, if the alternative transportation provider originally authorized to provide transportation is not the minor’s parent, the alternative transportation provider shall notify the minor’s parent that the primary law-enforcement agency has taken custody of the minor and is transporting the minor to the temporary detention facility and provide the name of the law-enforcement officer providing that transportation.

A copy of the attached order shall accompany the respondent at all times, and the alternative transportation provider shall deliver such copy to the designated evaluating agency or designee, or to the designated facility of temporary detention or admission.

..... DATE MAGISTRATE JUDGE SPECIAL JUSTICE
.....
DATE AND TIME RESPONDENT DELIVERED TO FACILITY NAME OF TEMPORARY DETENTION FACILITY (IF DIFFERENT FROM FACILITY ON ATTACHED ORDER)
.....
SIGNATURE OF ALTERNATIVE TRANSPORTATION PROVIDER

**ORDER CHANGING
TRANSPORTATION PROVIDER FOR
TEMPORARY DETENTION ORDER**

Commonwealth of Virginia VA. CODE §§ 16.1-340.2; 37.2-810

Temporary Detention Order No.

Case No.

[] General District Court
[] Juvenile and Domestic Relations District Court

.....
CITY OR COUNTY

In re
NAME OF RESPONDENT [] JUVENILE DATE OF BIRTH GENDER

.....
RESIDENCE ADDRESS MAILING ADDRESS IF DIFFERENT

.....
CITY STATE ZIP CODE CITY STATE ZIP CODE

REQUEST FOR CHANGE IN TRANSPORTATION ORDER:

A request to change the transportation provider designated in the temporary detention order was made by

[] the initial designated transportation provider

[]
NAME OF PERSON REQUESTING CHANGE OF DESIGNATED TRANSPORTATION PROVIDER

.....
FACILITY/AGENCY
prior to the initiation of transportation of the Respondent who is subject to a temporary detention order.

The undersigned magistrate orders that the designated transportation provider is changed as follows:

Initial transportation provider:
NAME OF INITIAL TRANSPORTATION PROVIDER

.....
RELATIONSHIP TO RESPONDENT/TITLE FACILITY/AGENCY

.....
TELEPHONE NUMBER

New transportation provider:
NAME OF NEW TRANSPORTATION PROVIDER

.....
RELATIONSHIP TO RESPONDENT/TITLE FACILITY/AGENCY

.....
TELEPHONE NUMBER

If the temporary detention order has already been executed but transportation has not yet been initiated, the initial transportation provider having custody of the Respondent shall transfer custody of the Respondent to the new transportation provider named in this order.

.....
DATE MAGISTRATE

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 880

An Act to amend and reenact §§ 16.1-340.2, 16.1-345, 37.2-810, and 37.2-829 of the Code of Virginia, relating to involuntary admission; transportation; transfer to local law enforcement.

[S 603]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-340.2, 16.1-345, 37.2-810, and 37.2-829 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-340.2. Transportation of minor in the temporary detention process.

A. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall specify in the temporary detention order the law-enforcement agency of the jurisdiction in which the minor resides to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction in which the minor resides is more than 50 miles from the nearest boundary of the jurisdiction in which the minor is located, the law-enforcement agency of the jurisdiction in which the minor is located shall execute the order and provide transportation.

B. The magistrate issuing the temporary detention order shall specify the law-enforcement agency to execute the order and provide transportation. However, the magistrate may authorize transportation by an alternative transportation provider, including a parent, family member, or friend of the minor who is the subject of the temporary detention order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the minor's treating physician, if any; or other persons who are available and have knowledge of the minor, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified primary law-enforcement agency to execute the order, to take the minor into custody, and to transfer custody of the minor to the alternative transportation provider identified in the order.

In such cases any case in which a magistrate authorizes transportation of a minor subject to a temporary detention order by an alternative transportation provider, a copy of the temporary detention order shall accompany the minor being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the temporary detention facility. The temporary detention facility shall return a copy of the temporary detention order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

The order may include transportation of the minor to such other medical facility as may be necessary to obtain further medical evaluation or treatment prior to placement as required by a physician at the admitting temporary detention facility. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a minor in his custody as provided in this section. Such medical evaluation or treatment shall be conducted immediately in accordance with state and federal law.

C. *If an alternative transportation provider providing transportation of a minor who is the subject of a temporary detention order becomes unable to continue providing transportation of the minor at any time after taking custody of the minor, the primary law-enforcement agency for the jurisdiction in which the alternative transportation provider is located at the time he becomes unable to continue providing transportation shall take custody of the minor and shall transport the minor to the facility of temporary detention. In such cases, (i) a copy of the temporary detention order shall accompany the minor being transported and shall be delivered to and returned by the temporary detention facility in accordance with the provisions of subsection B and (ii) if the alternative transportation provider originally authorized to provide transportation is a person other than the minor's parent, the alternative transportation provider shall notify the minor's parent (a) that the primary law-enforcement agency for the jurisdiction in which he is located has taken custody of the minor and is transporting the minor to the facility of temporary detention and (b) of the name of the law-enforcement officer providing transportation of the minor.*

D. In cases in which an alternative facility of temporary detention is identified and the law-enforcement agency or alternative transportation provider identified to provide transportation in accordance with subsection B continues to have custody of the minor, the local law-enforcement agency or alternative transportation provider shall transport the minor to the alternative facility of temporary detention identified by the employee or designee of the local community services board. In cases in which an alternative facility of temporary detention is identified and custody of the minor has been transferred from the law-enforcement agency or alternative transportation provider that provided transportation in accordance with subsection B to the initial facility of temporary detention, the employee or designee of the local community services board shall request, and a magistrate may enter an order specifying, an alternative transportation provider or, if no alternative transportation provider is available, willing, and able to provide transportation in a safe manner, the local law-enforcement agency for the jurisdiction in which the minor resides or, if the nearest boundary of the jurisdiction in which the minor resides is more than 50 miles from the nearest boundary of the jurisdiction in which the minor is located, the law-enforcement agency of the jurisdiction in which the minor is located, to provide transportation.

D. E. The magistrate may change the transportation provider specified in a temporary detention order at any time prior to the initiation of transportation of a minor who is the subject of a temporary detention order pursuant to this section. If the designated transportation provider is changed by the magistrate at any time after the temporary detention order has been executed but prior to the initiation of transportation, the transportation provider having custody of the minor shall transfer custody of the minor to the transportation provider subsequently specified to provide transportation. For the purposes of this subsection, "transportation provider" includes both a law-enforcement agency and an alternative transportation provider.

F. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing any temporary detention order pursuant to this section. Law-enforcement agencies may enter into agreements to facilitate the execution of temporary detention orders and provide transportation.

E. G. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

§ 16.1-345. Involuntary commitment; criteria.

After observing the minor and considering (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the minor, (iii) any past mental health treatment of the minor, (iv) any qualified evaluator's report, (v) any medical records available, (vi) the preadmission screening report, and (vii) any other evidence that may have been admitted, the court shall order the involuntary commitment of the minor to a mental health facility for treatment for a period not to exceed 90 days if it finds, by clear and convincing evidence, that:

1. Because of mental illness, the minor (i) presents a serious danger to himself or others to the extent that severe or irremediable injury is likely to result, as evidenced by recent acts or threats or (ii) is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusory thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control;

2. The minor is in need of compulsory treatment for a mental illness and is reasonably likely to benefit from the proposed treatment; and

3. If the court finds that inpatient treatment is not the least restrictive treatment, the court shall consider entering an order for mandatory outpatient treatment pursuant to § 16.1-345.2.

Upon the expiration of an order for involuntary commitment, the minor shall be released unless he is involuntarily admitted by further petition and order of a court, which shall be for a period not to exceed 90 days from the date of the subsequent court order, or the minor or his parent rescinds the objection to inpatient treatment and consents to admission pursuant to § 16.1-338 or subsection D of § 16.1-339 or the minor is ordered to mandatory outpatient treatment pursuant to § 16.1-345.2.

A minor who has been hospitalized while properly detained by a juvenile and domestic relations district court shall be returned to the detention home, shelter care, or other facility approved by the Department of Juvenile Justice by the sheriff serving the jurisdiction where the minor was detained within 24 hours following completion of a period of inpatient treatment, unless the court having jurisdiction over the case orders that the minor be released from custody. However, such a minor shall not be eligible for mandatory outpatient treatment.

In conducting an evaluation of a minor who has been properly detained, if the evaluator finds, irrespective of the fact that the minor has been detained, that the minor meets the criteria for involuntary commitment in this section, the evaluator shall recommend that the minor meets the criteria for involuntary commitment.

If the parent or parents with whom the minor resides are not willing to approve the proposed commitment, the court shall order inpatient treatment only if it finds, in addition to the criteria specified in this section, that such treatment is necessary to protect the minor's life, health, safety, or normal

development. If a special justice believes that issuance of a removal order or protective order may be in the child's best interest, the special justice shall report the matter to the local department of social services for the county or city where the minor resides.

Upon finding that the best interests of the minor so require, the court may enter an order directing either or both of the minor's parents to comply with reasonable conditions relating to the minor's treatment.

If the minor is committed to inpatient treatment, such placement shall be in a mental health facility for inpatient treatment designated by the community services board which serves the political subdivision in which the minor was evaluated pursuant to § 16.1-342. If the community services board does not provide a placement recommendation at the hearing, the minor shall be placed in a mental health facility designated by the Commissioner of Behavioral Health and Developmental Services.

When a minor has been involuntarily committed pursuant to this section, the judge shall determine, after consideration of information provided by the minor's treating mental health professional and any involved community services board staff regarding the minor's dangerousness, whether transportation shall be provided by the sheriff or may be provided by an alternative transportation provider, including a parent, family member, or friend of the minor, a representative of the community services board, a representative of the facility at which the minor was detained pursuant to a temporary detention order, or other alternative transportation provider with personnel trained to provide transportation in a safe manner. If the judge determines that transportation may be provided by an alternative transportation provider, the judge may consult with the proposed alternative transportation provider either in person or via two-way electronic video and audio or telephone communication system to determine whether the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. If the judge finds that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner, the judge may order transportation by the proposed alternative transportation provider. In all other cases, the judge shall order transportation by the sheriff of the jurisdiction where the minor is a resident unless the sheriff's office of that jurisdiction is located more than 100 road miles from the nearest boundary of the jurisdiction in which the proceedings took place. In cases where the sheriff of the jurisdiction in which the minor is a resident is more than 100 road miles from the nearest boundary of the jurisdiction in which the proceedings took place, it shall be the responsibility of the sheriff of the latter jurisdiction to transport the minor.

If the judge determines that the minor requires transportation by the sheriff, the sheriff, as specified in this section shall transport the minor to the proper facility. In no event shall transport commence later than six hours after notification to the sheriff or alternative transportation provider of the judge's order.

If an alternative transportation provider providing transportation of a minor becomes unable to continue providing transportation of the minor at any time after taking custody of the minor, the primary law-enforcement agency for the jurisdiction in which the alternative transportation provider is located at the time he becomes unable to continue providing transportation shall take custody of the minor and shall transport the minor to the proper facility. In such cases, if the alternative transportation provider originally authorized to provide transportation is a person other than the minor's parent, the alternative transportation provider shall notify the minor's parent (a) that the primary law-enforcement agency for the jurisdiction in which he is located has taken custody of the minor and is transporting the minor to the facility of temporary detention and (b) of the name of the law-enforcement officer providing transportation of the minor.

No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

§ 37.2-810. Transportation of person in the temporary detention process.

A. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall specify in the temporary detention order the law-enforcement agency of the jurisdiction in which the person resides, or any other willing law-enforcement agency that has agreed to provide transportation, to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located shall execute the order and provide transportation.

B. The magistrate issuing the temporary detention order shall specify the law-enforcement agency to execute the order and provide transportation. However, the magistrate shall consider any request to authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the temporary detention order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner upon determining, following consideration of information provided by the petitioner; the community services board or its designee;

the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order.

In such cases, a copy of the temporary detention order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the temporary detention facility. The temporary detention facility shall return a copy of the temporary detention order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

The order may include transportation of the person to such other medical facility as may be necessary to obtain further medical evaluation or treatment prior to placement as required by a physician at the admitting temporary detention facility. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section. Such medical evaluation or treatment shall be conducted immediately in accordance with state and federal law.

C. If an alternative transportation provider providing transportation of a person who is the subject of a temporary detention order becomes unable to continue providing transportation of the person at any time after taking custody of the person, the primary law-enforcement agency for the jurisdiction in which the alternative transportation provider is located at the time he becomes unable to continue providing transportation shall take custody of the person and shall transport the person to the facility of temporary detention. In such cases, a copy of the temporary detention order shall accompany the person being transported and shall be delivered to and returned by the temporary detention facility in accordance with the provisions of subsection B.

D. In cases in which an alternative facility of temporary detention is identified and the law-enforcement agency or alternative transportation provider identified to provide transportation in accordance with subsection B continues to have custody of the person, the local law-enforcement agency or alternative transportation provider shall transport the person to the alternative facility of temporary detention identified by the employee or designee of the community services board. In cases in which an alternative facility of temporary detention is identified and custody of the individual person has been transferred from the law-enforcement agency or alternative transportation provider that provided transportation in accordance with subsection B to the initial facility of temporary detention, the employee or designee of the community services board shall request, and a magistrate may enter an order specifying, an alternative transportation provider or, if no alternative transportation provider is available, willing, and able to provide transportation in a safe manner, the local law-enforcement agency for the jurisdiction in which the person resides or, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located, to provide transportation.

D. E. The magistrate may change the transportation provider specified in a temporary detention order at any time prior to the initiation of transportation of a person who is the subject of a temporary detention order pursuant to this section. If the designated transportation provider is changed by the magistrate at any time after the temporary detention order has been executed but prior to the initiation of transportation, the transportation provider having custody of the person shall transfer custody of the person to the transportation provider subsequently specified to provide transportation. For the purposes of this subsection, "transportation provider" includes both a law-enforcement agency and an alternative transportation provider.

F. A law-enforcement officer may lawfully go to or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing any temporary detention order pursuant to this section. Law-enforcement agencies may enter into agreements to facilitate the execution of temporary detention orders and provide transportation.

E. G. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

§ 37.2-829. Transportation of person in civil admission process.

When a person has volunteered for admission pursuant to § 37.2-814 or been ordered to be admitted to a facility under §§ 37.2-815 through 37.2-821, the judge or special justice shall determine after consideration of information provided by the person's treating mental health professional and any involved community services board or behavioral health authority staff regarding the person's

dangerousness, whether transportation shall be provided by the sheriff or may be provided by an alternative transportation provider, including a family member or friend of the person, a representative of the community services board, a representative of the facility at which the person was detained pursuant to a temporary detention order, or other alternative transportation provider with personnel trained to provide transportation in a safe manner. If the judge or special justice determines that transportation may be provided by an alternative transportation provider, the judge or special justice may consult with the proposed alternative transportation provider either in person or via two-way electronic video and audio or telephone communication system to determine whether the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. If the judge or special justice finds that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner, the judge or special justice may order transportation by the proposed alternative transportation provider. In all other cases, the judge or special justice shall order transportation by the sheriff of the jurisdiction where the person is a resident unless the sheriff's office of that jurisdiction is located more than 100 road miles from the nearest boundary of the jurisdiction in which the proceedings took place. In cases where the sheriff of the jurisdiction of which the person is a resident is more than 100 road miles from the nearest boundary of the jurisdiction in which the proceedings took place, it shall be the responsibility of the sheriff of the latter jurisdiction to transport the person.

If the judge or special justice determines that the person requires transportation by the sheriff, the person may be delivered to the care of the sheriff, as specified in this section, who shall transport the person to the proper facility. In no event shall transport commence later than six hours after notification to the sheriff or alternative transportation provider of the judge's or special justice's order.

If any state hospital has become too crowded to admit any such person, the Commissioner shall give notice of the fact to all community services boards and shall designate the facility to which sheriffs or alternative transportation providers shall transport such persons.

If an alternative transportation provider providing transportation of a person becomes unable to continue providing transportation of the person at any time after taking custody of the person, the primary law-enforcement agency for the jurisdiction in which the alternative transportation provider is located at the time he becomes unable to continue providing transportation shall take custody of the person and shall transport the person to the proper facility.

No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

District Court Forms	DC-4060	PETITION FOR EMERGENCY SUBSTANTIAL RISK ORDER
	DC-4061	EMERGENCY SUBSTANTIAL RISK ORDER

Abstract Identical bills Senate Bill 240 and House Bill 674 added several statutes to a new chapter entitled “Substantial Risk Orders.” Two new district court forms and one new circuit court form were created in order to implement this legislation. One new district court form is for use by law-enforcement officers and attorneys for the Commonwealth to petition for an emergency substantial risk order, while the other new district court form is for judges and magistrates to issue the order.

Source Senate Bill 240 (Chapter 888, effective July 1, 2020)
House Bill 674 (Chapter 887, effective July 1, 2020)

Revision Legislative

Form Type Masters

EMERGENCY SUBSTANTIAL RISK ORDER

Commonwealth of Virginia Va. Code § 19.2-152.13

Court Case No.

General District Court Circuit Court
 Juvenile and Domestic Relations District Court

Extension of Emergency Substantial Risk Order (Circuit Court Only)

RESPONDENT

In re:

LAST	FIRST	MIDDLE

.....
RESPONDENT'S ADDRESS/LOCATION
.....

RESPONDENT IDENTIFIERS (IF KNOWN)

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
		SSN							
DRIVER'S LICENSE NO.							STATE	EXP.	

Based upon the information alleged and relevant evidence, including any recent act of violence, force, or threat as defined in § 19.2-152.7:1 by the Respondent directed toward another person or toward self, I find that there is probable cause to believe that the Respondent poses a substantial risk of personal injury to self or others in the near future by the Respondent's possession or acquisition of a firearm.

It is hereby ORDERED that

1. The Respondent is prohibited from purchasing, possessing or transporting a firearm while this order is in effect.
2. The Respondent shall surrender any concealed handgun permit to the court named above.

The Respondent is advised to voluntarily relinquish any firearm within the Respondent's custody to the law-enforcement agency that serves this order on the Respondent.

Notice of Right to Hearing: The Respondent has a right to a hearing under § 19.2-152.14 and may be represented by counsel at the hearing. The hearing will be held in the circuit court for the jurisdiction named above on a date to be set by the circuit court.

(Circuit Court Only)

- It is ORDERED that the Emergency Substantial Risk Order is extended, pursuant to § 19.2-152.14,
 as the Respondent failed to appear at the hearing in circuit court set for
 Because the Respondent was not personally served with notice of the hearing or, if personally served, was incarcerated and not transported to the hearing.
 upon motion of the Respondent and for good cause shown.

It is further ORDERED that a hearing pursuant to § 19.2-152.14 will be held in this circuit court on
 at and that service of this order will constitute notice for that hearing.
 DATE TIME

This Order is issued on
DATE

THIS ORDER EXPIRES ON at 11:59 p.m.
DATE

.....
 JUDGE MAGISTRATE

Notice to Respondent:

This order will be entered into the Virginia Criminal Information Network. The Respondent may at any time file a motion with the circuit court requesting a hearing to dissolve this order; however, this order remains in full force and effect unless and until dissolved by the court.

WARNINGS TO RESPONDENT:

Pursuant to § 18.2-308.1:6, you shall not purchase, possess or transport any firearm while this order is in effect. If you have a concealed handgun permit, you are prohibited from carrying any concealed firearms and you must immediately surrender your permit to the court issuing this order. A violation of § 18.2-308.1:6 is a Class 1 misdemeanor for which you may be sentenced to jail and/or ordered to pay a fine.

RETURNS: Each person was served according to law, as indicated below, unless not found.

RESPONDENT	
NAME	
ADDRESS	
<input type="checkbox"/> PERSONAL SERVICE	TELEPHONE NUMBER:
<input type="checkbox"/> NOT FOUND	
_____ SERVING OFFICER	
for _____	
_____ DATE AND TIME	
Respondent's Description (for VCIN entry):	
RACE.....	SEX
DOB:	
HGT	WGT
EYES	HAIR
SSN	
Relationship to Petitioner/Plaintiff	
Distinguishing features	

INVENTORY OF FIREARMS VOLUNTARILY RELINQUISHED

The following firearms were voluntarily relinquished by the Respondent upon service of this Emergency Substantial Risk Order:

- | | |
|---|--|
| 1.
2.
3.
4.
5.
6.
7.
8.
9.
10. | 11.
12.
13.
14.
15.
16.
17.
18.
19.
20. |
|---|--|

Continued on attached sheet.

Due return of service with this inventory shall be made to the circuit court of the jurisdiction named at the top of the first page of this order.

The statement above is true and accurate to the best of my knowledge and belief.

.....
 NAME OF AGENCY
 (Include badge and code no.)

.....
 DATE

.....
 PRINTED NAME OF LAW-ENFORCEMENT OFFICER

.....
 SIGNATURE OF LAW-ENFORCEMENT OFFICER

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 888

An Act to amend and reenact §§ 18.2-308.09, 18.2-308.2:1, 18.2-308.2:2, and 18.2-308.2:3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-308.1:6, by adding in Title 19.2 a chapter numbered 9.2, consisting of sections numbered 19.2-152.13 through 19.2-152.17, and by adding a section numbered 19.2-387.3, relating to firearms; removal from persons posing substantial risk; penalties.

[S 240]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.09, 18.2-308.2:1, 18.2-308.2:2, and 18.2-308.2:3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-308.1:6, by adding in Title 19.2 a chapter numbered 9.2, consisting of sections numbered 19.2-152.13 through 19.2-152.17, and by adding a section numbered 19.2-387.3 as follows:

§ 18.2-308.09. Disqualifications for a concealed handgun permit.

The following persons shall be deemed disqualified from obtaining a permit:

1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, or 18.2-308.1:3, or 18.2-308.1:6 or the substantially similar law of any other state or of the United States.

2. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:1 and who was discharged from the custody of the Commissioner pursuant to § 19.2-182.7 less than five years before the date of his application for a concealed handgun permit.

3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose competency or capacity was restored pursuant to § 64.2-2012 less than five years before the date of his application for a concealed handgun permit.

4. An individual who was ineligible to possess a firearm under § 18.2-308.1:3 and who was released from commitment less than five years before the date of this application for a concealed handgun permit.

5. An individual who is subject to a restraining order, or to a protective order and prohibited by § 18.2-308.1:4 from purchasing, possessing, or transporting a firearm.

6. (Effective until January 1, 2021) An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except that a permit may be obtained in accordance with subsection C of that section.

6. (Effective January 1, 2021) An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except that a restoration order may be obtained in accordance with subsection C of that section.

7. An individual who has been convicted of two or more misdemeanors within the five-year period immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor, but the judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1. Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of this disqualification.

8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana, synthetic cannabinoids, or any controlled substance.

9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other state, the District of Columbia, the United States, or its territories within the three-year period immediately preceding the application, or who is a habitual drunkard as determined pursuant to § 4.1-333.

10. An alien other than an alien lawfully admitted for permanent residence in the United States.

11. An individual who has been discharged from the armed forces of the United States under dishonorable conditions.

12. An individual who is a fugitive from justice.

13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief of police, or attorney for the Commonwealth may submit to the court a sworn, written statement indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the

specific acts, or upon a written statement made under oath before a notary public of a competent person having personal knowledge of the specific acts.

14. An individual who has been convicted of any assault, assault and battery, sexual battery, discharging of a firearm in violation of § 18.2-280 or 18.2-286.1 or brandishing of a firearm in violation of § 18.2-282 within the three-year period immediately preceding the application.

15. An individual who has been convicted of stalking.

16. An individual whose previous convictions or adjudications of delinquency were based on an offense that would have been at the time of conviction a felony if committed by an adult under the laws of any state, the District of Columbia, the United States or its territories. For purposes of this disqualifier, only convictions occurring within 16 years following the later of the date of (i) the conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or adjudication shall be deemed to be "previous convictions." Disqualification under this subdivision shall not apply to an individual with previous adjudications of delinquency who has completed a term of service of no less than two years in the Armed Forces of the United States and, if such person has been discharged from the Armed Forces of the United States, received an honorable discharge.

17. An individual who has a felony charge pending or a charge pending for an offense listed in subdivision 14 or 15.

18. An individual who has received mental health treatment or substance abuse treatment in a residential setting within five years prior to the date of his application for a concealed handgun permit.

19. An individual not otherwise ineligible pursuant to this article, who, within the three-year period immediately preceding the application for the permit, was found guilty of any criminal offense set forth in Article 1 (§ 18.2-247 et seq.) or former § 18.2-248.1:1 or of a criminal offense of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance, under the laws of any state, the District of Columbia, or the United States or its territories.

20. An individual, not otherwise ineligible pursuant to this article, with respect to whom, within the three-year period immediately preceding the application, upon a charge of any criminal offense set forth in Article 1 (§ 18.2-247 et seq.) or former § 18.2-248.1:1 or upon a charge of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance under the laws of any state, the District of Columbia, or the United States or its territories, the trial court found that the facts of the case were sufficient for a finding of guilt and disposed of the case pursuant to § 18.2-251 or the substantially similar law of any other state, the District of Columbia, or the United States or its territories.

§ 18.2-308.1:6. Purchase, possession, or transportation of firearms by persons subject to substantial risk orders; penalty.

It is unlawful for any person who is subject to an emergency substantial risk order or a substantial risk order entered pursuant to § 19.2-152.13 or 19.2-152.14 or an order issued by a tribunal of another state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to § 19.2-152.13 or 19.2-152.14 to purchase, possess, or transport any firearm while the order is in effect. Any such person with a concealed handgun permit is prohibited from carrying any concealed firearm while the order is in effect and shall surrender his permit to the court entering the order pursuant to § 19.2-152.13 or 19.2-152.14. A violation of this section is a Class 1 misdemeanor.

§ 18.2-308.2:1. Prohibiting the selling, etc., of firearms to certain persons.

Any person who sells, barter, gives or furnishes, or has in his possession or under his control with the intent of selling, bartering, giving or furnishing, any firearm to any person he knows is prohibited from possessing or transporting a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, 18.2-308.1:3, 18.2-308.1:6, or 18.2-308.2, subsection B of § 18.2-308.2:01, or § 18.2-308.7 shall be is guilty of a Class 4 felony. However, this prohibition shall not be applicable when the person convicted of the felony, adjudicated delinquent, or acquitted by reason of insanity has (i) been issued a permit pursuant to subsection C of § 18.2-308.2 or been granted relief pursuant to subsection B of § 18.2-308.1:1; or § 18.2-308.1:2 or 18.2-308.1:3; (ii) been pardoned or had his political disabilities removed in accordance with subsection B of § 18.2-308.2; or (iii) obtained a permit to ship, transport, possess or receive firearms pursuant to the laws of the United States.

§ 18.2-308.2:2. Criminal history record information check required for the transfer of certain firearms.

A. Any person purchasing from a dealer a firearm as herein defined shall consent in writing, on a form to be provided by the Department of State Police, to have the dealer obtain criminal history record information. Such form shall include only the written consent; the name, birth date, gender, race, citizenship, and social security number and/or any other identification number; the number of firearms by category intended to be sold, rented, traded, or transferred; and answers by the applicant to the following questions: (i) has the applicant been convicted of a felony offense or found guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult; (ii) is the applicant subject to a court order restraining the applicant from harassing, stalking, or threatening the applicant's child or intimate partner,

I. Any person who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information except as authorized by this section and § 18.2-308.2:2, shall be guilty of a Class 2 misdemeanor.

J. Any person willfully and intentionally making a materially false statement on the personal descriptive information required in this section shall be guilty of a Class 5 felony. Any person who offers for transfer any firearm in violation of this section shall be guilty of a Class 1 misdemeanor. Any dealer who willfully and knowingly employs or permits a person to act as a firearm seller in violation of this section shall be guilty of a Class 1 misdemeanor.

K. There is no civil liability for any seller for the actions of any purchaser or subsequent transferee of a firearm lawfully transferred pursuant to this section.

L. The provisions of this section requiring a seller's background check shall not apply to a licensed dealer.

M. Any person who willfully and intentionally makes a false statement in the affidavit as set out in subdivision C 1 shall be guilty of a Class 5 felony.

N. For purposes of this section:

"Dealer" means any person, corporation or proprietorship licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

"Place of business" means any place or premises where a dealer may lawfully transfer firearms.

"Seller" means for the purpose of any single sale of a firearm any person who is a dealer or an agent of a dealer, who may lawfully transfer firearms and who actually performs the criminal background check in accordance with the provisions of § 18.2-308.2:2.

"Transfer" means any act performed with intent to sell, rent, barter, trade or otherwise transfer ownership or permanent possession of a firearm at the place of business of a dealer.

CHAPTER 9.2.

SUBSTANTIAL RISK ORDERS.

§ 19.2-152.13. Emergency substantial risk order.

A. Upon the petition of an attorney for the Commonwealth or a law-enforcement officer, a judge of a circuit court, general district court, or juvenile and domestic relations district court or a magistrate, upon a finding that there is probable cause to believe that a person poses a substantial risk of personal injury to himself or others in the near future by such person's possession or acquisition of a firearm, shall issue an *ex parte* emergency substantial risk order. Such order shall prohibit the person who is subject to the order from purchasing, possessing, or transporting a firearm for the duration of the order. In determining whether probable cause for the issuance of an order exists, the judge or magistrate shall consider any relevant evidence, including any recent act of violence, force, or threat as defined in § 19.2-152.7:1 by such person directed toward another person or toward himself. No petition shall be filed unless an independent investigation has been conducted by law enforcement that determines that grounds for the petition exist. The order shall contain a statement (i) informing the person who is subject to the order of the requirements and penalties under § 18.2-308.1:6, including that it is unlawful for such person to purchase, possess, or transport a firearm for the duration of the order and that such person is required to surrender his concealed handgun permit if he possesses such permit, and (ii) advising such person to voluntarily relinquish any firearm within his custody to the law-enforcement agency that serves the order.

B. The petition for an emergency substantial risk order shall be made under oath and shall be supported by an affidavit.

C. Upon service of an emergency substantial risk order, the person who is subject to the order shall be given the opportunity to voluntarily relinquish any firearm in his possession. The law-enforcement agency that executed the emergency substantial risk order shall take custody of all firearms that are voluntarily relinquished by such person. The law-enforcement agency that takes into custody a firearm pursuant to the order shall prepare a written receipt containing the name of the person who is subject to the order and the manufacturer, model, condition, and serial number of the firearm and shall provide a copy thereof to such person. Nothing in this subsection precludes a law-enforcement officer from later obtaining a search warrant for any firearms if the law-enforcement officer has reason to believe that the person who is subject to an emergency substantial risk order has not relinquished all firearms in his possession.

D. An emergency substantial risk order issued pursuant to this section shall expire at 11:59 p.m. on the fourteenth day following issuance of the order. If the expiration occurs on a day that the circuit court for the jurisdiction where the order was issued is not in session, the order shall be extended until 11:59 p.m. on the next day that the circuit court is in session. The person who is subject to the order may at any time file with the circuit court a motion to dissolve the order.

E. An emergency substantial risk order issued pursuant to this section is effective upon personal service on the person who is subject to the order. The order shall be served forthwith after issuance. A

copy of the order, petition, and supporting affidavit shall be given to the person who is subject to the order together with a notice informing the person that he has a right to a hearing under § 19.2-152.14 and may be represented by counsel at the hearing.

F. The court or magistrate shall forthwith, but in all cases no later than the end of the business day on which the emergency substantial risk order was issued, enter and transfer electronically to the Virginia Criminal Information Network (VCIN) established and maintained by the Department of State Police (Department) pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 the identifying information of the person who is subject to the order provided to the court or magistrate. A copy of an order issued pursuant to this section containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of the order. 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 into the VCIN, and the order shall be served forthwith upon the person who is subject to the order. 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 identifying information of the person who is subject to the order provided to the court to the primary law-enforcement agency providing service and entry of the order. Upon receipt of the order by the primary law-enforcement agency, the agency shall enter the name of the person subject to the order and other appropriate information required by the Department into the VCIN and the order shall be served forthwith upon the person who is subject to the order. Upon service, the agency making service shall enter the date and time of service and other appropriate information required into the VCIN 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 and forwarded forthwith to the primary law-enforcement agency responsible for service and entry of the order. Upon receipt of the dissolution or modification 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 into the VCIN and the order shall be served forthwith.

G. The law-enforcement agency that serves the emergency substantial risk order shall make due return to the circuit court, which shall be accompanied by a written inventory of all firearms relinquished.

H. Proceedings in which an emergency substantial risk order is sought pursuant to this section shall be commenced where the person who is subject to the order (i) has his principal residence or (ii) has engaged in any conduct upon which the petition for the emergency substantial risk order is based.

I. A proceeding for a substantial risk order shall be a separate civil legal proceeding subject to the same rules as civil proceedings.

§ 19.2-152.14. Substantial risk order.

A. Not later than 14 days after the issuance of an emergency substantial risk order pursuant to § 19.2-152.13, the circuit court for the jurisdiction where the order was issued shall hold a hearing to determine whether a substantial risk order should be entered. The attorney for the Commonwealth for the jurisdiction that issued the emergency substantial risk order shall represent the interests of the Commonwealth. Notice of the hearing shall be given to the person subject to the emergency substantial risk order and the attorney for the Commonwealth. Upon motion of the respondent and for good cause shown, the court may continue the hearing, provided that the order shall remain in effect until the hearing. The Commonwealth shall have the burden of proving all material facts by clear and convincing evidence. If the court finds by clear and convincing evidence that the person poses a substantial risk of personal injury to himself or to other individuals in the near future by such person's possession or acquisition of a firearm, the court shall issue a substantial risk order. Such order shall prohibit the person who is subject to the order from purchasing, possessing, or transporting a firearm for the duration of the order. In determining whether clear and convincing evidence for the issuance of an order exists, the judge shall consider any relevant evidence including any recent act of violence, force, or threat as defined in § 19.2-152.7:1 by such person directed toward another person or toward himself. The order shall contain a statement (i) informing the person who is subject to the order of the requirements and penalties under § 18.2-308.1:6, including that it is unlawful for such person to purchase, possess, or transport a firearm for the duration of the order and that such person is required to surrender his concealed handgun permit if he possesses such permit, and (ii) advising such person to voluntarily relinquish any firearm that has not been taken into custody to the law-enforcement agency that served the emergency substantial risk order.

B. If the court issues a substantial risk order pursuant to subsection A, the court shall (i) order that any firearm that was previously relinquished pursuant to § 19.2-152.13 from the person who is subject to the substantial risk order continue to be held by the agency that has custody of the firearm for the duration of the order and (ii) advise such person that a law-enforcement officer may obtain a search warrant to search for any firearms from such person if such law-enforcement officer has reason to believe that such person has not relinquished all firearms in his possession.

If the court finds that the person does not pose a substantial risk of personal injury to himself or to

other individuals in the near future, the court shall order that any firearm that was previously relinquished be returned to such person in accordance with the provisions of § 19.2-152.15.

C. The substantial risk order may be issued for a specified period of time up to a maximum of 180 days. The 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 180-day period if no date is specified. Prior to the expiration of the order, an attorney for the Commonwealth or a law-enforcement officer may file a written motion requesting a hearing to extend the order. Proceedings to extend an order shall be given precedence on the docket of the court. The court may extend the order for a period not longer than 180 days if the court finds by clear and convincing evidence that the person continues to pose a substantial risk of personal injury to himself or to other individuals in the near future by such person's possession or acquisition of a firearm at the time the request for an extension is made. The extension of the 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 180-day period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued. The person who is subject to the order may file a motion to dissolve the order one time during the duration of the order; however, such motion may not be filed earlier than 30 days from the date the order was issued.

D. Any person whose firearm has been voluntarily relinquished pursuant to § 19.2-152.13 or this section, or such person's legal representative, may transfer the firearm to another individual 21 years of age or older who is not otherwise prohibited by law from possessing such firearm, provided that:

1. The person subject to the order and the transferee appear at the hearing;
2. At the hearing, the attorney for the Commonwealth advises the court that a law-enforcement agency has determined that the transferee is not prohibited from possessing or transporting a firearm;
3. The transferee does not reside with the person subject to the order;
4. The court informs the transferee of the requirements and penalties under § 18.2-308.2:1; and
5. The court, after considering all relevant factors and any evidence or testimony from the person subject to the order, approves the transfer of the firearm subject to such restrictions as the court deems necessary.

The law-enforcement agency holding the firearm shall deliver the firearm to the transferee within five days of receiving a copy of the court's approval of the transfer.

E. The court shall forthwith, but in all cases no later than the end of the business day on which the substantial risk order was issued, enter and transfer electronically to the Virginia Criminal Information Network (VCIN) established and maintained by the Department of State Police (Department) pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 the identifying information of the person who is subject to the order provided to the court and shall forthwith forward the attested copy of the order containing any such identifying information to the primary law-enforcement agency responsible for service and entry of the order. 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 into the VCIN and the order shall be served forthwith upon the person who is subject to the order 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 into the VCIN and make due return to the court. If the person who is subject to an emergency substantial risk order fails to appear at the hearing conducted pursuant to this section because such person was not personally served with notice of the hearing pursuant to subsection A, or if personally served was incarcerated and not transported to the hearing, the court may extend the emergency substantial risk order for a period not to exceed 14 days. The extended emergency substantial risk order shall specify a date for a hearing to be conducted pursuant to this section and shall be served forthwith on such person and due return made to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested and forwarded forthwith to the primary law-enforcement agency responsible for service and entry of the order. Upon receipt of the dissolution or modification 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, and the order shall be served forthwith and due return made to the court.

§ 19.2-152.15. Return or disposal of firearms.

A. Any firearm taken into custody pursuant to § 19.2-152.13 or 19.2-152.14 and held by a law-enforcement agency shall be returned by such agency to the person from whom the firearm was taken upon a court order for the return of the firearm issued pursuant to § 19.2-152.14 or the expiration or dissolution of an order issued pursuant to § 19.2-152.13 or 19.2-152.14. Such agency shall return the firearm within five days of receiving a written request for the return of the firearm by the person from whom the firearm was taken and a copy of the receipt provided to such person pursuant to § 19.2-152.13. Prior to returning the firearm to such person, the law-enforcement agency holding the firearm shall confirm that such person is no longer subject to an order issued pursuant to § 19.2-152.13 or 19.2-152.14 and is not otherwise prohibited by law from possessing a firearm.

B. A firearm taken into custody pursuant to § 19.2-152.13 or 19.2-152.14 and held by a law-enforcement agency may be disposed of in accordance with the provisions of § 15.2-1721 if (i) the

person from whom the firearm was taken provides written authorization for such disposal to the agency or (ii) the firearm remains in the possession of the agency more than 120 days after such person is no longer subject to an order issued pursuant to § 19.2-152.13 or 19.2-152.14 and such person has not submitted a request in writing for the return of the firearm.

§ 19.2-152.16. False statement to law-enforcement officer, etc.; penalty.

Any person who knowingly and willfully makes any materially false statement or representation to a law-enforcement officer or attorney for the Commonwealth who is in the course of conducting an investigation undertaken pursuant to this chapter is guilty of a Class 1 misdemeanor.

§ 19.2-152.17. Immunity of law-enforcement officers, etc.; chapter not exclusive.

A. An attorney for the Commonwealth or a law-enforcement officer shall be immune from civil liability for any act or omission related to petitioning or declining to petition for a substantial risk order pursuant to this chapter.

B. Any law-enforcement agency or law-enforcement officer that takes into custody, stores, possesses, or transports a firearm pursuant to § 19.2-152.13 or 19.2-152.14, or by a search warrant for a person who has failed to voluntarily relinquish his firearm, shall be immune from civil or criminal liability for any damage to or deterioration, loss, or theft of such firearm.

C. Nothing in this chapter precludes a law-enforcement officer from conducting a search for a firearm or removing a firearm from a person under any other lawful authority.

§ 19.2-387.3. Substantial Risk Order Registry; maintenance; access.

A. The Department of State Police shall keep and maintain a computerized Substantial Risk Order Registry (the Registry) for the entry of orders issued pursuant to § 19.2-152.13 or 19.2-152.14. The purpose of the Registry shall be to assist the efforts of law-enforcement agencies to protect their communities and their citizens. The Department of State Police shall make the Registry information available, upon request, to criminal justice agencies, including local law-enforcement agencies, through the Virginia Criminal Information Network. Registry information provided under this section shall be used only for the purposes of the administration of criminal justice as defined in § 9.1-101.

B. No liability shall be imposed upon any law-enforcement official who disseminates information or fails to disseminate information in good faith compliance with the requirements of this section, but this provision shall not be construed to grant immunity for gross negligence or willful misconduct.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

3. That the Supreme Court shall create standard forms to implement the intent of this act.

District Court Forms	DC-514	ORDER FOR APPOINTMENT OF GUARDIAN AD <i>LITEM</i>
	DC-540	GUARDIAN AD LITEM CERTIFICATION

Abstract

House Bill 137 amended § 16.1-274 by adding a paragraph that requires a guardian *ad litem*, prior to the start of the dispositional hearing in any matter, to file with the court, with copies to attorneys and any parties proceeding *pro se*, a certification indicating that the guardian *ad litem* has complied with the required standards of performance developed by the Judicial Council. The guardian *ad litem* must specifically address in the certification the number of hours spent satisfying the requirements for face-to-face contact with the child. As a result, DC-540 was reconfigured to satisfy the requirements of the legislation.

In addition, language referencing the required new certification form was added to DC-514.

Source	House Bill 137 (Chapter 21, effective July 1, 2020)
Revision	Legislative
Form Type	Master

**ORDER FOR APPOINTMENT
OF GUARDIAN AD LITEM**

Commonwealth of Virginia VA. CODE § 16.1-266

Court Case No.

Circuit Court
 Juvenile and Domestic Relations District Court

.....
CITY OR COUNTY

In re:

JUVENILE

..... V.
PETITIONER RESPONDENT

This proceeding involves a Petition/Motion regarding:

- | | | |
|--|---|---|
| <input type="checkbox"/> custody | <input type="checkbox"/> child abuse or neglect | <input type="checkbox"/> delinquency |
| <input type="checkbox"/> visitation | <input type="checkbox"/> termination of parental rights | <input type="checkbox"/> child in need of services |
| <input type="checkbox"/> child support | <input type="checkbox"/> entrustment | <input type="checkbox"/> child in need of supervision |
| <input type="checkbox"/> paternity | <input type="checkbox"/> family abuse protective order | <input type="checkbox"/> relief of custody by parent |
| <input type="checkbox"/> consent to adoption | <input type="checkbox"/> other: | |

and the Court finds that:

the Juvenile named above is entitled to the appointment of a guardian *ad litem* pursuant to § 16.1-266 of the Code of Virginia, and the best interests of the child are not adequately protected by the parties or the appointment of a guardian *ad litem* is otherwise required by law.

OR

the Petitioner Respondent Defendant named above is a person under a disability and is unable to protect his/her interest in this proceeding and is entitled to the appointment of a guardian *ad litem* pursuant to § 16.1-266 of the Code of Virginia because of the following disability:

- | | |
|---|--|
| <input type="checkbox"/> incarceration | <input type="checkbox"/> intellectual disability |
| <input type="checkbox"/> mental illness | <input type="checkbox"/> minor <input type="checkbox"/> other: |

The Court Orders that:

.....
NAME OF ATTORNEY TELEPHONE NUMBER OF ATTORNEY

is hereby appointed as guardian *ad litem* to protect and represent the interests of
..... in connection with all proceedings involved in this matter.

The date and time for the next hearing is:

The Court further orders that the guardian *ad litem* perform the duties and have access to the parties and documents specified on the reverse and incorporated by reference into this order.

In addition, the guardian *ad litem* shall

The Court further orders, as required by § 16.1-274(D), that prior to the commencement of the dispositional hearing in any matter, the guardian *ad litem* shall file with the court district court form DC-540, GUARDIAN AD LITEM CERTIFICATION and shall provide a copy to each attorney representing a party in the matter and to each party proceeding *pro se*.

So Ordered.

..... DATE JUDGE

In conforming to the following standards of performance, guardians *ad litem* shall comply with Rule 8:6 of the *Rules of the Supreme Court of Virginia* and shall be further informed of their duties and responsibilities by the commentary of the *Standards to Govern the Performance of Guardians Ad litem for Children* as adopted by the Judicial Council of Virginia effective September 1, 2003.

In fulfilling the duties of a guardian *ad litem* as appointed pursuant to this Order, an attorney shall:

- A. Meet face to face and interview the child.
- B. Conduct an independent investigation in order to ascertain the facts of the case.
- C. Advise the child, in terms the child can understand, of the nature of all proceedings, the child's rights, the role and responsibilities of the guardian *ad litem*, the court process and the possible consequences of the legal action.
- D. Participate, as appropriate, in pre-trial conferences, mediation and negotiations.
- E. Ensure the child's attendance at all proceedings where the child's attendance is appropriate and/or mandated.
- F. Appear in Court on the dates and times scheduled for hearings prepared to fully and vigorously represent the child's interests.
- G. Prepare the child to testify, when necessary and appropriate, in accord with the child's interest and welfare.
- H. Provide the court sufficient information including specific recommendations for court action based on the findings of the interviews and independent investigation.
- I. Communicate, coordinate and maintain a professional working relationship, in so far as possible, with all parties without sacrificing independence.
- J. File appropriate petitions, motions, pleadings, briefs and appeals on behalf of the child and ensure that the child is represented by a guardian *ad litem* in any appeal involving the case.
- K. Advise the child, in terms the child can understand, of the court's decision and its consequences for the child and others in the child's life.

Decision-making power resides with the court.

Failure to perform these duties may result in the appointing court's refusal to authorize payment of the fees requested by the guardian *ad litem* or a reduction of the payment requested, removal from the assigned case or removal from the court's Guardian *Ad Litem* Appointment List.

The guardian *ad litem* is authorized to appear at the Family Assessment and Planning Team and at panel review hearings conducted by the local department of social services pursuant to Virginia Code § 63.2-907.

The guardian *ad litem* appointed to represent the child shall have access to the following persons and documents without further Order of the Court:

- A. The child.
- B. Parties to the proceeding.
- C. Court Appointed Special Advocate (CASA), local department of social services and court services unit worker in the case, and school personnel involved with the child.

Upon presentation by the guardian *ad litem* of this order, the guardian *ad litem* shall have access to any records relating to the child held by any state or local agency, department, authority or institution and any school, hospital, physician or other health or mental health provider who shall permit the guardian *ad litem* to inspect and copy such records without the consent of the child or his parents. Upon the request of a guardian *ad litem* made at least seventy-two hours in advance, a mental health provider shall make himself available to conduct a review and interpretation of the child's treatment records which are specifically related to the investigation. Such a request may be made in lieu of or in addition to inspection and copying of the records.

GUARDIAN AD LITEM CERTIFICATION

Commonwealth of Virginia VA. CODE §§ 16.1-266.1, 16.1-274(d); Rule 8:6

Case No.

DATE OF HEARING

..... [] Juvenile and Domestic Relations District Court [] Circuit Court

In re:

I HEREBY CERTIFY that I have taken the following actions in performing the duties of the guardian *ad litem* for the child according to the *Standards to Govern the Performance of Guardians Ad Litem for Children* as indicated below. (Any information provided under each listed duty should not include any confidential information.)

1. I [] have [] have not met face-to-face with the child since the last court hearing in this matter. I met face-to-face with the child for a total of hours prior to today’s hearing.

Comments:
.....
.....

2. I [] have [] have not conducted an independent investigation of this matter in order to ascertain the facts of the case.

Comments:
.....
.....

3. I [] have [] have not advised the child, in terms the child can understand, of the nature of the proceeding, the child’s rights, my role and responsibilities as guardian *ad litem*, the court process, and the possible consequences of the legal action.

Comments:
.....
.....

4. I [] have [] have not participated, as appropriate, in pre-trial conferences, mediation and negotiations.

Comments:
.....
.....

5. I [] have [] have not ensured the child’s attendance at all proceedings, where such attendance would be appropriate and/or mandated.

Comments:
.....
.....

6. I [] have [] have not appeared in court on the dates and times scheduled for hearings prepared to fully and vigorously represent the child’s interests.

Comments:
.....
.....

7. I [] have [] have not prepared the child to testify, when necessary and appropriate, in accord with the child’s interest and welfare.

Comments:
.....
.....

8. I [] have [] have not provided [] will provide the court sufficient information including specific recommendations for court action based on the findings of the interviews and independent investigation.

Comments:
.....
.....

9. I [] have [] have not communicated, coordinated and maintained a professional working relationship in so far as possible with all parties without sacrificing independence.

Comments:
.....
.....

10. I [] have [] have not filed appropriate petitions, motions, pleadings, briefs, and appeals on behalf of the child and will ensure the child is represented by a GAL in any appeal involving the case.

Comments:
.....
.....

11. I [] will [] will not advise the child, in terms the child can understand, of the court's decision and its consequences for the child and others in his or her life.

Comments:
.....
.....

I have provided or will provide copies of this completed form to the court and to all counsel and parties proceeding pro se at the beginning of the hearing.

.....
NAME OF GUARDIAN AD LITEM

.....
DATE

.....
GUARDIAN AD LITEM

.....
VSB. NO.

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 21

An Act to amend and reenact § 16.1-274 of the Code of Virginia, relating to guardians ad litem for children; certification of compliance with certain standards.

[H 137]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-274 of the Code of Virginia is amended and reenacted as follows:

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

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

D. In any matter in which the court appoints a guardian ad litem to represent a child, such guardian ad litem shall conduct an investigation in accordance with the Standards to Govern the Performance of Guardians Ad Litem for Children established by the Judicial Council of Virginia. Prior to the commencement of the dispositional hearing of any such matter, the guardian ad litem shall file with the court, with a copy to all attorneys representing parties to such matter and all parties proceeding pro se in such matter, a certification of the guardian ad litem's compliance with the Standards to Govern the Performance of Guardians Ad Litem for Children established by the Judicial Council of Virginia, specifically addressing compliance with such standards requiring face-to-face contact with the child in such certification. The guardian ad litem shall document the hours spent satisfying such face-to-face contact requirements in such certification, which shall be compensated at the same rate as that for in-court service.

District Court Forms	DC-518	TRANSFER/RETENTION ORDER
	DC-520	CERTIFICATION OF JUVENILE FELONY CHARGE
	DC-521	WAIVER OF PRELIMINARY HEARING AND CERTIFICATION

Abstract

Identical bills Senate Bill 546 and House Bill 477 amended various statutes that address the transfer and certification proceedings for juveniles who are charged with an offense that would be a felony if committed by an adult. Prior to July 1, 2020, § 16.1-269.1(B) provided that when a juvenile age 14 or older is charged with murder or aggravated malicious wounding the court was required to conduct a preliminary hearing. Under § 16.1-269.1(C), if a juvenile age 14 or older was charged with one of the enumerated crimes, then a preliminary hearing was required if the attorney for the Commonwealth had provided notice of intent to proceed under (C). For those juveniles who are charged with a crime listed in (B) or (C), this legislation raised the minimum age to 16.

DC-520 and DC-521 were revised to reflect the change in age from 14 to 16. In addition, certain non-legislative changes were made to those two forms as well as to DC-518.

Source	Senate Bill 546 (Chapter 988, effective July 1, 2020) House Bill 477 (Chapter 987, effective July 1, 2020)
Revision	Legislative
Form Type	Masters

CERTIFICATION OF JUVENILE FELONY CHARGE

VA. CODE ANN. § 16.1-269.1 B and C

CASE NO(S).

.....
.....

..... Juvenile and Domestic Relations District Court

In re:

Present: Juvenile ~~Mother~~ Parent ~~Father~~ Parent
 Mother Father Mother Father

..... Attorney for the juvenile Commonwealth’s Attorney

The above-named juvenile is within the jurisdiction of this Court by reason of a verified petition or warrant filed against the juvenile, alleging the commission of an offense as enumerated in ~~as enumerated in~~-Va. Code § 16.1-269.1(B) **OR** ~~as enumerated~~-Va. Code § 16.1-269.1(C), namely: Code Section Charge

- If proceeding pursuant to § 16.1-269.1(C), notice of intent has been given by the Commonwealth’s Attorney at least seven days prior to the preliminary hearing
- The Court finds from the evidence presented that the said juvenile was ~~fourteen (14)~~ 16 years of age or older at the time of the alleged offense and that there is probable cause to believe that the juvenile committed the offense alleged in the petition or warrant. The said charge and the following ancillary charge(s):

are ORDERED certified to the grand jury of the Circuit Court of this jurisdiction.

The Court ORDERS the warrant or petition amended to charge the following lesser-included offenses(s):

The Commonwealth’s Attorney has elected to withdraw the notice of intent prior to certification, and may proceed pursuant to § 16.1-269.1(A).

The Court finds that the evidence is insufficient to establish probable cause to believe that the juvenile committed the alleged offense(s) and therefore the case is dismissed.

A nolle prosequi is ordered on the motion of the Commonwealth’s Attorney.

The Court finds that the juvenile was not ~~fourteen (14)~~ 16 years of age or older at the time of the alleged offense(s).

The Court further ORDERS that the juvenile be:

- Remanded to jail.
- Released into the care and custody of the juvenile’s parent(s), guardian, or person standing in loco parentis.
- Bail is set in the amount of \$ Continued on bail in the amount of \$
- Detained in the detention facility.

.....
DATE

.....
JUDGE

WAIVER OF PRELIMINARY HEARING AND CERTIFICATION

Case No.

Commonwealth of Virginia

VA. CODE § 16.1-269.1(B) & (C)

..... Juvenile and Domestic Relations District Court

In re:

I am ~~fourteen~~16 years of age or older and have been charged with the following offenses which if committed by an adult, would be felonies and could be punishable by confinement in a state correctional facility:

I understand that I have the right to a preliminary hearing before the Court named above to determine whether there is probable cause to believe that I committed a felony AND having the consequences of my waiver explained to me by the Judge of this Court, I nevertheless WAIVE MY RIGHT TO A PRELIMINARY HEARING on the felony offenses named above.

.....
DATE

.....
JUVENILE'S SIGNATURE

.....
ATTORNEY FOR THE JUVENILE

ORDER

- The above-named felony offenses
- and the following ancillary charges:

.....
are ORDERED certified to the grand jury of the Circuit Court of this jurisdiction.

The court further ORDERS that the juvenile be:

- Remanded to jail.
- Released into the care and custody of the juvenile's parent(s), guardian or person standing *in loco parentis*.
- Bail is set in the amount of \$ Continued on bail in the amount of \$
- Detained in the detention facility.

.....
DATE

.....
JUDGE

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 988

An Act to amend and reenact §§ 16.1-241, 16.1-269.1, 16.1-269.2, and 16.1-277.1 of the Code of Virginia, relating to juveniles; trial as an adult.

[S 546]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-241, 16.1-269.1, 16.1-269.2, and 16.1-277.1 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-241. Jurisdiction; consent for abortion.

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

A. The custody, visitation, support, control or disposition of a child:

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

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

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

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

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

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

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

7. Who is alleged to have refused to take a blood test in violation of § 18.2-268.2.

In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection B of § 16.1-269.1, and for any charges ancillary thereto, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was ~~14~~ 16 years of age or older at the time of the commission of the alleged offense, and any matters related thereto. In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection C of § 16.1-269.1, and for all charges ancillary thereto, if the attorney for the Commonwealth has given notice as provided in subsection C of § 16.1-269.1, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was ~~14~~ 16 years of age or older at the time of the commission of the alleged offense, and any matters related thereto. A determination by the juvenile court following a preliminary hearing pursuant to subsection B or C of § 16.1-269.1 to certify a charge to the grand jury shall divest the juvenile court of jurisdiction over the charge and any ancillary charge. In any case in which a transfer hearing is held pursuant to subsection A of § 16.1-269.1, if the juvenile court determines to transfer the case, jurisdiction of the juvenile court over the case shall be divested as provided in § 16.1-269.6.

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

The authority of the juvenile court to adjudicate matters involving the custody, visitation, support, control or disposition of a child shall not be limited to the consideration of petitions filed by a mother, father or legal guardian but shall include petitions filed at any time by any party with a legitimate interest therein. A party with a legitimate interest shall be broadly construed and shall include, but not

be limited to, grandparents, step-grandparents, stepparents, former stepparents, blood relatives and family members. A party with a legitimate interest shall not include any person (i) whose parental rights have been terminated by court order, either voluntarily or involuntarily, (ii) whose interest in the child derives from or through a person whose parental rights have been terminated by court order, either voluntarily or involuntarily, including, but not limited to, grandparents, stepparents, former stepparents, blood relatives and family members, if the child subsequently has been legally adopted, except where a 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.

A1. Making specific findings of fact required by state or federal law to enable a child to apply for or receive a state or federal benefit.

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 entrapment 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.

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

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

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

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

R. [Repealed.]

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

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

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

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

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

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

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

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

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

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

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

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

Nothing contained in this subsection shall be construed to authorize a physician to perform an

abortion on a minor in circumstances or in a manner that would be unlawful if performed on an adult woman.

A physician shall not knowingly perform an abortion upon an unemancipated minor unless consent 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.

Y. Petitions involving minors filed pursuant to § 32.1-45.1 relating to obtaining a blood specimen or test results.

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.

§ 16.1-269.1. Trial in circuit court; preliminary hearing; direct indictment; remand.

A. Except as provided in subsections B and C, if a juvenile 14 years of age or older at the time of an alleged offense is charged with an offense which would be a felony if committed by an adult, the court shall, on motion of the attorney for the Commonwealth and prior to a hearing on the merits, hold a transfer hearing and may retain jurisdiction or transfer such juvenile for proper criminal proceedings to the appropriate circuit court having criminal jurisdiction of such offenses if committed by an adult. Any transfer to the appropriate circuit court shall be subject to the following conditions:

1. Notice as prescribed in §§ 16.1-263 and 16.1-264 shall be given to the juvenile and his parent, guardian, legal custodian or other person standing in loco parentis; or attorney;

2. The juvenile court finds that probable cause exists to believe that the juvenile committed the delinquent act as alleged or a lesser included delinquent act which would be a felony if committed by an adult;

3. The juvenile is competent to stand trial. The juvenile is presumed to be competent and the burden is on the party alleging the juvenile is not competent to rebut the presumption by a preponderance of the evidence; and

4. The court finds by a preponderance of the evidence that the juvenile is not a proper person to remain within the jurisdiction of the juvenile court. In determining whether a juvenile is a proper person to remain within the jurisdiction of the juvenile court, the court shall consider, but not be limited to, the following factors:

a. The juvenile's age;

b. The seriousness and number of alleged offenses, including (i) whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner; (ii) whether the alleged offense was against persons or property, with greater weight being given to offenses against persons, especially if death or bodily injury resulted; (iii) whether the maximum punishment for such an offense is greater than 20 years confinement if committed by an adult; (iv) whether the alleged offense involved the use of a firearm or other dangerous weapon by brandishing, threatening, displaying or otherwise employing such weapon; and (v) the nature of the juvenile's participation in the alleged offense;

c. Whether the juvenile can be retained in the juvenile justice system long enough for effective treatment and rehabilitation;

d. The appropriateness and availability of the services and dispositional alternatives in both the criminal justice and juvenile justice systems for dealing with the juvenile's problems;

e. The record and previous history of the juvenile in this or other jurisdictions, including (i) the number and nature of previous contacts with juvenile or circuit courts, (ii) the number and nature of prior periods of probation, (iii) the number and nature of prior commitments to juvenile correctional centers, (iv) the number and nature of previous residential and community-based treatments, (v) whether previous adjudications and commitments were for delinquent acts that involved the infliction of serious bodily injury, and (vi) whether the alleged offense is part of a repetitive pattern of similar adjudicated offenses;

f. Whether the juvenile has previously absconded from the legal custody of a juvenile correctional entity in this or any other jurisdiction;

g. The extent, if any, of the juvenile's degree of intellectual disability or mental illness;

h. The juvenile's school record and education;

i. The juvenile's mental and emotional maturity; and

j. The juvenile's physical condition and physical maturity.

No transfer decision shall be precluded or reversed on the grounds that the court failed to consider any of the factors specified in subdivision 4.

B. The juvenile court shall conduct a preliminary hearing whenever a juvenile ~~14~~ 16 years of age or older is charged with murder in violation of § 18.2-31, 18.2-32 or 18.2-40, or aggravated malicious wounding in violation of § 18.2-51.2. *If the juvenile is 14 years of age or older, but less than 16 years of age, then the court may proceed, on motion of the attorney for the Commonwealth, as provided in subsection A.*

C. The juvenile court shall conduct a preliminary hearing whenever a juvenile ~~14~~ 16 years of age or older is charged with murder in violation of § 18.2-33; felonious injury by mob in violation of § 18.2-41; abduction in violation of § 18.2-48; malicious wounding in violation of § 18.2-51; malicious wounding of a law-enforcement officer in violation of § 18.2-51.1; felonious poisoning in violation of § 18.2-54.1; adulteration of products in violation of § 18.2-54.2; robbery in violation of § 18.2-58 or carjacking in violation of § 18.2-58.1; rape in violation of § 18.2-61; forcible sodomy in violation of § 18.2-67.1; object sexual penetration in violation of § 18.2-67.2; manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance in violation of § 18.2-248 if the juvenile has been previously adjudicated delinquent on two or more occasions of violating § 18.2-248 provided the adjudications occurred after the juvenile was at least ~~14~~ 16 years of age; manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute methamphetamine in violation of § 18.2-248.03 if the juvenile has been previously adjudicated delinquent on two or more occasions of violating § 18.2-248.03 provided the adjudications occurred after the juvenile was at least ~~14~~ 16 years of age; or felonious manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute anabolic steroids in violation of § 18.2-248.5 if the juvenile has been previously adjudicated delinquent on two or more occasions of violating § 18.2-248.5 provided the adjudications occurred after the juvenile was at least ~~14~~ 16 years of age, provided the attorney for the Commonwealth gives written notice of his intent to proceed pursuant to this subsection. *Prior to giving written notice of his intent to proceed pursuant to this subsection, the attorney for the Commonwealth shall submit a written request to the director of the court services unit to complete a report as described in subsection B of § 16.1-269.2 unless waived by the juvenile and his attorney or other legal representative. The report shall be filed with the court and mailed or delivered to (i) the attorney for the Commonwealth and (ii) counsel for the juvenile, or, if the juvenile is not represented by counsel, to the juvenile and a parent, guardian, or other person standing in loco parentis with respect to the juvenile, within 21 days*

of the date of the written request. After reviewing the report, if the attorney for the Commonwealth still intends to proceed pursuant to this subsection, he shall then provide the written notice of such intent, which shall include affirmation that he reviewed the report. The notice shall be filed with the court and mailed or delivered to counsel for the juvenile or, if the juvenile is not then represented by counsel, to the juvenile and a parent, guardian or other person standing in loco parentis with respect to the juvenile at least seven days prior to the preliminary hearing. If the attorney for the Commonwealth elects not to give such notice, or if he elects to withdraw the notice prior to certification of the charge to the grand jury, or if the juvenile is 14 years of age or older, but less than 16 years of age, he may proceed as provided in subsection A.

D. Upon a finding of probable cause pursuant to a preliminary hearing under subsection B or C, the juvenile court shall certify the charge, and all ancillary charges, to the grand jury. Such certification shall divest the juvenile court of jurisdiction as to the charge and any ancillary charges. Nothing in this subsection shall divest the juvenile court of jurisdiction over any matters unrelated to such charge and ancillary charges which may otherwise be properly within the jurisdiction of the juvenile court.

If the court does not find probable cause to believe that the juvenile has committed the violent juvenile felony as charged in the petition or warrant or if the petition or warrant is terminated by dismissal in the juvenile court, the attorney for the Commonwealth may seek a direct indictment in the circuit court. If the petition or warrant is terminated by nolle prosequi in the juvenile court, the attorney for the Commonwealth may seek an indictment only after a preliminary hearing in juvenile court.

If the court finds that the juvenile was not (i) for the purposes of subsection A, 14 years of age or older or (ii) for purposes of subsection B or C, 16 years of age or older, at the time of the alleged commission of the offense or that the conditions specified in subdivision A 1, 2, or 3 have not been met, the case shall proceed as otherwise provided for by law.

E. An indictment in the circuit court cures any error or defect in any proceeding held in the juvenile court except with respect to the juvenile's age. If an indictment is terminated by nolle prosequi, the Commonwealth may reinstate the proceeding by seeking a subsequent indictment.

§ 16.1-269.2. Admissibility of statement; investigation and report; bail.

A. Statements made by the juvenile at the transfer hearing provided for under § 16.1-269.1 shall not be admissible against him over objection in any criminal proceedings following the transfer, except for purposes of impeachment.

B. Prior to a transfer hearing pursuant to subsection A of § 16.1-269.1 or a preliminary hearing pursuant to subsection C of § 16.1-269.1, a study and report to the court, in writing, relevant to the factors set out in subdivision A 4 of § 16.1-269.1, as well as an assessment of any affiliation with a criminal street gang as defined in § 18.2-46.1, shall be made by the probation services or other qualified agency designated by the court. Upon motion of the attorney for the Commonwealth for a transfer hearing pursuant to subsection A of § 16.1-269.1, the attorney for the Commonwealth shall provide notice to the designated probation services or other qualified agency of the need for a transfer report. Counsel for the juvenile and the attorney for the Commonwealth shall have full access to the study and report and any other report or data concerning the juvenile which are available to the court. The court shall not consider the report until a finding has been made concerning probable cause. If the court so orders, the study and report may be expanded to include matters provided for in § 16.1-273, whereupon it may also serve as the report required by this subsection, but on the condition that it will not be submitted to the judge who will preside at any subsequent hearings except as provided for by law.

C. After the completion of the hearing, whether or not the juvenile court decides to retain jurisdiction over the juvenile or transfer such juvenile for criminal proceedings in the circuit court, the juvenile court shall set bail for the juvenile in accordance with Chapter 9 (§ 19.2-119 et seq.) of Title 19.2, if bail has not already been set.

§ 16.1-277.1. Time limitation.

A. When a child is held continuously in secure detention, he shall be released from confinement if there is no adjudicatory or transfer hearing conducted by the court for the matters upon which he was detained within twenty-one days from the date he was first detained.

B. If a child is not held in secure detention or is released from same after having been confined, an adjudicatory or transfer hearing on the matters charged in the petition or petitions issued against him shall be conducted within 120 days from the date the petition or petitions are filed.

C. When a child is held in secure detention after the completion of his adjudicatory hearing or is detained when the juvenile court has retained jurisdiction as a result of a transfer hearing, he shall be released from such detention if the disposition hearing is not completed within thirty days from the date of the adjudicatory or transfer hearing.

D. The time limitations provided for in this section shall be tolled during any period in which (i) the whereabouts of the child are unknown, (ii) the child has escaped from custody, or (iii) the child has failed to appear pursuant to a court order, or (iv) a report is being prepared pursuant to the written request by the attorney for the Commonwealth in accordance with subsection C of § 16.1-269.1. The limitations also may be extended by the court for a reasonable period of time based upon good cause shown, provided that the basis for such extension is recorded in writing and filed among the papers of

the proceedings. For the purposes of this section, good cause includes, ~~but is not limited to,~~ extension of limitations necessary to obtain the presence of a witness to testify regarding the results of scientific analyses or examinations *and good cause shown by the director of the court services unit completing a report pursuant to subsection C of § 16.1-269.1 that additional time is needed for the completion of the report.*

District Court Form DC-524 NOTICE OF RIGHT TO CONSIDERATION OF
DIVERSION/NOTIFICATION FOR REFERRAL OF
CHARGE TO COURT SERVICES UNIT

Abstract Under current law, specifically § 16.1-260, when a juvenile is charged by summons for possession of marijuana under § 18.2-250.1, the juvenile is entitled to have the charge referred to intake for consideration of informal proceedings. When the summons is served on the juvenile, the law-enforcement officer is required to give the juvenile written notice of the right to have the charge referred to intake.

House Bill 1324 amended § 16.1-260 by requiring the same process to be followed when a juvenile is charged with a violation of § 4.1-305 on a summons. As such, DC-524 was revised to include reference to § 4.1-305.

Source House Bill 1324 (Chapter 753, effective July 1, 2020)

Revision Legislative

Form Type Printed

**NOTICE OF RIGHT TO
CONSIDERATION OF DIVERSION**

Commonwealth of Virginia Va. Code § 16.1-260(B), (H)(3)

Case No.

..... Juvenile and Domestic Relations District Court

.....
ADDRESS OF COURT

In re:

.....
OFFENSE DATE

.....
TRIAL DATE

The juvenile named above, having been charged with a violation of Virginia Code § 18.2-250.1, or § 4.1-305, is entitled to have the charge referred to the Court Services Unit of the juvenile and domestic relations district court having jurisdiction over this charge for consideration of informal proceedings pursuant to subsection B of § 16.1-260. This right must be exercised by written notification to the clerk of the juvenile and domestic relations district court not later than ten (10) days prior to the date set for trial.

I affirm that I served this Notice in person on the juvenile named above, along with the summons charging the offense noted above.

.....
DATE

.....
SERVING OFFICER

.....
LAW ENFORCEMENT AGENCY

**NOTIFICATION FOR REFERRAL
OF CHARGE TO COURT SERVICES UNIT**

Having been advised of the right to have the Court Services Unit of this court consider the above charge for informal proceedings pursuant to subsection B of § 16.1-260, the clerk of this court is so notified that the juvenile elects to have this charge referred to the Court Services Unit.

.....
DATE

.....
NAME OF JUVENILE

.....
SIGNATURE

.....
ADDRESS AND TELEPHONE NUMBER OF JUVENILE

.....
DATE

.....
NAME OF PARENT/LEGAL GUARDIAN
 COUNSEL
 GUARDIAN AD LITEM

.....
SIGNATURE

.....
ADDRESS AND TELEPHONE NUMBER OF ADULT NAMED ABOVE

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 753

An Act to amend and reenact § 16.1-260 of the Code of Virginia, relating to juvenile and domestic relations district court; intake.

[H 1324]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-260 of the Code of Virginia is amended and reenacted as follows:

§ 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; (iii) designated nonattorney employees of a local department of social services may complete, sign, and file with the clerk, on forms approved by the Supreme Court of Virginia, petitions for foster care review, petitions for permanency planning hearings, petitions to establish paternity, motions to establish or modify support, motions to amend or review an order, and motions for a rule to show cause; and (iv) 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 *petition* and proceed informally by

developing a truancy plan, provided that (a) the juvenile has not previously been proceeded against informally or adjudicated in need of supervision on more than two occasions for failure to comply with compulsory school attendance as provided in § 22.1-254 and (b) the immediately previous informal action or adjudication occurred at least three calendar years prior to the current complaint. 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 compliance with compulsory school attendance as provided in § 22.1-254. The intake officer may refer the juvenile to the appropriate public agency for the purpose of developing a truancy plan using an interagency interdisciplinary team approach. The team may include qualified personnel who are reasonably available from the appropriate department of social services, community services board, local school division, court service unit, and other appropriate and available public and private agencies and may be the family assessment and planning team established pursuant to § 2.2-5207. If at the end of the ~~90-day~~ *deferral* period the juvenile has not successfully completed the truancy plan or the truancy program, then the intake officer shall file the petition.

Whenever informal action is taken as provided in this subsection on a complaint alleging that a child is in need of services, in need of supervision, or delinquent, the intake officer shall (1) develop a plan for the juvenile, which may include restitution and the performance of community service, based upon community resources and the circumstances which resulted in the complaint, (2) create an official record of the action taken by the intake officer and file such record in the juvenile's case file, and (3) advise the juvenile and the juvenile's parent, guardian, or other person standing in loco parentis and the complainant that any subsequent complaint alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241 ~~will~~ *may* result in the filing of a petition with the court.

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

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

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

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

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

G. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.), the intake officer shall file a 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;

12. An act of violence by a mob pursuant to § 18.2-42.1;

13. Abduction of any person pursuant to § 18.2-47 or 18.2-48; or

14. A threat pursuant to § 18.2-60.

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 § 4.1-305 or 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 § 4.1-305 or 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.

District Court Forms	DC-548	CHILD IN NEED OF SUPERVISION ORDER
	DC-563	CHILD IN NEED OF SERVICES ORDER
	DC-572	JUVENILE COMMITMENT ORDER
	DC-590	ORDER OF DISPOSITION – VIOLATION OF COURT ORDER FOR STATUS OFFENSE OR CHILD IN NEED OF SUPERVISION (NEW FORM)

Abstract

House Bill 1437 amended § 16.1-292 as it pertains to a juvenile found to have committed a status offense or found to be a child in need of supervision who violates a court order related to that case. Amendments to this statute were required as a result of recent changes to federal law under the Juvenile Justice Reform Act of 2018. The legislation requires the court to include certain information in the disposition order for the violation, and limits the confinement to seven days, as opposed to the previous 10 days.

Revisions were made to DC-563 to reflect the above-described statutory changes. In addition, a new form was created for courts to use when finding a juvenile in violation of a court order related to a status offense or finding that the child is in need of supervision.

DC-572 was also revised to remove the provision addressing a violation of an order related to a child found to be in need of supervision since a new form was created for that use.

Finally, both DC-548 and DC-563 were revised to reflect 2019 legislation that prohibited the use of tobacco products by a person under the age of 21.

Source	House Bill 1437 (Chapter 593, effective July 1, 2020)
Revision	Legislative
Form Type	Masters

CHILD IN NEED OF SUPERVISION ORDER

Commonwealth of Virginia Va. Code § 16.1-278.5

Court Case No.

.....
HEARING DATE AND TIME

..... Juvenile and Domestic Relations District Court

USING THIS FORM

- This form is used for **Adjudication** **Disposition** **Review** of a child in need of supervision case type.
- Indicate the hearing type for which this form is being completed by checking the applicable box(es) above.

..... *In re/v.*

Present:

- | | |
|---|--|
| <input type="checkbox"/> Child | <input type="checkbox"/> Attorney for child |
| <input type="checkbox"/> Parent | <input type="checkbox"/> Attorney for Parent |
| <input type="checkbox"/> MOTHER <input type="checkbox"/> FATHER | <input type="checkbox"/> MOTHER <input type="checkbox"/> FATHER |
| <input type="checkbox"/> Parent | <input type="checkbox"/> Attorney for Parent |
| <input type="checkbox"/> MOTHER <input type="checkbox"/> FATHER | <input type="checkbox"/> MOTHER <input type="checkbox"/> FATHER |
| <input type="checkbox"/> Guardian or legal custodian | <input type="checkbox"/> Person standing <i>in loco parentis</i> |
| <input type="checkbox"/> Agency representative | <input type="checkbox"/> Attorney for agency |
| <input type="checkbox"/> Court Services Unit representative | <input type="checkbox"/> Attorney for Commonwealth |
| <input type="checkbox"/> School representative | <input type="checkbox"/> Guardian <i>ad litem</i> |
| <input type="checkbox"/> Other | |

The petitioner having moved to dismiss the petition, the court orders that the petition is dismissed.

HAVING CONSIDERED ALL RELEVANT AND MATERIAL EVIDENCE PRESENTED, THE COURT FINDS THAT THE CHILD IS WITHIN THE JURISDICTION OF THIS COURT AND FURTHER FINDS THAT:

- The child is not a child in need of supervision as defined in Virginia Code § 16.1-228, and the court orders that the petition is dismissed.
- There is evidence sufficient to find that the child is a child in need of supervision as defined in Virginia Code § 16.1-228. The court defers such a finding and will dismiss the petition if the child complies with all of the terms and conditions of this order and is of good behavior in all respects.
- The child is a child in need of supervision as defined in Virginia Code § 16.1-228, as the child is:
 - A child who, while subject to compulsory school attendance, is habitually and without justification absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child’s particular educational needs, (ii) the school system from which the child is absent or other appropriate agency has made a reasonable effort to effect the child’s regular attendance without success, and (iii) the school system has provided documentation that it has complied with the provisions of § 22.1-258.

OR

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

HAVING FOUND THAT THE CHILD IS A CHILD IN NEED OF SUPERVISION AS DEFINED IN VIRGINIA CODE § 16.1-228, OR THAT THERE IS EVIDENCE SUFFICIENT TO MAKE SUCH A FINDING, THE COURT ORDERS THE FOLLOWING:

The shall evaluate the child’s service needs using an interdisciplinary team approach. The team shall consist of qualified personnel who are reasonably available from the appropriate department of social services, community services board, local school division, court service unit and other appropriate and available public and private agencies and may be the family assessment and planning team established pursuant to § 2.2-5207.

A report of the evaluation shall be filed as provided in § 16.1-274 A no later than

DATE

A disposition hearing shall be held on at

DATE

TIME

The child shall comply with the provisions outlined in this order, pending final disposition.

OR

- An evaluation of the child having been completed by an interdisciplinary team that met not more than 90 days prior to this court's finding, and that report of evaluation having been filed with the court, no additional evaluation is necessary.

The court further orders:

- The child shall comply with the following terms and conditions, and the parents shall enforce child's compliance with the following terms and conditions of behavior:
 - Attend school or approved educational placement all day, every day, on time, for full academic schedule, without any unexcused absences. The child shall abide by all school rules and regulations, and make satisfactory progress.
 - Obey all reasonable and lawful commands of parents and school officials.
 - Do not use or possess any illegal substances, including but not limited to, tobacco ~~(until age 18)~~, alcohol and drugs.
 - Submit to random drug/alcohol screenings. Such screenings shall be completed by
AGENCY
 - Be of good behavior and not violate any state, federal, or local laws and ordinances.
 - Other:

HAVING RECEIVED AND REVIEWED THE EVALUATION COMPLETED BY AN INTERDISCIPLINARY TEAM AS PREVIOUSLY ORDERED, THE COURT ORDERS THE FOLLOWING:

- The child is placed on probation under the following conditions and limitations:
 - Suspension of the child's driver's license for a period of months, with the following terms and conditions:
 - A restricted driver's license is permitted by separate order.
 - Other:
- The child shall participate in and cooperate with the following programs and treatments, and shall be subject to the following conditions and limitations:
- The child's parents shall participate in and cooperate with the following programs and treatments, and shall be subject to the following conditions and limitations:
- The child shall participate in a public service project, which is to be arranged by
GOVERNMENT AGENCY OR NONPROFIT ORGANIZATION
for a period of hours(s), and under the following conditions:
- The interdisciplinary team recommendations numbered on the attached evaluation report are incorporated by reference. The child shall comply with these recommendations.
- As the court finds that the child, who is 14 years of age or older, is not able to benefit appreciably from further schooling,
 - the child is excused from further compliance with any legal requirement of compulsory school attendance as provided under § 22.1-254.

OR

- the child is authorized to be employed in any occupation which is not legally declared hazardous for children under the age of 18, notwithstanding the provisions of any other law.

[] The local board of social services or a public child-placing agency designated by the community policy and management team, specifically

....., is permitted to place the child, subject to the provisions of § 16.1-281, in a LOCAL BOARD OR PUBLIC CHILD-PLACING AGENCY suitable family home, child caring-institution, residential facility or independent living arrangement with legal custody remaining with the parent(s) or guardian(s). The local board or public child-placing agency and the parent(s) or guardian(s) shall enter into an agreement that specifies the responsibilities of each for the care and control of the child. The local board or public child-placing agency shall have the final authority to determine the appropriate placement for the child.

[] The child's legal custody is transferred to PUBLIC OR PRIVATE CHILD-PLACING AGENCY OR INDIVIDUAL
If this order transfers custody to a public or private child-placing agency, district court form DC-562, ORDER FOR CUSTODY TRANSFER TO AGENCY, is attached and incorporated herein.

[]
.....
.....

NOTICE: ANY WILLFUL VIOLATION OF THIS ORDER MAY RESULT IN A CHARGE OF CONTEMPT OF COURT, WHICH UPON CONVICTION, IS PUNISHABLE BY FINE AND/OR IMPRISONMENT, CONFINEMENT TO A SECURE FACILITY FOR JUVENILES, OR OTHER ACTION AS MAY BE AUTHORIZED BY VIRGINIA CODE § 16.1-292.

Pursuant to Virginia Code § 16.1-292, if the child in need of supervision is found to have willfully and materially violated this order, the court may suspend the child's motor vehicle driver's license. The court may also order that the child (if 14 years or older) be placed in a foster home, group home or other nonsecure residential facility, or order that the child be detained in a secure facility for not more than ~~10~~seven consecutive days.

[] This ORDER is set for review on at
DATE TIME

.....
DATE

.....
JUDGE

The court further orders:

- The child is to remain with his or her parent(s). The child shall comply with the following conditions and limitations, and the parent(s) shall enforce the child’s compliance with the following conditions and limitations of behavior:
 - Attend school or approved educational placement all day, every day, on time, for full academic schedule, without any unexcused absences. The child shall abide by all school rules and regulations, and make satisfactory progress.
 - Obey all reasonable and lawful commands of parents and school officials.
 - Do not use or possess any illegal substances, including but not limited to tobacco ~~(until age 18)~~, alcohol and drugs.
 - Submit to random drug/alcohol screenings. Such screenings shall be completed by
NAME OF AGENCY
 - Be of good behavior and do not violate any state, federal, or local laws and ordinances.
 - Other:

- The parent with whom the child is living shall participate in and cooperate with the following programs and treatments, and shall be subject to the following conditions and limitations:

.....

.....

.....

- As the court finds that the child, who is 14 years of age or older, is not able to benefit appreciably from further schooling,
 - the child is excused from further compliance with any legal requirement of compulsory school attendance as provided under § 22.1-254.

OR

- the child is authorized to be employed in any occupation which is not legally declared hazardous for children under the age of 18, notwithstanding the provisions of any other law.
- The local board of social services or a public child-placing agency designated by the community policy and management team, specifically
LOCAL BOARD OR PUBLIC CHILD-PLACING AGENCY
is permitted to place the child, subject to the provisions of § 16.1-281, in a suitable family home, child caring-institution, residential facility or independent living arrangement with legal custody remaining with the parent(s) or guardian(s). The local board or public child-placing agency and the parent(s) or guardian(s) shall enter into an agreement that specifies the responsibilities of each for the care and control of the child. The local board or public child-placing agency shall have the final authority to determine the appropriate placement for the child.

This court finds that has made reasonable efforts to
LOCAL BOARD OR PUBLIC CHILD-PLACING AGENCY
prevent placement out of the home and that continued placement in the home would be contrary to the welfare of the child.

- The child’s legal custody is transferred to
PUBLIC OR PRIVATE CHILD-PLACING AGENCY OR INDIVIDUAL
If this order transfers custody to a public or private child-placing agency, district court form DC-562, ORDER FOR CUSTODY TRANSFER TO AGENCY, is attached and incorporated herein.

- The child shall participate in a public service project, which is to be arranged by
GOVERNMENT AGENCY OR NON-PROFIT ORGANIZATION
for a period of [] hour(s) [] month(s)

[]

.....

.....

NOTICE: ANY WILLFUL VIOLATION OF THIS ORDER MAY RESULT IN A CHARGE OF CONTEMPT OF COURT, WHICH UPON CONVICTION, IS PUNISHABLE BY FINE AND/OR IMPRISONMENT, OR OTHER ACTION AS MAY BE AUTHORIZED BY VIRGINIA CODE § 16.1-292.

Pursuant to Virginia Code § 16.1-292, if the child in need of services is found to have willfully and materially violated this Order for a second or subsequent time, the court may suspend the child’s motor vehicle driver’s license or impose a curfew on the child as to the hours during which the child may operate a motor vehicle.

[] This Order is set for review on at
DATE TIME

..... DATE JUDGE

JUVENILE COMMITMENT ORDER

Current Case No.

Commonwealth of Virginia VA. CODE §§ 16.1-278.8, -284.1, -285, -285.1, -278.7, -289, -290(A), -293, Rule 8:17

..... [] Juvenile and Domestic Relations District Court [] Circuit Court

In re, a juvenile.

The above-named juvenile has been brought before this Court upon the filing of a written petition or warrant; and proper notice has been given to all proper and necessary parties; the juvenile has been informed by this Court of their right to representation by a lawyer, the right to a public hearing, the contents of the petition or warrant filed in this Court, and the right of the juvenile to remain silent with regard to any allegation of delinquency, the right to confront and cross-examine witnesses, the right to present evidence and the right to appeal a final decision of the court, and all provisions of the Juvenile and Domestic Relations District Court Law, and amendments thereto, have been duly complied with in assuming jurisdiction of the juvenile.

Having considered all relevant and material evidence, the Court finds that the juvenile is within the jurisdiction of this Court and the Juvenile and Domestic Relations District Court Law and that the juvenile is guilty of the following delinquency charge:

CURRENT CHARGE FOUND DELINQUENT ON AND CODE SECTION
IF APPLICABLE, CHECK A BOX AND SKIP GRID: [] FELONY [] VIOLATION OF PAROLE [] MISDEMEANOR (PRIOR FELONY) [] 4th OR SUBSEQUENT MISDEMEANOR
IF CURRENT CHARGE IS VIOLATION OF PROBATION, COMPLETE THE FOLLOWING GRID:

Table with 3 columns: Underlying Charge(s), Code Section(s), Court Case Number(s)

[] The Court hereby ORDERS the juvenile to be committed to:

[] for
DETENTION HOME OR SECURE FACILITY NOT TO EXCEED 6 MONTHS

or, a period not to exceed 12 months pursuant to § 16.1-284.1(A)

[] as part of suspension of commitment to the Department of Juvenile Justice, with a review hearing to be held on

DATE AND TIME

[] with such commitment being suspended on further condition that the juvenile participate in the following community treatment programs for the juvenile's rehabilitation:

[] the Department of Juvenile Justice for an indeterminate period.

[] the Department of Juvenile Justice [] for a period of

[] until the juvenile's twenty-first birthday.

[X] for
DETENTION HOME OR SECURE FACILITY NOT TO EXCEED 10 DAYS

for the willful and material violation of a court order issued or probation ordered pursuant to § 16.1-278.5. The court finds that placement in a nonsecure facility will not meet the child's needs, that all other treatment options in the community have been exhausted and secure placement is necessary to meet the child's service needs. The bases for these findings are

[] see attached

Prior to commitment to the Department of Juvenile Justice, an investigation pursuant to § 16.1-273

[] was completed and a social history report was considered.

[] was waived by an agreement between the attorney for the Commonwealth and the juvenile and his attorney or other legal representative and such waiver was granted by the court pursuant to §§ 16.1-278.8 A14 or A17. It is ordered that an investigation and social history report pursuant to § 16.1-273 shall be completed within 15 days.

If committed to the Department of Juvenile Justice, the court service unit of this court shall maintain contact with the juvenile during the juvenile's commitment.

[] Having considered the assessment and found that the juvenile is an appropriate candidate for juvenile boot camp, the Court hereby ORDERS that disposition is deferred and the juvenile is ORDERED to attend a boot camp established pursuant to Virginia Code § 66-13, and the juvenile is placed in the temporary custody of the Department of Juvenile Justice upon admission to the boot camp. The court service unit shall provide supervision to the juvenile and his or her family during the residential and aftercare components of the boot camp program.

[] A motion/petition for a review of commitment having been made, a commitment review hearing is scheduled for

..... All available progress reports and evaluations completed on the juvenile since commitment,

DATE AND TIME

including but not limited to psychological, educational and medical evaluations, shall be filed with the court by

DATE

DATE

JUDGE

**ORDER OF DISPOSITION - VIOLATION OF COURT ORDER
FOR STATUS OFFENSE OR CHILD IN NEED OF SUPERVISION**

Case No.

Commonwealth of Virginia Va. Code § 16.1-292 (A & E)

..... Juvenile and Domestic Relations District Court

In re:
JUVENILE

- Present:
- Juvenile Attorney for Juvenile
 - Parent Attorney for Parent
 - MOTHER FATHER MOTHER FATHER
 - Parent Attorney for Parent
 - MOTHER FATHER MOTHER FATHER
 - Guardian or legal custodian Person standing *in loco parentis*
 - Agency representative Attorney for agency
 - Court Services Unit representative Attorney for Commonwealth
 - School representative Guardian *ad litem*
 - Other Other

HAVING CONSIDERED ALL RELEVANT AND MATERIAL EVIDENCE PRESENTED, THE COURT FINDS THAT THE JUVENILE IS WITHIN THE JURISDICTION OF THIS COURT AND FURTHER FINDS THAT:

Based on the following:
.....
.....
.....

there is reasonable cause to believe that the juvenile violated an order of this court entered on in which the juvenile:
 was found to have committed a status offense as defined in § 16.1-228; or
 was determined to be a child in need of supervision.

HAVING FOUND THAT THE JUVENILE VIOLATED A COURT ORDER, OR THAT THERE IS EVIDENCE SUFFICIENT TO MAKE SUCH A FINDING, PURSUANT TO § 16.1-292, THE COURT ORDERS THE FOLLOWING:

ORDER OF CONFINEMENT:

The court further finds, upon giving due consideration to the best interest of the juvenile,

that for willful and material violations of a court order issued pursuant to § 16.1-278.5 where the juvenile was determined to be a child in need of supervision, placement in a nonsecure facility will not meet the child’s needs, all other treatment options in the community have been exhausted, and secure placement is necessary to meet the child’s service needs, and that there is no appropriate less restrictive alternative available to placing the juvenile in confinement in a secure facility for juveniles based on the following facts:

.....
.....
.....
.....

The court therefore **ORDERS** that the juvenile be placed in detention at, a secure facility for juveniles, for a period of days, not to exceed seven days.

The plan for the juvenile’s release from confinement at such facility is attached hereto as follows:

.....
.....
.....

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 593

An Act to amend and reenact § 16.1-292 of the Code of Virginia, relating to juvenile confinement for violation of court order.

[H 1437]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-292 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-292. Violation of court order by any person.

A. Any person violating an order of the juvenile court entered pursuant to §§ 16.1-278.2 through 16.1-278.19 or § 16.1-284, including a parent subject to an order issued pursuant to subdivision 3 of § 16.1-278.8, may be proceeded against (i) by an order requiring the person to show cause why the order of the court entered pursuant to §§ 16.1-278.2 through 16.1-278.19 has not been complied with, (ii) for contempt of court pursuant to § 16.1-69.24 or as otherwise provided in this section, or (iii) by both. Except as otherwise expressly provided herein, nothing in this chapter shall deprive the court of its power to punish summarily for contempt for such acts as set forth in § 18.2-456, or to punish for contempt after notice and an opportunity for a hearing on the contempt except that confinement in the case of a juvenile shall be in a secure facility for juveniles rather than in jail and shall not exceed a period of ~~ten~~ seven days for each offense. However, if the person violating the order was a juvenile at the time of the original act and is ~~eighteen~~ 18 years of age or older when the court enters a disposition for violation of the order, the judge may order confinement in jail. *If a juvenile is found to have violated a court order as a status offender, any order of disposition of such violation confining the juvenile in a secure facility for juveniles shall (a) identify the valid court order that has been violated; (b) specify the factual basis for determining that there is reasonable cause to believe that the juvenile has violated such order; (c) state the findings of fact that support a determination that there is no appropriate less restrictive alternative available to placing the juvenile in such a facility, with due consideration to the best interest of the juvenile; (d) specify the length of time of such confinement, not to exceed seven days; and (e) include a plan for the juvenile's release from such facility. Such order of confinement shall not be renewed or extended.*

B. Upon conviction of any party for contempt of court in failing or refusing to comply with an order of a juvenile court for spousal support or child support under § 16.1-278.15, the court may commit and sentence such party to confinement in a jail, workhouse, city farm, or work squad as provided in §§ 20-61 and 20-62, for a fixed or indeterminate period or until the further order of the court. In no event, however, shall such sentence be imposed for a period of more than ~~twelve~~ 12 months. The sum or sums as provided for in § 20-63 shall be paid as therein set forth, to be used for the support and maintenance of the spouse or the child or children for whose benefit such order or decree provided.

C. Notwithstanding the contempt power of the court, the court shall be limited in the actions it may take with respect to a child violating the terms and conditions of an order to those which the court could have taken at the time of the court's original disposition pursuant to §§ 16.1-278.2 through 16.1-278.10, except as hereinafter provided. However, this limitation shall not be construed to deprive the court of its power to (i) punish a child summarily for contempt for acts set forth in § 18.2-456 *subject to the provisions of subsection A* or (ii) punish a child for contempt for violation of a dispositional order in a delinquency proceeding after notice and an opportunity for a hearing regarding such contempt, including acts of disobedience of the court's dispositional order which are committed outside the presence of the court.

D. In the event a child in need of services is found to have willfully and materially violated for a second or subsequent time the order of the court pursuant to § 16.1-278.4, the dispositional alternatives specified in subdivision 9 of § 16.1-278.8 shall be available to the court.

E. In the event *that* a child in need of supervision is found to have willfully and materially violated an order of the court pursuant to § 16.1-278.5, the court may enter any of the following orders of disposition:

1. Suspend the child's motor vehicle driver's license;
2. Order any such child ~~fourteen~~ 14 years of age or older to be (i) placed in a foster home, group home, or other nonsecure residential facility; or, (ii) if the court finds that such placement is not likely to meet the child's needs, that all other treatment options in the community have been exhausted, and that secure placement is necessary in order to meet the child's service needs, detained in a secure facility for a period of time not to exceed ~~ten~~ seven consecutive days for violation of any order of the court arising out of the same petition. The court shall state in its order for detention the basis for all findings required by this section. *In addition, any order of disposition for such violation confining the child in a*

secure facility for juveniles shall (a) identify the valid court order that has been violated; (b) specify the factual basis for determining that there is reasonable cause to believe that the child has violated such order; (c) state the findings of fact that support a determination that there is no appropriate less restrictive alternative available to placing the child in such a facility, with due consideration to the best interest of the child; (iv) specify the length of time of such confinement, not to exceed seven days; and (v) include a plan for the child's release from such facility. Such order of confinement shall not be renewed or extended. When any child is detained in a secure facility pursuant to this section, the court shall direct the agency evaluating the child pursuant to § 16.1-278.5 to reconvene the interdisciplinary team participating in such evaluation as promptly as possible to review its evaluation, develop further treatment plans as may be appropriate and submit its report to the court for its determination as to further treatment efforts either during or following the period the child is in secure detention. A juvenile may only be detained pursuant to this section in a detention home or other secure facility in compliance with standards established by the State Board. Any order issued pursuant to this subsection is a final order and is appealable to the circuit court as provided by law.

F. Nothing in this section shall be construed to reclassify a child in need of services or in need of supervision as a delinquent.

District Court Forms	DC-552	FOSTER CARE PLAN TRANSMITTAL
	DC-595	PETITION FOR REVIEW OF VOLUNTARY CONTINUING SERVICES AND SUPPORT AGREEMENT AND APPROVAL OF CASE PLAN
	DC-596	ORDER APPROVING VOLUNTARY CONTINUING SERVICES AND SUPPORT CASE PLAN

Abstract Identical bills Senate Bill 156 and House Bill 400 set forth in statute provisions related to court review of agreements of participants in the Fostering Futures Program, which provides services for people age 18 to 21 who were in foster care upon turning 18. Previously, provisions relating to the Fostering Futures Program were set forth only in the Appropriations Act and not in statute. DC-595 and DC-596, which were created as a result of the 2016 Appropriation Act, were revised to reflect the changes in the legislation. In addition, DC-552 was revised to make reference to a petition for court approval of the participant’s agreement.

Source Senate Bill 156 (Chapter 732, effective July 1, 2020)
House Bill 400 (Chapter 95, effective July 1, 2020)

Revision Legislative

Form Type Masters

FOSTER CARE PLAN TRANSMITTAL

Commonwealth of Virginia
Va. Code §§ 16.1-281, 16.1-282, 16.1-282.1, 16.1-282.2

Court Case No.

Agency Case No.

.....
SCHEDULED HEARING DATE AND TIME

USING THIS FORM

- This form is to be used as the cover sheet for all foster care plans sent to court.
- For internal use only in the Clerk’s Office.
- Do not photocopy, share information from, or mail out this form.

To the **Juvenile and Domestic Relations District Court**
CITY OR COUNTY

In re: [] Age 12 or older
NAME OF CHILD DATE OF BIRTH

.....
CURRENT ADDRESS CITY STATE ZIP CODE

The hereby submits:
PUBLIC OR PRIVATE CHILD-PLACING AGENCY

- [] Initial foster care plan (§ 16.1-281)
- [] Petition for 4-month foster care review hearing (§ 16.1-282)
- [] Petition for annual foster care review hearing (§ 16.1-282.2)
- [] [Petition for review of voluntary continuing services and support agreement \(case plan\)](#)
- [] Petition for initial permanency planning hearing (§ 16.1-282.1)
- [] Petition for second permanency planning hearing (§ 16.1-282.1)
- [] Petition for 6-month permanency planning hearing for child with goal of another planned permanent living arrangement (APPLA) (§ 16.1-282.1 A2)

INSTRUCTIONS

- The following names and address are required by Virginia Code §§ 16.1-281, 16.1-282, 16.1-282.1 and 16.1-282.2.
- If the parent is incarcerated, provide the name and street address of the penal institution.
- If the parent’s residual parental rights have been terminated, or if the parent is deceased, indicate this information on the line for that parent’s street address.

*Do NOT mail a copy of this plan to a parent whose residual parental rights have been terminated.
If the child is age 12 or older, provide notice and a copy of this plan at the child’s address listed above.*

NAME OF PARENT [] MOTHER [] FATHER STREET ADDRESS CITY STATE ZIP CODE	NAME OF PARENT [] MOTHER [] FATHER STREET ADDRESS CITY STATE ZIP CODE
FOSTER PARENT(S)/FACILITY NAME(S) STREET ADDRESS CITY STATE ZIP CODE	NAME OF PRIOR CUSTODIAN STREET ADDRESS CITY STATE ZIP CODE
RELATIVE(S)/PERSON DIRECTLY INTERESTED STREET ADDRESS CITY STATE ZIP CODE	PRE-ADOPTIVE PARENT(S) STREET ADDRESS CITY STATE ZIP CODE

Court Case No.

Agency Case No.

Attorney for parent (name only):
[] MOTHER [] FATHER

Attorney for parent (name only):
[] MOTHER [] FATHER

Guardian *ad litem* for child (name only):

Other attorneys (names only of other attorneys with person(s) represented):

.....
.....

Other:

.....
.....

.....
DATE PREPARED

.....
SIGNATURE

.....
NAME OF CASE WORKER

.....
TELEPHONE NUMBER

Notice sent:

.....
CLERK'S INITIALS

.....
DATE

PETITION FOR APPROVAL REVIEW OF VOLUNTARY CONTINUING SERVICES AND SUPPORT AGREEMENT AND APPROVAL OF CASE PLAN

Commonwealth of Virginia VA. CODE §§ 16.1-242; 16.1-282.3; 63.2-923 2016 Appropriations Act

Court Case No.

Agency Case No.

Juvenile and Domestic Relations District Court

In re:
NAME OF PARTICIPANT

AGE (YEARS/MONTHS)

SEX

DATE OF BIRTH

I, the undersigned Petitioner, state under oath to the best of my knowledge and belief that the following are true:

1. [] The above-named participant entered into a Voluntary Continuing Services and Support Agreement ("Agreement") with the on through the Fostering Futures program of the Virginia Department of Social Services.

2. [] The participant was in the custody of the local department of social services: [] prior to reaching 18 years of age and remained in foster care upon turning 18 years of age.

OR

[] immediately prior to commitment to the Department of Juvenile Justice and is transitioning from such commitment to self-sufficiency.

3. The following documents are attached and incorporated herein:

[] The Agreement executed on [] Foster care case plan. [] Other

Wherefore, Petitioner requests that the Court:

1. Docket the case for a hearing as soon as practicable to be held within 45 days if a hearing has not already been scheduled.

2. Issue a summons and attach a copy of the petition to the following:

Participant: Name, Address, Address
Petitioner, Local Department of Social Services: Name, Address, Address

3. Provide notice of hearing to such other persons as the Court may direct.

Name, Address, Address (for other persons)

4. Find that continuing to receive services and support through the Fostering Futures program is in the participant's best interest and approve the Agreement filed with a foster care case plan.

5. [] Schedule a review hearing to be held within 6 months of the hearing on this Petition.

[] No further review by this Court is requested.

LOCAL DEPARTMENT OF SOCIAL SERVICES

PRINTED NAME OF PETITIONER

DATE

PETITIONER

Subscribed and sworn to before me this day of, 20

[] INTAKE OFFICER [] CLERK

FOR NOTARY PUBLIC'S USE ONLY:

State of [] City [] County of

Acknowledged, subscribed and sworn to before me this day of, 20

NOTARY REGISTRATION NUMBER

NOTARY PUBLIC (My commission expires:))

ORDER APPROVING VOLUNTARY CONTINUING SERVICES AND SUPPORT AGREEMENT CASE PLAN

Court Case No.

Commonwealth of Virginia VA. CODE § 16.1-242; 16.1-283.3; 63.2-923-2016 Appropriation Act

HEARING DATE AND TIME

Juvenile and Domestic Relations District Court

In re: NAME OF PARTICIPANT DATE OF BIRTH

Present:

- [] Participant [] Attorney for Participant Agency Representative
[] Attorney [] Guardian ad Litem [] Agency Attorney
[] Other for Participant [] Other

A PETITION FOR APPROVAL REVIEW OF VOLUNTARY CONTINUING SERVICES AND SUPPORT AGREEMENT, AND APPROVAL OF CASE PLAN

was filed on A hearing has been held pursuant to Acts 2016, c.780, Item 346 #3e Virginia Code § 16.1-283.3 to

review and approve the Voluntary Continuing Services and Support Agreement ("Agreement") filed with a foster care and approve the case plan.

Notice of this hearing and a copy of the petition and case plan filed pursuant to Virginia Code § 16.1-283.3 was sent by the court to:

- [] Participant [] Agency Representative
[] Attorney [] Guardian ad Litem [] Agency Attorney
for Participant [] Other

THE COURT FINDS THAT THE PARTICIPANT, WHO IS AT LEAST AGE 18 BUT IS NOT YET AGE 21, IS WITHIN THE JURISDICTION OF THIS COURT PURSUANT TO § 16.1-242 AND FINDS THE FOLLOWING:

1. [] The participant was in the custody of the local department of social services prior to reaching 18 years of age and remained in foster care upon turning 18 years of age.

OR

[] The participant was in the custody of the local department of social services immediately prior to commitment to the Department of Juvenile Justice and is transitioning from such commitment to self-sufficiency.

THE COURT FURTHER FINDS:

2. [] Continuing to receive services and support through the Fostering Futures program of the Virginia Department of Social Services in accordance with the Agreement Remaining under the care and placement responsibility of the local department of social services [] is [] is not in the participant's best interest.

3. The participant's case plan [] is [] is not sufficient to achieve the goal of independence.

34. [] Other

THE COURT ORDERS THE FOLLOWING:

45. The ~~Agreement with foster care~~ case plan is

approved as submitted and incorporated by reference.

approved with the following revisions and, as revised, is incorporated in this order:

.....

.....

disapproved.

56. This matter is set for review on at
DATE TIME

~~If the participant enters into a new Agreement with the local department of social services,~~ The local department of social services shall file a Petition for ~~Approval~~ Review of Voluntary Continuing Services and Support Agreement ~~and Approval of Case Plan~~ with ~~a foster care~~ the Agreement and case plan no later than 30 days prior to the hearing date.

OR

No further review by this court is required at this time.

7. The Agreement was terminated by one or both parties and the matter is removed from the docket.

.....
DATE

.....
JUDGE

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 732

An Act to amend and reenact §§ 9.1-151, 16.1-228, 16.1-241, and 63.2-100 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 16.1-283.3 and by adding in Chapter 9 of Title 63.2 an article numbered 2, consisting of sections numbered 63.2-917 through 63.2-923, relating to Fostering Futures program.

[S 156]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-151, 16.1-228, 16.1-241, and 63.2-100 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 16.1-283.3 and by adding in Chapter 9 of Title 63.2 an article numbered 2, consisting of sections numbered 63.2-917 through 63.2-923, as follows:

§ 9.1-151. Court-Appointed Special Advocate Program; appointment of advisory committee.

A. There is established a Court-Appointed Special Advocate Program (the Program) that shall be administered by the Department. The Program shall provide services in accordance with this article to children who are subjects of judicial proceedings (i) involving allegations that the child is abused, neglected, in need of services, or in need of supervision or (ii) for the restoration of parental rights pursuant to § 16.1-283.2 and for whom the juvenile and domestic relations district court judge determines such services are appropriate. Court-Appointed Special Advocate volunteer appointments may continue for youth 18 years of age and older who are in foster care if the court has retained jurisdiction pursuant to *subsection Z of § 16.1-241 or § 16.1-242* and the juvenile and domestic relations district court judge determines such services are appropriate. The Department shall adopt regulations necessary and appropriate for the administration of the Program.

B. The Board shall appoint an Advisory Committee to the Court-Appointed Special Advocate Program, consisting of 15 members, one of whom shall be a judge of the juvenile and domestic relations district court or circuit court, knowledgeable of court matters, child welfare, and juvenile justice issues and representative of both state and local interests. The duties of the Advisory Committee shall be to advise the Board on all matters relating to the Program and the needs of the clients served by the Program, and to make such recommendations as it may deem desirable.

§ 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;

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 § 55.1-2000, 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; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

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

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

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

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

"Child," "juvenile," or "minor" means a person *who is (i) less than 18 years of age or (ii) for purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 of Title 63.2, less than 21 years of age and meets the eligibility criteria set forth in § 63.2-919.*

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person; 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 a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

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

"Child in need of supervision" means:

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

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

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

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

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

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

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

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.

Y. Petitions involving minors filed pursuant to § 32.1-45.1 relating to obtaining a blood specimen or test results.

Z. *Petitions filed pursuant to § 16.1-283.3 for review of voluntary agreements for continuation of services and support for persons who meet the eligibility criteria for the Fostering Futures program set forth in § 63.2-919.*

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.

§ 16.1-283.3. Review of voluntary continuing services and support agreements for former foster youth.

A. *Whenever a program participant, as defined in § 63.2-918, enters into a voluntary continuing services and support agreement with a local department of social services pursuant to § 63.2-921, a hearing shall be held to review the agreement and the program participant's case plan. In determining whether to approve the case plan, the court shall determine whether remaining in the care and placement responsibility of the local department of social services is in the program participant's best interests and whether the program participant's case plan is sufficient to achieve the goal of independence. Such hearing shall be held by the juvenile and domestic relations district court that last had jurisdiction over the program participant's foster care proceedings when the program participant was a minor. The petition for review of the voluntary continuing services and support agreement and the program participant's case plan shall be filed by the local department of social services no later than 30 days after execution of the voluntary continuing services and support agreement. The petition shall include documentation of the program participant's last foster care placement as a minor and the responsible local department of social services, a copy of the signed voluntary continuing services and support agreement, a copy of the program participant's case plan, and any other information the local department of social services or the program participant wishes the court to consider.*

B. *Upon receiving a petition for review of the voluntary continuing services and support agreement and the program participant's case plan, the court shall schedule a hearing to be held within 45 days after receipt of the petition. The court may appoint counsel or a guardian ad litem for the program participant pursuant to § 16.1-266. The court may, reappoint or continue the appointment of the court-appointed special advocate volunteer who served the program participant as a minor or, if the previous volunteer is unavailable, appoint another special advocate volunteer. The court shall provide notice of the hearing and copies of the petition to the program participant, the program participant's legal counsel, the local department of social services, and any other persons who, in the court's discretion, have a legitimate interest in the hearing. The local department of social services shall identify for the court all persons who may have a legitimate interest in the hearing.*

C. *At the conclusion of the hearing, the court shall enter an order that:*

1. *Determines whether remaining under the care and placement responsibility of the local department of social services is in the best interests of the program participant; and*
2. *Approves or denies the program participant's case plan.*

In determining whether to approve or deny the program participant's case plan, the court shall consider whether the services and support provided under the case plan are sufficient to support the program participant's goal of achieving independence. If the court makes any revision to the case plan, a copy of such revisions shall be sent by the court to all persons who received a copy of the original case plan.

D. *After the initial hearing, the court may close the case or schedule a subsequent hearing to be held within six months to review the program participant's case plan. Subsequent review hearings may be held at six-month or shorter intervals in the discretion of the court. The local department of social services shall file a petition for review of the program participant's case plan within 30 days prior to any such scheduled hearing. If a hearing was not previously scheduled, the court shall schedule a*

hearing to be held within 30 days of receipt of the petition. The court shall provide notice of the hearing and a copy of the petition in accordance with subsection B. If subsequent review hearings are not held by the court, the local department of social services shall conduct administrative reviews pursuant to § 63.2-923.

E. In all hearings held pursuant to this section, the court shall consult with the program participant in an age-appropriate manner regarding his case plan.

§ 63.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

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. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

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 act of sexual exploitation or 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;

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 § 55.1-2000, 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; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this title 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 providers, 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 any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult as defined in § 63.2-1603.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"Supervised independent living setting" means the residence of a person 18 years of age or older who is participating in the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 where supervision includes a monthly visit with a service worker or, when appropriate, contracted supervision. "Supervised independent living setting" does not include residential facilities or group homes.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from Virginia Initiative for Education and Work (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

Article 2.

Fostering Futures.

§ 63.2-917. Fostering Futures program; established.

The Fostering Futures program is established to provide services and support to individuals 18 years of age or older but less than 21 years of age who were in foster care upon turning 18 years of age. Such services and support shall be designed to assist the program participant in transitioning to adulthood, becoming self-sufficient, and creating permanent, positive relationships. The program is voluntary and shall at all times recognize and respect the autonomy of the participant. The Fostering Futures program shall not be construed to abrogate any other rights that a person 18 years of age or older may have as an adult under state law.

§ 63.2-918. Definitions.

For purposes of this article:

"Case plan" means the plan developed by the local department for a program participant in accordance with 42 U.S.C. § 675(1).

"Child" means an individual who is (i) less than 18 years of age or (ii) for purposes of the Fostering Futures program set forth in this article, less than 21 years of age and meets the eligibility criteria set forth in § 63.2-919.

"Fostering Futures" means the services and support available to individuals between 18 and 21 years of age who are participating in the Fostering Futures program.

"Local department" means the local department of social services under the local board having care and custody of the program participant when he reached 18 years of age.

"Program participant" means an individual who meets the eligibility criteria set forth in § 63.2-919.

"Voluntary continuing services and support agreement" means a binding written agreement entered into by the local department and program participant in accordance with § 63.2-921.

§ 63.2-919. Fostering Futures program; eligibility.

The Fostering Futures program is available, on a voluntary basis, to an individual between 18 and 21 years of age who:

1. Was (i) in the custody of a local department immediately prior to reaching 18 years of age, remained in foster care upon turning 18 years of age, and entered foster care pursuant to a court order; or (ii) in the custody of a local department immediately prior to commitment to the Department of Juvenile Justice and is transitioning from such commitment to self-sufficiency; and

2. Is (i) completing secondary education or an equivalent credential; (ii) enrolled in an institution that provides postsecondary or vocational education; (iii) employed for at least 80 hours per month; (iv) participating in a program or activity designed to promote employment or remove barriers to employment; or (v) incapable of doing any of the activities described in clauses (i) through (iv) due to a medical condition, which incapability is supported by regularly updated information in the program participant's case plan.

§ 63.2-920. Continuing services and support.

Continuing services and support provided under the Fostering Futures program shall include the following, where necessary:

1. Medical care under the state plan for medical assistance;

2. Housing, placement, and support in the form of continued foster care maintenance payments in an amount not less than the rate set immediately prior to the program participant's exit from foster care. Policies and decisions regarding housing options shall take into consideration the program participant's

autonomy and developmental maturity, and safety assessments of such living arrangements shall be age-appropriate and consistent with federal guidance on supervised settings in which program participants live independently. For program participants residing in an independent living setting, the local department may send all or part of the foster care maintenance payments directly to the program participant, as agreed upon by the local department and the program participant. For program participants residing in a foster family home, foster care maintenance payments shall be paid to the foster parents; and

3. Case management services, including a case plan that describes (i) the program participant's housing or living arrangement; (ii) the resources available to the program participant in the transition from the Fostering Futures program to independent adulthood; and (iii) the services and support to be provided to meet the program participant's individual goals, provided such services and support are appropriate for and consented to by the program participant. All case plans shall be developed in consultation with the program participant and, at the participant's option, with up to two members of the case planning team who are chosen by the program participant and are not a foster parent of or caseworker for such program participant. An individual selected by a program participant to be a member of the case planning team may be removed from the team at any time if there is good cause to believe that the individual would not act in the best interests of the program participant.

§ 63.2-921. Voluntary continuing services and support agreement; services provided; service worker; duties.

A. In order to participate in the Fostering Futures program, the eligible program participant shall enter into a written voluntary continuing services and support agreement with the local department. Such agreement shall include, at a minimum, the following:

1. A requirement that the program participant maintain eligibility to participate in the Fostering Futures program in accordance with the provisions of § 63.2-919 for the duration of the voluntary continuing services and support agreement;

2. A disclosure to the program participant that participation in the Fostering Futures program is voluntary and that the program participant may terminate the voluntary continuing services and support agreement at any time;

3. The specific conditions that may result in the termination of the voluntary continuing services and support agreement and the program participant's early discharge from the Fostering Futures program; and

4. The program participant's right to appeal the denial or delay of a service required in the case plan.

B. The services and support to be provided to the program participant pursuant to the voluntary continuing services and support agreement shall begin no later than 30 days after both the program participant and the local department sign the voluntary continuing services and support agreement in accordance with § 63.2-921.

C. The local department shall assign a service worker for each participant in the Fostering Futures program to provide case management services. Every service worker shall have specialized training in providing transition services and support for program participants and knowledge of resources available in the community.

D. The local department shall make continuing efforts to achieve permanency and create permanent connections for all program participants.

E. The local department shall fulfill all case plan obligations consistent with the applicable provisions of 42 U.S.C. § 675(1) for all program participants.

F. Upon the signing of the voluntary continuing services and support agreement by the program participant and the local department, the local department shall conduct a redetermination of income eligibility for purposes of Title IV-E of the federal Social Security Act, 42 U.S.C. § 672.

§ 63.2-922. Termination of voluntary continuing services and support agreement; notice; appeal.

A. A program participant may terminate the voluntary continuing services and support agreement at any time. Upon such termination, the local department shall provide the program participant with a written notice informing the program participant of the potential negative effects resulting from termination, the option to reenter the Fostering Futures program at any time before reaching 21 years of age, and the procedures for reentering if the participant meets the eligibility criteria of § 63.2-919.

B. If the local department determines that the program participant is no longer eligible to participate in the Fostering Futures program under § 63.2-919, the local department shall terminate the voluntary continuing services and support agreement and cease the provision of all services and support to the program participant. The local department shall give written notice to the program participant 30 days prior to termination that the voluntary continuing services and support agreement will be terminated and provide (i) an explanation of the basis for termination, (ii) information about the process for appealing the termination, (iii) information about the option to enter into another voluntary continuing services and support agreement once the program participant reestablishes eligibility under § 63.2-919, and (iv) information about and contact information for community resources that may benefit the program participant, including state programs established pursuant to 42 U.S.C. § 677. Academic breaks

in postsecondary education attendance, such as semester and seasonal breaks, and other transitions between eligibility requirements under § 63.2-919, including education and employment transitions not longer than 30 days, shall not be a basis for termination.

C. Appeals of terminations of voluntary continuing services and support agreements or denials or delays of the provision of services specified in the agreement shall be conducted in accordance with the provisions of § 63.2-915 and Board regulations.

§ 63.2-923. Court proceedings; administrative reviews.

A local department that enters into a voluntary continuing services and support agreement with a program participant shall file a petition for review of the agreement and the program participant's case plan in accordance with § 16.1-283.3. If no subsequent hearings are held by the court to review the agreement and case plan after the initial review hearing held pursuant to § 16.1-283.3, the local department shall conduct administrative reviews of the case for the remaining term of the voluntary continuing services and support agreement no less than every six months.

2. That the Department of Social Services shall, regarding the Fostering Futures program, (i) establish criteria for identifying appropriate services for program participants; (ii) establish requirements for program participants to be included in the voluntary continuing services and support agreement, including regular contact with the program participant's service worker, timely payment of rental fees, and other requirements deemed necessary based on the unique circumstances and needs of the program participant; (iii) allow local departments of social services to disenroll participants from the Fostering Futures program for substantial violations of the voluntary continuing services and support agreement; and (iv) develop budget or payment forms to monitor the manner in which program participants are using maintenance payment funds and allow increased oversight of such use when necessary.

3. That the Board of Social Services (the Board) shall promulgate regulations to implement the provisions of this act. The Board's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on the regulations prior to adoption.

4. That the Department of Social Services shall analyze the feasibility of and opportunities for allowing local departments of social services to use video conferencing for monthly visits with participants in the Fostering Futures program in a manner that complies with federal laws and regulations.

District Court Forms	DC-553	DISPOSITIONAL ORDER FOR UNDERLYING PETITION, FOSTER CARE PLAN
	DC-555	FOSTER CARE REVIEW ORDER
	DC-5060	PETITION FOR FOSTER CARE PLACEMENT HEARING – QUALIFIED RESIDENTIAL TREATMENT PROGRAM (NEW FORM)
	DC-5061	FOSTER CARE PLACEMENT ORDER – QUALIFIED RESIDENTIAL TREATMENT PROGRAM (NEW FORM)
	DC-5062	QUALIFIED RESIDENTIAL TREATMENT PROGRAM (QRTP) PLACEMENT SUPPLEMENTAL ORDER (NEW FORM)

Abstract

Legislation in 2019 amended various statutes in Title 16.1 dealing with foster care to be in compliance with federal law. The legislation added the option of a placement in a “qualified residential treatment program.” Three new forms were created to implement the legislation, and DC-553 and DC-555 were amended to reference the new option.

The statute dealing with permanency planning hearings provides that the petition for a permanency planning hearing should seek one of several enumerated options to achieve the permanent goal. Identical bills Senate Bill 178 and House Bill 933 revised this statute by amending the option of transferring custody to a relative by saying that custody can also be transferred to “fictive kin for the purpose of establishing eligibility for the Kinship Guardianship Assistance Program...” DC-553 and DC-555 were revised to reflect this change.

Source

Chapter 282 (2019 Acts of Assembly)

Senate Bill 178 (Chapter 224, effective July 1, 2020)
House Bill 933 (Chapter 366, effective July 1, 2020)

Revision

Legislative

Form Type

Masters

DISPOSITIONAL ORDER

UNDERLYING PETITION

FOR UNDERLYING PETITION,

FOSTER CARE PLAN

FOSTER CARE PLAN

Commonwealth of Virginia

Va. Code §§ 16.1-277.01, 16.1-277.02, 16.1-278.2, 16.1-278.3, 16.1-281, 20-124.5, 63.2-912

Court Case No.

Court Case No.

Agency Case No.

DATE OF HEARING

Circuit Court

Juvenile and Domestic Relations District Court

USING THIS FORM:

- Use this form to dispose of the underlying petition in certain case types and foster care plans filed pursuant to Virginia Code § 16.1-281.
- Indicate case type(s) of this child’s case by checking applicable box(es): Abuse, Neglect, or At Risk of Abuse or Neglect Approval of Entrustment Agreement Relief of Custody Foster Care Plan.
- Complete pages 1-2, which document general information about the child’s case.
- The sections outlined individually on three separate pages labeled Page A, Page B and Page C relate to the underlying petition. Complete only one of these pages per case, as appropriate.
- Complete pages 3-5 if a hearing is held to review a foster care plan filed pursuant to Virginia Code § 16.1-281.
- Date and signature lines for entry of the order by the judge should be completed on Page A, B or C, if used to dispose of an underlying petition, **and** on page 5 to dispose of a foster care plan, as appropriate.
- The last page of the order, Page 6, is used to serve the order, if necessary.

In re:
NAME OF CHILD

.....
DATE OF BIRTH

.....
NAME OF PARENT [] PUTATIVE FATHER

.....
NAME OF PARENT [] PUTATIVE FATHER

Present: Parent
 MOTHER FATHER

Attorney for Parent
 MOTHER FATHER

Parent
 MOTHER FATHER

Attorney for Parent
 MOTHER FATHER

Child

Guardian *ad litem*

Agency Representative

Agency Attorney

Foster Parent(s)

CASA

Other

Other

A hearing has been held to dispose of the underlying petition filed pursuant to Virginia Code § 16.1-241 and, if applicable, to review and approve the foster care plan filed on pursuant to Virginia Code § 16.1-281.
DATE

THE COURT FINDS THAT THE CHILD IS WITHIN THE JURISDICTION OF THIS COURT AND, BASED UPON A PREPONDERANCE OF THE EVIDENCE UNLESS OTHERWISE INDICATED, FINDS AS FOLLOWS:

1. Notice of this hearing was provided to the parents as follows:

- appeared this date and expressly waived objections to service or accepted service without objection.
- previously signed form DC-508, ACKNOWLEDGMENT OF NOTICE OF NEXT HEARING DATE.
- served by personal service for this hearing.
- served by substituted service for this hearing.
- served by order of publication.
- is without the Commonwealth and was served by certified mail, return receipt requested.

- appeared this date and expressly waived objections to service or accepted service without objection.
- previously signed form DC-508, ACKNOWLEDGMENT OF NOTICE OF NEXT HEARING DATE.
- served by personal service for this hearing.
- served by substituted service for this hearing.
- served by order of publication.
- is without the Commonwealth and was served by certified mail, return receipt requested.

OR

the identity of the mother father is not reasonably ascertainable.

OR

reasonable efforts have been made to locate the parent,, who cannot be found.

parent,, who cannot be found.

2. Notice of this hearing and a copy of the foster care plan filed pursuant to Virginia Code § 16.1-281 was sent by the court to the:

- child, if 12 or older guardian *ad litem* for child
- parent attorney for parent
- parent attorney for parent
- person standing *in loco parentis* attorney for person standing *in loco parentis*
- foster parent(s) other

3. **The Court makes the following findings with respect to the Indian Child Welfare Act:**

The child is not an Indian child as defined in 25 U.S.C. § 1903(4) as no information is known or has been discovered that indicates the child is an Indian child. The Indian Child Welfare Act does not apply. The parties shall inform the Court if they subsequently receive any information that indicates the child is an Indian child.

OR

The child is an Indian child as defined in 25 U.S.C. § 1903 (4). The Indian Child Welfare Act applies.

OR

There is reason to believe, but there is insufficient information at this time to determine, that the child is an Indian child as defined in 25 U.S.C. § 1903(4). The Indian Child Welfare Act applies unless and until it is determined that the child is not a member or is not eligible for membership in an Indian tribe.

..... shall use due diligence to investigate whether the child is an Indian child
PUBLIC OR PRIVATE CHILD-PLACING AGENCY
and to work with all tribes of which the child may be a member to verify, in writing, whether the child is in fact a member or eligible for membership.

4. The above-named child was placed on in

DATE NAME OF PROVIDER
a qualified residential treatment program, as defined in Va. Code § 16.1-228. District court form DC-5062, QUALIFIED RESIDENTIAL TREATMENT PROGRAM (QRTP) PLACEMENT SUPPLEMENTAL ORDER, is attached and incorporated in this order.

Abuse, neglect or at risk of abuse or neglect.

The court **adjudicated** on that the child is an abused or neglected child, or is at risk of being abused or neglected by a parent or custodian who has been adjudicated as having abused or neglected another child in the care of the parent or custodian.

AND

Upon **disposition** of the petition, **THE COURT ORDERS:**

1. Custody of the child is transferred to

.....
PUBLIC OR PRIVATE CHILD-PLACING AGENCY OR INDIVIDUAL/ADDRESS
Each non-agency party intending a change of address shall give 30 days advance written notice of such change of address to the court and other party, pursuant to Virginia Code § 20-124.5. This notice shall contain the child’s full name, the case number of this case, the party’s new telephone number and new street address and, if different, the party’s new mailing address. The notice shall be mailed by first-class or delivered to this court and to the other party.

2. As legal custody of the child is transferred for the first time in this case to a public or private child-placing agency, a hearing shall be held for the purpose of reviewing and approving the foster care plan on

..... at
DATE TIME
and the agency having placement responsibility for the child shall file a foster care plan in accordance with Virginia Code § 16.1-281 by

3. As legal custody of the child is transferred to a person with a legitimate interest, district court form DC-559, SUPPLEMENT TO ORDER TRANSFERRING CUSTODY, is attached and incorporated in this order.

4. The court has reviewed the **preliminary protective order** entered in this case on
DATE
and the order is dissolved or a final CHILD PROTECTIVE ORDER – ABUSE AND NEGLECT, district court form DC-532, is attached and incorporated in this order.

5. The parent parent parents
 guardian
shall provide the names and contact information for all persons with a legitimate interest to the local department of social services.

As this order transfers custody of the child, THE COURT FURTHER FINDS:

1. That there is no less drastic alternative than transfer of legal custody as provided in this order.

2. As custody of the child is transferred to a local board of social services, that:

a. Continued placement in the home would be contrary to the welfare of the child, based upon:
 the facts contained in the following document(s), which is (are) incorporated by reference:
 sustained petition. entrustment agreement.
 affidavit. department of social services report.
 the following facts:

AND

b. Reasonable efforts have been made have not been made to prevent removal of the child from the home, based upon:
 the facts contained in the following document(s), which is (are) incorporated by reference:
 sustained petition. entrustment agreement.
 affidavit. department of social services report.
 the following facts:

OR

Reasonable efforts to prevent removal of the child from his or her home are not required pursuant to Virginia Code § 16.1-278.2 A 5.

Other:

DATE

JUDGE

Approval of entrustment agreement.

Based upon evidence presented upon **adjudication** of the petition filed pursuant to Virginia Code § 16.1-241 seeking approval of the entrustment agreement executed on
DATE

THE COURT FINDS:

- by a preponderance of the evidence, the temporary entrustment agreement is in the best interest of the child.
- by clear and convincing evidence, the entrustment agreement which provides for the termination of parental rights is in the best interest of the child.
- A separate ORDER FOR VOLUNTARY TERMINATION OF PARENTAL RIGHTS is attached and incorporated herein.

Upon **disposition** of the petition, **THE COURT ORDERS:**

- 1. Entrustment agreement is approved.
- 2. Custody of the child is transferred to

.....
PUBLIC OR PRIVATE CHILD-PLACING AGENCY OR INDIVIDUAL/ADDRESS

Each non-agency party intending a change of address shall give 30 days advance written notice of such change of address to the court and other party, pursuant to Virginia Code § 20-124.5. This notice shall contain the child's full name, the case number of this case, the party's new telephone number and new street address and, if different, the party's new mailing address. The notice shall be mailed by first-class or delivered to this court and to the other party.

- 3. As legal custody of the child is transferred to a person with a legitimate interest, district court form DC-559, SUPPLEMENT TO ORDER TRANSFERRING CUSTODY, is attached and incorporated in this order.
- 4. The parent parent parents
 guardian

shall provide the names and contact information for all persons with a legitimate interest to the local department of social services.

As this order transfers custody of the child, THE COURT FURTHER FINDS:

- 1. That there is no less drastic alternative than transfer of legal custody as provided in this order.
- 2. As custody of the child is transferred to a local board of social services, that:
 - a. Continued placement in the home would be contrary to the welfare of the child, based upon:
 - the facts contained in the following document(s), which is (are) incorporated by reference:
 - sustained petition. entrustment agreement.
 - affidavit. department of social services report.
 - the following facts:

AND

- b. Reasonable efforts have been made have not been made to prevent removal of the child from the home, based upon:
 - the facts contained in the following document(s), which is (are) incorporated by reference:
 - sustained petition. entrustment agreement.
 - affidavit. department of social services report.
 - the following facts:

OR

Reasonable efforts to prevent removal of the child from his or her home are not required pursuant to Virginia Code § 16.1-278.2 A 5.

Other:
.....
.....
.....

.....
DATE

.....
JUDGE

Relief of custody.

- Based upon evidence presented upon **adjudication** of the petition filed pursuant to Virginia Code § 16.1-241 seeking relief of custody, **THE COURT FINDS:**
- by a preponderance of the evidence, there is good cause for the petitioner’s desire to be relieved temporarily of custody.
- by clear and convincing evidence, granting the petition for permanent relief of custody is in the best interest of the child.
- A separate ORDER FOR VOLUNTARY TERMINATION OF PARENTAL RIGHTS is attached and incorporated in this order.

Upon **disposition** of the petition, **THE COURT ORDERS:**

- 1. Relief of custody is granted.
- 2. For partial disposition, temporary custody of the child is transferred to
.....
PUBLIC OR PRIVATE CHILD-PLACING AGENCY OR INDIVIDUAL
- 3. For final disposition, custody of the child is transferred to
.....
PUBLIC OR PRIVATE CHILD-PLACING AGENCY OR INDIVIDUAL/ADDRESS

Each non-agency party intending a change of address shall give 30 days advance written notice of such change of address to the court and other party, pursuant to Virginia Code § 20-124.5. This notice shall contain the child’s full name, the case number of this case, the party’s new telephone number and new street address and, if different, the party’s new mailing address. The notice shall be mailed by first-class or delivered to this court and to the other party.

- 4. A hearing shall be held on at
DATE TIME
 for final disposition of the petition.
 for the purpose of reviewing and approving a foster care plan, which shall be filed in accordance with Virginia Code § 16.1-281 by the public or private child-placing agency having placement responsibility for the child by
.....
DATE

- 5. As this order, whether temporary or final, transfers legal custody of the child to a person with a legitimate interest, district court form DC-559, SUPPLEMENT TO ORDER TRANSFERRING CUSTODY, is attached and incorporated in this order.
- 6. The court has reviewed the **preliminary protective order** entered in this case on
DATE
and the order is dissolved or a final CHILD PROTECTIVE ORDER – ABUSE AND NEGLECT, district court form DC-532, is attached and incorporated in this order.
- 7. The parent parent parents
 guardian
shall provide the names and contact information for all persons with a legitimate interest to the local department of social services.

As this order transfers custody of the child, even temporarily, THE COURT FURTHER FINDS:

- 1. That there is no less drastic alternative than transfer of legal custody as provided in this order.
- 2. As custody of the child is transferred to a local board of social services, that:
 - a. Continued placement in the home would be contrary to the welfare of the child, based upon:
 - the facts contained in the following document(s), which is (are) incorporated by reference:
 - sustained petition. entrustment agreement.
 - affidavit. department of social services report.
 - the following facts:

AND

- b. Reasonable efforts have been made have not been made to prevent removal of the child from the home, based upon:
 - the facts contained in the following document(s), which is (are) incorporated by reference:
 - sustained petition. entrustment agreement.
 - affidavit. department of social services report.
 - the following facts:

OR

- Reasonable efforts to prevent removal of the child from his or her home are not required pursuant to Virginia Code § 16.1-278.2 A 5.

Other:

A HEARING HAS BEEN HELD ON THE FOSTER CARE PLAN FILED PURSUANT TO VIRGINIA CODE § 16.1-281, AND:

- 1. The above-named child:
 - has been placed through an agreement with the local board of social services where legal custody remains with the parents or guardian,
 - OR
 - is in the legal custody of the local board of social services or child welfare agency.

Transfer of custody or placement occurred on to
DATE PUBLIC OR PRIVATE CHILD-PLACING AGENCY
 as a result of:

- a court order in child abuse or neglect case.
- a court order in case of a child at risk of abuse or neglect by a parent or custodian who has been adjudicated as having abused or neglected another child in the care of the parent or custodian.
- an entrustment agreement by parents.
- a court order in relief of custody case.
- a court order in child in need of services case or child in need of supervision case or status offense case or delinquency case.
- a placement agreement with child's parents or guardian.

- 2. a. With reference to the **foster care plan** with the goal of
FOSTER CARE PLAN GOAL
 filed pursuant to Virginia Code § 16.1-281, the plan is:

approved as submitted and incorporated by reference.

OR

approved with the following revisions and, as revised, is incorporated by reference

.....
 The clerk shall send a copy of any revisions to all persons who received that part of the original plan.

OR

disapproved and a new plan shall be submitted to the court by
DATE
 for a hearing on at
DATE TIME

- b. Reasonable efforts to reunite the child with the parents are not required under Virginia Code § 16.1-281 B, and a permanency planning hearing shall be held on at
DATE TIME,
 which is within 30 days of this hearing to review the foster care plan.

As the effect of an order entered at this hearing is to achieve a permanent goal for the child by terminating residual parental rights, placing the child who is 16 years of age or older in permanent foster care, or if the child has been admitted to the United States as a refugee or asylee, has attained the age of sixteen years and the plan for the child is independent living, directing the board or agency to provide the necessary services to transition from foster care, reasonable efforts:

have been made have not been made to place the child in a timely manner in accordance with the foster care plan and to complete the steps necessary to finalize the permanent placement of the child.

AND

- c. **The court's determinations are based upon:**

the facts contained in the foster care plan, which is incorporated by reference the following facts:

3. [] An effect of an order entered at this hearing is to achieve a permanent goal for the child by placing the child who is 16 years of age or older in permanent foster care.

[] The court has asked the child about the child’s desired permanency outcome.

OR

[] The court was unable to ask the child about the child’s desired permanency outcome for the following reasons:

.....
.....

As required by Virginia Code § 16.1-282.1A3, the court finds that the alternative goals of transferring custody of the child to the child’s prior family, or dissolving the board’s placement agreement and returning the child to the child’s prior family; transferring custody of the child to a relative other than the child’s prior family; and terminating residual parental rights pursuant to Virginia Code § 16.1-277.01 or § 16.1-283 continue to not be in the best interest of the child for the following reasons:

.....
.....
.....

4. [] An effect of an order entered at this hearing is to achieve a permanent goal for the child by placing the child who is 16 years of age or older in another planned permanent living arrangement.

[] The court has asked the child about this child’s desired permanency outcome.

OR

[] The court was unable to ask the child about the child’s desired permanency outcome for the following reason:

.....
.....

As required by Virginia Code § 16.1-282.1A2, the court finds that the alternative goals of transferring custody of the child to the child’s prior family, or dissolving the board’s placement agreement and returning the child to the child’s prior family; transferring custody of the child to a relative other than the child’s prior family or to fictive kin for the purpose of establishing eligibility for the Kinship Guardianship Assistance Program pursuant to § 63.2-1305; and terminating residual parental rights pursuant to Virginia Code § 16.1-277.01 or § 16.1-283 continue to not be in the best interest of the child for the following reasons:

.....
.....
.....

5. [] **Custody** of the child is transferred to

.....
PUBLIC OR PRIVATE CHILD-PLACING AGENCY OR INDIVIDUAL/ADDRESS

[] ~~As~~ legal custody of the child is transferred to a relative other than the child’s prior family or to fictive kin for the purpose of establishing eligibility for the Kinship Guardianship Assistance Program pursuant to § 63.2-1305, district court form DC-559, SUPPLEMENT TO ORDER TRANSFERRING CUSTODY, is attached and incorporated in this order.

6. [] With reference to **visitation** with the child, who has been placed in foster care:

a. [] The parent has had an ongoing relationship with the child prior to the child being placed in foster care, and it is in the best interests of the child that the relationship continue.

Visitation between the child and the above parent shall be

[] reasonable and in the discretion of
PUBLIC OR PRIVATE CHILD-PLACING AGENCY

OR

[] as follows:

b. [] The parent has had an ongoing relationship with the child prior to the child being placed in foster care, and it is in the best interests of the child that the relationship continue.

Visitation between the child and the above parent shall be

[] reasonable and in the discretion of
PUBLIC OR PRIVATE CHILD-PLACING AGENCY

OR

[] as follows:

- c. [] The child has a sibling(s) with whom there has been an ongoing relationship prior to the child being placed in foster care, and it is in the best interests of the child that the relationship continue.

Visitation between the child and the sibling(s) shall be
NAME OF SIBLING(S)

[] reasonable and in the discretion of
PUBLIC OR PRIVATE CHILD-PLACING AGENCY

OR

[] as follows:

- d. [] The child has a grandparent(s) with whom there has been an ongoing relationship prior to the child being placed in foster care, and it is in the best interests of the child that the relationship continue.

Visitation between the child and the grandparent(s) shall be
NAME OF GRANDPARENT(S)

[] reasonable and in the discretion of
PUBLIC OR PRIVATE CHILD-PLACING AGENCY

OR

[] as follows:

- 7. [] shall continue to utilize reasonable efforts
PUBLIC OR PRIVATE CHILD-PLACING AGENCY
in making appropriate service referrals to the parent, child and foster parents as applicable to accomplish the goals set forth in the foster care plan approved herein and orders of the court entered herein. The parents shall continue to utilize their best efforts to fulfill the requirements of the foster care plan approved herein and orders of the court entered herein.

- 8. [] A foster care review hearing pursuant to Virginia Code § 16.1-282 shall be held on at
DATE TIME
..... shall file a petition for foster care review hearing and foster care plan pursuant
PUBLIC OR PRIVATE CHILD-PLACING AGENCY
to Virginia Code § 16.1-282 by....., which is within 3 months from
DATE
the date of this dispositional hearing at which the foster care plan was reviewed pursuant to Virginia Code § 16.1-281.

OR

- [] An annual foster care review hearing pursuant to Virginia Code § 16.1-282.2 shall be held on
DATE
at , which is within twelve months of the entry of this order.
TIME

..... shall file a petition for foster care review hearing and foster care plan pursuant to
PUBLIC OR PRIVATE CHILD-PLACING AGENCY
Virginia Code § 16.1-282.2 by
DATE

- 9. [] Other:

[] District court form DC-593, SUPPLEMENTAL SHEET, is attached and incorporated by reference. Number of supplemental sheets:

- 10. [] This order having been entered in the Circuit Court, the matter is
CITY OR COUNTY
referred pursuant to Virginia Code § 16.1-297 to the Juvenile and
CITY OR COUNTY
Domestic Relations District Court for future proceedings.

.....
DATE

.....
JUDGE

UNDERLYING PETITION

Court Case No.

FOSTER CARE PLAN

Court Case No.

FORM DC-553 (MASTER, Page 5) 10/18

FORM DC-553 (MASTER, Page 5) 10/15

Use these boxes for serving this order if any terms and conditions of prior orders entered in this case are modified above.

RETURNS: Each person was served according to law, as indicated below, unless not found.

NAME

ADDRESS

PERSONAL SERVICE Tel. No.

NOT FOUND

_____ SERVING OFFICER

..... for _____

NAME

ADDRESS

PERSONAL SERVICE Tel. No.

NOT FOUND

_____ SERVING OFFICER

..... for _____

NAME

ADDRESS

PERSONAL SERVICE Tel. No.

NOT FOUND

_____ SERVING OFFICER

..... for _____

FOSTER CARE REVIEW ORDER

Commonwealth of Virginia Va. Code §§ 16.1-282, 16.1-282.1 A2, 16.1-282.2

Court Case No.

Agency Case No.

DATE OF HEARING

Circuit Court

Juvenile and Domestic Relations District Court

In re:

NAME OF CHILD

NAME OF PARENT PUTATIVE FATHER

NAME OF PARENT PUTATIVE FATHER

Present: Parent
 MOTHER FATHER

Attorney for Parent
 MOTHER FATHER

Parent
 MOTHER FATHER

Attorney for Parent
 MOTHER FATHER

Child

Guardian *ad litem*

Agency Representative

Agency Attorney

Foster Parent(s)

CASA

Other

Other

A PETITION FOR FOSTER CARE REVIEW HEARING was filed on A hearing has been held to review and approve the foster care plan pursuant to Virginia Code §§ 16.1-282, 16.1-282.1 A2 or 16.1-282.2.

THE COURT FINDS THAT THE CHILD IS WITHIN THE JURISDICTION OF THIS COURT AND, BASED UPON A PREPONDERANCE OF THE EVIDENCE, FINDS AS FOLLOWS:

1. Service of process was secured as to the parents for this hearing:

- appeared this date and expressly waived objections to service or accepted service without objection.
- served by personal service for this hearing.
- served by substituted service for this hearing.
- served by order of publication.
- is without the Commonwealth and was served by certified mail, return receipt requested.
- residual parental rights regarding the child have been terminated and notice to the parent is not required.

- appeared this date and expressly waived objections to service or accepted service without objection.
- served by personal service for this hearing.
- served by substituted service for this hearing.
- served by order of publication.
- is without the Commonwealth and was served by certified mail, return receipt requested.
- residual parental rights regarding the child have been terminated and notice to the parent is not required.

OR

the identity of the mother father is not reasonably ascertainable.

OR

reasonable efforts have been made to locate the parent,, who cannot be found.
 parent,, who cannot be found.

2. Notice of this hearing and a copy of the petition for foster care review hearing pursuant to Virginia Code § 16.1-282 or § 16.1-282.1 D was sent by the Court to the:

- child, if 12 or older guardian *ad litem* for child
- parent attorney for parent
- parent attorney for parent
- person standing *in loco parentis* attorney for person standing *in loco parentis*
- foster parent(s) other

3. The Court makes the following finding with respect to the Indian Child Welfare Act:

The child is not an Indian child as defined in 25 U.S.C. § 1903(4) as no information is known or has been discovered that indicates the child is an Indian child. The Indian Child Welfare Act does not apply.

OR

The child is, or there is reason to believe that the child is, an Indian child. The Indian Child Welfare Act applies, unless and until it is determined that the child is not a member or is not eligible for membership in an Indian tribe.

..... shall use active efforts to work with all tribes of which the
PUBLIC OR PRIVATE CHILD-PLACING AGENCY
child may be a member to verify, in writing, whether the child is in fact a member or eligible for membership.

4. The above-named child:

has been placed through an agreement with the local board of social services where legal custody remains with the parents or guardian,

OR

is in the legal custody of the local board of social services or child welfare agency.

Transfer of custody or placement occurred on to
DATE PUBLIC OR PRIVATE CHILD-PLACING AGENCY

as a result of:

a court order in abuse or neglect case.

a court order in case of a child at risk of abuse or neglect by a parent or custodian who has been adjudicated as having abused or neglected another child in the care of the parent or guardian.

an entrustment agreement by parent(s).

a court order in relief of custody case.

a court order in child in need of services case or child in need of supervision case or status offense case or delinquency case.

a placement agreement with parents or guardian.

THE COURT FURTHER FINDS THAT:

5. The above-named child is the subject of a foster care review hearing pursuant to Virginia Code § 16.1-282 because a foster care plan was filed in this court pursuant to Virginia Code § 16.1-281 and, since the dispositional hearing held on at which the foster care plan was reviewed, the child has been:

DATE

placed through an agreement with the board of social services where legal custody remains with the parents or guardian and such agreement has not been dissolved by court order; or

in the legal custody of the board or child welfare agency and the child has not had a petition to terminate parental rights granted, filed or ordered to be filed on his or her behalf; has not been placed in permanent foster care; or is age 16 or over and the plan for the child is not independent living.

6. The above-named child is the subject of

a semi-annual foster care review hearing pursuant to Virginia Code § 16.1-282.1 A2 because a hearing was held on and placement of the child, who is 16 years of age or older, in another planned permanent living arrangement was approved as the plan for the child for a maximum of 6 months.

DATE

OR

an annual foster care review hearing pursuant to Virginia Code § 16.1-282.2 because a hearing was held on, the child remains in the legal custody of the board or agency, and the child:

DATE

has had a petition to terminate parental rights granted, filed or ordered to be filed on his or her behalf; or

is placed in permanent foster care; or

has been admitted to the United States as a refugee or asylee and is age 16 or over and the plan for the child is independent living.

AND

The requirement of Virginia Code § 16.1-282.1 C has been addressed as follows:

- the court has consulted with the child in an age-appropriate manner regarding the proposed permanency plan or transition plan.
- As the child is placed in permanent foster care or another planned permanent living arrangement, the court asked about the child’s desired permanency outcome.
- the court finds that a consultation with the child is not in the best interests for the following reasons:
- the local board or child welfare agency did not make the child available to the court for consultation.

7. With reference to the foster care plan with the goal of filed
FOSTER CARE PLAN GOAL
 in this case and based upon the facts contained in the plan, which is incorporated by reference the following facts:

8. The above-named child was placed on in
DATE NAME OF PROVIDER
a qualified residential treatment program, as defined in Va. Code § 16.1-228. District court form DC-5062, QUALIFIED RESIDENTIAL TREATMENT PROGRAM (Q RTP) PLACEMENT SUPPLEMENTAL ORDER, is attached and incorporated in this order.

THE COURT FURTHER FINDS THAT:

- Reasonable efforts have been made have not been made by the agency to reunite the child with his or her parents, guardian or other person standing in loco parentis to the child.
- Reasonable efforts to reunite the child with a parent are not required pursuant to Virginia Code § 16.1-281 B.
- Another planned permanent living arrangement having been approved as the plan for the child, reasonable efforts have been made have not been made to place the child in a timely manner in accordance with the foster care plan and reasonable efforts have been made have not been made to monitor the child’s status in another planned permanent living arrangement.
- Reasonable efforts have been made have not been made by the agency to place the child in a timely manner in accordance with the foster care plan and to complete the steps necessary to finalize the permanent placement of the child.

THE COURT, IN ACCORDANCE WITH THE BEST INTEREST OF THE CHILD, ORDERS THE FOLLOWING:

~~8-9.~~ The foster care plan is:
 approved as submitted and incorporated by reference.
OR
 approved with the following revisions and, as revised, is incorporated by reference:

The clerk shall send a copy of any revisions to all persons who received that part of the original plan.

OR

disapproved and a new petition and plan shall be submitted to the court by
DATE
 for a hearing on at
DATE TIME

~~9-10.~~ Custody of the child is transferred to
PUBLIC OR PRIVATE CHILD-PLACING AGENCY OR INDIVIDUAL/ADDRESS
 As legal custody of the child is transferred to a relative other than the child’s prior family or to fictive kin for the purpose of establishing eligibility for the Kinship Guardianship Assistance Program pursuant to § 63.2-1305, district court form DC-559, SUPPLEMENT TO ORDER TRANSFERRING CUSTODY, is attached and incorporated in this order.

~~10~~11. []

PUBLIC OR PRIVATE CHILD-PLACING AGENCY

shall continue to utilize reasonable efforts in making appropriate service referrals to the parents, child and foster parents as applicable to accomplish the goals set forth in the foster care plan approved herein and orders of the court entered herein. The parents shall continue to utilize their best efforts to fulfill the requirements of the foster care plan approved herein and orders of the court entered herein.

~~11~~12. [] An effect of an order entered at this hearing is to achieve a permanent goal for the child by placing the child who is 16 years of age or older in permanent foster care.

As required by Virginia Code § 16.1-282.1A3, the court finds that the alternative goals of transferring custody of the child to the child's prior family, or dissolving the board's placement agreement and returning the child to the child's prior family; transferring custody of the child to a relative other than the child's prior family; and terminating residual parental rights pursuant to Virginia Code § 16.1-277.01 or § 16.1-283 continue to not be in the best interest of the child for the following reasons:

.....
.....
.....

~~12~~13. [] An effect of an order entered at this hearing is to achieve a permanent goal for the child by placing the child who is 16 years of age or older in another planned permanent living arrangement.

As required by Virginia Code § 16.1-282.1A2, the court finds that the alternative goals of transferring custody of the child to the child's prior family, or dissolving the board's placement agreement and returning the child to the child's prior family; transferring custody of the child to a relative other than the child's prior family; and terminating residual parental rights pursuant to Virginia Code § 16.1-277.01 or § 16.1-283 continue to not be in the best interest of the child for the following reasons:

.....
.....
.....

~~13~~14. [] A permanency planning hearing pursuant to Virginia Code § 16.1-282.1 shall be held on

at^{DATE}, and shall file a petition for
^{TIME}^{PUBLIC OR PRIVATE CHILD-PLACING AGENCY}
permanency planning hearing and a foster care plan pursuant to Virginia Code § 16.1-282.1 by
^{DATE}

[] Placement of the child, who is 16 years of age or older, in another planned permanent living arrangement having been approved as the plan for the child for a maximum of 6 months, pursuant to Virginia Code § 16.1-282.1 A2 a foster care review hearing shall be held on

.....^{DATE} at^{TIME}, and^{PUBLIC OR PRIVATE CHILD-PLACING AGENCY}

shall file a petition for foster care review hearing and a foster care plan by
^{DATE}

[] As the child is in the legal custody of the board or child welfare agency and has had a petition to terminate parental rights granted, filed or ordered to be filed on his or her behalf; is 16 years of age or older, and placed in permanent foster care; or has been admitted to the United States as a refugee or asylee and is age 16 or over and the plan for the child is independent living, an annual foster care review hearing pursuant to Virginia Code § 16.1-282.2 shall be held on

.....^{DATE} at^{TIME}, and^{PUBLIC OR PRIVATE CHILD-PLACING AGENCY}

shall file a petition for foster care review hearing and a foster care plan by
^{DATE}

[] As termination of parental rights has been ordered but a final order of adoption has not been entered on behalf of the child,

.....^{PUBLIC OR PRIVATE CHILD-PLACING AGENCY}

shall file an Adoption Progress Report pursuant to Virginia Code §§ 16.1-277.01 E, 16.1-277 D, § 16.1-278 E or § 16.1-283 F in six months, on
^{DATE}

**PETITION FOR FOSTER CARE
PLACEMENT HEARING –
QUALIFIED RESIDENTIAL TREATMENT PROGRAM**
Commonwealth of Virginia VA. CODE §§ 16.1-281, 16.1-282, 16.1-282.1, 16.1-282.2

Court Case No.

Agency Case No.

..... Juvenile and Domestic Relations District Court

In re:
NAME OF CHILD

.....
AGE (YEARS/MONTHS)

.....
DATE OF BIRTH

has been placed through an agreement with the local board of social services
OR
 is in legal custody of the local board of social services or a child welfare agency.

Transfer of custody or placement occurred on to
DATE PUBLIC OR PRIVATE CHILD-PLACING AGENCY

I, the undersigned Petitioner, state under oath to the best of my knowledge and belief that the following are true:

1. The above-named child was placed on in
DATE NAME OF PROVIDER
a qualified residential treatment program, as defined in Va. Code § 16.1-228.
2. An assessment of the child’s placement was conducted by a qualified individual in conjunction with the child’s Family and Permanency Team in accordance with Va. Code § 63.2-906.1.
3. The following documents are attached and incorporated herein:
 written assessment report of the qualified individual prepared pursuant to clause (viii) of the definition of qualified residential treatment program set forth in Va. Code § 63.2-100.
 foster care plan with the goal of
FOSTER CARE PLAN GOAL
which includes the documentation required under subsection A of Va. Code § 63.2-906.1.

Wherefore, Petition requests that the Court grant the following relief and such other relief as the child’s best interest requires:

1. Docket the case for review to be held within 60 days of the date of the child’s placement in the qualified residential treatment program.
2. Provide notice of hearing and a copy of the petition to the following at addresses provided on the attached transmittal form:
 - Child, if twelve years of age or older;
 - Guardian *ad litem* for the child;
 - Child’s parents and any person standing *in loco parentis* at the time agency assumed custody;
 - Foster parents or other care providers of child;
 - Petitioning board of social services or other child welfare agency; and
 - Such other persons as the Court may direct, including but not limited to pre-adoptive parent, if any.

.....
DATE

.....
SIGNATURE

**FOSTER CARE PLACEMENT ORDER –
QUALIFIED RESIDENTIAL TREATMENT PROGRAM**

Commonwealth of Virginia VA. CODE §§ 16.1-281, 16.1-282, 16.1-282.1, 16.1-282.2

Court Case No.

Agency Case No.

DATE OF HEARING

Circuit Court

Juvenile and Domestic Relations District Court

In re:
NAME OF CHILD

- Present: Parent Attorney for Parent
 MOTHER FATHER MOTHER FATHER
- Parent Attorney for Parent
 MOTHER FATHER MOTHER FATHER
- Child Guardian *ad litem*
- Agency Representative Agency Attorney
- Foster Parent(s) CASA
- Other Other

A PETITION FOR FOSTER CARE PLACEMENT HEARING was filed on A hearing has been held to approve the placement of the child in a Qualified Residential Treatment Program pursuant to Virginia Code §§ 16.1-281, 16.1-282, 16.1-282.1 or 16.1-282.2.

THE COURT FINDS THAT THE CHILD IS WITHIN THE JURISDICTION OF THIS COURT AND, BASED UPON A PREPONDERANCE OF THE EVIDENCE, FINDS AS FOLLOWS:

1. Service of process was secured as to the parents for this hearing:

- appeared this date and expressly waived objections to service or accepted service without objection.
- served by personal service for this hearing.
- served by substituted service for this hearing.
- is without the Commonwealth and was served by certified mail, return receipt requested.
- residual parental rights regarding the child have been terminated and notice to the parent is not required.

- appeared this date and expressly waived objections to service or accepted service without objection.
- served by personal service for this hearing.
- served by substituted service for this hearing.
- is without the Commonwealth and was served by certified mail, return receipt requested.
- residual parental rights regarding the child have been terminated and notice to the parent is not required.

OR

the identity of the mother father is not reasonably ascertainable.

OR

reasonable efforts have been made to locate the parent,, who cannot be found.
 parent,, who cannot be found.

2. Notice of this hearing and a copy of the petition for foster care review hearing pursuant to Virginia Code § 16.1-282 or § 16.1-282.1(D) was sent by the Court to the:

- child, if 12 or older guardian *ad litem* for child
- parent attorney for parent
- parent attorney for parent
- person standing *in loco parentis* attorney for person standing *in loco parentis*
- foster parent(s) other

3. **The court makes the following finding with respect to the Indian Child Welfare Act:**

The child is not an Indian child as defined in 25 U.S.C. § 1903(4) as no information is known or has been discovered that indicates the child is an Indian child. The Indian Child Welfare Act does not apply.

OR

The child is, or there is reason to believe that the child is, an Indian child. The Indian Child Welfare Act applies unless and until it is determined that the child is not a member or is not eligible for membership in an Indian tribe.

..... shall use due diligence to investigate whether the child is an
PUBLIC OR PRIVATE CHILD-PLACING AGENCY
Indian child and to work with all tribes of which the child may be a member to verify, in writing whether the child is
in fact a member or eligible for membership.

4. The above-named child:

has been placed through an agreement with the local board of social services where legal custody remains with the parents or guardian,

OR

is in the legal custody of the local board of social services or child welfare agency.

Transfer of custody or placement occurred on to
DATE PUBLIC OR PRIVATE CHILD-PLACING AGENCY

THE COURT FURTHER FINDS THAT:

5. The above-named child was placed on in
DATE NAME OF PROVIDER
a qualified residential treatment program, as defined in Va. Code § 16.1-228.

6. An assessment of the above-named child’s placement was conducted by a qualified individual in conjunction with the child’s Family and Permanency Team in accordance with Va. Code § 63.2-906.1.

7. The needs of the above-named child cannot be met through placement in a foster home; and

8. Placement of the above-named child in the qualified residential treatment program will provide the most effective and appropriate level of care for the child in the least restrictive environment and is consistent with the short-term and long-term goals established for the child in the foster care or permanency plan.

THE COURT, IN ACCORDANCE WITH THE BEST INTEREST OF THE CHILD, ORDERS THE FOLLOWING:

9. The placement of the above-named child in a qualified residential treatment program is:

approved.

OR

denied, for the following reasons:
.....
.....

10. Other:
.....
.....

.....
DATE

.....
JUDGE

**QUALIFIED RESIDENTIAL TREATMENT PROGRAM
(QRTP) PLACEMENT SUPPLEMENTAL ORDER**

Case No.

**DC-553, DISPOSITIONAL ORDER FOR
UNDERLYING PETITION,
FOSTER CARE PLAN**

.....
DATE OF HEARING

DC-555, FOSTER CARE REVIEW ORDER
 DC-557, PERMANENCY PLANNING ORDER

..... v./In re:

Having ordered the attachment and incorporation of this supplemental sheet for additional orders of this Court,

THE COURT FURTHER ORDERS THAT:

1. The above-named child was placed on in,
DATE NAME OF PROVIDER
a qualified residential treatment program, as defined in Va. Code § 16.1-228;

An assessment of the above-named child’s placement was conducted by a qualified individual in conjunction with the child’s Family and Permanency Team in accordance with Va. Code § 63.2-906.1;

OR

The above-named child’s placement in a qualified residential treatment program as defined in Va. Code § 16.1-228 was approved by this Court on and continues to be necessary to meet the child’s needs.
DATE

AND

- 2. The needs of the above-named child cannot be met through placement in a foster home; and
- 3. Placement of the above-named child in the qualified residential treatment program will provide or continue to provide the most effective and appropriate level of care for the child in the least restrictive environment and is consistent with the short-term and long-term goals established for the child in the foster care of permanency plan.

WHEREFORE, THE COURT FURTHER ORDERS THAT:

The placement of the above-named child in a qualified residential treatment program is:

approved.

OR

denied, for the following reasons:

.....
.....

.....
DATE

.....
JUDGE

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 282

An Act to amend and reenact §§ 16.1-228, 16.1-281, 16.1-282, 16.1-282.1, 16.1-282.2, 37.2-408.1, 63.2-100, and 63.2-1726 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 63.2-906.1, relating to statutory alignment with federal Family First Prevention Services Act; statutory alignment.

[H 2014]

Approved March 8, 2019

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-228, 16.1-281, 16.1-282, 16.1-282.1, 16.1-282.2, 37.2-408.1, 63.2-100, and 63.2-1726 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 63.2-906.1 as follows:

§ 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;

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; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

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

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

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

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

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

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results

in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person; 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 a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

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

"Child in need of supervision" means:

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

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

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

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

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

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

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

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

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"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 (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person 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 (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. 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.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and

(viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"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, 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.

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

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

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

§ 16.1-281. Foster care plan.

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

The representatives of such department or agency shall involve the child's parent(s) in the development of the plan, except when parental rights have been terminated or the local department of social services or child welfare agency has made diligent efforts to locate the parent(s) and such parent(s) cannot be located, and any other person or persons standing in loco parentis at the time the board or child welfare agency obtained custody or the board placed the child. The representatives of such department or agency shall involve a child who is 14 years of age or older in the development of the plan and, at the option of such child, up to two members of the case planning team who are chosen by the child and who are not a foster parent of, or caseworker for, the child. A child under 14 years of age may be involved in the development of the plan if such involvement is consistent with the best interests of the child. In cases where either the parent(s) or child is not involved in the development of the plan, the department or agency shall include in the plan a full description of the reasons therefor.

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

B. The foster care plan shall describe in writing (i) the programs, care, services and other support which will be offered to the child and his parents and other prior custodians; (ii) the participation and conduct which will be sought from the child's parents and other prior custodians; (iii) the visitation and other contacts which will be permitted between the child and his parents and other prior custodians, and between the child and his siblings; (iv) the nature of the placement or placements which will be provided for the child; (v) for school-age children, the school placement of the child; (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; and (vii) for children 14 years and older, an explanation of the child's rights with respect to education, health, visitation, court participation, and the right to stay safe and avoid exploitation; ~~and (viii).~~ *The foster care plan shall include all documentation specified in 42 U.S.C. § 675(5)(l) and § 63.2-905.3. If the child in foster care is placed*

in a qualified residential treatment program as defined in § 16.1-228, the foster care plan shall also include the report and documentation set forth in subsection A of § 63.2-906.1. If the child in foster care is pregnant or is the parent of a child, the foster care plan shall also include (a) a list of the services and programs to be provided to or on behalf of the child to ensure parental readiness or capability and (b) a description of the foster care prevention strategy for any child born to the child in foster care. 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. For a child 14 years of age and older, the plan shall include a signed acknowledgment by the child that the child has received a copy of the plan and that the rights contained therein have been explained to the child in an age-appropriate manner.

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)~~ (1) include a full description of the reasons for this conclusion; ~~(b)~~ (2) provide information on the opportunities for placing the child with a relative or in an adoptive home; ~~(c)~~ (3) 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 (4) 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)~~ (A) the residual parental rights of the parent regarding a sibling of the child have previously been involuntarily terminated; ~~(2)~~ (B) 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)~~ (C) 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)~~ (D) 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.

"Independent living" has the meaning set forth in § 63.2-100.

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

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

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

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

E. 1. *In cases in which a child is placed by the local board of social services or a licensed child-placing agency in a qualified residential treatment program as defined in § 16.1-228, a hearing shall be held within 60 days of such placement. Prior to such hearing, the qualified residential treatment program shall file with the court the assessment report prepared pursuant to clause (viii) of the definition of qualified residential treatment program set forth in § 16.1-228. The court shall (i) consider the assessment report prepared by a qualified individual pursuant to clause (viii) of the definition of qualified residential treatment program set forth in § 16.1-228 and submitted pursuant to this subsection; (ii) consider the report and documentation required under subsection A of § 63.2-906.1 and filed with the foster care or permanency plan; (iii) determine whether the needs of the child can be met through placement in a foster home or, if not, whether placement in the qualified residential treatment program would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; and (iv) approve or deny the placement of the child in the qualified residential treatment program. The hearing required by this subsection may be held in conjunction with a dispositional hearing held pursuant to subsection C, a foster care review hearing held pursuant to § 16.1-282, a permanency planning hearing held pursuant to § 16.1-282.1, or an annual foster care review hearing held pursuant to § 16.1-282.2, provided that such hearing has already been scheduled by the court and is held within 60 days of the child's placement in the qualified residential treatment program.*

2. *If the child remains placed in the qualified residential treatment program during any subsequent hearings held pursuant to subsection C or § 16.1-282, 16.1-282.1, or 16.1-282.2, the local board of social services or licensed child-placing agency shall present evidence at such hearing that demonstrates (i) that the ongoing assessment of the child's strengths and needs continues to support the determination that the child's needs cannot be met through placement in a foster home and that the child's placement in the qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment and is consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (ii) the specific treatment or service needs of the child that will be met in the qualified residential treatment program and the length of time the child is expected to need such treatment or services; and (iii) the efforts made by the local*

board of social services to prepare the child to return home or to be placed with a fit and willing relative, legal guardian, or adoptive parent, or in a foster home. The court shall review such evidence and approve or deny the continued placement of the child in the qualified residential treatment program.

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

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

§ 16.1-282. Foster care review.

A. In the case of a child who was the subject of a foster care plan filed with the court pursuant to § 16.1-281, a foster care review hearing shall be held within four months of the dispositional hearing at which the foster care plan pursuant to § 16.1-281 was reviewed if the child: ~~(a)~~ (i) was placed through an agreement between the parents or guardians and the local board of social services where legal custody remains with the parents or guardians and such agreement has not been dissolved by court order; or ~~(b)~~ (ii) is under the legal custody of a local board of social services or a child welfare agency and has not had a petition to terminate parental rights granted, filed or ordered to be filed on the child's behalf; has not been placed in permanent foster care; or is age 16 or over and the plan for the child is not independent living.

Any interested party, including the parent, guardian or person who stood in loco parentis prior to the board's placement of the child or the board's or child welfare agency's assumption of legal custody, may file with the court the petition for a foster care review hearing hereinafter described at any time after the initial foster care placement of the child. However, the board or child welfare agency shall file the petition within three months of the dispositional hearing at which the foster care plan was reviewed pursuant to § 16.1-281.

B. The petition shall:

1. Be filed in the court in which the foster care plan for the child was reviewed and approved. Upon the order of such court, however, the petition may be filed in the court of the county or city in which the board or child welfare agency having legal custody or having placed the child has its principal office or where the child resides;

2. State, if such is reasonably obtainable, the current address of the child's parents and, if the child was in the custody of a person or persons standing in loco parentis at the time the board or child welfare agency obtained legal custody or the board placed the child, of such person or persons;

3. Describe the placement or placements provided for the child while in foster care and the services or programs offered to the child and his parents and, if applicable, the persons previously standing in loco parentis;

4. Describe the nature and frequency of the contacts between the child and his parents and, if applicable, the persons previously standing in loco parentis;

5. Set forth in detail the manner in which the foster care plan previously filed with the court was or was not complied with and the extent to which the goals thereof have been met; and

6. Set forth the disposition sought and the grounds therefor; however, in the case of a child who has attained age 16 and for whom the plan is independent living, the foster care plan shall be included and shall address the services needed to assist the child to transition from foster care to independent living.

C. Upon receipt of the petition filed by the board, child welfare agency, or any interested party as provided in subsection B of this section, the court shall schedule a hearing to be held within 30 days if a hearing was not previously scheduled. The court shall provide notice of the hearing and a copy of the petition to the following, each of whom shall be a party entitled to participate in the proceeding:

1. The child, if he is 12 years of age or older;

2. The attorney-at-law representing the child as guardian ad litem;

3. The child's parents and, if the child was in the custody of a person standing in loco parentis at the time the department obtained custody, such person or persons. No such notification shall be required, however, if the judge certifies on the record that the identity of the parent or guardian is not reasonably ascertainable. An affidavit of the mother that the identity of the father is not reasonably ascertainable shall be sufficient evidence of this fact, provided there is no other evidence before the court which would refute such an affidavit. If the parent or guardian of the child did not appear at the dispositional hearing and was not noticed to return for the foster care review hearing in accordance with subsection ~~E~~ F of § 16.1-281, the parent or guardian shall be summoned to appear at the foster care review hearing in accordance with § 16.1-263. The review hearing shall be held pursuant to this section although a parent

or guardian fails to appear and is not represented by counsel, provided personal or substituted service was made on the parent or guardian, 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;

4. The foster parent or foster parents or other care providers of the child;

5. The petitioning board or child welfare agency; and

6. Such other persons as the court, in its discretion, may direct. The local board of social services or other child welfare agency shall identify for the court such other persons as have a legitimate interest in the hearing, including, but not limited to, preadoptive parents for a child in foster care.

D. In cases in which a child is placed by the local board of social services or a licensed child-placing agency in a qualified residential treatment program as defined in § 16.1-228, the provisions of subsection E of § 16.1-281 shall apply to any hearing held pursuant to this section.

E. At the conclusion of the hearing, the court shall, upon the proof adduced in accordance with the best interests of the child and subject to the provisions of subsection ~~D~~ F, enter any appropriate order of disposition consistent with the dispositional alternatives available to the court at the time of the original hearing. The court order shall state whether reasonable efforts, if applicable, have been made to reunite the child with his parents, guardian or other person standing in loco parentis to the child. Any order entered at the conclusion of this hearing that has the effect of achieving a permanent goal for the child by terminating residual parental rights pursuant to § 16.1-277.01, 16.1-277.02, 16.1-278.3, or 16.1-283; by placing the child in permanent foster care pursuant to ~~subsection clause (iv) of subsection A~~ ~~iv~~ of § 16.1-282.1; or, if the child has attained the age of 16 years and the plan for the child is independent living, directing the board or agency to provide the necessary services to transition from foster care, pursuant to ~~subsection clause (v) of subsection A~~ ~~v~~ of § 16.1-282.1 shall state whether reasonable efforts have been made to place the child in a timely manner in accordance with the foster care plan and to complete the steps necessary to finalize the permanent placement of the child.

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

~~E~~ G. The court shall possess continuing jurisdiction over cases reviewed under this section for so long as a child remains in a foster care placement or, when a child is returned to his prior family subject to conditions imposed by the court, for so long as such conditions are effective. After the hearing required pursuant to subsection C, the court shall schedule a permanency planning hearing on the case to be held five months thereafter in accordance with § 16.1-282.1 or within 30 days upon the petition of any party entitled to notice in proceedings under this section when the judge determines there is good cause shown for such a hearing. However, in the case of a child who is the subject of an order that has the effect of achieving a permanent goal for the child by terminating residual parental rights pursuant to § 16.1-277.01, 16.1-277.02, 16.1-278.3, or 16.1-283; by placing the child in permanent foster care pursuant to ~~subsection clause (iv) of subsection A~~ ~~iv~~ of § 16.1-282.1; or by directing the board or agency to provide the child with services to achieve independent living status, if the child has attained the age of 16 years, pursuant to ~~subsection clause (v) of subsection A~~ ~~v~~ of § 16.1-282.1, a permanency planning hearing within five months shall not be required and the court shall schedule a foster care review hearing to be held within 12 months of the entry of such order in accordance with the provisions of § 16.1-282.2.

§ 16.1-282.1. Permanency planning hearing for children in foster care.

A. In the case of a child who was the subject of a foster care plan filed with the court pursuant to § 16.1-281, a permanency planning hearing shall be held within 10 months of the dispositional hearing at which the foster care plan pursuant to § 16.1-281 was reviewed if the child (a) was placed through an agreement between the parents or guardians and the local board of social services where legal custody remains with the parents or guardians and such agreement has not been dissolved by court order; or (b) is under the legal custody of a local board of social services or a child welfare agency and has not had a petition to terminate parental rights filed on the child's behalf, has not been placed in permanent foster care, or is age 16 or over and the plan for the child is not independent living. The board or child welfare agency shall file a petition for a permanency planning hearing 30 days prior to the date of the permanency planning hearing scheduled by the court. The purpose of this hearing is to establish a permanent goal for the child and either to achieve the permanent goal or to defer such action through the approval of an interim plan for the child.

To achieve the permanent goal, the petition for a permanency planning hearing shall seek to (i) transfer the custody of the child to his prior family, or dissolve the board's placement agreement and

return the child to his prior family; (ii) transfer custody of the child to a relative other than the child's prior family, subject to the provisions of subsection A1; (iii) terminate residual parental rights pursuant to § 16.1-277.01 or 16.1-283; (iv) place a child who is 16 years of age or older in permanent foster care pursuant to § 63.2-908; (v) if the child has been admitted to the United States as a refugee or asylee and has attained the age of 16 years or older and the plan is independent living, direct the board or agency to provide the child with services to transition from foster care; or (vi) place a child who is 16 years of age or older in another planned permanent living arrangement in accordance with the provisions of subsection A2. In cases in which a foster care plan approved prior to July 1, 2011, includes independent living as the goal for a child who is not admitted to the United States as an asylee or refugee, the petition shall direct the board or agency to provide the child with services to transition from foster care.

For approval of an interim plan, the petition for a permanency planning hearing shall seek to continue custody with the board or agency, or continue placement with the board through a parental agreement; or transfer custody to the board or child welfare agency from the parents or guardian of a child who has been in foster care through an agreement where the parents or guardian retains custody.

Upon receipt of the petition, if a permanency planning hearing has not already been scheduled, the court shall schedule such a hearing to be held within 30 days. The permanency planning hearing shall be held within 10 months of the dispositional hearing at which the foster care plan was reviewed pursuant to § 16.1-281. The provisions of subsection B of § 16.1-282 shall apply to this petition. The procedures of subsection C of § 16.1-282 and the provisions of subsection ~~E~~ G of § 16.1-282 shall apply to the scheduling and notice of proceedings under this section.

A1. The following requirements shall apply to the transfer of custody of the child to a relative other than the child's prior family in accordance with the provisions of *clause* (ii) of subsection A. Any order transferring custody of the child to a relative other than the child's prior family shall be entered only upon a finding, based upon a preponderance of the evidence, that the relative is one who, after an investigation as directed by the court, (i) is found by the court to be willing and qualified to receive and care for the child; (ii) is willing to have a positive, continuous relationship with the child; (iii) is committed to providing a permanent, suitable home for the child; and (iv) is willing and has the ability to protect the child from abuse and neglect; and the order shall so state. The court's order transferring custody to a relative should further provide, as appropriate, for any terms or conditions which would promote the child's interest and welfare.

A2. The following requirements shall apply to the selection and approval of placement in another planned permanent living arrangement as the permanent goal for the child in accordance with clause (vi) of subsection A:

1. The board or child welfare agency shall petition for alternative (vi) of subsection A only if the child has a severe and chronic emotional, physical or neurological disabling condition for which the child requires long-term residential treatment; and the board or child welfare agency has thoroughly investigated the feasibility of the alternatives listed in clauses (i) through (v) of subsection A and determined that none of those alternatives is in the best interests of the child. In a foster care plan filed with the petition pursuant to this section, the board or agency shall document the following: (i) the investigation conducted of the placement alternatives listed in clauses (i) through (v) of subsection A and why each of these is not currently in the best interest of the child; (ii) at least one compelling reason why none of the alternatives listed in clauses (i) through (v) is achievable for the child at the time placement in another planned permanent living arrangement is selected as the permanent goal for the child; (iii) the identity of the long-term residential treatment service provider; (iv) the nature of the child's disability; (v) the anticipated length of time required for the child's treatment; and (vi) the status of the child's eligibility for admission and long-term treatment. The court shall ensure that the local department has documentation of the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made to return the child home or secure a placement for the child with a fit and willing relative, including adult siblings, or an adoptive parent, including through efforts that utilize search technology, including social media, to find the child's biological family members. The court shall ask the child about the child's desired permanency outcome and make a judicial determination, accompanied by an explanation of the reasons that the alternatives listed in clauses (i) through (iii) of subsection A continue to not be in the best interest of the child.

2. Before approving alternative (vi) of subsection A as the plan for the child, the court shall find (i) that the child has a severe and chronic emotional, physical or neurological disabling condition; (ii) that the child requires long-term residential treatment for the disabling condition; and (iii) that none of the alternatives listed in clauses (i) through (v) of subsection A is achievable for the child at the time placement in another planned permanent living arrangement is approved as the permanent goal for the child. If the board or agency petitions for alternative (vi), alternative (vi) may be approved by the court for a period of six months at a time.

3. At the conclusion of the permanency planning hearing, if alternative (vi) of subsection A is the permanent plan, the court shall schedule a hearing to be held within six months to review the child's placement in another planned permanent living arrangement in accordance with subdivision A2 ~~4 of~~ ~~subsection~~ A2. All parties present at the hearing at which clause (vi) of subsection A is approved as the

permanent plan for the child shall be given notice of the date scheduled for the foster care review hearing. Parties not present shall be summoned to appear as provided in § 16.1-263. Otherwise, this subsection A2 shall govern the scheduling and notice for such hearings.

4. The court shall review a foster care plan for any child who is placed in another planned permanent living arrangement every six months from the date of the permanency planning hearing held pursuant to this subsection, so long as the child remains in the legal custody of the board or child welfare agency. The board or child welfare agency shall file such petitions for review pursuant to the provisions of § 16.1-282 and shall, in addition, include in the petition the information required by subdivision A2 1 ~~of subsection A2 of this section~~. The petition for foster care review shall be filed no later than 30 days prior to the hearing scheduled in accordance with subdivision A2 3 ~~of subsection A2~~. At the conclusion of the foster care review hearing, if alternative (vi) of subsection A remains the permanent plan, the court shall enter an order that states whether reasonable efforts have been made to place the child in a timely manner in accordance with the permanency plan and to monitor the child's status in another planned permanent living arrangement.

However, if at any time during the six-month approval periods permitted by this subsection, a determination is made by treatment providers that the child's need for long-term residential treatment for the child's disabling condition is eliminated, the board or agency shall immediately begin to plan for post-discharge services and shall, within 30 days of making such a determination, file a petition for a permanency planning hearing pursuant to subsection A ~~of this section~~. Upon receipt of the petition, the court shall schedule a permanency planning hearing to be held within 30 days. The provisions of subsection B of § 16.1-282 shall apply to this petition. The procedures of subsection C of § 16.1-282 and the provisions of subsection ~~E~~ G of § 16.1-282 shall apply to proceedings under this section.

A3. The following requirements shall apply to the selection and approval of permanent foster care pursuant to clause (iv) of subsection A:

1. The court shall ensure that the local department has documentation of the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made to return the child home or secure a placement for the child with a fit and willing relative, including adult siblings, or an adoptive parent, including through efforts that utilize search technology, including social media, to find the child's biological family members.

2. The court shall ask the child about the child's desired permanency outcome and make a judicial determination, accompanied by an explanation of the reasons that the alternatives listed in clauses (i) through (iii) of subsection A continue to not be in the best interest of the child.

B. The following requirements shall apply to the selection and approval of an interim plan for the child in accordance with subsection A:

1. The board or child welfare agency shall petition for approval of an interim plan only if the board or child welfare agency has thoroughly investigated the feasibility of the alternatives listed in clauses (i) through (v) of subsection A and determined that none of those alternatives is in the best interest of the child. If the board or agency petitions for approval of an interim plan, such plan may be approved by the court for a maximum period of six months. The board or agency shall also file a foster care plan that (i) identifies a permanent goal for the child that corresponds with one of the alternatives specified in clauses (i) through (v) of subsection A; (ii) includes provisions for accomplishing the permanent goal within six months; and (iii) summarizes the investigation conducted of the alternatives listed in clauses (i) through (v) of subsection A and why achieving each of these is not in the best interest of the child at this time. The foster care plan shall describe the child's placement, including the in-state and out-of-state placement options and whether the child's placement is in state or out of state. If the child's placement is out of state, the foster care plan shall provide the reason why the out-of-state placement is appropriate and in the best interests of the child.

2. Before approving an interim plan for the child, the court shall find:

a. When returning home remains the plan for the child, that the parent has made marked progress toward reunification with the child, the parent has maintained a close and positive relationship with the child, and the child is likely to return home within the near future, although it is premature to set an exact date for return at the time of this hearing; or

b. When returning home is not the plan for the child, that marked progress is being made to achieve the permanent goal identified by the board or child welfare agency and that it is premature to set an exact date for accomplishing the goal at the time of this hearing. The court shall consider the in-state and out-of-state placement options, and if the child has been placed out of state, determine whether the out-of-state placement is appropriate and in the best interests of the child.

3. Upon approval of an interim plan, the court shall schedule a hearing to be held within six months to determine that the permanent goal is accomplished and to enter an order consistent with alternative (i), (ii), (iii), (iv), or (v) of subsection A. All parties present at the initial permanency planning hearing shall be given notice of the date scheduled for the second permanency planning hearing. Parties not present shall be summoned to appear as provided in § 16.1-263. Otherwise, subsection A shall govern the scheduling and notice for such hearings.

C. In each permanency planning hearing and in any hearing regarding the transition of the child from

foster care to independent living, the court shall consult with the child in an age-appropriate manner regarding the proposed permanency plan or transition plan for the child, unless the court finds that such consultation is not in the best interests of the child.

D. In cases in which a child is placed by the local board of social services or a licensed child-placing agency in a qualified residential treatment program as defined in § 16.1-228, the provisions of subsection E of § 16.1-281 shall apply to any hearing held pursuant to this section.

E. At the conclusion of the permanency planning hearing held pursuant to this section, whether action is taken or deferred to achieve the permanent goal for the child, the court shall enter an order that states whether reasonable efforts have been made to reunite the child with the child's prior family, if returning home is the permanent goal for the child; or whether reasonable efforts have been made to achieve the permanent goal identified by the board or agency, if the goal is other than returning the child home.

In making this determination, the court shall give consideration to whether the board or agency has placed the child in a timely manner in accordance with the foster care plan and completed the steps necessary to finalize the permanent placement of the child.

§ 16.1-282.2. Annual foster care review.

A. The court shall review a foster care plan annually for any child who remains in the legal custody of a local board of social services or a child welfare agency and (i) on whose behalf a petition to terminate parental rights has been granted, filed or ordered to be filed, (ii) who is placed in permanent foster care, or (iii) who is age 16 or over and for whom the plan is independent living. The foster care review hearing shall be scheduled at the conclusion of a hearing held pursuant to § 16.1-281, 16.1-282, or 16.1-282.1 at which the order is entered: terminating parental rights, directing the filing of a petition for termination of parental rights by the board or agency, placing the child in permanent foster care, or directing the board or agency to provide the child who is age 16 or over and for whom the plan is independent living with services to transition from foster care. The foster care review hearing shall be held within 12 months of the date of such order, so long as the child remains in the custody of the board or agency.

The board or agency shall file the petition for a foster care review hearing, and the court shall provide notice of the foster care review hearing in accordance with the provisions of § 16.1-282. The board or agency shall file a written Adoption Progress Report with the juvenile court pursuant to § 16.1-277.01, 16.1-277.02, 16.1-278.3, or 16.1-283, if applicable, with the petition required by this section. The court order entered at the conclusion of the hearing held on the petition shall state whether reasonable efforts have been made to place the child in a timely manner in accordance with the approved foster care plan that established a permanent goal for the child and to complete the steps necessary to finalize the permanent placement of the child.

B. At the foster care review hearing in the case of a child who is placed in permanent foster care, the court shall give consideration to the appropriateness of the services being provided to the child and permanent foster parents, to any change in circumstances since the entry of the order placing the child in permanent foster care, and to such other factors as the court deems proper.

C. At the foster care review hearing in the case of a child who meets the criteria of subdivisions A 1 through 4 of § 16.1-283.2, the court shall inquire of the guardian ad litem and the local board of social services whether the child has expressed a preference that the possibility of restoring the parental rights of his parent or parents be investigated. If the child expresses or has expressed such a preference, the court shall direct the local board of social services or the child's guardian ad litem to conduct an investigation of the parent or parents. If, following such investigation, the local board of social services or the child's guardian ad litem deems it appropriate to do so, either may file a petition for the restoration of parental rights. A hearing on such petition shall be held as provided by § 16.1-283.2.

D. In cases in which a child is placed by the local board of social services or a licensed child-placing agency in a qualified residential treatment program as defined in § 16.1-228, the provisions of subsection E of § 16.1-281 shall apply to any hearing held pursuant to this section.

§ 37.2-408.1. Background check required; children's residential facilities.

A. Notwithstanding the provisions of § 37.2-416, as a condition of employment, volunteering or providing services on a regular basis, every children's residential facility that is regulated or operated by the Department shall require any person who (i) accepts a position of employment at such a facility ~~who was not employed by that facility prior to July 1, 2008,~~ (ii) *is currently employed by such a facility,* (iii) volunteers for such a facility ~~on a regular basis and will be alone with a juvenile in the performance of his duties who was not a volunteer at such facility prior to July 1, 2008,~~ or (iii) (iv) provides contractual services directly to a juvenile for such a facility ~~on a regular basis and will be alone with a juvenile in the performance of his duties who did not provide such services prior to July 1, 2008,~~ to submit to fingerprinting and to provide personal descriptive information, to be forwarded along with the person's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the person. The children's residential facility shall inform the person that he is entitled to obtain a copy of any background check report and to challenge the accuracy and completeness of any such report and obtain a prompt resolution

before a final determination is made of the person's eligibility to have responsibility for the safety and well-being of children. The person shall provide the children's residential facility with a written statement or affirmation disclosing whether he has ever been convicted of or is the subject of pending charges for any offense within or outside the Commonwealth. The results of the criminal history background check must be received prior to permitting a person to work ~~with children in the children's residential facility.~~

The Central Criminal Records Exchange, upon receipt of a person's record or notification that no record exists, shall forward it to the state agency that operates or regulates the children's residential facility with which the person is affiliated. The state agency shall, upon receipt of a person's record lacking disposition data, conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data. The state agency shall report to the children's facility whether the person is eligible to have responsibility for the safety and well-being of children. Except as otherwise provided in subsection B, no children's residential facility regulated or operated by the Department shall hire for compensated employment or allow to volunteer or provide contractual services persons who have been convicted of or are the subject of pending charges for (a) any offense set forth in clause (i), (ii), (iii), or (v) of the definition of barrier crime in § 19.2-392.02 or (b) any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 (1) in the five years prior to the application date for employment, to be a volunteer, or to provide contractual services or (2) such person continues on probation or parole or has failed to pay required court costs for such offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02. The provisions of this section also shall apply to structured residential programs, excluding secure detention facilities, established pursuant to § 16.1-309.3 for juvenile offenders cited in a complaint for intake or in a petition before the court that alleges the juvenile is delinquent or in need of services or supervision.

B. Notwithstanding the provisions of subsection A, a children's residential facility may hire for compensated employment or for volunteer or contractual service purposes persons who have been convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction, if 10 years have elapsed following the conviction, unless the person committed such offense in the scope of his employment, volunteer, or contractual services.

If the person is denied employment, or the opportunity to volunteer or provide services, at a children's residential facility because of information appearing on his criminal history record, and the person disputes the information upon which the denial was based, upon written request of the person the state agency shall furnish the person the procedures for obtaining his criminal history record from the Federal Bureau of Investigation. ~~If the person has been permitted to assume duties that do not involve contact with children pending receipt of the report, the children's residential facility is not precluded from suspending the person from his position pending a final determination of the person's eligibility to have responsibility for the safety and well-being of children.~~ The information provided to the children's residential facility shall not be disseminated except as provided in this section.

C. Those persons listed in clauses (i), ~~(ii), and (iii)~~ *through (iv)* of subsection A also shall authorize the children's residential facility to obtain a copy of information from the central registry maintained pursuant to § 63.2-1515 on any investigation of child abuse or neglect undertaken on him. The person shall provide the children's residential facility with a written statement or affirmation disclosing whether he has ever been the subject of a founded case of child abuse or neglect within or outside the Commonwealth. The children's residential facility shall receive the results of the central registry search prior to permitting a person to work ~~alone with children.~~ Children's residential facilities regulated or operated by the Department shall not hire for compensated employment, or allow to volunteer or provide contractual services, persons who have a founded case of child abuse or neglect.

D. The cost of obtaining the criminal history record and the central registry information shall be borne by the person unless the children's residential facility, at its option, decides to pay the cost.

§ 63.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

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. Further, a

decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

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 act of sexual exploitation or 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;
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; or
7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this title 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 providers, 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 any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult as defined in § 63.2-1603.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

"Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or to perform such services.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults.

"Adult neglect" means that an adult as defined in § 63.2-1603 is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult as defined in § 63.2-1603 from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person under 18 years of age.

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Child-placing agency" means any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819 or a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

"Child-welfare agency" means a child day center, child-placing agency, children's residential facility, family day home, family day system, or independent foster home.

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;
2. An establishment required to be licensed as a summer camp by § 35.1-18; and
3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

"Family and permanency team" means the group of individuals assembled by the local department to assist with determining planning and placement options for a child, which shall include, as appropriate, all biological relatives and fictive kin of the child, as well as any professionals who have served as a resource to the child or his family, such as teachers, medical or mental health providers, and clergy members. In the case of a child who is 14 years of age or older, the family and permanency team shall also include any members of the child's case planning team that were selected by the child in accordance with subsection A of § 16.1-281.

"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all related to the provider by blood or marriage shall not be required to be licensed.

"Family day system" means any person who approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency.

"Foster home" means ~~the place of a residence of any natural person~~ licensed by a child-placing agency or local board in which any child, other than a child by birth or adoption of such person, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person and (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children or were formerly committed to the Department of Juvenile Justice and are between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person 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 who was 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 (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Kinship guardian" means the adult relative of a child in a kinship guardianship established in accordance with § 63.2-1305 who has been awarded custody of the child by the court after acting as the child's foster parent.

"Kinship guardianship" means a relationship established in accordance with § 63.2-1305 between a child and an adult relative of the child who has formerly acted as the child's foster parent that is intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult relative of the child of the authority necessary to ensure the protection, education, care and control, and custody of the child and the authority for decision making for the child.

"Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C. § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1305, payments to eligible individuals who have received custody of a relative child of whom they had been the foster parents.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child

and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Commissioner.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Sibling" means each of two or more children having one or more parents in common.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from the Virginia Initiative for Employment Not Welfare (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

§ 63.2-906.1. Qualified residential treatment programs.

A. In cases in which a child is placed by a local board or licensed child-placing agency in a qualified residential treatment program as defined in § 63.2-100, the foster care plan shall include (i) a description of the reasonable and good faith efforts made by the local department to identify and include on the child's family and permanency team all appropriate biological relatives, fictive kin, professionals, and, if the child is 14 years of age or older, members of the child's case planning team that were selected by the child in accordance with subsection A of § 16.1-281; (ii) contact information for all members of the child's family and permanency team and for other family members and fictive kin; (iii) evidence that all meetings of the family and permanency team are held at a time and place convenient for the child's family; (iv) if reunification is the goal for the child, evidence demonstrating that the parent from whom the child was removed provided input on the members of the family and permanency team; (v) the assessment report prepared pursuant to clause (viii) of the definition of qualified residential treatment program set forth in § 63.2-100 and evidence that such assessment was conducted in conjunction with the child's family and permanency team; (vi) the placement preferences of the child and the family and permanency team with recognition that the child should be placed with his siblings unless the court finds that such placement is contrary to the best interest of the child; and (vii) if the placement preferences of the child and the family and permanency team differ from the placement recommended in the assessment report prepared pursuant to clause (viii) of the definition of qualified residential treatment program set forth in § 63.2-100, the reasons why the preferences of the child and

the family and permanency team were not recommended.

B. In all cases in which a child is placed by a local board or licensed child-placing agency in a qualified residential treatment program as defined in § 63.2-100, a hearing shall be held in accordance with the provisions of subsection E of § 16.1-281 within 60 days of such placement.

C. If any child 13 years of age or older is placed in a qualified residential treatment program for more than 12 consecutive months or 18 nonconsecutive months, or any child 12 years of age or younger is placed in a qualified residential treatment program for more than six consecutive or nonconsecutive months, the Commissioner shall submit to the federal Secretary of Health and Human Services (i) the most recent versions of the evidence and documentation required under subdivision E 2 of § 16.2-181 and (ii) a written approval, signed by the Commissioner, for the continued placement of the child in the qualified residential treatment program.

§ 63.2-1726. Background check required; children's residential facilities.

A. As a condition of employment, volunteering, or providing services on a regular basis, every children's residential facility that is regulated or operated by the Departments of Social Services, Education, Military Affairs, or Behavioral Health and Developmental Services shall require any individual who (i) accepts a position of employment at such a facility ~~who was not employed by that facility prior to July 1, 2007,~~ (ii) *is employed by such a facility,* (iii) volunteers for such a facility ~~on a regular basis and will be alone with a juvenile in the performance of his duties who was not a volunteer at such facility prior to July 1, 2007,~~ or (iii) (iv) provides contractual services directly to a juvenile for such a facility ~~on a regular basis and will be alone with a juvenile in the performance of his duties who did not provide such services prior to July 1, 2007,~~ to submit to fingerprinting and to provide personal descriptive information, to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant. The children's residential facility shall inform the applicant that he is entitled to obtain a copy of any background check report and to challenge the accuracy and completeness of any such report and obtain a prompt resolution before a final determination is made of the applicant's eligibility to have responsibility for the safety and well-being of children. The applicant shall provide the children's residential facility with a written statement or affirmation disclosing whether he has ever been convicted of or is the subject of pending charges for any offense within or outside the Commonwealth. The results of the criminal history background check must be received prior to permitting an applicant to work ~~with children in the children's residential facility.~~

The Central Criminal Records Exchange, upon receipt of an individual's record or notification that no record exists, shall forward it to the state agency which operates or regulates the children's residential facility with which the applicant is affiliated. The state agency shall, upon receipt of an applicant's record lacking disposition data, conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data. The state agency shall report to the children's facility whether the applicant is eligible to have responsibility for the safety and well-being of children. Except as otherwise provided in subsection B, no children's residential facility regulated or operated by the Departments of Education, Behavioral Health and Developmental Services, Military Affairs, or Social Services shall hire for compensated employment or allow to volunteer or provide contractual services persons who have been convicted of or are the subject of pending charges for (a) any offense set forth in clause (i), (ii), (iii), or (v) of the definition of barrier crime in § 19.2-392.02 or (b) any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 (1) in the five years prior to the application date for employment, to be a volunteer, or to provide contractual services or (2) such person continues on probation or parole or has failed to pay required court costs for such offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02. The provisions of this section also shall apply to residential programs established pursuant to § 16.1-309.3 for juvenile offenders cited in a complaint for intake or in a petition before the court that alleges the juvenile is delinquent or in need of services or supervision and to local secure detention facilities, provided, however, that the provisions of this section related to local secure detention facilities shall only apply to an individual who, on or after July 1, 2013, accepts a position of employment at such local secure detention facility, volunteers at such local secure detention facility on a regular basis and will be alone with a juvenile in the performance of his duties, or provides contractual services directly to a juvenile at a local secure detention facility on a regular basis and will be alone with a juvenile in the performance of his duties. The Central Criminal Records Exchange and the state or local agency that regulates or operates the local secure detention facility shall process the criminal history record information regarding such applicant in accordance with this subsection and subsection B.

B. Notwithstanding the provisions of subsection A, a children's residential facility may hire for compensated employment or for volunteer or contractual service purposes persons who have been convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction, if 10 years have elapsed following the conviction, unless the person committed such offense in the scope of his employment, volunteer, or contractual services.

If the applicant is denied employment or the opportunity to volunteer or provide services at a children's residential facility because of information appearing on his criminal history record, and the applicant disputes the information upon which the denial was based, upon written request of the applicant the state agency shall furnish the applicant the procedures for obtaining his criminal history record from the Federal Bureau of Investigation. ~~If the applicant has been permitted to assume duties that do not involve contact with children pending receipt of the report, the children's residential facility is not precluded from suspending the applicant from his position pending a final determination of the applicant's eligibility to have responsibility for the safety and well-being of children.~~ The information provided to the children's residential facility shall not be disseminated except as provided in this section.

C. Those individuals listed in clauses (i), ~~(ii) and (iii)~~ *through (iv)* of subsection A also shall authorize the children's residential facility to obtain a copy of information from the central registry maintained pursuant to § 63.2-1515 on any investigation of child abuse or neglect undertaken on him. The applicant shall provide the children's residential facility with a written statement or affirmation disclosing whether he has ever been the subject of a founded case of child abuse or neglect within or outside the Commonwealth. The children's residential facility shall receive the results of the central registry search prior to permitting an applicant to work ~~alone with children~~. Children's residential facilities regulated or operated by the Departments of Education; Behavioral Health and Developmental Services; Military Affairs; and Social Services shall not hire for compensated employment or allow to volunteer or provide contractual services, persons who have a founded case of child abuse or neglect. Every residential facility for juveniles which is regulated or operated by the Department of Juvenile Justice shall be authorized to obtain a copy of the information from the central registry.

D. The Boards of Social Services; Education; Juvenile Justice; and Behavioral Health and Developmental Services, and the Department of Military Affairs, may adopt regulations to comply with the provisions of this section. Copies of any information received by a children's residential facility pursuant to this section shall be available to the agency that regulates or operates such facility but shall not be disseminated further. The cost of obtaining the criminal history record and the central registry information shall be borne by the employee or volunteer unless the children's residential facility, at its option, decides to pay the cost.

2. That an emergency exists and the provisions of this act amending §§ 37.2-408.1 and 63.2-1726 of the Code of Virginia are in force from its passage.

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 224

An Act to amend and reenact §§ 16.1-282.1, 63.2-100, 63.2-900.1, 63.2-906, and 63.2-1305 of the Code of Virginia, relating to Kinship Guardianship Assistance program; eligibility; fictive kin.

[S 178]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-282.1, 63.2-100, 63.2-900.1, 63.2-906, and 63.2-1305 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-282.1. Permanency planning hearing for children in foster care.

A. In the case of a child who was the subject of a foster care plan filed with the court pursuant to § 16.1-281, a permanency planning hearing shall be held within 10 months of the dispositional hearing at which the foster care plan pursuant to § 16.1-281 was reviewed if the child (a) was placed through an agreement between the parents or guardians and the local board of social services where legal custody remains with the parents or guardians and such agreement has not been dissolved by court order; or (b) is under the legal custody of a local board of social services or a child welfare agency and has not had a petition to terminate parental rights filed on the child's behalf, has not been placed in permanent foster care, or is age 16 or over and the plan for the child is not independent living. The board or child welfare agency shall file a petition for a permanency planning hearing 30 days prior to the date of the permanency planning hearing scheduled by the court. The purpose of this hearing is to establish a permanent goal for the child and either to achieve the permanent goal or to defer such action through the approval of an interim plan for the child.

To achieve the permanent goal, the petition for a permanency planning hearing shall seek to (i) transfer the custody of the child to his prior family, or dissolve the board's placement agreement and return the child to his prior family; (ii) transfer custody of the child to a relative other than the child's prior family *or to fictive kin for the purpose of establishing eligibility for the Kinship Guardianship Assistance program pursuant to § 63.2-1305*, subject to the provisions of subsection A1; (iii) terminate residual parental rights pursuant to § 16.1-277.01 or 16.1-283; (iv) place a child who is 16 years of age or older in permanent foster care pursuant to § 63.2-908; (v) if the child has been admitted to the United States as a refugee or asylee and has attained the age of 16 years or older and the plan is independent living, direct the board or agency to provide the child with services to transition from foster care; or (vi) place a child who is 16 years of age or older in another planned permanent living arrangement in accordance with the provisions of subsection A2. In cases in which a foster care plan approved prior to July 1, 2011, includes independent living as the goal for a child who is not admitted to the United States as an asylee or refugee, the petition shall direct the board or agency to provide the child with services to transition from foster care.

For approval of an interim plan, the petition for a permanency planning hearing shall seek to continue custody with the board or agency, or continue placement with the board through a parental agreement; or transfer custody to the board or child welfare agency from the parents or guardian of a child who has been in foster care through an agreement where the parents or guardian retains custody.

Upon receipt of the petition, if a permanency planning hearing has not already been scheduled, the court shall schedule such a hearing to be held within 30 days. The permanency planning hearing shall be held within 10 months of the dispositional hearing at which the foster care plan was reviewed pursuant to § 16.1-281. The provisions of subsection B of § 16.1-282 shall apply to this petition. The procedures of subsection C of § 16.1-282 and the provisions of subsection G of § 16.1-282 shall apply to the scheduling and notice of proceedings under this section.

A1. The following requirements shall apply to the transfer of custody of the child to a relative other than the child's prior family *or to fictive kin for the purpose of establishing eligibility for the Kinship Guardianship Assistance program pursuant to § 63.2-1305* in accordance with the provisions of clause (ii) of subsection A. Any order transferring custody of the child to a relative other than the child's prior family shall be entered only upon a finding, based upon a preponderance of the evidence, that the relative is one who, after an investigation as directed by the court, (i) is found by the court to be willing and qualified to receive and care for the child; (ii) is willing to have a positive, continuous relationship with the child; (iii) is committed to providing a permanent, suitable home for the child; and (iv) is willing and has the ability to protect the child from abuse and neglect; and the order shall so state. The court's order transferring custody to a relative should further provide, as appropriate, for any terms or conditions which would promote the child's interest and welfare.

A2. The following requirements shall apply to the selection and approval of placement in another planned permanent living arrangement as the permanent goal for the child in accordance with clause (vi)

of subsection A:

1. The board or child welfare agency shall petition for alternative (vi) of subsection A only if the child has a severe and chronic emotional, physical or neurological disabling condition for which the child requires long-term residential treatment; and the board or child welfare agency has thoroughly investigated the feasibility of the alternatives listed in clauses (i) through (v) of subsection A and determined that none of those alternatives is in the best interests of the child. In a foster care plan filed with the petition pursuant to this section, the board or agency shall document the following: (i) the investigation conducted of the placement alternatives listed in clauses (i) through (v) of subsection A and why each of these is not currently in the best interest of the child; (ii) at least one compelling reason why none of the alternatives listed in clauses (i) through (v) is achievable for the child at the time placement in another planned permanent living arrangement is selected as the permanent goal for the child; (iii) the identity of the long-term residential treatment service provider; (iv) the nature of the child's disability; (v) the anticipated length of time required for the child's treatment; and (vi) the status of the child's eligibility for admission and long-term treatment. The court shall ensure that the local department has documentation of the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made to return the child home or secure a placement for the child with a fit and willing relative, including adult siblings, or an adoptive parent, including through efforts that utilize search technology, including social media, to find the child's biological family members. The court shall ask the child about the child's desired permanency outcome and make a judicial determination, accompanied by an explanation of the reasons that the alternatives listed in clauses (i) through (iii) of subsection A continue to not be in the best interest of the child.

2. Before approving alternative (vi) of subsection A as the plan for the child, the court shall find (i) that the child has a severe and chronic emotional, physical or neurological disabling condition; (ii) that the child requires long-term residential treatment for the disabling condition; and (iii) that none of the alternatives listed in clauses (i) through (v) of subsection A is achievable for the child at the time placement in another planned permanent living arrangement is approved as the permanent goal for the child. If the board or agency petitions for alternative (vi), alternative (vi) may be approved by the court for a period of six months at a time.

3. At the conclusion of the permanency planning hearing, if alternative (vi) of subsection A is the permanent plan, the court shall schedule a hearing to be held within six months to review the child's placement in another planned permanent living arrangement in accordance with subdivision A2 4. All parties present at the hearing at which clause (vi) of subsection A is approved as the permanent plan for the child shall be given notice of the date scheduled for the foster care review hearing. Parties not present shall be summoned to appear as provided in § 16.1-263. Otherwise, this subsection A2 shall govern the scheduling and notice for such hearings.

4. The court shall review a foster care plan for any child who is placed in another planned permanent living arrangement every six months from the date of the permanency planning hearing held pursuant to this subsection, so long as the child remains in the legal custody of the board or child welfare agency. The board or child welfare agency shall file such petitions for review pursuant to the provisions of § 16.1-282 and shall, in addition, include in the petition the information required by subdivision A2 1. The petition for foster care review shall be filed no later than 30 days prior to the hearing scheduled in accordance with subdivision A2 3. At the conclusion of the foster care review hearing, if alternative (vi) of subsection A remains the permanent plan, the court shall enter an order that states whether reasonable efforts have been made to place the child in a timely manner in accordance with the permanency plan and to monitor the child's status in another planned permanent living arrangement.

However, if at any time during the six-month approval periods permitted by this subsection, a determination is made by treatment providers that the child's need for long-term residential treatment for the child's disabling condition is eliminated, the board or agency shall immediately begin to plan for post-discharge services and shall, within 30 days of making such a determination, file a petition for a permanency planning hearing pursuant to subsection A. Upon receipt of the petition, the court shall schedule a permanency planning hearing to be held within 30 days. The provisions of subsection B of § 16.1-282 shall apply to this petition. The procedures of subsection C of § 16.1-282 and the provisions of subsection G of § 16.1-282 shall apply to proceedings under this section.

A3. The following requirements shall apply to the selection and approval of permanent foster care pursuant to clause (iv) of subsection A:

1. The court shall ensure that the local department has documentation of the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made to return the child home or secure a placement for the child with a fit and willing relative, including adult siblings, or an adoptive parent, including through efforts that utilize search technology, including social media, to find the child's biological family members.

2. The court shall ask the child about the child's desired permanency outcome and make a judicial determination, accompanied by an explanation of the reasons that the alternatives listed in clauses (i) through (iii) of subsection A continue to not be in the best interest of the child.

B. The following requirements shall apply to the selection and approval of an interim plan for the child in accordance with subsection A:

1. The board or child welfare agency shall petition for approval of an interim plan only if the board or child welfare agency has thoroughly investigated the feasibility of the alternatives listed in clauses (i) through (v) of subsection A and determined that none of those alternatives is in the best interest of the child. If the board or agency petitions for approval of an interim plan, such plan may be approved by the court for a maximum period of six months. The board or agency shall also file a foster care plan that (i) identifies a permanent goal for the child that corresponds with one of the alternatives specified in clauses (i) through (v) of subsection A; (ii) includes provisions for accomplishing the permanent goal within six months; and (iii) summarizes the investigation conducted of the alternatives listed in clauses (i) through (v) of subsection A and why achieving each of these is not in the best interest of the child at this time. The foster care plan shall describe the child's placement, including the in-state and out-of-state placement options and whether the child's placement is in state or out of state. If the child's placement is out of state, the foster care plan shall provide the reason why the out-of-state placement is appropriate and in the best interests of the child.

2. Before approving an interim plan for the child, the court shall find:

a. When returning home remains the plan for the child, that the parent has made marked progress toward reunification with the child, the parent has maintained a close and positive relationship with the child, and the child is likely to return home within the near future, although it is premature to set an exact date for return at the time of this hearing; or

b. When returning home is not the plan for the child, that marked progress is being made to achieve the permanent goal identified by the board or child welfare agency and that it is premature to set an exact date for accomplishing the goal at the time of this hearing. The court shall consider the in-state and out-of-state placement options, and if the child has been placed out of state, determine whether the out-of-state placement is appropriate and in the best interests of the child.

3. Upon approval of an interim plan, the court shall schedule a hearing to be held within six months to determine that the permanent goal is accomplished and to enter an order consistent with alternative (i), (ii), (iii), (iv), or (v) of subsection A. All parties present at the initial permanency planning hearing shall be given notice of the date scheduled for the second permanency planning hearing. Parties not present shall be summoned to appear as provided in § 16.1-263. Otherwise, subsection A shall govern the scheduling and notice for such hearings.

C. In each permanency planning hearing and in any hearing regarding the transition of the child from foster care to independent living, the court shall consult with the child in an age-appropriate manner regarding the proposed permanency plan or transition plan for the child, unless the court finds that such consultation is not in the best interests of the child.

D. In cases in which a child is placed by the local board of social services or a licensed child-placing agency in a qualified residential treatment program as defined in § 16.1-228, the provisions of subsection E of § 16.1-281 shall apply to any hearing held pursuant to this section.

E. At the conclusion of the permanency planning hearing held pursuant to this section, whether action is taken or deferred to achieve the permanent goal for the child, the court shall enter an order that states whether reasonable efforts have been made to reunite the child with the child's prior family, if returning home is the permanent goal for the child; or whether reasonable efforts have been made to achieve the permanent goal identified by the board or agency, if the goal is other than returning the child home.

In making this determination, the court shall give consideration to whether the board or agency has placed the child in a timely manner in accordance with the foster care plan and completed the steps necessary to finalize the permanent placement of the child.

§ 63.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

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. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical

treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

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 act of sexual exploitation or 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;

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 § 55.1-2000, 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; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this title 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 providers, 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 any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult as defined in § 63.2-1603.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

"Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or to perform such services.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults.

"Adult neglect" means that an adult as defined in § 63.2-1603 is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult as defined in § 63.2-1603 from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person under 18 years of age.

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Child-placing agency" means (i) any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819, (ii) a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221, or (iii) an entity that assists parents with the process of delegating parental and legal custodial powers of their children pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. "Child-placing agency" does not include the persons to whom such parental or legal custodial powers are delegated pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

"Child-welfare agency" means a child day center, child-placing agency, children's residential facility, family day home, family day system, or independent foster home.

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;
2. An establishment required to be licensed as a summer camp by § 35.1-18; and
3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized

representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

"Family and permanency team" means the group of individuals assembled by the local department to assist with determining planning and placement options for a child, which shall include, as appropriate, all biological relatives and fictive kin of the child, as well as any professionals who have served as a resource to the child or his family, such as teachers, medical or mental health providers, and clergy members. In the case of a child who is 14 years of age or older, the family and permanency team shall also include any members of the child's case planning team that were selected by the child in accordance with subsection A of § 16.1-281.

"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all related to the provider by blood or marriage shall not be required to be licensed.

"Family day system" means any person who approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency. "Foster care placement" does not include placement of a child in accordance with a power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Foster home" means a residence ~~licensed~~ *approved* by a child-placing agency or local board in which any child, other than a child by birth or adoption of such person or a child who is the subject of a power of attorney to delegate parental or legal custodial powers by his parents or legal custodian to the natural person who has been designated the child's legal guardian pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20 and who exercises legal authority over the child on a continuous basis for at least 24 hours without compensation, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person; (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8; and (iii) a home in which are received only children who are the subject of a properly executed power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children or were formerly committed to the Department of Juvenile Justice and are between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person 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 who was 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 (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Kinship guardian" means the adult relative of a child in a kinship guardianship established in accordance with § 63.2-1305 who has been awarded custody of the child by the court after acting as the child's foster parent.

"Kinship guardianship" means a relationship established in accordance with § 63.2-1305 between a child and an adult relative of the child who has formerly acted as the child's foster parent that is intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult relative of the child of the authority necessary to ensure the protection, education, care and control, and custody of the child and the authority for decision making for the child.

"Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C. § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1305, payments to eligible individuals who have received custody of a relative child of whom they had been the foster parents.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are

placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Commissioner.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Sibling" means each of two or more children having one or more parents in common.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from Virginia Initiative for Education and Work (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

§ 63.2-900.1. Kinship foster care.

A. The local board shall, in accordance with regulations adopted by the Board, determine whether the child has any relative who may be eligible to become a kinship foster parent. Searches for relatives eligible to serve as kinship foster parents shall be conducted at the time the child enters foster care, at least annually thereafter, and prior to any subsequent changes to the child's placement setting. The local board shall take all reasonable steps to provide notice to such relatives of their potential eligibility to become kinship foster parents and explain any opportunities such relatives may have to participate in the placement and care of the child, including opportunities available through kinship foster care or kinship guardianship.

B. Kinship foster care placements pursuant to this section shall be subject to all requirements of, and shall be eligible for all services related to, foster care placement contained in this chapter. Subject to

approval by the Commissioner, a local board may grant a waiver of the Board's standards for foster home approval, set forth in regulations, that are not related to safety. Waivers granted pursuant to this subsection shall be considered and, if appropriate, granted on a case-by-case basis and shall include consideration of the unique needs of each child to be placed. Upon request by a local board, the Commissioner shall review the local board's decision and reasoning to grant a waiver and shall verify that the foster home approval standard being waived is not related to safety. The approval or disapproval by the Commissioner of the local board's waiver shall not be considered a case decision as defined in § 2.2-4001.

C. The kinship foster parent shall be eligible to receive payment at the full foster care rate for the care of the child.

D. A child placed in kinship foster care pursuant to this section shall not be removed from the physical custody of the kinship foster parent, provided that the child has been living with the kinship foster parent for six consecutive months and the placement continues to meet approval standards for foster care, unless (i) the kinship foster parent consents to the removal; (ii) removal is agreed upon at a family partnership meeting as defined by the Department; (iii) removal is ordered by a court of competent jurisdiction; or (iv) removal is warranted pursuant to § 63.2-1517.

E. For purposes of this section, "relative" means an adult who is (i) related to the child by blood, marriage, or adoption or (ii) fictive kin of the child.

§ 63.2-906. Foster care plans; permissible plan goals; court review of foster children.

A. Each child who is committed or entrusted to the care of a local board or to a licensed child-placing agency or who is placed through an agreement between a local board and the parent, parents or guardians, where legal custody remains with the parent, parents or guardians, shall have a foster care plan prepared by the local department, the child welfare agency, or the family assessment and planning team established pursuant to § 2.2-5207, as specified in § 16.1-281. The representatives of such local department, child welfare agency, or team shall (i) involve the child's parent(s) in the development of the plan, except when parental rights have been terminated or the local department or child welfare agency has made diligent efforts to locate the parent(s) and such parent(s) cannot be located, and any other person or persons standing in loco parentis at the time the board or child welfare agency obtained custody or the board or the child welfare agency placed the child and (ii) for any child for whom reunification remains the goal, meet and consult with the child's parent(s) or other person standing in loco parentis, provided that the parent(s) or other person has been located and parental rights have not been terminated, no less than once every two months and at all critical decision-making points throughout the child's foster care case. The representatives of such department, child welfare agency, or team shall involve the child in the development of the plan, if such involvement is consistent with the best interests of the child. In cases where either the parent(s) or child is not involved in the development of the plan, the department, child welfare agency, or team shall include in the plan a full description of the reasons therefor in accordance with § 16.1-281.

A court may place a child in the care and custody of (a) a public agency in accordance with § 16.1-251 or 16.1-252, and (b) a public or licensed private child-placing agency in accordance with § 16.1-278.2, 16.1-278.4, 16.1-278.5, 16.1-278.6, or 16.1-278.8. Children may be placed by voluntary relinquishment in the care and custody of a public or private agency in accordance with § 16.1-277.01 or §§ 16.1-277.02 and 16.1-278.3. Children may be placed through an agreement where legal custody remains with the parent, parents or guardians in accordance with §§ 63.2-900 and 63.2-903, or § 2.2-5208.

B. Each child in foster care shall be assigned a permanent plan goal to be reviewed and approved by the juvenile and domestic relations district court having jurisdiction of the child's case. Permissible plan goals are to:

1. Transfer custody of the child to his prior family;
2. Transfer custody of the child to a relative other than his prior family *or to fictive kin for the purpose of establishing eligibility for the Kinship Guardianship Assistance program pursuant to § 63.2-1305*;
3. Finalize an adoption of the child;
4. Place a child who is 16 years of age or older in permanent foster care;
5. Transition to independent living if, and only if, the child is admitted to the United States as a refugee or asylee; or
6. Place a child who is 16 years of age or older in another planned permanent living arrangement in accordance with subsection A2 of § 16.1-282.1.

C. Each child in foster care shall be subject to the permanency planning and review procedures established in §§ 16.1-281, 16.1-282, and 16.1-282.1.

§ 63.2-1305. Kinship Guardianship Assistance program.

A. The Kinship Guardianship Assistance program is established to facilitate placements with relatives and ensure permanency for children for whom adoption or being returned home are not appropriate permanency options. Kinship guardianship assistance payments may include Title IV-E maintenance payments, state-funded maintenance payments, state special services payments, and nonrecurring expense

payments made pursuant to this section.

B. A child is eligible for kinship guardianship assistance under the program if:

1. The child has been removed from his home pursuant to a voluntary placement agreement or as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child;

2. The child was eligible for foster care maintenance payments under 42 U.S.C. § 672 or under state law while residing for at least six consecutive months in the home of the prospective kinship guardian;

3. Being returned home or adopted is not an appropriate permanency option for the child;

4. The child demonstrates a strong attachment to the prospective kinship guardian, and the prospective kinship guardian has a strong commitment to caring permanently for the child; and

5. The child has been consulted regarding the kinship guardianship if the child is 14 years of age or older.

C. If a child does not meet the eligibility criteria set forth in subsection B but has a sibling who meets such criteria, the child may be placed in the same kinship guardianship with his eligible sibling, in accordance with 42 U.S.C. § 671(a)(31), if the local department and kinship guardian agree that such placement is appropriate. In such cases, kinship guardianship assistance may be paid on behalf of each sibling so placed.

D. In order to receive payments under 42 U.S.C. § 674(a)(5) or pursuant to the Children's Services Act (§ 2.2-5200 et seq.), the local department and the prospective kinship guardian of a child who meets the requirements of subsection B shall enter into a written kinship guardianship assistance agreement negotiated by the Department and containing terms providing for the following:

1. The amount of, ~~and the manner in which,~~ each kinship guardianship assistance payment, *the manner in which such payments* will be provided, and the manner in which such ~~payment~~ *payments* may be adjusted periodically, in consultation with the kinship guardian, on the basis of the circumstances of the kinship guardian and the needs of the child;

2. The additional services or assistance, if any, for which the child and kinship guardian will be eligible under the agreement;

3. The procedure by which the kinship guardian may apply for additional services as needed;

4. Subject to 42 U.S.C. § 673(d)(1)(D), assurance that the local department shall pay the total cost of nonrecurring expenses associated with obtaining kinship guardianship of the child, to the extent that the total cost does not exceed \$2,000; and

5. Assurance that the agreement shall remain in effect without regard to the state of residency of the kinship guardian.

E. A kinship guardianship assistance payment on behalf of a child pursuant to this section shall not exceed the foster care maintenance payment that would have been paid on behalf of the child had the child remained in a foster family home.

F. The Board shall promulgate regulations for the Kinship Guardianship Assistance program that are necessary to comply with Title IV-E requirements, including those set forth in 42 U.S.C. § 673. The regulations may set forth qualifications for kinship guardians, the conditions under which a kinship guardianship may be established, the requirements for the development and amendment of a kinship guardianship assistance agreement, and the manner of payments on behalf of siblings placed in the same household.

G. For purposes of this section, "relative" means an adult who is (i) related to the child by blood, marriage, or adoption or (ii) fictive kin of the child.

District Court Forms	DC-556	PETITION FOR PERMANENCY PLANNING HEARING
	DC-557	PERMANENCY PLANNING ORDER
	DC-559	SUPPLEMENT TO ORDER TRANSFERRING CUSTODY

Abstract

Senate Bill 472 amended § 16.1-282.1, the statute addressing permanency planning hearings for children in foster care. The legislation provided that if a child has been in the custody of a local board or child welfare agency for 15 of the last 22 months and a petition for termination of parental rights has not been filed, the agency is required to include in the petition for a permanency planning hearing the reasons why a petition for termination of parental rights has not been filed. In addition, the agency must indicate in the petition what reasonable efforts have been made to reunify the child with the parents or transfer custody to a relative. DC-556 and DC-557 were revised to include these requirements.

Identical bills Senate Bill 178 and House Bill 933 also amended the statute dealing with permanency planning hearings. The statute provides that the petition for a permanency planning hearing should seek one of several enumerated options to achieve the permanent goal. This legislation amended the option of transferring custody to a relative by saying that custody can also be transferred to “fictive kin for the purpose of establishing eligibility for the Kinship Guardianship Assistance Program...” All three forms were revised to reflect this change.

Finally, DC-557 was amended to add reference to placement in a qualified residential treatment program.

Source

Senate Bill 178 (Chapter 224, effective July 1, 2020)
House Bill 933 (Chapter 366, effective July 1, 2020)
Senate Bill 472 (Chapter 934, effective July 1, 2020)

Revision

Legislative

Form Type

Masters

PETITION FOR PERMANENCY PLANNING HEARING

Commonwealth of Virginia Va. Code §§ 16.1-282.1, 63.2-906, [63.2-910.2](#)

Court Case No.

Agency Case No.

..... Juvenile and Domestic Relations District Court

In re:

NAME OF CHILD

Male

Female

.....
AGE (YEARS/MONTHS)

.....
DATE OF BIRTH

who was placed in the custody of or through an agreement with

..... on
PUBLIC OR PRIVATE CHILD-PLACING AGENCY DATE

I, the undersigned Petitioner, state under oath to the best of my knowledge and belief that the following are true:

1. The above-named child is the subject of a permanency planning hearing pursuant to Virginia Code § 16.1-282.1 because:

(a) the child

i. was the subject of a foster care plan filed in this court pursuant to Virginia Code § 16.1-281, has not previously been the subject of a permanency planning hearing at which the court approved a permanent goal, and

ii. has been:

placed through an agreement with the local board of social services where legal custody remains with the parents or guardian and such agreement has not been dissolved by court order; or

in the legal custody of the local board of social services or a child welfare agency and the child has not had a petition to terminate parental rights granted, filed or ordered to be filed on his/her behalf; has not been placed in permanent foster care; or is age 16 or over and the plan for the child is not independent living.

OR

(b) the child was the subject of a hearing at which the Court made a determination that reasonable efforts to reunite the child with parents are not required, in accordance with the provisions of Virginia Code § 16.1-281 B.

OR

(c) the child was the subject of a permanency planning hearing pursuant to Virginia Code § 16.1-282.1 at which the Court approved an interim plan for the child.

OR

(d) the child has been placed in another planned permanent living arrangement and his/her need for long-term residential treatment for a disabling condition is eliminated such that a permanency planning hearing is required pursuant to Virginia Code § 16.1-282.1 A2.

2. A new foster care plan that identifies a permanent goal of for
PERMANENT GOAL
review at this permanency planning hearing is attached hereto and incorporated herein;

AND

[] (a) the board or agency seeks to achieve the permanent goal for the child and, therefore, petitions the court for the following relief:

[] transfer custody of child to his/her prior family, namely

.....
NAME

[] dissolve the board’s placement agreement and return the child to his/her prior family.

[] transfer custody of the child to a relative other than the child’s prior family, or to fictive kin for the purpose of establishing eligibility for the Kinship Guardian Assistance program pursuant to § 63.2-1305, namely

.....
NAME

[] approve termination of residual parental rights as being in the best interest of the child, and, upon separate petitions [] filed [] to be filed, terminate residual parental rights pursuant to Virginia Code § 16.1-277.01 or § 16.1-283.

[] place child, who is 16 years of age or older, in permanent foster care.

[] A permanent foster care agreement is appended.

[] direct the agency with custody of the child to provide the child with services to transition to independent living if the child has been admitted to the United States as a refugee or asylee, has attained the age of 16 years and the plan is independent living.

[] place the child, who is 16 years of age or older, in another planned permanent living arrangement.

OR

[] (b) The board or agency has thoroughly investigated the feasibility of the alternatives listed in Virginia Code § 16.1-282.1 A (i) – (v) and alleges that none of these alternatives is in the best interest of the child and, therefore, petitions the court for approval of an interim plan and the following relief:

[] continue custody with the board or agency or continue placement with the board through a parental agreement; or

[] transfer custody to the board or agency from the parents or guardian of a child who has been in foster care through an agreement where the parents or guardian retained legal custody.

3. [] If 2(b) above is applicable, the foster care plan pursuant to Virginia Code § 16.1-282.1 B includes provisions for accomplishing the permanent goal within 6 months, and summarizes the investigation conducted of the alternatives listed in Virginia Code § 16.1-282.1 A (i) – (v) and states why achieving each of these is not in the best interest of the child at this time. The foster care plan describes the child’s placement, including in-state and out-of-state placement options and whether the child’s placement is in-state or out-of-state. If the child’s placement is out-of-state, the foster care plan provides the reason why the out-of-state placement is appropriate and in the best interests of the child.

4. [] The child has been in the custody of the local board or child welfare agency for 15 of the most recent 22 months and no petition for termination of parental rights has been filed for the following reasons:

[] the child is being cared for by a relative; or

[] the local board or child welfare agency has determined that the filing of such a petition is not in the best interest of the child and has documented a compelling reason for such decision in the child’s foster care plan; or

[] the local board has not provided to the family of the child, within the time period established in the child’s foster care plan, services deemed necessary for the child’s safe return home or has not otherwise made reasonable efforts to return the child home, if required under § 473(a)(15)(B)(ii) of Title IV-E of the Social Security Act (42 U.S.C. § 673).

(4. continued) Reasonable efforts regarding reunification or transfer of custody to a relative, and a timeline of those efforts, were made as follows:

.....
.....
.....

[] See attachment.

Wherefore, Petitioner requests that the court grant the following relief and such other relief as the child's best interest requires:

1. [] Docket the case for a permanency planning hearing to be held within thirty days, since a hearing was not previously scheduled pursuant to Virginia Code § 16.1-281 B, 16.1-282 E, or § 16.1-282.1 B.
2. Provide notice of the hearing and a copy of the petition, pursuant to Virginia Code §§ 16.1-282.1 and 16.1-282, to the following at addresses provided on the attached transmittal form:
 - Child, if he/she is 12 years of age or older;
 - Guardian *ad litem* for child;
 - Child's parents and any person standing *in loco parentis* at time agency assumed custody;
 - Foster parents or other care providers of the child;
 - Petitioning board of social services or other child welfare agency; and
 - Such other persons as the court may direct, including, but not limited to, pre-adoptive parents, if any. Court Case No.
3. Enter a finding that:
 - [] Reasonable efforts [] have been made [] have not been made by the agency to reunite the child with his or her parents, guardian or other person standing *in loco parentis* to the child.
 - [] Reasonable efforts to reunite the child with a parent are not required pursuant to Virginia Code § 16.1-281 B.
 - [] The board or agency has identified a permanent goal for the child other than returning the child home and reasonable efforts [] have been made [] have not been made to achieve the permanent goal identified in the foster care plan.
4. Enter an order of disposition that adopts and approves the attached foster care plan for the child.
5. [] Schedule a future hearing date and give notice to all parties of the following:
 - [] a second permanency planning hearing pursuant to Virginia Code § 16.1-282.1 B to be held within six months of this permanency planning hearing, if a continuation of foster care is the interim plan for the child.
 - [] a foster care review hearing in 6 months pursuant to Virginia Code § 16.1-282.1 A2 to review the foster care plan for a child who is placed in another planned permanent living arrangement.
 - [] an annual foster care review hearing within 12 months pursuant to Virginia Code § 16.1-277.01 E, § 16.1-277.02 D, § 16.1-278.3 E, or § 16.1-283 F.

.....
PUBLIC OR PRIVATE CHILD-PLACING AGENCY

.....
DATE

.....
PETITIONER

Subscribed and sworn to before me this
DATE

.....
[] INTAKE OFFICER [] CLERK

FOR NOTARY PUBLIC'S USE ONLY:	
State of [] City [] County of	
Acknowledged, subscribed and sworn to before me this day of, 20	
..... NOTARY REGISTRATION NUMBER	..... NOTARY PUBLIC (My commission expires:))

THE COURT FURTHER FINDS THAT:

3. With respect to the Indian Child Welfare Act:

The child is not an Indian child as defined in 25 U.S.C. § 1903 (4) as no information is known or has been discovered that indicates the child is an Indian child. The Indian Child Welfare Act does not apply. The parties shall inform the Court if they subsequently receive any information that indicates that the child is an Indian child.

OR

The child is an Indian child as defined in 25 U.S.C. § 1903(4). The Indian Child Welfare Act applies

OR

There is reason to believe, but there is insufficient information at this time to determine, that the child is an Indian child as defined in 25 U.S.C. § 1903(4). The Indian Child Welfare Act applies unless and until it is determined that the child is not a member or is not eligible for membership in an Indian tribe.

..... shall use due diligence to investigate whether the child is an Indian
PUBLIC OR PRIVATE CHILD-PLACING AGENCY
child and to work with all tribes of which the child may be a member to verify, in writing, whether the child is in fact a member or eligible for membership.

4. The above-named child:

has been placed through an agreement with the local board of social services where legal custody remains with the parents or guardian,

OR

is in the legal custody of the local board of social services or child welfare agency.

Transfer of custody or placement occurred on to
DATE PUBLIC OR PRIVATE CHILD-PLACING AGENCY

as a result of:

a court order in abuse or neglect case.

a court order in case of a child at risk of abuse or neglect by a parent or custodian who has been adjudicated as having abused or neglected another child in the care of the parent or custodian.

an entrustment agreement by parent(s).

a court order in relief of custody case.

a court order in child in need of services case or child in need of supervision case or status offense case or delinquency case.

a placement agreement with parents or guardian.

5. The above-named child is the subject of a permanency planning hearing pursuant to Virginia Code § 16.1-282.1 because:

(a) the child

i. was the subject of a foster care plan filed in this court pursuant to Virginia Code § 16.1-281, has not previously been the subject of a permanency planning hearing at which the court approved a permanent goal, and

ii. has been:

placed through an agreement with the local board of social services where legal custody remains with the parents or guardian and such agreement has not been dissolved by court order; or

in the legal custody of the local board of social services or a child welfare agency and the child has not had a petition to terminate parental rights granted, filed or ordered to be filed on his/her behalf; has not been placed in permanent foster care; or is age 16 or over and the plan for the child is not independent living.

OR

(b) the child was the subject of a hearing at which the Court made a determination that reasonable efforts to reunite the child with his or her parents are not required, in accordance with the provisions of Virginia Code § 16.1-281 B.

OR

(c) the child was the subject of a permanency planning hearing pursuant to Virginia Code § 16.1-282.1 at which the Court approved an interim plan for the child.

OR

(d) the child has been placed in another planned permanent living arrangement and his/her need for long-term residential treatment for a disabling condition is eliminated such that a permanency hearing is required pursuant to Virginia Code § 16.1-282.1 A2.

AND

The requirement of Virginia Code § 16.1-282.1 C has been addressed as follows:

- the court has consulted with the child in an age-appropriate manner regarding the proposed permanency plan or transition plan.
- As the child is placed in permanent foster care or another planned permanent living arrangement, the court asked about the child's desired permanency outcome.
- the court finds that a consultation with the child is not in the best interests for the following reasons:
- the local board or child welfare agency did not make the child available to the court for consultation.

6. The above-named child was placed on in
DATE NAME OF PROVIDER
a qualified residential treatment program, as defined in Va. Code § 16.1-228. District court form DC-5062, QUALIFIED RESIDENTIAL TREATMENT PROGRAM PLACEMENT SUPPLEMENTAL ORDER, is attached and incorporated in this order.

7. The child has been in the custody of the local board or child welfare agency for 15 of the most recent 22 months and no petition for termination of parental rights has been filed for the following reasons:

- the child is being cared for by a relative; or
- the local board or child welfare agency has determined that the filing of such a petition is not in the best interest of the child and has documented a compelling reason for such decision in the child's foster care plan; or
- the local board has not provided to the family of the child, within the time period established in the child's foster care plan, services deemed necessary for the child's safe return home or has not otherwise made reasonable efforts to return the child home, if required under § 473(a)(15)(B)(ii) of Title IV-E of the Social Security Act (42 U.S.C. § 673).

Having reviewed the foster care plan with the permanent goal of
PERMANENT GOAL

and given consideration to the best interest of the child, the court's determinations are specified below with regard to reasonable efforts in paragraph 6, and the foster care plan in paragraph 7, 8 or 9:

68. Based upon the facts contained in the plan, which is incorporated by reference the following facts:

.....

.....

.....

- Reasonable efforts have been made have not been made by the agency to reunite the child with his or her parents, guardian or other person standing *in loco parentis* to the child.
- Reasonable efforts to reunite the child with a parent are not required pursuant to Virginia Code § 16.1-281 B.
- The board or agency has identified a permanent goal for the child other than returning the child home and reasonable efforts have been made have not been made to achieve the permanent goal identified in the foster care plan.

AND

79. The **permanent goal is achievable** at this time, and the foster care plan is:
 approved as submitted and incorporated by reference.

OR

approved with the following revisions and, as revised, is incorporated in this order:

.....

.....

The clerk shall send a copy of any revisions to all persons who received that part of the original plan.

AND

- Custody of the child is transferred to his or her prior family, namely
NAME
- The board of social services' placement agreement is dissolved and the child is returned to his or her prior family.

Custody of the child is transferred to a relative other than the child's prior family, or to fictive kin for the purpose of establishing eligibility for the Kinship Guardian Assistance program pursuant to § 63.2-1305, namely

.....
NAME AND ADDRESS

District court form DC-559, SUPPLEMENT TO ORDER TRANSFERRING CUSTODY, is attached and incorporated in this order, as legal custody of the child is transferred to a relative other than the child's prior family.

Termination of parental rights having been documented as being in the best interest of the child:

The agency with custody of the child is directed to file petitions to terminate parental rights pursuant to Virginia Code § 16.1-277.01 or § 16.1-283 by

Upon separate petitions to terminate parental rights, the court has heard and adjudicated these petitions at this proceeding to approve the foster care plan. Separate orders terminating parental rights are appended.

The child, who is 16 years of age or older, is placed in permanent foster care pursuant to Virginia Code § 63.2-908. A separate permanent foster care placement order is appended.

As required by Virginia Code § 16.1-282.1A3, the court finds that the alternative goals of transferring custody of the child to the child's prior family, or dissolving the board's placement agreement and returning the child to the child's prior family; transferring custody of the child to a relative other than the child's prior family; and terminating residual parental rights pursuant to Virginia Code § 16.1-277.01 or § 16.1-283 continue to not be in the best interest of the child for the following reasons:

.....
.....
.....

As the child has been admitted to the United States as a refugee or asylee, has attained the age of 16 years and the plan is independent living, the agency with custody of the child shall provide the child with services to transition to independent living.

The placement of the child, who is 16 years of age or older, in another planned permanent living arrangement is approved for a maximum of 6 months, as:

- The child has a severe and chronic emotional, physical or neurological disabling condition; and
- The child requires long-term treatment for the disabling condition; and
- None of the alternatives listed above is achievable for the child at this time.

As required by Virginia Code § 16.1-282.1A2, the court finds that the alternative goals of transferring custody of the child to the child's prior family, or dissolving the board's placement agreement and returning the child to the child's prior family; transferring custody of the child to a relative other than the child's prior family; and terminating residual parental rights pursuant to Virginia Code § 16.1-277.01 or § 16.1-283 continue to not be in the best interest of the child for the following reasons:

.....
.....
.....

OR

810. The **interim plan**, which meets the requirements of Virginia Code § 16.1-282.1 B, is:

approved for a maximum of 6 months and incorporated by reference.

OR

approved with the following revisions for a maximum of 6 months and, as revised, is incorporated in this order:

.....
.....

AND

Custody of the child is continued with the board or child welfare agency or placement of the child is continued with the board through a parental agreement. **OR**

Custody of the child is transferred to the board or child welfare agency from the parents or guardian of a child who has been in foster care where the parents or guardian retained custody.

AND

Having approved the interim plan, the Court makes the following finding:

- Since return home remains the plan for the child: (i) the parent has made marked progress toward reunification with the child; (ii) the parent has maintained a close and positive relationship with the child; (iii) the child is likely to return home in the near future, although it is premature to set the exact date for return at the time of this hearing. **OR**
- Since return home is not the plan for the child: (i) marked progress is being made to achieve the permanent plan goal identified by the board or child welfare agency; and (ii) it is premature to set an exact date for accomplishing this goal at the time of this hearing.
 - As the child's placement is out-of-state:
 - the placement is appropriate and in the best interests of the child.
 - the placement is not appropriate and not in the best interests of the child and the local board or child welfare agency shall identify an appropriate placement for the child.

OR

911. The foster care plan is **disapproved** and a new petition and plan shall be submitted to the Court on or before:
 for a hearing on at
DATE DATE TIME

102. Approval of an interim plan having been ordered, a second permanency planning hearing to achieve the permanent goal by entering an order consistent with Virginia Code § 16.1-282.1 A (i)-(v) shall be held within 6 months, on
 at, and
DATE TIME
 shall file a petition for permanency planning
PUBLIC OR PRIVATE CHILD-PLACING AGENCY
 hearing and a foster care plan by
DATE

Placement of the child, who is 16 years of age or older, in another planned permanent living arrangement having been approved as the permanent plan for the child for a maximum of 6 months, pursuant to Virginia Code § 16.1-282.1 A2 a foster care review hearing shall be held on
 at, and
DATE TIME
 shall file a petition for foster care review
PUBLIC OR PRIVATE CHILD-PLACING AGENCY
 and a foster care plan by
DATE

Termination of parental rights having been documented as in the best interest of the child and petitions therefor granted, filed or ordered to be filed; or placement in permanent foster care or services to transition to independent living having been ordered, pursuant to Virginia Code § 16.1-282.2 an annual foster care review hearing is set in twelve months, on
 at, and
DATE TIME
 shall file a petition
PUBLIC OR PRIVATE CHILD-PLACING AGENCY
 for foster care review hearing and a foster care plan by
DATE

Termination of parental rights having been ordered,
PUBLIC OR PRIVATE CHILD-PLACING AGENCY
 shall file an Adoption Progress Report pursuant to Virginia Code § 16.1-277.01 E, § 16.1-277.02 D, § 16.1-278.3 E or § 16.1-283 F every six months until a final order of adoption is entered. The first report is due on
DATE

143. Other:

District court form DC-593, SUPPLEMENTAL SHEET, is attached and incorporated by reference. Number of supplemental

sheets:

124. [] This order having been entered in the Circuit Court, this matter is referred
CITY OR COUNTY
pursuant to Virginia Code § 16.1-297 to the Juvenile and Domestic Relations
CITY OR COUNTY
District Court for future proceedings.

.....
DATE

JUDGE

SUPPLEMENT TO ORDER TRANSFERRING CUSTODY

Commonwealth of Virginia

VA. CODE §§ 16.1-277.01, 16.1-277.02, 16.1-278.2,
16.1-278.3, 16.1-281, 16.1-282, 16.1-282.1, 16.1-283

Case No.

DATE OF HEARING

USING THIS FORM: Complete only 1 section, outlined individually below, per case.

In re:
NAME OF CHILD DATE OF BIRTH

Approval of entrustment agreement. Custody of the child is being transferred to a person with a legitimate interest pursuant to Virginia Code § 16.1-277.01, to dispose of a petition for approval of an entrustment agreement. In support of the order and incorporated therein, the Court finds that the person with a legitimate interest is one who:

- *Based upon an investigation*, is willing and qualified to receive and care for the child;
- Is willing to have a positive, continuous relationship with the child;
- Is committed to providing a permanent, suitable home for the child; and
- Is willing and has the ability to protect the child from abuse and neglect.

The following terms and conditions shall apply to the order transferring custody of the child:

.....

The following social services shall be provided to the child and the child's custodian by

.....

AGENCY

until further order of the Court:

DATE

.....

The order transferring custody of the child, with this incorporated supplement, is set for review on

..... at m.

DATE TIME

Relief of custody. *Temporary custody* of the child is being transferred to a person with a legitimate interest pursuant to Virginia Code § 16.1-277.02, to partially dispose of a petition for relief of custody. In support of the order and incorporated therein, the Court finds that the person with a legitimate interest is one who:

- Is willing and qualified to receive and care for the child;
- Is willing to have a positive, continuous relationship with the child; and
- Is willing and has the ability to protect the child from abuse and neglect.

A preliminary protective order entered pursuant to § 16.1-253 is appended.

The following social services shall be provided to the child and the child's custodian by

.....

AGENCY

until further order of the Court:

DATE

.....

..... shall investigate the child's placement

AGENCY OR PERSON

with the temporary custodian and report to the Court at the dispositional hearing pursuant to Virginia Code § 16.1-278.3.

DATE

JUDGE

SUPPLEMENT TO ORDER TRANSFERRING CUSTODY

Commonwealth of Virginia

VA. CODE §§ 16.1-277.01, 16.1-277.02, 16.1-278.2,
16.1-278.3, 16.1-281, 16.1-282, 16.1-282.1, 16.1-283

Case No.

DATE OF HEARING

USING THIS FORM: Complete only 1 section, outlined individually below, per case.

In re:
NAME OF CHILD DATE OF BIRTH

Dispositional order. Custody of the child is being transferred to a person with a legitimate interest pursuant to Virginia Code §§ 16.1-277.02, 16.1-278.2 or § 16.1-278.3, to dispose of a petition for relief of custody or a petition alleging abuse or neglect. In support of the order and incorporated therein, the Court finds, *after an investigation*, that the person with a legitimate interest is one who:

- Is willing and qualified to receive and care for the child;
- Is willing to have a positive, continuous relationship with the child;
- Is committed to providing a permanent, suitable home for the child; and
- Is willing and has the ability to protect the child from abuse and neglect.

The following terms and conditions shall apply to the order transferring custody of the child:

The following social services shall be provided to the child and the child’s custodian by
.....
AGENCY
until further order of the Court:
DATE

The order transferring custody of the child, with this incorporated supplement, is set for review on
..... at m.
DATE TIME

Foster care plan. Custody of the child is being transferred to a relative other than the child’s ~~previous~~ prior family or to fictive kin for the purpose of establishing eligibility for the Kinship Guardianship Assistance Program pursuant to § 63.2-1305, to dispose of a foster care plan filed pursuant to Virginia Code § 16.1-281 or § 16.1-282. In support of the order and incorporated therein, the Court finds, *after an investigation*, that the relative:

- Is willing and qualified to receive and care for the child;
- Is willing to have a positive, continuous relationship with the child;
- Is committed to providing a permanent, suitable home for the child; and
- Is willing and has the ability to protect the child from abuse and neglect.

The following terms and conditions shall apply to the order transferring custody of the child:

The following social services shall be provided to the child and the child’s custodian by
.....
AGENCY
until further order of the Court:
DATE

The order transferring custody of the child, with this incorporated supplement, is set for review on
..... at m.
DATE TIME

SUPPLEMENT TO ORDER TRANSFERRING CUSTODY

Commonwealth of Virginia

VA. CODE §§ 16.1-277.01, 16.1-277.02, 16.1-278.2,
16.1-278.3, 16.1-281, 16.1-282, 16.1-282.1, 16.1-283

Case No.

DATE OF HEARING

USING THIS FORM: Complete only 1 section, outlined individually below, per case.

In re:
NAME OF CHILD DATE OF BIRTH

[] **Permanency planning; termination of parental rights.** Custody of the child is being transferred to a relative other than the child's prior family or to fictive kin for the purpose of establishing eligibility for the Kinship Guardianship Assistance Program pursuant to § 63.2-1305, to dispose of [] a foster care plan filed pursuant to Virginia Code § 16.1-282.1 [] a petition for termination of residual parental rights filed pursuant to § 16.1-283. In support of the order and incorporated therein, the Court finds, *after an investigation*, that the relative:

- Is willing and qualified to receive and care for the child;
- Is willing to have a positive, continuous relationship with the child;
- Is committed to providing a permanent, suitable home for the child; and
- Is willing and has the ability to protect the child from abuse and neglect.

[] The following terms and conditions shall apply to the order transferring custody of the child:

.....

.....

.....
DATE

.....
JUDGE

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 934

An Act to amend and reenact §§ 16.1-282.1 and 63.2-906 of the Code of Virginia, relating to foster care; termination of parental rights; independent living needs assessments; supervisory spans of control.

[S 472]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

- 1. That §§ 16.1-282.1 and 63.2-906 of the Code of Virginia are amended and reenacted as follows: § 16.1-282.1. Permanency planning hearing for children in foster care.**

A. In the case of a child who was the subject of a foster care plan filed with the court pursuant to § 16.1-281, a permanency planning hearing shall be held within 10 months of the dispositional hearing at which the foster care plan pursuant to § 16.1-281 was reviewed if the child (a) was placed through an agreement between the parents or guardians and the local board of social services where legal custody remains with the parents or guardians and such agreement has not been dissolved by court order; or (b) is under the legal custody of a local board of social services or a child welfare agency and has not had a petition to terminate parental rights filed on the child's behalf, has not been placed in permanent foster care, or is age 16 or over and the plan for the child is not independent living. The board or child welfare agency shall file a petition for a permanency planning hearing 30 days prior to the date of the permanency planning hearing scheduled by the court. The purpose of this hearing is to establish a permanent goal for the child and either to achieve the permanent goal or to defer such action through the approval of an interim plan for the child.

To achieve the permanent goal, the petition for a permanency planning hearing shall seek to (i) transfer the custody of the child to his prior family, or dissolve the board's placement agreement and return the child to his prior family; (ii) transfer custody of the child to a relative other than the child's prior family, subject to the provisions of subsection A1; (iii) terminate residual parental rights pursuant to § 16.1-277.01 or 16.1-283; (iv) place a child who is 16 years of age or older in permanent foster care pursuant to § 63.2-908; (v) if the child has been admitted to the United States as a refugee or asylee and has attained the age of 16 years or older and the plan is independent living, direct the board or agency to provide the child with services to transition from foster care; or (vi) place a child who is 16 years of age or older in another planned permanent living arrangement in accordance with the provisions of subsection A2. *If the child has been in the custody of a local board or child welfare agency for 15 of the most recent 22 months and no petition for termination of parental rights has been filed with the court, the local board or child welfare agency shall state in its petition for a permanency planning hearing (a) the reasons, pursuant to subdivision A 1, 2, or 3 of § 63.2-910.2, why a petition for termination of parental rights has not been filed and (b) the reasonable efforts made regarding reunification or transfer of custody to a relative and the timeline of such efforts.* In cases in which a foster care plan approved prior to July 1, 2011, includes independent living as the goal for a child who is not admitted to the United States as an asylee or refugee, the petition shall direct the board or agency to provide the child with services to transition from foster care.

For approval of an interim plan, the petition for a permanency planning hearing shall seek to continue custody with the board or agency, or continue placement with the board through a parental agreement; or transfer custody to the board or child welfare agency from the parents or guardian of a child who has been in foster care through an agreement where the parents or guardian retains custody.

Upon receipt of the petition, if a permanency planning hearing has not already been scheduled, the court shall schedule such a hearing to be held within 30 days. The permanency planning hearing shall be held within 10 months of the dispositional hearing at which the foster care plan was reviewed pursuant to § 16.1-281. The provisions of subsection B of § 16.1-282 shall apply to this petition. The procedures of subsection C of § 16.1-282 and the provisions of subsection G of § 16.1-282 shall apply to the scheduling and notice of proceedings under this section.

A1. The following requirements shall apply to the transfer of custody of the child to a relative other than the child's prior family in accordance with the provisions of clause (ii) of subsection A. Any order transferring custody of the child to a relative other than the child's prior family shall be entered only upon a finding, based upon a preponderance of the evidence, that the relative is one who, after an investigation as directed by the court, (i) is found by the court to be willing and qualified to receive and care for the child; (ii) is willing to have a positive, continuous relationship with the child; (iii) is committed to providing a permanent, suitable home for the child; and (iv) is willing and has the ability to protect the child from abuse and neglect; and the order shall so state. The court's order transferring custody to a relative should further provide, as appropriate, for any terms or conditions which would

promote the child's interest and welfare.

A2. The following requirements shall apply to the selection and approval of placement in another planned permanent living arrangement as the permanent goal for the child in accordance with clause (vi) of subsection A:

1. The board or child welfare agency shall petition for alternative (vi) of subsection A only if the child has a severe and chronic emotional, physical or neurological disabling condition for which the child requires long-term residential treatment; and the board or child welfare agency has thoroughly investigated the feasibility of the alternatives listed in clauses (i) through (v) of subsection A and determined that none of those alternatives is in the best interests of the child. In a foster care plan filed with the petition pursuant to this section, the board or agency shall document the following: (i) the investigation conducted of the placement alternatives listed in clauses (i) through (v) of subsection A and why each of these is not currently in the best interest of the child; (ii) at least one compelling reason why none of the alternatives listed in clauses (i) through (v) is achievable for the child at the time placement in another planned permanent living arrangement is selected as the permanent goal for the child; (iii) the identity of the long-term residential treatment service provider; (iv) the nature of the child's disability; (v) the anticipated length of time required for the child's treatment; and (vi) the status of the child's eligibility for admission and long-term treatment. The court shall ensure that the local department has documentation of the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made to return the child home or secure a placement for the child with a fit and willing relative, including adult siblings, or an adoptive parent, including through efforts that utilize search technology, including social media, to find the child's biological family members. The court shall ask the child about the child's desired permanency outcome and make a judicial determination, accompanied by an explanation of the reasons that the alternatives listed in clauses (i) through (iii) of subsection A continue to not be in the best interest of the child.

2. Before approving alternative (vi) of subsection A as the plan for the child, the court shall find (i) that the child has a severe and chronic emotional, physical or neurological disabling condition; (ii) that the child requires long-term residential treatment for the disabling condition; and (iii) that none of the alternatives listed in clauses (i) through (v) of subsection A is achievable for the child at the time placement in another planned permanent living arrangement is approved as the permanent goal for the child. If the board or agency petitions for alternative (vi), alternative (vi) may be approved by the court for a period of six months at a time.

3. At the conclusion of the permanency planning hearing, if alternative (vi) of subsection A is the permanent plan, the court shall schedule a hearing to be held within six months to review the child's placement in another planned permanent living arrangement in accordance with subdivision A2 4. All parties present at the hearing at which clause (vi) of subsection A is approved as the permanent plan for the child shall be given notice of the date scheduled for the foster care review hearing. Parties not present shall be summoned to appear as provided in § 16.1-263. Otherwise, this subsection A2 shall govern the scheduling and notice for such hearings.

4. The court shall review a foster care plan for any child who is placed in another planned permanent living arrangement every six months from the date of the permanency planning hearing held pursuant to this subsection, so long as the child remains in the legal custody of the board or child welfare agency. The board or child welfare agency shall file such petitions for review pursuant to the provisions of § 16.1-282 and shall, in addition, include in the petition the information required by subdivision A2 1. The petition for foster care review shall be filed no later than 30 days prior to the hearing scheduled in accordance with subdivision A2 3. At the conclusion of the foster care review hearing, if alternative (vi) of subsection A remains the permanent plan, the court shall enter an order that states whether reasonable efforts have been made to place the child in a timely manner in accordance with the permanency plan and to monitor the child's status in another planned permanent living arrangement.

However, if at any time during the six-month approval periods permitted by this subsection, a determination is made by treatment providers that the child's need for long-term residential treatment for the child's disabling condition is eliminated, the board or agency shall immediately begin to plan for post-discharge services and shall, within 30 days of making such a determination, file a petition for a permanency planning hearing pursuant to subsection A. Upon receipt of the petition, the court shall schedule a permanency planning hearing to be held within 30 days. The provisions of subsection B of § 16.1-282 shall apply to this petition. The procedures of subsection C of § 16.1-282 and the provisions of subsection G of § 16.1-282 shall apply to proceedings under this section.

A3. The following requirements shall apply to the selection and approval of permanent foster care pursuant to clause (iv) of subsection A:

1. The court shall ensure that the local department has documentation of the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made to return the child home or secure a placement for the child with a fit and willing relative, including adult siblings, or an adoptive parent, including through efforts that utilize search technology, including social media, to find the child's biological family members.

2. The court shall ask the child about the child's desired permanency outcome and make a judicial determination, accompanied by an explanation of the reasons that the alternatives listed in clauses (i) through (iii) of subsection A continue to not be in the best interest of the child.

B. The following requirements shall apply to the selection and approval of an interim plan for the child in accordance with subsection A:

1. The board or child welfare agency shall petition for approval of an interim plan only if the board or child welfare agency has thoroughly investigated the feasibility of the alternatives listed in clauses (i) through (v) of subsection A and determined that none of those alternatives is in the best interest of the child. If the board or agency petitions for approval of an interim plan, such plan may be approved by the court for a maximum period of six months. The board or agency shall also file a foster care plan that (i) identifies a permanent goal for the child that corresponds with one of the alternatives specified in clauses (i) through (v) of subsection A; (ii) includes provisions for accomplishing the permanent goal within six months; and (iii) summarizes the investigation conducted of the alternatives listed in clauses (i) through (v) of subsection A and why achieving each of these is not in the best interest of the child at this time. The foster care plan shall describe the child's placement, including the in-state and out-of-state placement options and whether the child's placement is in state or out of state. If the child's placement is out of state, the foster care plan shall provide the reason why the out-of-state placement is appropriate and in the best interests of the child.

2. Before approving an interim plan for the child, the court shall find:

a. When returning home remains the plan for the child, that the parent has made marked progress toward reunification with the child, the parent has maintained a close and positive relationship with the child, and the child is likely to return home within the near future, although it is premature to set an exact date for return at the time of this hearing; or

b. When returning home is not the plan for the child, that marked progress is being made to achieve the permanent goal identified by the board or child welfare agency and that it is premature to set an exact date for accomplishing the goal at the time of this hearing. The court shall consider the in-state and out-of-state placement options, and if the child has been placed out of state, determine whether the out-of-state placement is appropriate and in the best interests of the child.

3. Upon approval of an interim plan, the court shall schedule a hearing to be held within six months to determine that the permanent goal is accomplished and to enter an order consistent with alternative (i), (ii), (iii), (iv), or (v) of subsection A. All parties present at the initial permanency planning hearing shall be given notice of the date scheduled for the second permanency planning hearing. Parties not present shall be summoned to appear as provided in § 16.1-263. Otherwise, subsection A shall govern the scheduling and notice for such hearings.

C. In each permanency planning hearing and in any hearing regarding the transition of the child from foster care to independent living, the court shall consult with the child in an age-appropriate manner regarding the proposed permanency plan or transition plan for the child, unless the court finds that such consultation is not in the best interests of the child.

D. In cases in which a child is placed by the local board of social services or a licensed child-placing agency in a qualified residential treatment program as defined in § 16.1-228, the provisions of subsection E of § 16.1-281 shall apply to any hearing held pursuant to this section.

E. At the conclusion of the permanency planning hearing held pursuant to this section, whether action is taken or deferred to achieve the permanent goal for the child, the court shall enter an order that states whether reasonable efforts have been made to reunite the child with the child's prior family, if returning home is the permanent goal for the child; or whether reasonable efforts have been made to achieve the permanent goal identified by the board or agency, if the goal is other than returning the child home.

In making this determination, the court shall give consideration to whether the board or agency has placed the child in a timely manner in accordance with the foster care plan and completed the steps necessary to finalize the permanent placement of the child.

§ 63.2-906. Foster care plans; permissible plan goals; court review of foster children.

A. Each child who is committed or entrusted to the care of a local board or to a licensed child-placing agency or who is placed through an agreement between a local board and the parent, parents or guardians, where legal custody remains with the parent, parents or guardians, shall have a foster care plan prepared by the local department, the child welfare agency, or the family assessment and planning team established pursuant to § 2.2-5207, as specified in § 16.1-281. The representatives of such local department, child welfare agency, or team shall (i) involve the child's parent(s) in the development of the plan, except when parental rights have been terminated or the local department or child welfare agency has made diligent efforts to locate the parent(s) and such parent(s) cannot be located, and any other person or persons standing in loco parentis at the time the board or child welfare agency obtained custody or the board or the child welfare agency placed the child and (ii) for any child for whom reunification remains the goal, meet and consult with the child's parent(s) or other person standing in loco parentis, provided that the parent(s) or other person has been located and parental rights have not been terminated, no less than once every two months and at all critical decision-making points

throughout the child's foster care case. *If reunification is not the goal for the child, the local board, child welfare agency, or team shall provide information to the child's parents regarding the parents' option to voluntarily terminate parental rights, unless a parent's parental rights have been terminated.* The representatives of such department, child welfare agency, or team shall involve the child in the development of the plan, if such involvement is consistent with the best interests of the child. In cases where either the parent(s) or child is not involved in the development of the plan, the department, child welfare agency, or team shall include in the plan a full description of the reasons therefor in accordance with § 16.1-281.

A court may place a child in the care and custody of (a) a public agency in accordance with § 16.1-251 or 16.1-252, and (b) a public or licensed private child-placing agency in accordance with § 16.1-278.2, 16.1-278.4, 16.1-278.5, 16.1-278.6, or 16.1-278.8. Children may be placed by voluntary relinquishment in the care and custody of a public or private agency in accordance with § 16.1-277.01 or §§ 16.1-277.02 and 16.1-278.3. Children may be placed through an agreement where legal custody remains with the parent, parents or guardians in accordance with §§ 63.2-900 and 63.2-903, or § 2.2-5208.

B. Each child in foster care shall be assigned a permanent plan goal to be reviewed and approved by the juvenile and domestic relations district court having jurisdiction of the child's case. Permissible plan goals are to:

1. Transfer custody of the child to his prior family;
2. Transfer custody of the child to a relative other than his prior family;
3. Finalize an adoption of the child;
4. Place a child who is 16 years of age or older in permanent foster care;
5. Transition to independent living if, and only if, the child is admitted to the United States as a refugee or asylee; or
6. Place a child who is 16 years of age or older in another planned permanent living arrangement in accordance with subsection A2 of § 16.1-282.1.

C. Each child in foster care shall be subject to the permanency planning and review procedures established in §§ 16.1-281, 16.1-282, and 16.1-282.1.

2. That the Board of Social Services shall promulgate regulations that (i) establish clear guidance for local boards of social services (local boards) and child-placing agencies regarding acceptable reasons for not filing a petition for termination of parental rights, case planning protocols, and applicable timelines; (ii) require local boards and child-placing agencies to consult with the Commissioner of Social Services (the Commissioner) or his designee regarding case planning for children who have been in the custody of the local board or agency for 12 months and for whom reunification remains a goal; (iii) require local boards and child-placing agencies to (a) conduct independent living needs assessments and develop transition plans within 30 days of a child in foster care reaching 14 years of age or within 30 days of a child who is 14 years of age or older entering foster care and (b) update such assessments and plans annually; and (iv) require local boards and child-placing agencies to report to the Commissioner or his designee all instances in which a petition for termination of parental rights has not been filed for a child who has been in the custody of a local board or child-placing agency for 15 of the most recent 22 months, which shall include a clear description of the reasons why such petition has not been filed and the reasonable efforts made regarding reunification or placement of the child with a relative. The Commissioner shall compile the information set forth in clause (iv) into a de-identified annual report and provide such report to all local boards and child-placing agencies. The Commissioner shall use the information contained in the report to establish a training program that educates local boards and child-placing agencies regarding common errors made by local boards and child-placing agencies when declining to file a petition for termination of parental rights.

3. That the Commissioner of Social Services shall develop clear guidance documents for local boards of social services and child-placing agencies that explain the process through which a parent may voluntarily terminate parental rights and the manner in which such information should be relayed to the parent.

4. That the Commissioner of Social Services (the Commissioner) shall establish a work group to review the feasibility and costs of establishing a standard for supervisory spans of control that would limit the number of caseworkers that a foster care supervisor may oversee. The Commissioner shall report the findings and recommendations of the work group to the Chairmen of the Senate Committee on Finance and the House Committee on Appropriations by November 30, 2020.

District Court Forms DC-562 ORDER FOR CUSTODY TRANSFER TO AGENCY
DC-573 ORDER FOR CUSTODY/PARENTING TIME/
VISITATION GRANTED TO INDIVIDUAL

Abstract Senate Bill 430 amended § 20-124.6 which addresses access to a minor’s academic or health records by a parent. The legislation added “records of a child day center or family day home” to that statute. As such, that language was added to page 2 of both forms.

Senate Bill 1046 also revised § 20-124.6 by providing that a minor’s treating clinical social worker, in addition to a minor’s treating physician or clinical psychologist, can include a written statement in the child’s record indicating that release of the records to the child’s parent would be reasonably likely to cause substantial harm to the child or another person. The language on the forms was updated to reflect this addition.

Source Senate Bill 430 (Chapter 178, effective July 1, 2020)
Senate Bill 1046 (Chapter 945, effective July 1, 2020)

Revision Legislative

Form Type Master

ORDER FOR CUSTODY TRANSFER TO AGENCY

Va. Code §§ 16.1-278.4, 16.1-278.5, 16.1-278.6, 16.1-278.8
Commonwealth of Virginia

Case No.

DATE OF HEARING

Juvenile and Domestic Relations District Court

USING THIS FORM

- This form is to be used to transfer custody to a public or private child-placing agency in the following case types:
 Child in need of Services **Child in need of Supervision** **Delinquency** **Status Offense**
- Indicate case type of this child’s case by checking one of the boxes above.
- Do not use this form when ordering custody and/or visitation among individuals.

In re:
NAME OF CHILD DATE OF BIRTH

.....
NAME OF PARENT NAME OF PARENT

Present:

- | | |
|--|--|
| <input type="checkbox"/> Child | <input type="checkbox"/> Attorney for child |
| <input type="checkbox"/> Parent
<input type="checkbox"/> MOTHER <input type="checkbox"/> FATHER | <input type="checkbox"/> Parent
<input type="checkbox"/> MOTHER <input type="checkbox"/> FATHER |
| <input type="checkbox"/> Guardian or legal custodian | <input type="checkbox"/> Person standing <i>in loco parentis</i> |
| <input type="checkbox"/> Agency representative | <input type="checkbox"/> Attorney for agency |
| <input type="checkbox"/> Court Services Unit representative | <input type="checkbox"/> Attorney for Commonwealth |
| <input type="checkbox"/> Other | <input type="checkbox"/> Other |

A hearing has been held to dispose of a petition filed pursuant to Virginia Code § 16.1-241. All provisions of the Juvenile and Domestic Relations District Court law have been duly complied with in assuming jurisdiction over the child and all relevant and material evidence has been considered.

HAVING CONSIDERED ALL RELEVANT AND MATERIAL EVIDENCE PRESENTED AND THE BEST INTEREST OF THE CHILD, THE COURT FINDS THAT THE CHILD IS WITHIN THE JURISDICTION OF THIS COURT AND

The Court makes the following finding with respect to the Indian Child Welfare Act:

The child is not an Indian child as defined in 25 U.S.C. § 1903(4) as no information is known or has been discovered that indicates the child is an Indian child. The Indian Child Welfare Act does not apply. The parties shall inform the Court if they subsequently receive any information that indicates the child is an Indian child.

OR

The child is an Indian child as defined in 25 U.S.C. § 1903(4). The Indian Child Welfare Act applies.

OR

There is reason to believe, but there is insufficient information at this time to determine, that the child is an Indian child as defined in 25 U.S.C. § 1903(4). The Indian Child Welfare Act applies unless and until it is determined that the child is not a member or is not eligible for membership in an Indian tribe.

..... shall use due diligence to investigate whether
PUBLIC OR PRIVATE CHILD-PLACING AGENCY
the child is an Indian child and to work with all tribes of which the child may be a member to verify, in writing, whether the child is in fact a member or eligible for membership.

THE COURT FURTHER FINDS THAT:

- A. Proper notice of this hearing was provided by the court to the:
- | | |
|--|---------------------------------------|
| <input type="checkbox"/> child | <input type="checkbox"/> parent |
| <input type="checkbox"/> person standing <i>in loco parentis</i> | <input type="checkbox"/> parent |
| <input type="checkbox"/> guardian or legal custodian | <input type="checkbox"/> other |
| <input type="checkbox"/> agency | <input type="checkbox"/> other |
| <input type="checkbox"/> Court Services Unit | <input type="checkbox"/> other |

- B. Continued placement in the home would be contrary to the welfare of the child, based upon:
 the facts contained in the following document(s) filed in this case, which is (are) incorporated by reference:

 the following facts:

AND

- Reasonable efforts have have not been made to prevent removal of the child from the home.
 Based upon:
 the facts contained in the following document(s) filed in this case, which is (are) incorporated by reference:

 the following facts:

OR

- Reasonable efforts to prevent removal of the child from his or her home are not required pursuant to § 16.1-278.4 6 c.

THE COURT ORDERS THE FOLLOWING:

- C. **TEMPORARY PLACEMENT** –
 The above-named child shall temporarily be placed with the local board of social services of
 without prior notice or an opportunity to be heard because:
 CITY/COUNTY
 1. the following emergency and need for temporary placement exists:

- the local board of social services consents to the commitment of the child’s custody to the board.

OR

- D. **TRANSFER OF LEGAL CUSTODY** –
 Legal custody of the child is transferred to , which:
 PUBLIC OR PRIVATE CHILD-PLACING AGENCY
 1. was provided with prior notice and an opportunity to be heard.
 2. consents to the commitment of the child’s custody.

E. **Relocation.** Each party intending a change of address shall give 30 days advance written notice of such change of address to the court and other party, pursuant to Virginia Code § 20-124.5. Unless otherwise provided in this order, this notice shall contain the child’s full name, the case number of this case, the party’s new telephone number and new street address, and if different, the party’s new mailing address. Unless otherwise provided in this order, the notice shall be mailed by first-class or delivered to this court and to the other party.

F. **Access to Records.** In accordance with Virginia Code § 20-124.6, neither parent, regardless of whether such parent has custody, shall be denied access to the academic or health records or records of a child day center or family day center of that parent’s minor child, unless otherwise provided in this order or, in the case of health records, if the minor’s treating physician, ~~or~~ clinical psychologist, or clinical social worker has made a part of the child’s health record a written statement that furnishing to or review by the parent of such health records would be reasonably likely to cause substantial harm to the minor or another person.

G. As this order requires the local board of social services to temporarily accept the child for placement without prior notice or an opportunity to be heard, a hearing shall be held within 14 days on

..... at
DATE TIME

H. A hearing to review the foster care plan pursuant to Virginia Code § 16.1-281 shall be held within 60 days of the earlier of the temporary placement of the child with the local board of social services pursuant to paragraph C. above, or the transfer of legal custody of the child to the local board or agency pursuant to paragraph D. above.

This hearing shall be held on at
DATE TIME

and the local board or agency shall file the foster care plan by
DATE

The local board or agency shall promptly file with the Court district court form DC-620, AFFIDAVIT (UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT), and the parents shall cooperate with the local board or agency to provide any necessary information.

THE COURT FUTHER ORDERS:

I. The parent parent parents
 guardian
shall provide the names and contact information for all persons with a legitimate interest to the local department of social services.

J. The clerk shall complete an Order for Appointment of Guardian Ad Litem to represent the child who has been placed in foster care and other order(s) for appointment of counsel or guardian *ad litem* as directed by the Court.

K. Other:
.....

.....
DATE

.....
JUDGE

The basis for the decision determining custody, parenting time, and/or visitation has been communicated to the parties orally or in writing. Except in cases of consent orders for custody, parenting time, and/or visitation, the findings regarding the relevant factors set forth in Virginia Code § 20-124.3 have been communicated to the parties.

- 3. A **supplemental sheet** with additional findings and/or orders is attached and incorporated.
- 4. **Relocation.** Each party intending a change of address shall give 30 days advance written notice of such change of address to the court and other party, pursuant to Virginia Code § 20-124.5. Unless otherwise provided in this order, this notice shall contain the child’s full name, the case number of this case, the party’s new telephone number and new street address and, if different, the party’s new mailing address. Unless otherwise provided in this order, the notice shall be mailed by first-class or delivered to this court and to the other party.
- 5. **Access to Records.** In accordance with Virginia Code § 20-124.6, neither parent, regardless of whether such parent has custody, shall be denied access to the academic or health records or records of a child day center or family day home of that parent’s minor child, unless otherwise provided in this order or, in the case of health records, if the minor’s treating physician, ~~or~~ clinical psychologist, or clinical social worker has made a part of the child’s health record a written statement that furnishing to or review by the parent of such health records would be reasonably likely to cause substantial harm to the minor or another person.
- 6. **Deployed Military Parents and Guardians.** In accordance with § 20-124.10, the nondeploying parent or guardian shall reasonably accommodate the leave schedule of the deploying parent or guardian, (ii) the nondeploying parent shall facilitate opportunities for telephonic and electronic mail contact between the deploying parent or guardian and the child during the deployment period, and (iii) the deploying parent or guardian shall provide timely information regarding his leave schedule to the nondeploying parent or guardian.
- 7. **Federal Military Benefits.** If this order is designated a final order, it shall be deemed a permanent order, placing the child(ren) in the custody of the person designated herein, for a period of at least 12 consecutive months. Notice is given, however, that under Virginia law, a child’s custody is subject to modification by any further order of a court of competent jurisdiction, upon evidence of a material change of circumstances.
- 8. This Order is FINAL TEMPORARY and a final hearing on this matter will be held on

..... at m.
DATE TIME

.....
DATE JUDGE

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 178

An Act to amend and reenact § 20-124.6 of the Code of Virginia, relating to access to minor's child-care records by parent.

[S 430]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 20-124.6 of the Code of Virginia is amended and reenacted as follows:

§ 20-124.6. Access to minor's records.

A. Notwithstanding any other provision of law, neither parent, regardless of whether such parent has custody, shall be denied access to the academic or health records *or records of a child day center or family day home* of that parent's minor child unless otherwise ordered by the court for good cause shown or pursuant to subsection B.

B. In the case of health records, access may also be denied if the minor's treating physician or the minor's treating clinical psychologist has made a part of the minor's record a written statement that, in the exercise of his professional judgment, the furnishing to or review by the requesting parent of such health records would be reasonably likely to cause substantial harm to the minor or another person. If a health care entity denies a parental request for access to, or copies of, a minor's health record, the health care entity denying the request shall comply with the provisions of subsection F of § 32.1-127.1:03. The minor or his parent, either or both, shall have the right to have the denial reviewed as specified in subsection F of § 32.1-127.1:03 to determine whether to make the minor's health record available to the requesting parent.

C. For the purposes of this section, ~~the meaning of the term~~ *terms* "health record" or the plural thereof and ~~the term~~ "health care entity" ~~shall be mean the same as those terms are defined in~~ subsection B of § 32.1-127.1:03. *The terms "child day center" and "family day home" mean the same as those terms are defined in § 63.2-100.*

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 945

An Act to amend and reenact §§ 8.01-413, 8.01-581.20, 16.1-340.1, 20-124.6, 32.1-127.1:03, 37.2-809, 38.2-608, 53.1-40.2, and 54.1-2969 of the Code of Virginia, relating to Clinical social workers; patient records; involuntary detention orders.

[S 1046]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-413, 8.01-581.20, 16.1-340.1, 20-124.6, 32.1-127.1:03, 37.2-809, 38.2-608, 53.1-40.2, and 54.1-2969 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-413. Certain copies of health care provider's records or papers of patient admissible; right of patient, his attorney and authorized insurer to copies of such records or papers; subpoena; damages, costs and attorney fees.

A. In any case where the health care provider's original records or papers of any patient in a hospital or institution for the treatment of physical or mental illness are admissible or would be admissible as evidence, any typewritten copy, photograph, photostatted copy, or microphotograph or printout or other hard copy generated from computerized or other electronic storage, microfilm, or other photographic, mechanical, electronic, imaging, or chemical storage process thereof shall be admissible as evidence in any court of the Commonwealth in like manner as the original, if the printout or hard copy or microphotograph or photograph is properly authenticated by the employees having authority to release or produce the original records or papers.

Any health care provider whose records or papers relating to any such patient are subpoenaed for production as provided by law may comply with the subpoena by a timely mailing to the clerk issuing the subpoena or in whose court the action is pending properly authenticated copies, photographs or microphotographs in lieu of the originals. The court whose clerk issued the subpoena or, in the case of an attorney-issued subpoena, in which the action is pending, may, after notice to such health care provider, enter an order requiring production of the originals, if available, of any stored records or papers whose copies, photographs or microphotographs are not sufficiently legible.

Except as provided in subsection G, the party requesting the subpoena duces tecum or on whose behalf an attorney-issued subpoena duces tecum was issued shall be liable for the reasonable charges of the health care provider for the service of maintaining, retrieving, reviewing, preparing, copying, and mailing the items produced pursuant to subsections B2, B3, B4, and B6, as applicable.

B. Copies of a health care provider's records or papers shall be furnished within 30 days of receipt of such request to the patient, his attorney, his executor or administrator, or an authorized insurer upon such patient's, attorney's, executor's, administrator's, or authorized insurer's written request, which request shall comply with the requirements of subsection E of § 32.1-127.1:03. If a health care provider is unable to provide such records or papers within 30 days of receipt of such request, such provider shall notify the requester of such records or papers in writing of the reason for the delay and shall have no more than 30 days after the date of such written notice to comply with such request.

However, copies of a patient's records or papers shall not be furnished to such patient when the patient's treating physician or, clinical psychologist, or *clinical social worker* in the exercise of professional judgment, has made a part of the patient's records or papers a written statement that in his opinion the furnishing to or review by the patient of such records or papers would be reasonably likely to endanger the life or physical safety of the patient or another person, or that such records or papers make reference to a person, other than a health care provider, and the access requested would be reasonably likely to cause substantial harm to such referenced person. In any such case, if requested by the patient or his attorney or authorized insurer, such records or papers shall be furnished within 30 days of the date of such request to the patient's attorney or authorized insurer, rather than to the patient.

If the records or papers are not provided to the patient in accordance with this section, then, if requested by the patient, the health care provider denying the request shall comply with the patient's request to either (i) provide a copy of the records or papers to a physician or, clinical psychologist, or *clinical social worker* of the patient's choice whose licensure, training, and experience, relative to the patient's condition, are at least equivalent to that of the treating physician or, clinical psychologist, or *clinical social worker* upon whose opinion the denial is based, who shall, at the patient's expense, make a judgment as to whether to make the records or papers available to the patient or (ii) designate a physician or, clinical psychologist, or *clinical social worker* whose licensure, training, and experience, relative to the patient's condition, are at least equivalent to that of the treating physician or, clinical psychologist, or *clinical social worker* upon whose opinion the denial is based and who did not participate in the original decision to deny the patient's request for his records or papers, who shall, at

§ 20-124.6. Access to minor's records.

A. Notwithstanding any other provision of law, neither parent, regardless of whether such parent has custody, shall be denied access to the academic or health records of that parent's minor child unless otherwise ordered by the court for good cause shown or pursuant to subsection B.

B. In the case of health records, access may also be denied if the minor's treating physician ~~or the minor's treating~~ clinical psychologist, *or clinical social worker* has made a part of the minor's record a written statement that, in the exercise of his professional judgment, the furnishing to or review by the requesting parent of such health records would be reasonably likely to cause substantial harm to the minor or another person. If a health care entity denies a parental request for access to, or copies of, a minor's health record, the health care entity denying the request shall comply with the provisions of subsection F of § 32.1-127.1:03. The minor or his parent, either or both, shall have the right to have the denial reviewed as specified in subsection F of § 32.1-127.1:03 to determine whether to make the minor's health record available to the requesting parent.

C. For the purposes of this section, the meaning of the term "health record" or the plural thereof and the term "health care entity" shall be as defined in subsection B of § 32.1-127.1:03.

§ 32.1-127.1:03. Health records privacy.

A. There is hereby recognized an individual's right of privacy in the content of his health records. Health records are the property of the health care entity maintaining them, and, except when permitted or required by this section or by other provisions of state law, no health care entity, or other person working in a health care setting, may disclose an individual's health records.

Pursuant to this subsection:

1. Health care entities shall disclose health records to the individual who is the subject of the health record, except as provided in subsections E and F and subsection B of § 8.01-413.

2. Health records shall not be removed from the premises where they are maintained without the approval of the health care entity that maintains such health records, except in accordance with a court order or subpoena consistent with subsection C of § 8.01-413 or with this section or in accordance with the regulations relating to change of ownership of health records promulgated by a health regulatory board established in Title 54.1.

3. No person to whom health records are disclosed shall redisclose or otherwise reveal the health records of an individual, beyond the purpose for which such disclosure was made, without first obtaining the individual's specific authorization to such redisclosure. This redisclosure prohibition shall not, however, prevent (i) any health care entity that receives health records from another health care entity from making subsequent disclosures as permitted under this section and the federal Department of Health and Human Services regulations relating to privacy of the electronic transmission of data and protected health information promulgated by the United States Department of Health and Human Services as required by the Health Insurance Portability and Accountability Act (HIPAA)(42 U.S.C. § 1320d et seq.) or (ii) any health care entity from furnishing health records and aggregate or other data, from which individually identifying prescription information has been removed, encoded or encrypted, to qualified researchers, including, but not limited to, pharmaceutical manufacturers and their agents or contractors, for purposes of clinical, pharmaco-epidemiological, pharmaco-economic, or other health services research.

4. Health care entities shall, upon the request of the individual who is the subject of the health record, disclose health records to other health care entities, in any available format of the requester's choosing, as provided in subsection E.

B. As used in this section:

"Agent" means a person who has been appointed as an individual's agent under a power of attorney for health care or an advance directive under the Health Care Decisions Act (§ 54.1-2981 et seq.).

"Certification" means a written representation that is delivered by hand, by first-class mail, by overnight delivery service, or by facsimile if the sender obtains a facsimile-machine-generated confirmation reflecting that all facsimile pages were successfully transmitted.

"Guardian" means a court-appointed guardian of the person.

"Health care clearinghouse" means, consistent with the definition set out in 45 C.F.R. § 160.103, a public or private entity, such as a billing service, repricing company, community health management information system or community health information system, and "value-added" networks and switches, that performs either of the following functions: (i) processes or facilitates the processing of health information received from another entity in a nonstandard format or containing nonstandard data content into standard data elements or a standard transaction; or (ii) receives a standard transaction from another entity and processes or facilitates the processing of health information into nonstandard format or nonstandard data content for the receiving entity.

"Health care entity" means any health care provider, health plan or health care clearinghouse.

"Health care provider" means those entities listed in the definition of "health care provider" in § 8.01-581.1, except that state-operated facilities shall also be considered health care providers for the purposes of this section. Health care provider shall also include all persons who are licensed, certified, registered or permitted or who hold a multistate licensure privilege issued by any of the health

District Court Form

DC-569

ADJUDICATION AND DISPOSITION ORDER --
DELINQUENCY

Abstract

Identical bills Senate Bill 491 and House Bill 1150 amended § 16.1-309.1 as it pertains to the reporting of certain juveniles in the United States illegally to the Bureau of Immigration and Customs Enforcement. Prior to July 1, 2020, an intake officer was required to make such a report for any juvenile detained in a secure facility on an allegation that the juvenile had committed a violent juvenile felony when the intake officer had probable cause to believe that the juvenile was in the United States illegally. The legislation changed the reporting requirement to say that a clerk of the court is responsible for making the required report when the juvenile is adjudicated delinquent or found guilty of a violent juvenile felony when there is evidence that the juvenile is in the United States illegally. Language was added to DC-569 to address this change.

Source

Senate Bill 144 (Chapter 1005, effective July 1, 2020)
House Bill 880 (Chapter 137, effective July 1, 2020)

Revision

Legislative

Form Type

Master

**ADJUDICATION AND DISPOSITION ORDER –
DELINQUENCY** Commonwealth of Virginia

Case No.

.....
HEARING DATE AND TIME

.....
Juvenile and Domestic Relations District Court

.....
In re/v.

CHILD

Present:

- | | |
|---|--|
| <input type="checkbox"/> Child | <input type="checkbox"/> Attorney for child |
| <input type="checkbox"/> Parent | <input type="checkbox"/> Parent |
| <input type="checkbox"/> MOTHER <input type="checkbox"/> FATHER | <input type="checkbox"/> MOTHER <input type="checkbox"/> FATHER |
| <input type="checkbox"/> Guardian or legal custodian | <input type="checkbox"/> Person standing <i>in loco parentis</i> |
| <input type="checkbox"/> Agency representative | <input type="checkbox"/> Attorney for agency |
| <input type="checkbox"/> Court Services Unit representative | <input type="checkbox"/> Attorney for Commonwealth |
| <input type="checkbox"/> Guardian <i>ad litem</i> | <input type="checkbox"/> Other |

Charge	Code Section	Court Case Number	Plea	Finding of Court
	§			
	§			
	§			
	§			
	§			
	§			
	§			

.....
.....
.....
UPON EVIDENCE PRESENTED, including all required reports filed in this matter, the Court ORDERS the following disposition for the juvenile’s supervision, care and rehabilitation:

I. ACCOUNTABILITY FOR OFFENSES

- The Juvenile shall write an APOLOGY to the victim an ESSAY on
- by
- The RESTITUTION order is incorporated.
-

II. DEFERRED OR SUSPENDED DISPOSITION

- Pursuant to § 16.1-278.8(4), the Court DEFERS disposition to after which time the charge may be dismissed if said child exhibits good behavior and complies with the terms of this Order during the period in which disposition is deferred.
- The juvenile’s imposition of disposition is suspended for months years on condition that said child exhibits good behavior and complies with the terms of this Order during the period in which disposition is suspended.
-

III. GENERAL CONDITIONS

- The juvenile shall be of GOOD BEHAVIOR, and follow HOUSE and SCHOOL RULES, which include compliance with COMPULSORY SCHOOL ATTENDANCE unless otherwise noted.
- The juvenile shall observe CURFEW as follows: and or have NO CONTACT as follows:
with co-defendant(s) victim(s) victim's family
.....
- The juvenile shall not go on the premises of the victim
- The juvenile and parent/legal guardian shall cooperate with Court Services Unit (CSU) and all professional providers.
-

IV. SPECIAL CONDITIONS

- The juvenile shall be excused from COMPULSORY SCHOOL ATTENDANCE.
-

V. FINES, PENALTIES AND LICENSURE

- The juvenile shall pay a FINE of \$ (not to exceed \$500).
- The juvenile shall pay a CIVIL PENALTY of \$
- The juvenile's DRIVER'S LICENSE (or ability to obtain a driver's license) shall be suspended for
- The juvenile shall be issued a restricted driver's license (see specific restriction on restricted license form).

VI. REHABILITATIVE/EDUCATIONAL

- The juvenile shall enter into and comply with REHABILITATIVE or EDUCATIONAL SERVICES and PROGRAMS as directed by the CSU.
- The juvenile shall take a TOUR of a detention center upon a schedule set by the P.O.
- The juvenile shall enroll in, attend and complete the following REHABILITATIVE SERVICES until released by the counselor:
 - Substance abuse evaluation and recommended treatment Anger control counseling
 - Family counseling Individual counseling Sex offender
-

VII. COMMUNITY DISPOSITION

- The juvenile shall perform hours of COMMUNITY SERVICE, as directed by CSU within days months
- The juvenile is placed under HOUSE ARREST on ELECTRONIC MONITORING on OUTREACH DETENTION for days with days suspended on condition of compliance with this order subject to the following terms and conditions:
- The juvenile is placed on UNSUPERVISED PROBATION under such conditions as prescribed by the Court.
- The juvenile is placed on SUPERVISED PROBATION through the CSU of this Court for months an indeterminate amount of time. The juvenile and parent/legal guardian shall follow all rules of probation.

VIII. COMMITMENT

- The juvenile is sentenced to the DETENTION HOME for days with days suspended on condition of compliance with this Order.
- The juvenile/defendant is sentenced to JAIL for days months.
- The juvenile is committed as a SERIOUS OFFENDER to the DEPARTMENT OF JUVENILE JUSTICE for years.
- Indeterminate commitment
- See attached order of determinate commitment

IX. The Court FINDS that the juvenile has been adjudicated delinquent of a violent juvenile felony as defined in Va. Code § 16.1-228, is detained in a secure facility, and there is evidence the juvenile is in the United States illegally. The clerk of the court shall report this information to the Bureau of Immigration and Customs Enforcement (ICE) of the U.S. Department of Homeland Security as required by Va. Code § 16.1-309.1(H).

IX. ADDITIONAL CONDITIONS

-
-
-
-
-

Additional page(s) attached and incorporated.

This case is continued to DATE at TIME

.....
DATE

JUDGE

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 1005

An Act to amend and reenact §§ 18.2-60.4 and 19.2-152.10 of the Code of Virginia, relating to protective orders; issuance upon convictions for certain felonies; penalty.

[S 144]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-60.4 and 19.2-152.10 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-60.4. Violation of protective orders; penalty.

A. Any person who violates any provision of a protective order issued pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 is guilty of a Class 1 misdemeanor. Conviction hereunder shall bar a finding of contempt for the same act. The punishment for any person convicted of a second offense of violating a protective order, *other than a protective order issued pursuant to subsection C of § 19.2-152.10*, when the offense is committed within five years of the prior conviction and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. Any person convicted of a third or subsequent offense of violating a protective order, *other than a protective order issued pursuant to subsection C of § 19.2-152.10*, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence, is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of six months. The mandatory minimum terms of confinement prescribed for violations of this section shall be served consecutively with any other sentence.

B. In addition to any other penalty provided by law, any person who, while knowingly armed with a firearm or other deadly weapon, violates any provision of a protective order with which he has been served issued pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, *other than a protective order issued pursuant to subsection C of § 19.2-152.10*, is guilty of a Class 6 felony.

C. If the respondent commits an assault and battery upon any party protected by the protective order, *other than a protective order issued pursuant to subsection C of § 19.2-152.10*, resulting in bodily injury to the party or stalks any party protected by the protective order in violation of § 18.2-60.3, he is guilty of a Class 6 felony. Any person who violates such a protective order, *other than a protective order issued pursuant to subsection C of § 19.2-152.10*, by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty provided by law.

D. Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended.

E. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § 19.2-152.10 for a specified period not exceeding two years from the date of conviction.

§ 19.2-152.10. Protective order.

A. The court may issue a protective order pursuant to this chapter to protect the health and safety of 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 violence, force, or threat or (ii) a hearing held pursuant to subsection D of § 19.2-152.9. 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 violence, force, or threat or criminal offenses that may 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. Any other relief 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.

B. ~~The~~ *Except as provided in subsection C*, 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. 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. Upon conviction for an act of violence as defined in § 19.2-297.1 and upon the request of the victim or of the attorney for the Commonwealth on behalf of the victim, the court may issue a protective order to the victim pursuant to this chapter to protect the health and safety of the victim. The protective order may be issued for any reasonable period of time, including up to the lifetime of the defendant, that the court deems necessary to protect the health and safety of the victim. The protective order shall expire at 11:59 p.m. on the last day specified in the protective order, if any. Upon a conviction for violation of a protective order issued pursuant to this subsection, the court that issued the original protective order may extend the protective order as the court deems necessary to protect the health and safety of the victim. The extension of the protective order shall expire at 11:59 p.m. on the last day specified, if any. Nothing herein shall limit the number of extensions that may be issued.

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

~~E. F.~~ 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. G.~~ 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, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any appropriate district court by filing with the court, an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of 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 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. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

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. H.~~ 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.

~~H.~~ *I.* 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.

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

~~J.~~ *K.* As used in this section:

"Copy" includes a facsimile copy; and

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

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

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

District Court Form

DC-574

INFORMATION CONSIDERED IN CHILD
CUSTODY/VISITATION PROCEEDINGS

Abstract

Identical bills Senate Bill 105 and House Bill 861 amended the factors in § 20-124.3 that a court is required to consider in determining what is in the child’s best interests for purposes of determining custody and visitation arrangements. Any history of “child abuse”, or “an act of violence, force or threat as defined in § 19.2-152.7:1 that occurred no earlier than 10 years prior to the date a petition is filed” are now required to be considered by the court with respect to determining best interests of the child. The new language was added to the form.

Source

Senate Bill 105 (Chapter 1075, effective July 1, 2020)
House Bill 861 (Chapter 1074, effective July 1, 2020)

Revision

Legislative

Form Type

Master

INFORMATION CONSIDERED IN CHILD CUSTODY/VISITATION PROCEEDINGS

Commonwealth of Virginia VA. CODE §§ 16.1-278.15, 20-124.3

At a hearing to determine the custody or visitation of a child, information on the following factors is considered by the judge, if presented by the parties.

1. The child's age and physical and mental condition, with due consideration to the child's changing developmental needs.
.....
2. The age and physical and mental condition of each parent.
.....
3. The relationship existing between each parent and the child, with due consideration given to the positive involvement with the child's life and the ability to accurately assess and meet the emotional, intellectual and physical needs of the child.
.....
.....
4. The needs of the child, with due consideration given to other important relationships of the child, including but not limited to siblings, peers and extended family members.
.....
.....
5. The role which each parent has played and will play in the future, in the upbringing and care of the child.
.....
.....
6. The propensity of each parent to actively support the child's contact and relationship with the other parent, including whether a parent has unreasonably denied the other parent access to or visitation with the child.
.....
7. The relative willingness and demonstrated ability of each parent to maintain a close and continuing relationship with the child, and the ability of each parent to cooperate in and resolve disputes regarding matters affecting the child.
.....
.....
8. The reasonable preference of the child, if the child is deemed by this court to be of reasonable intelligence, understanding, age and experience to express such a preference.
.....
.....
9. Any history of (a) "family abuse" as that term is defined in § 16.1-228, specifically any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member, ~~or any history of~~ (b) sexual abuse (c) child abuse, (d) an act of violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury that occurred no earlier than 10 years prior to the date the petition is filed. If the court finds a history of family abuse or sexual abuse, the court may disregard information pertaining to factor 6.
.....
.....
.....
10. Other:
.....
.....

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 1075

An Act to amend and reenact § 20-124.3 of the Code of Virginia, relating to best interests of the child; history of child abuse and acts of violence, force, or threat.

[S 105]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 20-124.3 of the Code of Virginia is amended and reenacted as follows:

§ 20-124.3. Best interests of the child; visitation.

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

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

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

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

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

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

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

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

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

9. Any history of (i) family abuse as that term is defined in § 16.1-228 or; (ii) sexual abuse; (iii) child abuse; or (iv) an act of violence, force, or threat as defined in § 19.2-152.7:1 that occurred no earlier than 10 years prior to the date a petition is filed. If the court finds such a history or act, the court may disregard the factors in subdivision 6; and

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

The judge shall communicate to the parties the basis of the decision either orally or in writing. Except in cases of consent orders for custody and visitation, this communication shall set forth the judge's findings regarding the relevant factors set forth in this section. At the request of either party, the court may order that the exchange of a child shall take place at an appropriate meeting place.

District Court Forms DC-598 ORDER FOR INVOLUNTARY COMMITMENT FOR
INPATIENT TREATMENT – MINOR

DC-4002 ORDER FOR TREATMENT

Abstract

Senate Bill 684 clarified that a person over age 14 who is involuntarily committed to a facility or ordered to mandatory outpatient treatment under Article 5 of Chapter 8 of Title 37.2 (§ 37.2-814 et seq.) or Article 16 of Chapter 11 of Title 16.1 (§ 16.1-335 et seq.) and who appeals the case is prohibited from purchasing, possessing or transporting a firearm, regardless of the outcome of the appeal.

In addition, the legislation provided that in those cases where a person is involuntarily admitted to a facility or ordered to mandatory outpatient treatment pursuant to §§ 37.2-814 through 37.2-819 and the circuit court finds on appeal that the person no longer meets the required criteria for involuntary admission or mandatory treatment, the circuit court shall not dismiss the petition but instead enter an order reversing the district court order.

As a result of this legislation, language was added to the firearm notice provisions on both forms. In addition, a disposition box was added to DC-4002 solely for use by circuit courts on appeal if the circuit court finds that the person no longer meets the required criteria for involuntary admission or mandatory outpatient treatment under § 37.2-817.

Source Senate Bill 684 (Chapter 1175, effective July 1, 2020)

Revision Legislative

Form Type Masters

AND

2. The minor is in need of compulsory treatment for a mental illness and is reasonably likely to benefit from the proposed treatment, **AND**

Inpatient treatment is the least restrictive alternative that meets the minor's needs and the parent(s) with whom the minor resides:

are willing to approve the inpatient treatment, or

are not willing to approve the inpatient treatment, and such treatment is necessary to protect the minor's life, health, safety or normal development.

OR

The minor is placed in detention or shelter care and inpatient treatment is the least restrictive alternative that meets the minor's need for compulsory treatment of a mental illness.

Therefore, the court ORDERS the involuntary commitment of the minor for inpatient treatment for a period not to exceed 90 days, to this mental health facility:

.....
NAME AND ADDRESS

and the Court further finding that the best interest of the minor so requires, the parent(s) of the minor are directed to comply with the following reasonable conditions relating to the minor's treatment.

.....
.....
.....
.....
.....
.....
.....

The court further orders pursuant to § 16.1-345 that transportation of the minor to the facility shall be provided by

the Sheriff of

the alternative transportation provided as designated on the attached form DC-4000, ORDER FOR ALTERNATIVE TRANSPORTATION PROVIDER.

Transportation of the minor to the facility shall commence no later than six hours after the sheriff or the alternative transportation provider is notified of this order.

The minor, who has been hospitalized while properly detained by a juvenile and domestic relations district court or circuit court, shall be returned to the detention home, shelter care or other facility approved by the Department of Juvenile Justice by the sheriff serving the jurisdiction where the minor was detained within 24 hours following completion of this period of inpatient treatment unless the court having jurisdiction over the case orders that the minor be released from custody.

.....
DATE

.....
[] JUDGE

[] SPECIAL JUSTICE

NOTICE TO THE MINOR:

Pursuant to Virginia Code § 18.2-308.1:3, if you are ordered to be involuntarily admitted to a facility for inpatient treatment or ordered to mandatory outpatient treatment as a minor 14 years of age or older as a result of a commitment hearing held pursuant to Article 16 (§ 16.1-355 et seq.) of Chapter 11 of Title 16.1, regardless of the outcome of any appeal pursuant to Virginia Code § 16.1-345.6, or if you were a minor 14 years of age or older when you were the subject of a temporary detention order issued pursuant to Virginia Code § 16.1-340.1 and you subsequently agreed to voluntary admission pursuant to Virginia Code § 16.1-338, it is unlawful for you to purchase, possess or transport a firearm.

AUTHORIZATION FOR DISCLOSURE AND USE OF HEALTH INFORMATION

Under Virginia Code § 16.1-337, any health care provider, as defined in Virginia Code § 32.1-127.1:03, or other provider rendering services to a minor who is the subject of proceedings pursuant to the Psychiatric Treatment of Minors Act (Act) must, upon request, disclose to a magistrate, the juvenile intake officer, the court, the minor's attorney, the minor's guardian *ad litem*, the qualified evaluator performing the evaluation as required under §§ 16.1-338, 16.1-339, and 16.1-342, the community services board or its designee performing the evaluation, preadmission screening, or monitoring duties under the Act, or a law-enforcement officer any and all information that is necessary and appropriate to enable each of them to perform his duties under the Act. These health care providers and other service providers must disclose to one another health records and information where necessary to provide care and treatment to the minor and to monitor that care and treatment. Health records disclosed to a law-enforcement officer must be limited to information necessary to protect the officer, the minor, or the public from physical injury or to address the health care needs of the minor. Information disclosed to a law-enforcement officer must not be used for any other purpose, disclosed to others, or retained.

Any health care provider providing services to a minor who is the subject of proceedings pursuant to the Psychiatric Treatment of Minors Act shall make a reasonable attempt to notify the minor's parent of information that is directly relevant to such individual's involvement with the minor's health care, which may include the minor's location and general condition, in accordance with § 32.1-127.1:03(D)(34), unless the provider has actual knowledge that the parent is currently prohibited by court order from contacting the minor. No health care provider shall be required to notify a person's family member or personal representative pursuant to § 16.1-337 if the health care provider has actual knowledge that such notice has been provided.

Any health care provider disclosing records pursuant to this section will be immune from civil liability for any harm resulting from the disclosure, including any liability under the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.), as amended, unless the person or provider disclosing such records intended the harm or acted in bad faith.

ORDER FOR TREATMENT

Commonwealth of Virginia VA. CODE §§ 37.2-814, -815, -816, -817

Case No.

..... [] General District Court [] Circuit Court
CITY OR COUNTY

In re
NAME OF RESPONDENT SOCIAL SECURITY NUMBER

.....
ADDRESS CITY STATE ZIP CODE

.....
PRESENT LOCATION OF RESPONDENT

Petitioner:
NAME OF PETITIONER

.....
ADDRESS CITY STATE ZIP CODE

Present:

[] Respondent [] Respondent did not attend because

[] Attorney for respondent [] Petitioner

[] Independent examiner [] in person [] by audio/video or telephone

[] Attending or treating physician [] in person [] by audio/video or telephone

[] Attending or treating psychologist [] in person [] by audio/video or telephone

[] Community Services Board (CSB) representative
NAME OF CSB REPRESENTATIVE

..... [] in person [] by audio/video or telephone
NAME OF CSB AND TELEPHONE NUMBER

[] Interpreter [] in person [] by audio/video or telephone

[] Other
NAME ADDRESS RELATIONSHIP/TITLE

.....
NAME ADDRESS RELATIONSHIP/TITLE

A petition for the involuntary admission for inpatient treatment or mandatory outpatient treatment of the respondent having been filed pursuant to Virginia Code §§ 37.2-805 through 37.2-819,

[] prior to the hearing authorized by §§ 37.2-814 through 37.2-819, the director of the facility in which the respondent was detained released the person pursuant to § 37.2-813 and, without a hearing, the petition is hereby dismissed.

[] the respondent appeared before this court for a hearing. At the commencement of the hearing, it was ascertained that the respondent was given the written explanation of the involuntary admission process. The respondent was informed of the respondent's right to apply for voluntary admission for inpatient treatment as provided for in § 37.2-805 and of the prohibition from purchasing, possessing or transporting a firearm pursuant to § 18.2-308.1:3 upon voluntary admission; of the respondent's right to a full and impartial hearing in the event that the respondent is incapable of or unwilling to apply for voluntary admission; of the respondent's right to counsel, the basis of the detention, the standard upon which the respondent may be detained and treated on an involuntary basis, the respondent's right to appeal the decision to the circuit court, and the respondent's right to a jury on appeal.

The court finds that the respondent has been under a temporary detention order and is willing and capable of seeking voluntary admission for inpatient treatment. The respondent has agreed to this hospitalization and treatment for 72 hours, unless released earlier. The respondent further has agreed to give the facility 48 hours' notice of the respondent's desire to leave the facility, and to remain at the facility during these 48 hours unless discharged. The respondent has been advised that by agreeing to this voluntary admission, the respondent cannot purchase, possess or transport firearms until a court issues an order restoring the respondent's right to purchase, possess or transport a firearm. The respondent has been informed that after release, the respondent may petition the general district court where the respondent resides to restore such rights, and that the court can restore these rights only if the court finds that the respondent will not likely act dangerously and that restoring these rights would not be against the public interest.

Based upon the respondent's agreement to the requirements of § 37.2-814(B), the petition is hereby dismissed. The clerk shall certify the respondent's voluntary admission to the Central Criminal Records Exchange pursuant to § 37.2-819.

The court has reviewed the petition, observed the respondent and considered the recommendations of any treating physician or psychologist licensed in Virginia, if available, any past actions of the person, any past mental health treatment of the person, any examiner's certification, any health records available, the preadmission screening report, and any other relevant evidence that was admitted, including whether the person recently has been found unrestorably incompetent to stand trial after a hearing held pursuant to § 19.2-169.1(E).

Having considered all relevant and material evidence,

(CIRCUIT COURT ONLY) Upon appeal heard de novo, the court finds that the respondent no longer meets the criteria for involuntary admission or mandatory outpatient treatment. The court orders that the facility release the respondent from involuntary custody, if applicable, or that the respondent be released from mandatory outpatient treatment if so ordered previously.

The court finds that the respondent does not meet the criteria for involuntary admission or treatment. The court, therefore, orders that the case is dismissed and that the facility release the respondent from involuntary custody.

The court finds by clear and convincing evidence that the person meets the criteria for mandatory outpatient treatment specified in Virginia Code § 37.2-817(D) in that:

- the person has a mental illness and there exists a substantial likelihood that, as a result of mental illness, such person will, in the near future,
 - cause serious physical harm to himself others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, or
 - suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs; and
- less restrictive alternatives to involuntary inpatient treatment that would offer an opportunity for improvement of the person's condition have been investigated and are determined to be appropriate; and
- the person has agreed to abide by his treatment plan and has the ability to do so;
- the ordered treatment will be delivered on an outpatient basis by the community services board or designated provider to the person as the services are available in the community.

The person has been the subject of a temporary detention order and voluntarily admitted himself in accordance with § 37.2-814(B) or was involuntarily admitted pursuant to § 37.2-817(C), and on at least two previous occasions within 36 months preceding the date of the hearing, has been the subject of a temporary detention order and voluntarily admitted himself in accordance with § 37.2-814(B) or has been involuntarily admitted pursuant to § 37.2-817.

Accordingly, the court so certifies and orders that the respondent be involuntarily admitted to mandatory outpatient treatment for days, a period not to exceed 90 days, and further orders that the respondent shall comply with the initial mandatory outpatient treatment plan, with the comprehensive mandatory outpatient treatment plan and with any modifications thereof that are filed with the court in this proceeding, which plans are incorporated by reference in this order.

The community services board shall monitor the implementation of the mandatory outpatient treatment plan and report any material noncompliance to the court.

- The court finds by clear and convincing evidence that the person meets the criteria for involuntary admission and treatment specified in Virginia Code § 37.2-817(C) in that:
 - the person has a mental illness and there exists a substantial likelihood that, as a result of mental illness, such person will, in the near future,
 - cause serious physical harm to himself others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, or
 - suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs; and
 - less restrictive alternatives to involuntary inpatient treatment that would offer an opportunity for improvement of the person's condition have been investigated and are determined to be inappropriate; and

Accordingly, the court so certifies and orders the involuntary admission of the respondent

to, a facility designated by the community services board, for
NAME OF FACILITY
a period not to exceed 30 days from the date of this order, or if the petition is for recommitment, for a period not to exceed 180 days from the date of this order.

AUTHORIZATION TO DISCHARGE (Va. Code § 37.2-817(C1))

The court further finds by clear and convincing evidence that:

- the person has a history of lack of compliance with treatment for mental illness that has at least twice within the past 36 months resulted in the person being subject to an order for involuntary admission pursuant to Virginia Code § 37.2-817(C);
- in view of the person's treatment history and current behavior, the person is in need of mandatory outpatient treatment following inpatient treatment in order to prevent a relapse or deterioration that would be likely to result in the person meeting the criteria for involuntary inpatient treatment;
- as a result of mental illness, the person is unlikely to voluntarily participate in outpatient treatment unless the court enters an order authorizing discharge to mandatory outpatient treatment following inpatient treatment; and
- the person is likely to benefit from mandatory outpatient treatment.

Based on recommendations of the community services board, the duration of mandatory outpatient treatment pursuant to this order shall be days from the date of discharge.

Accordingly, the court authorizes the person's treating physician to discharge the person from involuntary admission under this order to mandatory outpatient treatment under a discharge plan developed, submitted for approval by the court, and monitored by the community services board in accordance with the provisions of Virginia Code § 37.2-817(C2). Upon discharge from inpatient treatment to mandatory outpatient treatment by the treating physician, the respondent shall comply with the discharge plan that is filed with the court in this proceeding, which plan is incorporated by reference in this order.

It is further ordered, pursuant to § 37.2-818(C), that copies of the relevant records of the subject of this order be released to the treatment facility in which the person has been placed under this order, if any; to the community services board of the jurisdiction where he resides, to the treatment providers identified in any mandatory outpatient treatment plan attached to or incorporated in this order and to any other treatment providers or entities involved in the development or implementation of the mandatory outpatient treatment plan.

- The court further orders pursuant to § 37.2-829 that transportation of the person to the facility shall be provided by
 - the Sheriff of
CITY OR COUNTY
 - the alternative transportation provider as designated on the attached form DC-4000, ORDER FOR ALTERNATIVE TRANSPORTATION PROVIDER.

.....
DATE

.....
 JUDGE SPECIAL JUSTICE

NOTICE TO THE RESPONDENT:

Pursuant to Virginia Code § 18.2-308.1:3, if you are ordered to be involuntarily admitted to a facility for inpatient treatment or ordered to mandatory outpatient treatment as a result of a commitment hearing held pursuant to Virginia Code § 37.2-817, [regardless of the outcome of any appeal pursuant to Virginia Code § 37.2-821](#), or if you were the subject of a temporary detention order issued pursuant to Virginia Code § 37.2-809 and you subsequently agreed to voluntary admission pursuant to Virginia Code § 37.2-805, it is unlawful for you to purchase, possess or transport a firearm.

AUTHORIZATION FOR DISCLOSURE AND USE OF HEALTH INFORMATION

Under Virginia Code §§ 37.2-804.2 and 37.2-817(K), any health care provider, as defined in Virginia Code § 32.1-127.1:03, or other provider who has provided or is currently providing services to a person who is the subject of proceedings pursuant to Title 37.2, Chapter 8 of the Code of Virginia must, upon request, disclose to a magistrate, the court, the person's attorney, the person's guardian *ad litem*, the examiner identified to perform an examination of a person who is the subject of a commitment hearing for involuntary admission, the community services board or its designee performing any related evaluation, preadmission screening, or monitoring duties, or a law-enforcement officer any information that is necessary and appropriate for the performance of his duties pursuant to § 37.2-800 et seq. Any health care provider, as defined in § 32.1-127.1:03, or other provider who has provided or is currently evaluating or providing services to a person who is the subject of emergency custody or involuntary temporary detention proceedings must disclose information that may be necessary for the treatment of such person to any other health care provider or other provider evaluating or providing services to or monitoring the treatment of the person. Health records disclosed to a law-enforcement officer must be limited to information necessary to protect the officer, the person, or the public from physical injury or to address the health care needs of the person. Information disclosed to a law-enforcement officer must not be used for any other purpose, disclosed to others, or retained.

Any health care provider providing services to a person who is the subject of proceedings pursuant to Title 37.2, Chapter 8 of the Code of Virginia, shall (i) inform the person that his family member or personal representative, including any agent named in an advance directive executed in accordance with the Health Care Decisions (§ 54.1-2981 et. seq.), will be notified of information that is directly relevant to such individual's involvement with the person's health care, which may include the person's location and general condition, in accordance with subdivision D 34 of § 32.1-127.1:03, and (ii) make a reasonable effort to so notify the person's family member or personal representative, unless the provider has actual knowledge that the family member or personal representative is currently prohibited by court order from contacting the person. No health care provider shall be required to notify a person's family member or personal representative pursuant to § 37.2-804.2 if the health care provider has actual knowledge that such notice has been provided.

Any health care provider disclosing records pursuant to Virginia Code § 37.2-804.2 will be immune from civil liability for any harm resulting from the disclosure, including any liability under the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.), as amended, unless the person or provider disclosing such records intended the harm or acted in bad faith.

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 1175

An Act to amend and reenact §§ 18.2-308.1:3 and 37.2-821 of the Code of Virginia, relating to mental health as disqualifier for firearm possession.

[S 684]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.1:3 and 37.2-821 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-308.1:3. Purchase, possession, or transportation of firearm by persons involuntarily admitted or ordered to outpatient treatment; penalty.

A. It shall be unlawful for any person (i) involuntarily admitted to a facility or ordered to mandatory outpatient treatment pursuant to § 19.2-169.2, (ii) involuntarily admitted to a facility or ordered to mandatory outpatient treatment as the result of a commitment hearing pursuant to Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2, *notwithstanding the outcome of any appeal taken pursuant to § 37.2-821*, (iii) involuntarily admitted to a facility or ordered to mandatory outpatient treatment as a minor 14 years of age or older as the result of a commitment hearing pursuant to Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, *notwithstanding the outcome of any appeal taken pursuant to § 16.1-345.6*, (iv) who was the subject of a temporary detention order pursuant to § 37.2-809 and subsequently agreed to voluntary admission pursuant to § 37.2-805, or (v) who, as a minor 14 years of age or older, was the subject of a temporary detention order pursuant to § 16.1-340.1 and subsequently agreed to voluntary admission pursuant to § 16.1-338 to purchase, possess, or transport a firearm. A violation of this subsection shall be punishable as a Class 1 misdemeanor.

B. Any person prohibited from purchasing, possessing or transporting firearms under this section may, at any time following his release from involuntary admission to a facility, his release from an order of mandatory outpatient treatment, or his release from voluntary admission pursuant to § 37.2-805 following the issuance of a temporary detention order, petition the general district court in the city or county in which he resides or, if the person is not a resident of the Commonwealth, the general district court of the city or county in which the most recent of the proceedings described in subsection A occurred to restore his right to purchase, possess or transport a firearm. A copy of the petition shall be mailed or delivered to the attorney for the Commonwealth for the jurisdiction where the petition was filed who shall be entitled to respond and represent the interests of the Commonwealth. The court shall conduct a hearing if requested by either party. If the court determines, after receiving and considering evidence concerning the circumstances regarding the disabilities referred to in subsection A and the person's criminal history, treatment record, and reputation as developed through character witness statements, testimony, or other character evidence, that the person will not likely act in a manner dangerous to public safety and that granting the relief would not be contrary to the public interest, the court shall grant the petition. Any person denied relief by the general district court may petition the circuit court for a de novo review of the denial. Upon a grant of relief in any court, the court shall enter a written order granting the petition, in which event the provisions of subsection A do not apply. The clerk of court shall certify and forward forthwith to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of any such order.

C. As used in this section, "treatment record" shall include copies of health records detailing the petitioner's psychiatric history, which shall include the records pertaining to the commitment or adjudication that is the subject of the request for relief pursuant to this section.

§ 37.2-821. Appeal of involuntary admission or certification order.

A. Any person involuntarily admitted to an inpatient facility or ordered to mandatory outpatient treatment pursuant to §§ 37.2-814 through 37.2-819 or certified as eligible for admission pursuant to § 37.2-806 shall have the right to appeal the order to the circuit court in the jurisdiction where he was involuntarily admitted or ordered to mandatory outpatient treatment or certified or where the facility to which he was admitted is located. Choice of venue shall rest with such person. The court may transfer the case upon a finding that the other forum is more convenient. An appeal shall be filed within 10 days from the date of the order and shall be given priority over all other pending matters before the court and heard as soon as possible, notwithstanding § 19.2-241 regarding the time within which the court shall set criminal cases for trial. A petition for or the pendency of an appeal shall not suspend any order unless so ordered by a judge or special justice; however, a person may be released after a petition for or during the pendency of an appeal pursuant to § 37.2-837 or 37.2-838. The clerk of the court from which an appeal is taken shall immediately transmit the record to the clerk of the appellate court. The clerk of the circuit court shall provide written notification of the appeal to the petitioner in the case in accordance

with procedures set forth in § 16.1-112. No appeal bond or writ tax shall be required, and the appeal shall proceed without the payment of costs or other fees. Costs may be recovered as provided for in § 37.2-804.

B. The appeal shall be heard de novo in accordance with the provisions set forth in §§ 37.2-802, 37.2-804, 37.2-804.1, 37.2-804.2, and 37.2-805, and (i) § 37.2-806 or (ii) §§ 37.2-814 through 37.2-819, except that the court in its discretion may rely upon the evaluation report in the commitment hearing from which the appeal is taken instead of requiring a new evaluation pursuant to § 37.2-815. Any order of the circuit court shall not extend the period of involuntary admission or mandatory outpatient treatment set forth in the order appealed from. An order continuing the involuntary admission shall be entered only if the criteria in § 37.2-817 are met at the time the appeal is heard. *Upon a finding by the court that the appellant no longer meets the criteria for involuntary admission or mandatory outpatient treatment, the court shall not dismiss the Commonwealth's petition but shall reverse the order of the district court.* The person so admitted or certified shall be entitled to trial by jury. Seven persons from a panel of 13 shall constitute a jury.

C. If the person is not represented by counsel, the judge shall appoint an attorney to represent him. Counsel so appointed shall be paid a fee of \$75 and his necessary expenses. The order of the court from which the appeal is taken shall be defended by the attorney for the Commonwealth.

Abstract

Senate Bill 1032 set forth that a person is presumed to be unable to pay fees and costs if the person is a current recipient of a state or federal public assistance program, or is represented by a legal aid society or an attorney assigned through the legal aid society. The legislation further set forth the information to be considered in determining whether the presumption has been rebutted if the court finds that additional financial information is required.

Prior to July 1, 2020, DC-606 was used to assess whether a custody or visitation case could proceed without the payment of fees and costs, and also whether guardian *ad litem* fees should be assessed against the parties. Given the legislative change and the fact that there is already a circuit court form (CC-1414) that can be used for cases in juvenile court to determine if the waiver of fees and costs is appropriate, revisions were made to DC-606 so that this form can be used only for determining if the assessment of guardian *ad litem* fees is appropriate. Va. Code § 16.1-267(C) as it pertains to guardian *ad litem* fees still references a finding of indigency pursuant to § 19.2-159, whereas the statute referencing the waiver of fees and costs in juvenile court references § 17.1-606, the statute that was amended by Senate Bill 1032. As a result of the legislative change (which was reflected in revisions to CC-1414), the analysis to be done and the factors to be considered is now different for assessing guardian *ad litem* fees as compared to determining if waiver of fees and costs is appropriate.

Source Senate Bill 1032 (Chapter 654, effective July 1, 2020)

Revision Legislative

Form Type Master

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 654

An Act to amend and reenact § 17.1-606 of the Code of Virginia, relating to civil actions; determination of indigency.

[S 1032]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-606 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-606. Persons allowed services without fees or costs.

A. Any person who is (i) a plaintiff in a civil action in a court of the Commonwealth and a resident of the Commonwealth or (ii) a defendant in a civil action in a court of the Commonwealth, and who is on account of his poverty unable to pay fees or costs, may be allowed by a court to sue or defend a suit therein, without paying fees or costs; whereupon he shall have, from any counsel whom the court may assign him, and from all officers, all needful services and process, without any fees, except what may be included in the costs recovered from the opposite party.

B. In determining a person's inability to pay fees or costs on account of his poverty, the court shall consider the factors set forth in subsection B of § 19.2-159, ~~provided that, whether such person is a current recipient of a state or federally funded public assistance program for the indigent or is represented by a legal aid society, subject to § 54.1-3916, including an attorney appearing as counsel, pro bono, or assigned or referred by a legal aid society. If so, such person shall be presumed unable to pay such fees or costs. Except in the case of a no-fault divorce proceeding under subdivision A (9) of § 20-91, a person who is a current recipient of a state or federally funded public assistance program for the indigent shall not be subject to fees and costs. In such no-fault divorce proceeding, such person shall certify to the receipt of such benefits under oath such presumption shall be rebuttable where the court finds that a more thorough examination of the person's financial resources is necessary.~~

C. If a person claims indigency but is not presumptively unable to pay under subsection B, or a court, where applicable, finds that a more thorough examination of the financial resources of the petitioner is needed, the court shall consider:

1. The net income of such person, which shall include his total salary and wages, less deductions required by law and tax withholdings;

2. Such person's liquid assets, including all cash on hand as well as assets in checking, savings, and similar accounts; and

3. Any exceptional expenses of such person and his dependents, including costs for medical care, family support obligations, and child care payments.

The available funds of the person shall be calculated as the sum of his total income and liquid assets less exceptional expenses as provided in subdivision 3. If the available funds are equal to or less than 125 percent of the federal poverty income guidelines prescribed for the size of the household of such person by the federal Department of Health and Human Services, he shall be presumed unable to pay. The Supreme Court of Virginia shall be responsible for distributing to all courts the annual updates of the federal poverty income guidelines made by the Department.

District Court Forms	DC-610	PETITION FOR SUPPORT (CIVIL)
	DC-612	DESERTION/NON-SUPPORT PETITION (CRIMINAL)
	DC-628	ORDER OF SUPPORT (CIVIL)
	DC-629	ORDER OF SUPPORT (CRIMINAL)
	DC-631	MEDIATION SUPPORT AGREEMENT

Abstract

Senate Bill 428 amended § 20-108.2, the statute which sets forth the child support guidelines. The legislation added a new provision that provides that in any initial child support proceeding that is commenced within six months of the birth of a child, the child support order is also required to provide that the parents pay in proportion to their gross incomes any reasonable and necessary unpaid expenses of the mother’s pregnancy and the delivery of the child. This is required except for good cause shown or when the parties agree otherwise. Language was added to all of the forms listed above to reflect this provision.

Prior to July 1, 2020, § 20-108.1 provided that in any proceeding in which child support is being determined, the court may order one party to execute all appropriate tax forms and waivers to give to the other party the right to take the income tax dependency exemption for children of the parties. Senate Bill 434 amended this provision by specifying that this authority of the court regarding ordering of the dependency exemption includes “any credits resulting from such exemption.” DC-628, DC-629 and DC-631 were amended accordingly.

Source

Senate Bill 428 (Chapter 177, effective July 1, 2020)
Senate Bill 434 (Chapter 192, effective July 1, 2020)

Revision

Legislative

Form Type

Printed (DC-610, DC-612 and DC-628)
Masters (DC-629 and DC-631)

PETITION FOR SUPPORT (CIVIL)

Commonwealth of Virginia VA. CODE §§ 16.1-241(A) (3), 16.1-278.15, 20-88

CASE NO.

DCSE ID NO.

(to be added if DCSE is involved in case)

Juvenile and Domestic Relations District Court

v.

PETITIONER

RESPONDENT

RESIDENTIAL ADDRESS

MAILING ADDRESS IF DIFFERENT

Social Security No.

Driver's License No. and State

Telephone No. (H) (W)

Date of Birth

EMPLOYER

EMPLOYER'S ADDRESS

RESIDENTIAL ADDRESS

MAILING ADDRESS IF DIFFERENT

Social Security No.

Driver's License No. and State

Telephone No. (H) (W)

Date of Birth

EMPLOYER

EMPLOYER'S ADDRESS

The petitioner's information in the above box is provided on a separate sheet because a protective order has been issued or the petitioner alleges that the petitioner is at risk of physical or emotional harm from the other party.

The undersigned Petitioner respectfully represents to the Court:

- 1. That the parties have never been married;
- That there is a court order adjudicating the paternity of one or more of the subjects of this petition. If so, attach a copy of the order.
- That the respondent and petitioner were lawfully married on in
DATE CITY/COUNTY AND STATE
- That the respondent and petitioner were divorced on in (attach divorce decree).
DATE CITY/COUNTY AND STATE
- Divorce pending in
CITY/COUNTY AND STATE
- That the respondent is at least 18 years of age and is a child of the parent named below.

- 2. That child custody has been adjudicated. If so, attach a copy of the order.
- That an order concerning the support of the person(s) for whom support is sought in this petition has been entered. (Attach most recent court order.)
- That no other case for support for the below-named person(s) has been filed in any other court.

- 3. That the respondent has a legal duty to provide support and maintenance for the following persons:

Name	Social Security Number	Date of Birth	Relationship to Respondent
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			

who resides at petitioner's address

- 4. Division of Child Support Enforcement is is not involved in this case.
- 5. That support of the named persons who are the subject(s) of this petition is a subject of controversy or requires determination because:

.....

.....

.....

.....

and respondent

PERSON TO BE SUMMONED

PETITION FOR SUPPORT (CIVIL)

Case No.

6. A license, certificate, registration or other authorization to engage in a profession, business, trade, occupation, or recreational activity issued by the Commonwealth of Virginia is held by

TYPE OF LICENSE AGENCY GRANTING LICENSE LICENSE NO.

[] Respondent
[] Petitioner

7. A Protective Order is currently in effect against the Respondent. [] Yes [] No. If yes, give name of court issuing the order, state and expiration date.

COURT ISSUING ORDER STATE EXPIRATION DATE
PERSON(S) PROTECTED BY THE ORDER

The petitioner therefore prays that proper process be issued directing the respondent to appear and answer this petition in Court, and that the Court

A. [] Make a finding in its Order that the Respondent is the parent of the children named in this petition (paternity has not been previously established).

MOTHER'S NAME SSN MAIDEN NAME
RESPONDENT'S NAME SSN RACE
RESPONDENT'S DATE OF BIRTH PLACE OF BIRTH (STATE OR FOREIGN COUNTRY)

B. [] Order the Respondent to furnish support as follows:

- [] Child support per guidelines
[] Child support in the amount of \$ per TIME PERIOD
[] Spousal support in the amount of \$ per TIME PERIOD
[] Combined child and spousal support in the amount of \$ per TIME PERIOD
[] Support for a child who is (i) 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 was a full-time high school student, not self-supporting and living in the home of the parent seeking or receiving child support; (ii) unable to live independently and support himself and (iii) residing in the home of the parent seeking support.
[] Support for a parent in necessitous circumstances [] in the amount of \$ per [] as determined by the court. TIME PERIOD

C. Enter an order or require the Respondent to enter into an agreement creating a wage assignment or income deduction to enforce any orders entered in the case as the responding court deems appropriate.

D. Order that all payments be made [] directly to the payee. [] to or through the Virginia Department of Social Services or its contractors. [] directly to the payee. [] to or through the Virginia Department of Social Services or its contractors.

E. [] Provide in the order that Respondent furnish health insurance coverage, including dental and vision care coverage, if available, for the dependents and for delivery of the documents necessary for the use of such coverage to the dependents.

F. [] Provide in the order that the parents share the cost of any reasonable and necessary unreimbursed medical or dental expenses for each child who is the subject of the obligation in proportion to their gross incomes.

G. [] Provide in the order that the parents pay, in proportion to their gross incomes, any reasonable and necessary unpaid expenses of the mother's pregnancy and delivery of a child born during the 6 months before the commencement of this initial child support proceeding

G.H. [] Require the Respondent to post a performance bond.

H.I.

Petitioner further requests the granting of such other and further relief as the law provides.

DATE PETITIONER

The Petitioner appeared this date before the undersigned and, upon being duly sworn, made oath that the facts stated in the foregoing petition are true based on the Petitioner's knowledge.

DATE [] CLERK [] INTAKE OFFICER

FOR NOTARY PUBLIC'S USE ONLY:
State of [] City [] County of
Acknowledged, subscribed and sworn to before me this day of , 20
NOTARY REGISTRATION NUMBER 347 NOTARY PUBLIC (My commission expires: 343)

DESERTION/NON-SUPPORT PETITION (Criminal)

Commonwealth of Virginia

VA. CODE §20-61

CASE NO.:

DCSE ID No. (to be added if DCSE is involved in case)

Juvenile and Domestic Relations District Court

..... V.
PETITIONER RESPONDENT

..... RESIDENTIAL ADDRESS RESIDENTIAL ADDRESS

..... MAILING ADDRESS IF DIFFERENT MAILING ADDRESS IF DIFFERENT

Social Security No. Social Security No.

Driver's License No. and State Driver's License No. and State

Telephone No. (H) (W) Telephone No. (H) (W)

Date of Birth Date of Birth

..... EMPLOYER EMPLOYER

..... EMPLOYER'S ADDRESS EMPLOYER'S ADDRESS

Petitioner's Address not to be disclosed
The undersigned petitioner respectfully represents to the Court:

1. That the parties have never been married;
 That the defendant and petitioner were lawfully married on DATE in CITY/COUNTY AND STATE

2. That within the past TIME PERIOD

That on or about DATE

the said defendant did unlawfully and without just cause,

desert and/or willfully neglect and refuse and fail to provide for the support and maintenance of
 his or her spouse and the following children under the age of eighteen years:
Name Date of Birth Custody Parentage
 Yes No Yes No
 Yes No Yes No
 Yes No Yes No
 Yes No Yes No
Who resides at petitioner's address
(Check if a child is over eighteen years of age and disabled or otherwise incapable of earning a living.)
 his or her mother father such parent being incapacitated and unable to maintain herself or himself, such spouse, child or parent being then and there in necessitous circumstances.

3. That no other case for support involving petitioner and respondent has been filed in any other court.

Attached is/are support order(s) for the above named person(s) for whom support is being sought.

4. Division of Child Support Enforcement is is not involved in this case.

5. That this court has jurisdiction by reason of the fact that:

At the time of desertion, such spouse, child, children, or parent were residents of this jurisdiction; (or)

Such spouse, child, children, or parent were residents of this jurisdiction in necessitous condition and have remained here in such condition with the knowledge and acquiescence of the defendant; (or)

The defendant is now and may be found within the jurisdiction of this Court.

6. That the facts and circumstances of this case are as follows:

7. An ~~Order of Protection~~ Protective Order is currently in effect against the defendant [] yes [] no. If yes, give name of ~~court~~ court issuing the ~~order~~ order, state and expiration date.

.....
COURT ISSUING ORDER STATE EXPIRATION DATE
.....

PERSONS PROTECTED BY THE ORDER

Wherefore, your petitioner prays that proper process may issue, that the Court may make all proper and necessary inquiries into the matters set out above and find that the defendant is guilty of desertion and/or willful neglect and refusal and failure to provide for the support and maintenance of the dependents described in the petition, and that the Court

- A. [] Make a finding in its Order that the Defendant is the father of the children named in this petition (paternity has not been previously established).
- B. [] Order the defendant to furnish support as follows:

\$ per for child support divided thusly:
TYPE OF TIME PERIOD
[] \$ divided equally among the above named children, or;
[] \$
\$ per for spousal support and, in the Order,
specifically allocate between child and spousal support TYPE OF TIME PERIOD

OR

\$ per for combined child/spousal (unitary) support
TYPE OF TIME PERIOD

or such other amount as the Court deems to be appropriate which is needed for support of the above listed dependents.

- C. [] Order the Defendant to make reimbursements or arrearages which subsequently accrue, with the Defendant to pay a reasonable amount on a periodic basis:

[] \$ payable for child support as of accruing at a rate of \$
per
TYPE OF TIME PERIOD
[] \$ payable for child support as of accruing at a rate of \$
per
TYPE OF TIME PERIOD
and, in the Order, specifically allocate between child and spousal arrearage.

OR

[] \$ for combined child/spousal (unitary) support as of
accruing at a rate of \$ per
TYPE OF TIME PERIOD

- D. Enter an order or require the Defendant to enter into an agreement creating a wage assignment to enforce any orders entered in the case as the responding court deems appropriate.

- E. Order that all payments be made [] directly to the payee [] to or through the Virginia Department of Social Services or its contractors.
~~[] directly to the payee [] to or through the Virginia Department of Social Services or its contractors.~~

- F. [] Provide in the order that the Defendant provide health insurance coverage, including dental and vision care coverage, if available, for the dependents and deliver the documents necessary for the use of such coverage to the dependents.

- G. [] Provide in the order that the parents share the cost of any reasonable and necessary unreimbursed medical or dental expenses for each child who is the subject of the obligation in proportion to their gross incomes.

- ~~G.H.~~ [] Provide in the order that the parents pay, in proportion to their gross incomes, any reasonable and necessary unpaid expenses of the mother's pregnancy and delivery of a child born during the 6 months before the commencement of this initial child support proceeding.

- ~~H.I.~~ [] Require the defendant to post a performance bond.

~~H.J.~~
.....

Petitioner further requests the granting of such other and further relief as the law provides.

Written testimony and other documentation in support of this petition are attached and incorporated herein and made a part of this Petition.

..... DATE PETITIONER

The Petitioner appeared this date before the undersigned and, upon being duly sworn, made oath that the facts stated in the foregoing petition are true based on the Petitioner's knowledge except as to those matters which are stated to be alleged on information and belief, to which the Petitioner believes such matters to be true.

..... DATE [] CLERK [] DEPUTY CLERK [] INTAKE OFFICER

FOR NOTARY PUBLIC'S USE ONLY	State of [] City [] County of
	Acknowledged, subscribed and sworn to before me this day of, 20
	..... NOTARY REGISTRATION NUMBER NOTARY PUBLIC (My commission expires:)

ORDER OF SUPPORT (CIVIL)

Commonwealth of Virginia

[] TEMPORARY ORDER [] FINAL ORDER

This Court's Case No.

DCSE ID No.

[] Juvenile and Domestic Relations District Court [] Circuit Court

STREET ADDRESS OF COURT

Petitioner:
[] Identifying information not provided for good cause shown
Residential Address:

v. Respondent:
[] Identifying information not provided for good cause shown
Residential Address:

Residential Telephone No.:

Residential Telephone No.:

Mailing Address if Different:

Mailing Address if Different:

Social Security No. (last 4 digits only):
Driver's Lic. No. & State:
Date of Birth:

Social Security No. (last 4 digits only):
Driver's Lic. No. & State:
Date of Birth:

Employer:

Employer:

Address:

Address:

Telephone No.:

Telephone No.:

[] This case is DISMISSED without prejudice because the Respondent could not be located for service of process.

[] Upon hearing the evidence, the Court finds for the Respondent and ORDERS that the case be DISMISSED.

PRESENT: [] Petitioner [] Attorney/ Guardian Ad Litem for Petitioner [] DCSE Representative [] Attorney for DCSE
[] Respondent [] Attorney/ Guardian Ad Litem for Respondent [] Guardian Ad Litem for child(ren) [] Other

[] Upon hearing the evidence, the Court finds that [] this (these) dependents [] a parent of the Respondent in necessitous circumstances:
NAME SOC. SEC. # (last 4 digits only) SEX DATE OF BIRTH RELATIONSHIP TO RESPONDENT

is (are) entitled to support from the Respondent, and that the Respondent is chargeable with support as alleged in the petition.
Therefore, the Court ORDERS the Respondent to pay:

[] \$ per month CURRENT CHILD SUPPORT effective for all children listed above; OR
[] \$ per month CURRENT CHILD SUPPORT effective divided among the above-listed
children as follows:

\$ for \$ for
\$ for \$ for

[] \$ per month CURRENT SPOUSAL SUPPORT effective
[] \$ per month COMBINED CHILD-SPOUSAL (UNITARY) SUPPORT effective
[] \$ per month SUPPORT FOR A PARENT effective
[] \$ per month PAYMENT TOWARDS ARREARAGES OF \$

TOTAL \$ per month payable, first payment due on the 1st day of, and each subsequent payment
is due on the 1st day of each month thereafter. Payments may be made in intervals of, per, beginning
on DATE PAYMENT AMOUNT INTERVAL

All support paid shall be credited to current support first and the remainder shall be credited to arrearages.
Child support shall terminate on a child's eighteenth birthday; however, support shall continue for any child who is over the age of eighteen and (i) a full-time
high school student, (ii) not self-supporting and (iii) living in the home of the parent receiving child support, until the child reaches the age of nineteen or
graduates from high school, whichever occurs first; and if any arrearages for child support, including interest or fees, exist at the time the youngest child
emancipates, payments shall continue in the total amount due until all arrearages are paid. If the above current child support is not divided per child, the
ordered amount cannot be changed except by a court.

[] Support for Name of Child, a child whom the court has determined (i) is 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 was a full-time high school student, not self-
supporting and living in the home of the parent seeking or receiving child support; (ii) is unable to live independently and support himself and (iii)
residing in the home of the parent seeking support.

ARREARAGES:

- No arrearages exist as of
- \$..... child support arrearage owed by Respondent.
- \$..... spousal support arrearage owed by Respondent.
- \$..... unitary (child/spousal) support arrearage owed by Respondent.
- \$..... **total SUPPORT arrears owed by Respondent** **with interest included** **without interest included**
- arrears include an assessment from the effective date of this order to the first payment due date.
- This total includes TANF debt or other public funds paid prior to the effective date of this order of \$ for months.

These arrearages are calculated as of the date of this Order including support owed for the current month. This amount does not include payments made after ____/____/____, and respondent shall be credited for any payments made thereafter. Interest shall continue to accrue on unpaid arrearages at the judgment rate unless the petitioner, in a writing submitted to the court, waives the collection of interest.

PAYMENT:

Payment shall be made payable to:

- Petitioner at the address shown in the beginning of the Order.
The parties shall give the court at least 30 days written notice, in advance, of any proposed change of residential and, if different, mailing address and of any change of telephone number within 30 days of the change. The Respondent is required to keep the court informed of the name, address, and telephone number of his/her current employer.
- Treasurer of Virginia and sent to Virginia Department of Social Services, Division of Child Support Enforcement, P.O. Box 570, Richmond, Virginia 23218-0570 unless otherwise instructed by that agency or this Court and shall contain the following:
 1. Check or money order made payable to the Treasurer of Virginia.
 2. Print on the check or money order:
 - Your name and social security number
 - Petitioner’s name as shown on the first page of this order
 - The DCSE ID No. shown on the first page of this order. If no such number is shown, use this Court’s name and case number as shown on the front page of this order until that number is sent to you; then start using the DCSE ID No.

The parties shall give to the Virginia Department of Social Services and the court, at least 30 days written notice, in advance, of any proposed change of residential and, if different, mailing address and of any change of telephone number within 30 days of the change. The Respondent is required to keep the Virginia Department of Social Services and the court informed of the name, address and telephone number of his/her current employer.
- The parties shall also give each other at least 30 days written notice, in advance of any change of residential and, if different, mailing address and of any change in telephone number within 30 days after the change.

WARNING: Failure to pay in accordance with this order is a violation of this order and may be punished by a jail sentence or a fine or both. In addition, you may not receive credit for payments made contrary to the payment instructions provided in this order. Whenever income withholding is authorized, it is your responsibility to make the payment to DCSE until the income withholding becomes effective. You are responsible for keeping records of payments you make.

HEALTH CARE PROVISIONS:

- Respondent Petitioner shall provide health care coverage for the child(ren) spouse and shall deliver the document necessary for the use of such coverage by the dependents
- Respondent Petitioner shall provide dental care coverage for the child(ren) spouse and shall deliver the document necessary for the use of such coverage by the dependents
- Respondent Petitioner shall provide vision care coverage for the child(ren) and shall deliver the document necessary for the use of such coverage by the dependents.
- Respondent Petitioner presently has health care coverage and is ordered to maintain it or comparable coverage as long as eligible.

Health Insurance Provider Policy name

Name of Policy Holder Policy number

In the event of any change in health insurance, the responsible party is required to notify the opposing party of the change. The responsible party shall inform the Virginia Department of Social Services, if support payments are ordered to be paid through the Virginia Department of Social Services, or the opposing party, if support payments are ordered to be paid directly to the opposing party, of any changes in the availability of the health care coverage for the minor child or children.

- The Court finds that “health care coverage” as defined by the statute is not available at “reasonable cost” as defined by statute, and therefore, the Court does not order either the Respondent or the Petitioner to provide health care coverage.
- Any reasonable and necessary unreimbursed medical and dental expenses for each child covered by this order shall be paid in the following manner: % Respondent % Petitioner.

ORDER OF SUPPORT (CIVIL)

Case No.

[] Any reasonable and necessary unpaid expenses of the mother's pregnancy and delivery of a child born during the 6 months before this initial child support proceeding was commenced are [] ordered to be paid % by Respondent and % by Petitioner [] not ordered to be paid for good cause shown or the agreement of the parties.

[] Respondent [] Petitioner is ordered to execute the appropriate tax forms or waivers to grant the other party the right to take the income tax dependency exemption and any credits resulting from such exemption for tax years for for federal and state income purposes.

CHILD OR CHILDREN

[] The Court finds that a license, certificate, registration or other authorization to engage in a profession, business, trade, occupation, or recreational activity issued by the Commonwealth of Virginia is held by

Table with 3 columns: TYPE OF LICENSE, AGENCY GRANTING LICENSE, LICENSE NUMBER. Rows for Respondent and Petitioner.

Upon a delinquency of a support payment for a period of 90 days or more, or in an amount of \$5,000 or more, a petition may be filed for suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business, occupation, or recreational activity issued by the Commonwealth. Virginia Code § 20-60.3.

[] Withholding from income is ordered payable through the Virginia Department of Social Services by [] court income deduction order or [] administrative order for income withholding.

[] Immediate withholding from income is not ordered, pursuant to a written agreement between the parties or for good cause shown.

It is further ORDERED that:

[] This Order was determined based on the following custody guidelines: [] sole [] shared [] split [] multiple shared [] sole and shared [] split and shared.

[] A child support award of \$ by application of the guidelines provided in Virginia Code § 20-108.2 would be unjust or inappropriate in this case as determined by the relevant evidence pertaining to the factors set forth in the attached supplement which is incorporated herein by reference, the ability of each party to provide child support, and the best interest of the child.

[] Entered in accordance with the parties' written stipulation or agreement.

[] The Respondent is also required to post with the Clerk a recognizance pursuant to § 20-114 of \$ with/without surety

[] The Respondent shall also pay: \$ reimbursement of costs to the Petitioner due

\$ attorneys' fees to the Petitioner's attorney due

If arrearage amount equals or exceeds 3 months owed, reasonable attorneys' fees must be ordered pursuant to Virginia Code § 16.1-278.18, and may be ordered pursuant to § 20-78.2.

NOTICE: Support payments may be withheld as they become due from income without further amendment of this order or having to file an application for services with the Virginia Department of Social Services. Such order shall only be entered upon motion after proper notice sent by the clerk or counsel. Support payments may be withheld without further amendment of this order upon application for services with the Virginia Department of Social Services. In determining a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law. Failure to make payments when due means that interest will accrue according to Virginia Code § 6.2-302.

The Virginia Department of Social Services may initiate a review of the amount of support ordered by any court. If a change in circumstances, as defined in the State Board of Social Services' regulations, has occurred, the Department shall report its findings and a proposed modified order to the court which entered the order. Notice shall be served on both parties. Either party may request a hearing on the proposed modified order by filing a request with such court within 30 days of receipt of notice by the requesting party. Unless a hearing is requested with the time limits, no hearing shall be required and the modified order shall be effective 30 days after the notice is received and shall amend any prior court order. Virginia Code § 20-60.3.

In cases enforced by the Virginia Department of Social Services, the Department of Motor Vehicles may suspend or refuse to renew the driver's license of any person upon receipt of notice from the Virginia Department of Social Services that the person is delinquent in the payment of child support by 90 days or in an amount of \$5,000 or more, or the person has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings.

If the order being reviewed by the Department deviates from the guidelines, based on one or more factors set out in Virginia Code § 20-108.1, a hearing shall be scheduled with the court which entered the order.

THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL AMENDED OR ANNULLED BY THIS COURT OR A COURT OF COMPETENT JURISDICTION TO WHICH AN APPEAL MAY BE TAKEN.

DATE JUDGE

SEEN AND AGREED AS TO NO PROVISION FOR INCOME WITHHOLDING.

PETITIONER: RESPONDENT:

ARREARAGES:

No arrearages exist as of

\$ support arrearages exist as follows:

\$ child support arrearage

\$ spousal support arrearage

\$ combined child/spousal (unitary) support arrearage

\$ accrued interest as of

interest has not been calculated but is owed on the arrearages

These arrearages are calculated as of but nothing contained in this Order shall affect arrearages accruing after this date. Interest shall continue to accrue on the unpaid arrearages at the judgment rate unless the petitioner, in a writing submitted to the court, waives the collection of interest.

PAYMENT:

Payment shall be made payable to:

Petitioner at the address shown in the beginning of the Order.

The parties shall give the court at least thirty (30) days written notice, in advance, of any proposed change of address and of any change of telephone number within 30 days after the change. The Respondent is required to keep the court informed of the name, address, and telephone number of his/her current employer.

Treasurer of Virginia and sent to Virginia Department of Social Services, Division of Child Support Enforcement, P.O. Box 570, Richmond, Virginia 23218-0570 unless otherwise instructed by that agency or this Court and shall contain the following:

1. Check or money order made payable to the Treasurer of Virginia.

2. Print on the check or money order:

▪ Your name and social security number

▪ Petitioner’s name as shown on the first page of this order

▪ The DCSE ID No. shown on the first page of this order. If no such number is shown, use this Court’s name and case number as shown on the front page of this order until that number is sent to you; then start using the DCSE ID No.

The parties shall give to the Virginia Department of Social Services and the Court, at least thirty (30) days written notice, in advance, of any proposed change of address and of any change of telephone number within 30 days after the change. The Respondent is required to keep the Virginia Department of Social Services and the Court informed of the name, address and telephone number of his/her current employer.

The parties shall also give each other at least thirty (30) days written notice, in advance of any change of address and of any change in telephone number within thirty days after the change.

WARNING: Failure to pay in accordance with this order is a violation of this order and may be punished by a jail sentence or a file or both. In addition, you may not receive credit for payments made contrary to the payment instructions provided in this order. Whenever income withholding is authorized, it is your responsibility to make the payment to DCSE until the income withholding becomes effective. You are responsible for keeping records of payments you make.

HEALTH CARE PROVISIONS:

Respondent Petitioner shall provide health care coverage for the child(ren) spouse and shall deliver the document necessary for the use of such coverage by the dependents

Respondent Petitioner shall provide dental care coverage for the child(ren) spouse and shall deliver the document necessary for the use of such coverage by the dependents.

Respondent Petitioner shall provide vision care coverage for the child(ren) and shall deliver the document necessary for the use of such coverage by the dependents.

Respondent Petitioner presently has health care coverage and is ordered to maintain it or comparable coverage.

Health Insurance Company Policy name

Name of Policy Holder Policy number

In the event of any change in health insurance, the responsible party is required to notify the opposing party of the change. The responsible party shall inform the Virginia Department of Social Services, if support payments are ordered to be paid through the Virginia Department of Social Services, or the opposing party, if support payments are ordered to be paid directly to the opposing party, of any changes in the availability of the health care coverage for the minor child or children.

The Court finds that “health care coverage” as defined by the statute is not available “at reasonable cost” as defined by statute, and therefore, the Court does not order either the Respondent or the Petitioner to provide health care coverage.

Any reasonable and necessary unreimbursed medical and dental expenses for each child covered by this order shall be paid in the following manner: % Respondent % Petitioner.

[] Any reasonable and necessary unpaid expenses of the mother's pregnancy and delivery of a child born during the 6 months before this initial child support proceeding was commenced are [] ordered to be paid% by Respondent and% by Petitioner [] not ordered to be paid for good cause shown or the agreement of the parties.

[] Respondent [] Petitioner is ordered to execute the appropriate tax forms or waivers to grant the other party the right to take the income tax dependency exemption and any credits resulting from such exemption for tax years for for federal and state income tax purposes.

[] The Court finds that a license, certificate, registration or other authorization to engage in a profession, business, trade, occupation, or recreational activity issued by the Commonwealth of Virginia is held by

Table with 3 columns: TYPE OF LICENSE, AGENCY GRANTING LICENSE, LICENSE NUMBER. Rows for Respondent and Petitioner.

Upon a delinquency of a support payment for a period of 90 days or more, or in an amount of \$5,000 or more, a petition may be filed for suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business, occupation or recreational activity issued by the Commonwealth. Virginia Code § 20-60.3.

[] Withholding from income is ordered payable through the Virginia Department of Social Services by [] court income deduction order or [] administrative order for income withholding.

[] Immediate withholding from income is not ordered, pursuant to a written agreement between the parties or for good cause shown.

It is further ORDERED that:

This Order was determined based on the following custody guidelines: [] sole [] shared [] split [] multiple shared [] sole and shared [] split and shared.

A child support award of \$ by application of the guidelines provided in Virginia Code § 20-108.2 would be unjust or inappropriate in this case as determined by the relevant evidence pertaining to the factors set forth in the attached supplement which is incorporated herein by reference, the ability of each party to provide child support, and the best interest of the child.

[] Entered into accordance with the parties' written stipulation or agreement.

[] The Respondent is also required to post with the clerk a performance bond of \$ with/without surety.

[] The Respondent shall also pay: \$ costs to the clerk of this Court, \$ to the Virginia Department of Social Services as reimbursement for attorney's fees and other costs, \$ attorney's fees to the Petitioner's attorney.

NOTICE: Support payments may be withheld as they become due from income without further amendment of this order or having to file an application for services with the Virginia Department of Social Services. Such Order shall only be entered upon motion after proper notice sent by the clerk or counsel. Support payments may be withheld without further amendment of this order upon application for services with the Virginia Department of Social Services. In determining a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law. Failure to make payments when due means that interest will accrue according to Virginia Code § 6.2-302.

The Virginia Department of Social Services may initiate a review of the amount of support ordered by any court. If a change in circumstances, as defined in the State Board of Social Services' regulations, has occurred, the Department shall report its findings and a proposed modified order to the court which entered the order. Notice shall be served on both parties. Either party may request a hearing on the proposed modified order by filing a request with such court within thirty days of receipt of notice by the requesting party. Unless a hearing is requested with the time limits, no hearing shall be required and the modified order shall be effective thirty days after the notice is received and shall amend any prior court order. Virginia Code § 20-60.3.

In cases enforced by the Virginia Department of Social Services, the Department of Motor Vehicles may suspend or refuse to renew the driver's license of any person upon receipt of notice from the Virginia Department of Social Services that the person is delinquent in the payment of child support by 90 days or in an amount of \$5,000 or more, or the person has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings.

If the order being reviewed by the Department deviates from the guidelines, based on one or more factors set out in Virginia Code § 20-108.1, a hearing shall be scheduled with the court which entered the order.

THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL AMENDED OR ANNULLED BY THIS COURT OF COMPETENT JURISDICTION TO WHICH AN APPEAL MAY BE TAKEN.

DATE

JUDGE

SEEN AND AGREED AS TO NO PROVISION FOR INCOME WITHHOLDING.

PETITIONER: RESPONDENT:

..... [] Juvenile and Domestic Relations District Court [] Circuit Court

STREET ADDRESS OF COURT

Petitioner:
[] Identifying information not provided for good cause shown
Residential Address:

v. Respondent:
[] Identifying information not provided for good cause shown
Residential Address:

Residential Telephone No.:

Residential Telephone No.:

Mailing Address if Different:

Mailing Address if Different:

Social Security No. (last 4 digits only):
Driver's Lic. No. & State:
Date of Birth:

Social Security No. (last 4 digits only):
Driver's Lic. No. & State:
Date of Birth:

Employer:

Employer:

Address:

Address:

Telephone No.:

Telephone No.:

PRESENT: [] Petitioner [] Attorney/ Guardian Ad Litem for Petitioner [] DCSE Representative [] Attorney for DCSE
[] Respondent [] Attorney/ Guardian Ad Litem for Respondent [] Guardian Ad Litem for child(ren) [] Mediator

[] The parties agree that [] this (these) dependents [] a parent of the Respondent in necessitous circumstances:
NAME SOC. SEC. # (last 4 digits only) SEX DATE OF BIRTH RELATIONSHIP TO RESPONDENT

is (are) entitled to support from the Respondent, and that the Respondent is chargeable with support as alleged in the petition.
Therefore, the parties agree that the Respondent to pay:

[] \$ per month CURRENT CHILD SUPPORT effective for all children listed above; **OR**
[] \$ per month CURRENT CHILD SUPPORT effective divided among the above-listed children as follows:

\$ for \$ for
\$ for \$ for

[] \$ per month CURRENT SPOUSAL SUPPORT effective
[] \$ per month COMBINED CHILD-SPOUSAL (UNITARY) SUPPORT effective
[] \$ per month SUPPORT FOR A PARENT effective
[] \$ per month PAYMENT TOWARDS ARREARAGES OF \$

**TOTAL \$ per month payable, first payment due on the 1st day of, and each subsequent payment is due on the 1st day of each month thereafter. Payments may be made in intervals of , per , beginning on
DATE PAYMENT AMOUNT INTERVAL**

All support paid shall be credited to current support first and the remainder shall be credited to arrearages.
Child support shall terminate on a child's eighteenth birthday; however, support shall continue for any child who is over the age of eighteen and (i) a full-time high school student, (ii) not self-supporting and (iii) living in the home of the parent receiving child support, until the child reaches the age of nineteen or graduates from high school, whichever occurs first; and if any arrearages for child support, including interest or fees, exist at the time the youngest child emancipates, payments shall continue in the total amount due until all arrearages are paid. If the above current child support is not divided per child, the ordered amount cannot be changed except by a court.
[] Support for , a child whom the court has determined (i) is severely and permanently mentally
Name of Child
or physically disabled, and such disability existed prior to the child reaching the age of 18, or the age of 19 if the child was a full-time high school student, not self-supporting and living in the home of the parent seeking or receiving child support; (ii) is unable to live independently and support himself and (iii) residing in the home of the parent seeking support.

ARREARAGES:

- [] No arrearages exist as of
[] \$ child support arrearage owed by Respondent.
[] \$ spousal support arrearage owed by Respondent.
[] \$ unitary (child/spousal) support arrearage owed by Respondent.
[] \$ total SUPPORT arrears owed by Respondent [] with interest included [] without interest included
[] arrears include an assessment from the effective date of this order to the first payment due date.
[] This total includes TANF debt or other public funds paid prior to the effective date of this order of \$ for months.

These arrearages are calculated as of the date of this Agreement including support owed for the current month. This amount does not include payments made after ___/___/___, and respondent shall be credited for any payments made thereafter. Interest shall continue to accrue on unpaid arrearages at the judgment rate unless the petitioner, in a writing submitted to the court, waives the collection of interest.

PAYMENT:

Payment shall be made payable to:

- [] Petitioner at the address shown in the beginning of the Agreement.
The parties shall give the court at least 30 days written notice, in advance, of any proposed change of residential and, if different, mailing address and of any change of telephone number within 30 days of the change. The Respondent is required to keep the court informed of the name, address, and telephone number of his/her current employer.
[] Treasurer of Virginia and sent to Virginia Department of Social Services, Division of Child Support Enforcement, P.O. Box 570, Richmond, Virginia 23218-0570 unless otherwise instructed by that agency or this Court and shall contain the following:
1. Check or money order made payable to the Treasurer of Virginia.
2. Print on the check or money order:
- Your name and social security number
- Petitioner’s name as shown on the first page of this agreement
- The DCSE ID No. shown on the first page of this agreement. If no such number is shown, use this Court’s name and case number as shown on the front page of this agreement until that number is sent to you; then start using the DCSE ID No.
The parties shall give to the Virginia Department of Social Services and the court, at least 30 days written notice, in advance, of any proposed change of residential and, if different, mailing address and of any change of telephone number within 30 days of the change. The Respondent is required to keep the Virginia Department of Social Services and the court informed of the name, address and telephone number of his/her current employer.
[] The parties shall also give each other at least 30 days written notice, in advance of any change of residential and, if different, mailing address and of any change in telephone number within 30 days after the change.

HEALTH CARE PROVISIONS:

- [] Respondent [] Petitioner shall provide health care coverage for the [] child(ren) [] spouse and shall deliver the document necessary for the use of such coverage by the dependents
[] Respondent [] Petitioner shall provide dental care coverage for the [] child(ren) [] spouse and shall deliver the document necessary for the use of such coverage by the dependents
[] Respondent [] Petitioner shall provide vision care coverage for the child(ren) and shall deliver the document necessary for the use of such coverage by the dependents.
[] Respondent [] Petitioner presently has health care coverage and shall maintain it [] or comparable coverage [] as long as eligible.
Health Insurance Provider Policy name
Name of Policy Holder Policy number
In the event of any change in health insurance, the responsible party is required to notify the opposing party of the change. The responsible party shall inform the Virginia Department of Social Services, if support payments are ordered to be paid through the Virginia Department of Social Services, or the opposing party, if support payments are ordered to be paid directly to the opposing party, of any changes in the availability of the health care coverage for the minor child or children.
[] The parties agree that “health care coverage” as defined by the statute is not available at “reasonable cost” as defined by statute, and therefore, the parties agree that neither the Respondent nor the Petitioner will be required to provide health care coverage.
[] Any reasonable and necessary unreimbursed medical and dental expenses for each child covered by this agreement shall be paid in the following manner: % Respondent % Petitioner.

[] Any reasonable and necessary unpaid expenses of the mother’s pregnancy and delivery of a child born during the 6 months before this initial child support proceeding was commenced are [] ordered to be paid % by Respondent and % by Petitioner [] not ordered to be paid for good cause shown or the agreement of the parties.

[] Respondent [] Petitioner agree to execute the appropriate tax forms or waivers to grant the other party the right to take the income tax dependency exemption and any credits resulting from such exemption for tax years for CHILD OR CHILDREN for federal and state income tax purposes.

[] A license, certificate, registration or other authorization to engage in a profession, business, trade, occupation, or recreational activity issued by the Commonwealth of Virginia is held by

Table with 3 columns: TYPE OF LICENSE, AGENCY GRANTING LICENSE, LICENSE NUMBER. Rows for Respondent and Petitioner.

Upon a delinquency of a support payment for a period of 90 days or more, or in an amount of \$5,000 or more, a petition may be filed for suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business, occupation, or recreational activity issued by the Commonwealth. Virginia Code § 20-60.3.

[] Withholding from income will be ordered payable through the Virginia Department of Social Services by [] court income deduction order or [] administrative order for income withholding.

[] Immediate withholding from income will not be ordered, pursuant to this written agreement between the parties.

The parties further agree that:

[] This agreement was determined based on the following custody guidelines: [] sole [] shared [] split [] multiple shared [] sole and shared [] split and shared. A copy of the guidelines is incorporated in this agreement.

[] The parties agree to a child support amount that is different than the amount based on the child support guidelines, a copy of which is incorporated in this agreement, for the following reasons:

.....

[] The Respondent is also required to post with the Clerk a recognizance pursuant to § 20-114 of \$ with/without surety

[] The Respondent shall also pay: \$ reimbursement of costs to the Petitioner due \$ attorneys’ fees to the Petitioner’s attorney due

If arrearage amount equals or exceeds 3 months owed, reasonable attorneys’ fees must be ordered pursuant to Virginia Code § 16.1-278.18, and may be ordered pursuant to § 20-78.2.

Mediation conducted by: NAME OF MEDIATOR SIGNATURE OF MEDIATOR DATE

UNDERSTANDING AND DISCLOSURE:

The parties agree that the terms and conditions set forth in this agreement are the result of full and substantial disclosure of all relevant property and financial information. The parties further understand that they have the opportunity to have this Mediation Agreement reviewed by independent legal counsel prior to signing it or have chosen to waive the opportunity to do so. Notice: Any party who has legal counsel of record may not waive the opportunity to have this agreement reviewed by legal counsel. The parties understand and request that this agreement be incorporated into the order for support which will contain any additional legal requirements for support orders under Virginia law.

..... DATE PETITIONER DATE RESPONDENT

SEEN: (if represented by counsel)

..... DATE ATTORNEY FOR PETITIONER DATE ATTORNEY FOR RESPONDENT

DATE

ATTORNEY FOR DCSE

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 177

An Act to amend and reenact § 20-108.2 of the Code of Virginia, relating to initial child support order; unreimbursed medical expenses for pregnancy and birth.

[S 428]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 20-108.2 of the Code of Virginia is amended and reenacted as follows:

§ 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, shared custody, or multiple custody arrangements pursuant to subdivisions G 4, 5, and 6, 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. The guidelines worksheet relied upon by the court or the Department of Social Services to compute a child support obligation for a support order issued by such court or the Department shall be placed in the court's file or the Department's file, and a copy of such guidelines worksheet shall be provided to the parties.

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
850	163	248	300	336	369	401
900	171	260	316	353	388	422
950	179	273	331	369	406	442

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

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

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

Where a party to the proceeding has a natural or adopted child or children in the party's household or primary physical custody, and the child or children are not the subject of the present proceeding, there is a presumption that there shall be deducted from the gross income of that party the amount as shown on the Schedule of Monthly Basic Child Support Obligations contained in subsection B that represents that party's support obligation based solely on that party's income as being the total income available for the natural or adopted child or children in the party's household or primary physical custody, who are not the subject of the present proceeding. Provided, however, that the existence of a party's financial responsibility for such a child or children shall not of itself constitute a material change in circumstances for modifying a previous order of child support in any modification proceeding. Any adjustment to gross income under this subsection 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, as determined by the court.

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

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

D1. In any initial child support proceeding commenced within six months of the birth of a child, except for good cause shown or the agreement of the parties, in addition to any other child support obligations established pursuant to this section, the child support order shall provide that the parents pay in proportion to their gross incomes, as used for calculating the monthly support obligation, any reasonable and necessary unpaid expenses of the mother's pregnancy and the delivery of such child. Any amount paid under this subsection shall not be adjusted by, nor added to, the child support calculated in accordance with subsection G.

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

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 192

An Act to amend and reenact § 20-108.1 of the Code of Virginia, relating to child support; assignment of tax credits.

[S 434]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 20-108.1 of the Code of Virginia is amended and reenacted as follows:

§ 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 63.2, the court shall consider all evidence presented relevant to any issues joined in that proceeding. The court's decision in any such proceeding shall be rendered upon the evidence relevant to each individual case. However, there shall be a rebuttable presumption in any judicial or administrative proceeding for child support, including cases involving split custody or shared custody, that the amount of the award that would result from the application of the guidelines set out in § 20-108.2 is the correct amount of child support to be awarded. Liability for support shall be determined retroactively for the period measured from the date that the proceeding was commenced by the filing of an action with any court provided the complainant exercised due diligence in the service of the respondent 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 on the obligor.

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

1. Actual monetary support for other family members or former family members;
2. Arrangements regarding custody of the children, including the cost of visitation travel;
3. Imputed income to a party who is voluntarily unemployed or voluntarily under-employed; provided that income may not be imputed to a custodial parent when a child is not in school, child care services are not available and the cost of such child care services are not included in the computation and provided further, that any consideration of imputed income based on a change in a party's employment shall be evaluated with consideration of the good faith and reasonableness of employment decisions made by the party, including to attend and complete an educational or vocational program likely to maintain or increase the party's earning potential;
4. Any child care costs incurred on behalf of the child or children due to the attendance of a custodial parent in an educational or vocational program likely to maintain or increase the party's earning potential;
5. Debts of either party arising during the marriage for the benefit of the child;
6. Direct payments ordered by the court for maintaining life insurance coverage pursuant to subsection D, education expenses, or other court-ordered direct payments for the benefit of the child;
7. Extraordinary capital gains such as capital gains resulting from the sale of the marital abode;
8. Any special needs of a child resulting from any physical, emotional, or medical condition;
9. Independent financial resources of the child or children;
10. Standard of living for the child or children established during the marriage;
11. Earning capacity, obligations, financial resources, and special needs of each parent;
12. Provisions made with regard to the marital property under § 20-107.3, where said property earns income or has an income-earning potential;
13. Tax consequences to the parties including claims for exemptions, child tax credit, and child care credit for dependent children;
14. A written agreement, stipulation, consent order, or decree between the parties which includes the amount of child support; and
15. Such other factors as are necessary to consider the equities for the parents and children.

C. In any proceeding under this title, Title 16.1, or Title 63.2 on the issue of determining child support, the court shall have the authority to order either party or both parties to provide health care

coverage or cash medical support, as defined in § 63.2-1900, or both, for dependent children if reasonable under all the circumstances and health care coverage for a spouse or former spouse.

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

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

F. Notwithstanding any other provision of law, any amendments to this section shall not be 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.

CHILD SUPPORT GUIDELINES WORKSHEET

Commonwealth of Virginia Va. Code § 20-108.2

Case No.

..... (Party A) v. (Party B) DATE

	<u>PARTY A</u>	<u>PARTY B</u>
1. Monthly Gross Income (see instructions on reverse)	\$	\$
2. Adjustments for spousal support payments (see instructions on reverse)	\$	\$
3. Adjustments for support of child(ren) (see instructions on reverse)	\$	\$
4. Deductions from Monthly Gross Income allowable by law (see instructions on reverse)	\$	\$
5. a. Available monthly income	\$	\$
b. Combined monthly available income (combine both available monthly income figures from line 5.a.)		\$ <input style="width: 100px; height: 20px;" type="text"/>

6. Number of children in the present case for whom support is sought:	<input style="width: 100px; height: 20px;" type="text"/>
7. a. Monthly basic child support obligation (from schedule — see instructions on reverse)	a. \$
b. Monthly amount allowable for health care coverage (see instructions on reverse)	b. \$
c. Monthly amount allowable for employment-related child care expenses (see instructions on reverse)	c. \$
8. Total monthly child support obligation (add lines 7.a., 7.b., and 7.c.)	\$ <input style="width: 100px; height: 20px;" type="text"/>

	<u>PARTY A</u>	<u>PARTY B</u>
9. Percent obligation of each party (divide “available monthly income” on line 5.a. by line 5.b.) % %
10. Monthly child support obligation of each party (multiply line 8 by line 9)	\$ <input style="width: 100px; height: 20px;" type="text"/>	\$ <input style="width: 100px; height: 20px;" type="text"/>
11. Deduction by non-custodial parent for health care coverage when paid directly by non-custodial parent or non-custodial parent’s spouse (from line 7.b.)	\$	\$

	<u>PARTY A</u>	<u>PARTY B</u>
12. Adjustments (if any) to Child Support Guidelines Calculation (see instructions on reverse)		
a. Credit for benefits received by or for the child derived from the parent’s entitlement to disability insurance benefits to the extent that such derivative benefits are included in a parent’s gross income	-\$	-\$
b.	\$	\$
c.	\$	\$
13. Each party’s adjusted share	\$ <input style="width: 100px; height: 20px;" type="text"/>	\$ <input style="width: 100px; height: 20px;" type="text"/>

CHILD SUPPORT GUIDELINES WORKSHEET INSTRUCTIONS

General — Use monthly financial information rounded to the nearest dollar in making these calculations. To convert data to monthly figures,

- multiply weekly financial data by 4.33
- multiply bi-weekly financial data by 2.167
- multiply semi-monthly financial data by 2
- divide annual financial data by 12

Amounts of \$.50 or more should be rounded up to the nearest dollar; amounts less than \$.50 should be rounded down to the nearest dollar.

Line 1 — Gross income is defined by Virginia Code § 20-108.2(C).

- Gross income “shall mean all income from all sources, and shall include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits, worker’s compensation benefits, disability insurance benefits, veterans’ benefits, spousal support, rental income, gifts, prizes or awards. If a parent’s gross income includes disability insurance benefits, it shall also include any amounts paid to or for the child who is the subject of the order and derived by the child from the parent’s entitlement to disability insurance benefits.”
- Gross income “shall not include benefits from public assistance programs as defined in Virginia Code § 63.2-100 [Temporary Assistance to Needy Families, auxiliary grants to the aged, blind and disabled, medical assistance, energy assistance, food stamps, employment services, child care, general relief] federal Supplemental Security benefits, child support received, or income received by the payor from secondary employment income not previously included in “gross income,” where the payor obtained the income to discharge a child support arrearage established by a court or administrative order and the payor is paying the arrearage pursuant to the order.”

Line 2 — If spousal support is being paid by a party pursuant to an existing court or administrative order or written agreement, regardless of whether it is being paid to the other party or to a person not a party to this proceeding, subtract that amount under the payor’s column. If spousal support is being received by a party pursuant to an existing court or administrative order or written agreement, regardless of whether it is being paid by the other party to this proceeding, add the amount under the payee’s column. Use plus and minus signs appropriately. If a party is not paying or receiving spousal support, insert “none” in the appropriate column(s).

Line 3 — When a party is paying child support payments pursuant to an existing court or administrative order or written agreement for a child or children who are not the subject of the proceeding, subtract this amount from gross income. When a party has a child or children who are not the subject of the proceeding in their household or primary physical custody, subtract the amount as shown on the schedule of Monthly Basic Child Support Obligations that represents that party’s support obligation for that child or children based solely on the party’s income as the total income available. If these provisions are inapplicable, insert “none” in the appropriate column(s). There is only a presumption that these amounts will be deducted from gross income.

Line 4 (Virginia Code § 20-108.2(C)) — If either parent has income from self-employment, a partnership or a closely-held business, subtract reasonable business expenses under the column of the party with such income. Include one-half of any self-employment tax paid, if applicable. If none, insert “none.”

Line 5.a. — As applicable, add to and subtract from line 1 the figures in lines 2, 3 and 4 and enter the total for each column.

NOTE: Any adjustments to gross income 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.

Line 7.a. — Using § 20-108.2(B) SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS, use line 5.b. (combined monthly available income) to find the applicable income level under COMBINED GROSS INCOME, then use line 6 (number of children) to determine the basic child support obligation under the appropriate column at the applicable income level.

Line 7.b. (Virginia Code §§ 20-108.2(E) and 63.2-1900) — Insert costs for “health 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. 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. “Health care coverage” means any plan providing hospital, medical or surgical care coverage for dependent children provided such coverage is available and can be obtained by a parent, parents, or a parent’s spouse at a “reasonable cost” (defined as “available, in an amount not to exceed 5% of the ~~parents’ combined~~ gross income of the parent responsible for providing health care coverage, and accessible through employers, unions or other groups, or Department-sponsored health care coverage, without regard to service delivery mechanism”). This item should also include the cost of any vision care coverage and any dental care coverage for the child or children paid by a parent, or that parent’s spouse.

Lines 7.c. (Virginia Code § 20-108.2(F)) — Insert actual cost or the amount required to provide quality child care, whichever is less. If applicable, allocate ratably between employment-related child care and other child care based on custodian’s activities while child care is being provided.

Line 12(a) — If amounts paid to or for the child who is the subject of the order and derived by the child from the parent’s entitlement to disability insurance benefits have been included in a parent’s gross income, that amount should be subtracted from that parent’s child support obligation.

Line 12 (b-c) (Virginia Code § 20-108.1(B)) — If applicable, describe adjustment to child support for factors not addressed in guidelines calculation, then show amount to be added to or subtracted from each party-parent’s child support obligation (use plus and minus signs appropriately).

Line 13 — If additional items are entered in lines 12 (a-c), add and subtract such items from line 10 and enter the totals on this line. In cases involving split custody, the amount of child support to be calculated using these guidelines shall be the difference between the amounts owed by each parent as a noncustodial parent, computed in accordance with these guidelines, with the noncustodial parent owing the larger amount paying the difference to the other parent.

For the purpose of applying these provisions, 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.

**CHILD SUPPORT GUIDELINES
WORKSHEET — SPLIT CUSTODY**

Commonwealth of Virginia Va. Code § 20-108.2

Case No.

..... (Party A) v. (Party B)

	DATE	
	<u>PARTY A</u>	<u>PARTY B</u>
1. Monthly Gross Income (see instructions on Page 2)	\$	\$
2. Adjustments for spousal support payments (see instructions on Page 2)	\$	\$
3. Adjustments for support of child(ren) (see instructions on Page 2)	\$	\$
4. Deductions from Monthly Gross Income allowable by law (see instructions on Page 2)	-\$	\$
<hr/>		
5. a. Available monthly income	\$	\$
b. Combined monthly available income (combine both available monthly income figures from line 5.a.)		<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;"></div>
6. Percent obligation of each party (divide “available monthly income” on line Line 5.a. by line 5.b.)	%	%
	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;"></div>	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;"></div>
7. Number of children for which that person is the <u>noncustodial</u> parent.	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;"></div>	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;"></div>

	<u>PARTY A</u>	<u>PARTY B</u>
8. a. Monthly basic child support obligation for number of children listed above (from schedule — see instructions on Page 2)	\$	\$
b. Monthly amount allowable for health care coverage paid by <u>other</u> parent or that <u>other</u> parent’s spouse (see instructions on Page 2)	\$	\$
c. Monthly amount allowable for employment-related child care expense paid by <u>other</u> parent (see instructions on Page 2)	\$	\$
9. Total monthly child support obligation of each parent (add lines 8.a., 8.b., and 8.c. for each parent)	\$ <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div>	\$ <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div>
10. Total monthly child support obligation of each party (multiply line 6 by line 9)	\$ <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div>	\$ <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div>

	<u>PARTY A</u>	<u>PARTY B</u>
11. Adjustments (if any) to Child Support Guidelines Calculation (see instructions on Page 2)		
a. Credit for benefits received by or for the child derived from the parent’s entitlement to disability insurance benefits to the extent that such derivative benefits are included in a parent’s gross income	-\$	-\$
b.	\$	\$
c.	\$	\$

12. Each party’s adjusted obligation to other party	\$ <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div>	\$ <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div>
13. Net payment	\$ <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div>	\$ <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div>

CHILD SUPPORT GUIDELINES WORKSHEET INSTRUCTIONS

For the purpose of applying this provision, 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.

General — Use monthly financial information rounded to the nearest dollar in making these calculations. To convert data to monthly figures,

- multiply weekly financial data by 4.33
- multiply bi-weekly financial data by 2.167
- multiply semi-monthly financial data by 2
- divide annual financial data by 12

Amounts of \$.50 or more should be rounded up to the nearest dollar; amounts less than \$.50 should be rounded down to the nearest dollar.

Line 1 — Gross income is defined by Virginia Code § 20-108.2(C).

- Gross income “shall mean all income from all sources, and shall include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits, worker’s compensation benefits, disability insurance benefits, veterans’ benefits, spousal support, rental income, gifts, prizes or awards. If a parent’s gross income includes disability insurance benefits, it shall also include any amounts paid to or for the child who is the subject of the order and derived by the child from the parent’s entitlement to disability insurance benefits.”
- Gross income “shall not include benefits from public assistance programs as defined in Virginia Code § 63.2-100 [Temporary Assistance to Needy Families, auxiliary grants to the aged, blind and disabled, medical assistance, energy assistance, food stamps, employment services, child care, general relief] federal Supplemental Security benefits, child support received, or income received by the payor from secondary employment income not previously included in “gross income,” where the payor obtained the income to discharge a child support arrearage established by a court or administrative order and the payor is paying the arrearage pursuant to the order.”

Line 2 — If spousal support is being paid by a party pursuant to an existing court or administrative order or written agreement, regardless of whether it is being paid to the other party or to a person not a party to this proceeding, subtract that amount under the payor’s column. If spousal support is being received by a party pursuant to an existing court or administrative order or written agreement, regardless of whether it is being paid by the other party to this proceeding, add the amount under the payee’s column. Use plus and minus signs appropriately. If a party is not paying or receiving spousal support, insert “none” in the appropriate column(s).

Line 3 — When a party is paying child support payments pursuant to an existing court or administrative order or written agreement for a child or children who are not the subject of the proceeding, subtract this amount from gross income. When a party has a child or children who are not the subject of the proceeding in their household or primary physical custody, subtract the amount as shown on the Schedule of Monthly Basic Child Support Obligations that represents that party’s support obligation for that child or children based solely on that party’s income as the total income available. If these provisions are inapplicable, insert “none” in the appropriate column(s). **There is only a presumption that these amounts will be deducted from gross income.**

Line 4 (Virginia Code § 20-108.2(C)) — If either parent has income from self-employment, a partnership or a closely-held business, subtract reasonable business expenses under the column of the party with such income. Include one-half of any self-employment tax paid, if applicable. If none, insert “none.”

Line 5.a. — As applicable, add to and subtract from line 1 the figures in lines 2, 3 and 4 and enter the total for each column.

NOTE: Any adjustments to gross income 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.

Line 8.a. — Using Virginia Code § 20-108.2(B) SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS, use line 5.b. (combined monthly available income) to find the applicable income level under COMBINED GROSS INCOME, then use line 7 (number of children) to determine the basic child support obligation under the appropriate column at the applicable income level.

Line 8.b. (Virginia Code §§ 20-108.2(E) and 63.2-1900) — Insert costs for “health 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. 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. “Health care coverage” means any plan providing hospital, medical or surgical care coverage for dependent children provided such coverage is available and can be obtained by a parent, parents, or a parent’s spouse at a “reasonable cost” (defined as “available, in an amount not to exceed 5% of the ~~parents’ combined~~ gross income of the parent responsible for providing health care coverage, and accessible through employers, unions or other groups without regard to service delivery mechanism”). This item should also include the cost of any vision care coverage and any dental coverage for the child or children paid by a parent or that parent’s spouse.

Lines 8.c. (Virginia Code § 20-108.2(F)) — Insert actual cost or the amount required to provide quality child care, whichever is less. If applicable, allocate ratably between employment-related child care and other child care based on custodian’s activities while child care is being provided.

Line 11 (a-c) (Virginia Code § 20-108.1(B)) If amounts paid to or for the child who is the subject of the order and derived by the child from the parent’s entitlement to disability insurance benefits have been included in a parent’s gross income, that amount should be subtracted from that parent’s child support obligation. If applicable, describe adjustment to child support for factors not addressed in guidelines calculation, then show amount to be added to or subtracted from each party-parent’s child support obligation (use plus and minus signs appropriately).

Line 12 — If additional items are entered in lines 11 (a-c), add and subtract such items from line 10 and enter the totals on this line. In cases involving split custody, the amount of child support to be calculated using these guidelines shall be the difference between the amounts owed by each parent as a noncustodial parent, computed in accordance with these guidelines, with the noncustodial parent owing the larger amount paying the difference to the other parent.

**CHILD SUPPORT GUIDELINES
WORKSHEET – SHARED CUSTODY**

Commonwealth of Virginia Va. Code § 20-108.2

Case No.

DATE

(Party A)

v.

(Party B)

I. GUIDELINE CALCULATION

	<u>Party A</u>	<u>Party B</u>	<u>Combined</u>
A. INCOME			
Monthly Gross Income (see instructions on Page 2)	(1) \$	(2) \$	
Adjustments for spousal support payments (see instructions on Page 2)	(3) \$	(4) \$	
Adjustments for support of child(ren) (see instructions on Page 2)	(5) \$	(6) \$	
Deductions from Monthly Gross Income Allowable by law (see instructions on Page 2)	(7) \$	(8) \$	
<hr/>			
Available Gross Income	(9) \$	(10) \$	= (11) \$
Percentage of Combined Gross Income	(12)	(13)	= 100%

B. CHILD SUPPORT NEEDS

Number of children for whom support is sought			(14)
Child support from guideline table – apply lines (11) and (14) to table			(15) \$
Total shared support – line (15) x 1.40			(16) \$
	<u>Party A</u>	<u>Party B</u>	
Total days in year each parent has custody	(17)	(18)	= 365
Each party’s custody share	(19)	(20)	= 100%

C. EACH PARTY’S SUPPORT OBLIGATION TO OTHER PARTY

1. Party B’s obligation to Party A	<u>Party A</u>	<u>Party B</u>	
Basic support to Party A – lines (19) x (16)		(21) \$	
Health care coverage <u>PAID</u> by Party A or by Party A’s spouse (if any)		(22) \$	
Work-related child care of Party A (if any)		(23) \$	
Total – lines (21) + (22) + (23)		(24) \$	
Party B’s obligation – lines (24) x (13) =		(25) \$	
2. Party A’s obligation to Party B			
Basic support to Party B – lines (20) x (16)	(26) \$		
Health care coverage <u>PAID</u> by Party B or by Party B’s spouse (if any)	(27) \$		
Work-related child care of Party B (if any)	(28) \$		
Total – lines (26) + (27) + (28)	(29) \$		
Party A’s obligation – lines (29) x (12) =	(30) \$		

D. NET MONTHLY CHILD SUPPORT PAYABLE FROM ONE PARTY TO THE OTHER

Shared custody child support guideline amount – difference between lines (25) and (30) = (31)	(31) \$
(32) Payable to [] Party A [] Party B (see instructions on Page 2)	

II. ADJUSTMENTS (IF ANY) TO SHARED CUSTODY CHILD SUPPORT GUIDELINE AMOUNT

A. ADJUSTMENT ITEMS

	<u>Party A</u>	<u>Party B</u>
1. Credit for benefits received by or for the child derived from the parent’s entitlement to disability insurance benefits to the extent that such derivative benefits are included in a parent’s gross income	(33) \$	(34) \$
2.	\$	\$
3.	\$	\$
Total adjustments	(35) \$	(36) \$
Net adjustments (difference between lines (35) and (36))	(37) \$	

(38) Owed to [] Party A [] Party B (see instructions on Page 2)

B. TOTAL ADJUSTED SUPPORT (see instructions on Page 2)

(39) \$

(40) Payable to [] Party A [] Party B

CHILD SUPPORT GUIDELINES WORKSHEET INSTRUCTIONS

General – Use monthly financial information rounded to the nearest dollar in making these calculations. To convert data to monthly figures,

- multiply weekly financial data by 4.33
- multiply bi-weekly financial data by 2.167
- multiply semi-monthly financial data by 2
- divide annual financial data by 12

Amounts of \$.50 or more should be rounded up to the nearest dollar; amounts less than \$.50 should be rounded *down* to the nearest dollar.

Lines 1 and 2 – Gross income is defined by Virginia Code § 20-108.2(C).

a. Gross income “shall mean all income from all sources, and shall include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits, worker’s compensation benefits, disability insurance benefits, veterans’ benefits, spousal support, rental income, gifts, prizes or awards. If a parent’s gross income includes disability insurance benefits, it shall also include any amounts paid to or for the child who is the subject of the order and derived by the child from the parent’s entitlement to disability insurance benefits.”

b. Gross income “shall not include benefits from public assistance programs as defined in Virginia Code § 63.2-100 [Temporary Assistance to Needy Families, auxiliary grants to the aged, blind and disabled, medical assistance, energy assistance, food stamps, employment services, child care, general relief] federal Supplemental Security benefits, child support received, or income received by the payor from secondary employment income not previously included in “gross income,” where the payor obtained the income to discharge a child support arrearage established by a court or administrative order and the payor is paying the arrearage pursuant to the order.”

Lines 3 and 4 – If spousal support is paid by a party pursuant to an existing court or administrative order or written agreement, regardless of whether it is being paid to the other party or to a person not a party to this proceeding, subtract that amount under the payor’s column. If spousal support is being received by a party pursuant to an existing court or administrative order or written agreement, regardless of whether it is being paid by the other party to this proceeding, add the amount under the payee’s column. Use plus and minus signs appropriately. If a party is not paying or receiving spousal support, insert “none” in the appropriate column(s).

Lines 5 and 6 – When a party is paying child support payments pursuant to an existing court or administrative order or written agreement for a child or children who are not the subject of the proceeding, subtract this amount from gross income. When a party has a child or children who are not the subject of the proceeding in their household or primary physical custody, subtract the amount as shown on the Schedule of Monthly Basic Child Support Obligations that represents that party’s support obligation for that child or children based solely on that party’s income as the total income available. If these provisions are inapplicable, insert “none” in the appropriate column(s). There is only a presumption that these amounts will be deducted from gross income.

Line 7 and 8 (Virginia Code § 20-108.2(C)) – If either parent has income from self-employment, a partnership or a closely-held business, subtract reasonable business expenses under the column of the party with such income. Include one-half of self-employment tax paid, if applicable. If none, insert “none.”

NOTE: Any adjustments to gross income 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.

Line 15 – Using Virginia Code § 20-108.2(B) SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS, use line (11) (combined monthly available income) to find the applicable income level under COMBINED GROSS INCOME, then use line (14) (number of children) to determine the basic child support obligation under the appropriate column at the applicable income level.

Line 22 and 27 – (Virginia Code §§ 20-108.2(E) and 63.2-1900) – Insert costs for “health 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. 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. “Health care coverage” means any plan providing hospital, medical or surgical care coverage for dependent children provided such coverage is available and can be obtained by a parent, parents, or a parent’s spouse at a reasonable cost (defined as “available, in an amount not to exceed 5% of the parents’-combined-income of the parent responsible for providing health care coverage, and accessible through employers, unions or other groups or Department-sponsored health care coverage, without regard to service delivery mechanism”). This item should also include the cost of any vision care coverage or any dental care coverage for the child or children paid by a parent or that parent’s spouse.

Lines 23 and 28 (Virginia Code § 20-108.2(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.

Line 32 – If Line (25) is larger than Line (30), check Party A on Line (32). If Line (25) is smaller than Line (30), check Party B on Line (32).

Lines 33 and 34 – If amounts paid to or for the child who is the subject of the order and derived by the child from the parent’s entitlement to disability insurance benefits have been included in a parent’s gross income, that amount should be subtracted from that parent’s child support obligation.

Line 38 – If Line (35) is larger than Line (36), check Party A on Line (38). If Line (35) is smaller than Line (36), check Party B on Line (38).

Lines 39 and 40 – If Lines (31) and (37) are owed to the same party, put the sum of the amounts in these lines on Line (39) and, in Line (40), check the party checked on line (32). If Lines (31) and (37) are owed to different parties, put the difference between the amounts in these lines on Line (39) and, in Line (40), check the party to whom the larger of the amounts in Lines (31) and (37) are owed.

FEDERAL POVERTY GUIDELINES (Notice Date: January 26, 2017 <u>January 17, 2020</u>)								
Household Size	1	2	3	4	5	6	7	8
Guideline plus 50%	\$ 18,090 <u>19,140</u>	\$ 24,360 <u>25,860</u>	\$ 30,630 <u>32,580</u>	\$ 36,900 <u>39,300</u>	\$ 43,170 <u>46,020</u>	\$ 49,440 <u>52,740</u>	\$ 55,710 <u>59,460</u>	\$ 61,980 <u>66,180</u>
(Add \$ 6,270 <u>6,720</u> for each additional member in households of more than eight.)								

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 213

An Act to amend and reenact § 63.2-1900 of the Code of Virginia, relating to child support; reasonable cost of health care coverage.

[H 637]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1900 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1900. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Administrative order" or "administrative support order" means a noncourt-ordered legally enforceable support obligation having the force and effect of a support order established by the court.

"Assignment of rights" means the legal procedure whereby an individual assigns support rights to the Commonwealth on behalf of a dependent child or spouse and dependent child.

"Authorization to seek or enforce a support obligation" means a signed authorization to the Commonwealth to seek or enforce support on behalf of a dependent child or a spouse and dependent child or on behalf of a person deemed to have submitted an application by operation of law.

"Cash medical support" means the proportional amount the court or the Department shall order both parents to pay toward reasonable and necessary unreimbursed medical or dental expenses pursuant to subsection D of § 20-108.2.

"Court order" means any judgment or order of any court having jurisdiction to order payment of support or an order of a court of comparable jurisdiction of another state ordering payment of a set or determinable amount of support moneys.

"Custodial parent" means the natural or adoptive parent with whom the child resides; a stepparent or other person who has physical custody of the child and with whom the child resides; or a local board that has legal custody of a child in foster care.

"Debt" means the total unpaid support obligation established by court order, administrative process or by the payment of public assistance and owed by a noncustodial parent to either the Commonwealth or to his dependent(s).

"Department-sponsored health care coverage" means any health care coverage that the Department may make available through a private contractor for children receiving child support services from the Department.

"Dependent child" means any person who meets the eligibility criteria set forth in § 63.2-602, whose support rights have been assigned or whose authorization to seek or enforce a support obligation has been given to the Commonwealth and whose support is required by Titles 16.1 and 20.

"Electronic means" means service of a required notice by the Department through its secure online child support portal to any person who has agreed to accept service through the portal and has created a user account. The portal shall record and maintain the date and time service is accepted by the user.

"Employee" means any individual receiving income.

"Employer" means the source of any income.

"Financial institution" means a depository institution, an institution-affiliated party, any federal credit union or state credit union including an institution-affiliated party of such a credit union, and any benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity authorized to do business in this Commonwealth.

"Financial records" includes, but is not limited to, records held by employers showing income, profit sharing contributions and benefits paid or payable and records held by financial institutions, broker-dealers and other institutions and entities showing bank accounts, IRA and separate contributions, gross winnings, dividends, interest, distributive share, stocks, bonds, agricultural subsidies, royalties, prizes and awards held for or due and payable to a responsible person.

"Foreign support order" means any order issued outside of the Commonwealth by a court or tribunal as defined in § 20-88.32.

"Health care coverage" means any plan providing hospital, medical or surgical care coverage for dependent children provided such coverage is available and can be obtained by a parent, parents, or a parent's spouse at a reasonable cost.

"Income" means any periodic form of payment due an individual from any source and shall include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance pay, payments pursuant to a pension or retirement program, interest, trust income, annuities, capital gains, social security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, veterans' benefits, spousal support, net rental income, gifts, prizes or

awards.

"Mistake of fact" means an error in the identity of the payor or the amount of current support or arrearage.

"Net income" means that income remaining after the following deductions have been taken from gross income: federal income tax, state income tax, federal income compensation act benefits, any union dues where collection thereof is required under federal law, and any other amounts required by law.

"Noncustodial parent" means a responsible person who is or may be obligated under Virginia law for support of a dependent child or child's caretaker.

"Obligee" means (i) an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered, (ii) a state or political subdivision to which the rights under a duty of support or support order have been assigned or that has independent claims based on financial assistance provided to an individual obligee, or (iii) an individual seeking a judgment determining parentage of the individual's child.

"Obligor" means an individual, or the estate of a decedent, who (i) owes or is alleged to owe a duty of support, (ii) is alleged but has not been adjudicated to be a parent of a child, or (iii) is liable under a support order.

"Payee" means any person to whom spousal or child support is to be paid.

"Reasonable cost" pertaining to health care coverage for dependent children means available, in an amount not to exceed five percent of the ~~parents' combined~~ gross income *of the parent responsible for providing health care coverage*, and accessible through employers, unions or other groups, or Department-sponsored health care coverage, without regard to service delivery mechanism; unless the court deems otherwise in the best interests of the child, *including where the only health care coverage available exceeds five percent*, or by agreement of the parties.

District Court Form DC-645 INCOME WITHHOLDING FOR SUPPORT

Abstract Senate Bill 429 amended several statutes that address income withholding for payment of child support obligations. DC-645 is a form based upon the required federal income withholding order form that also incorporates the necessary Virginia requirements for income withholding as permitted by the federal form. In particular, the last page of the form sets forth the majority of required Virginia provisions and notices. This page primarily was revised to incorporate the provisions of Senate Bill 429.

Source Senate Bill 429 (Chapter 722, effective July 1, 2020)

Revision Legislative

Form Type Master

Employer's Name: Employer FEIN:

Employee/Obligor's Name: SSN:

Agency Case Identifier: Order Identifier:

REMITTANCE INFORMATION: If the employee/obligor's principal place of employment is Virginia, you must begin withholding no later than the first pay period that occurs after the date of service of this order on you. Send payment on the pay date, or if electronic funds transfer is used, send payment within four days of the pay date. If you cannot withhold the full amount of support for any or all orders for this employee/obligor, withhold% of disposable income. If the employee/obligor's principal place of employment is not Virginia, obtain withholding limitations, time requirements, and any allowable employer fees from the jurisdiction of the employee/obligor's principal place of employment. State-specific withholding limit information is available at https://www.acf.hhs.gov/css/resource/state-income-withholding-contacts-and-program-requirements. For tribe-specific contacts, payment addresses, and withholding limitations, please contact the tribe at www.acf.hhs.gov/sites/default/files/programs/css/tribal_agency_contacts_printable_pdf.pdf or http://www.bia.gov/tribalmap/DataDotGovSamples/tld_map.html.

For electronic payment requirements and centralized payment collection and disbursement facility information (State Disbursement Unit (SDU)), see https://www.acf.hhs.gov/css/employers/employer-responsibilities/payments.

Include the Remittance ID with the payment and if necessary this locator code:

Remit payment to: Division of Child Support Enforcement
P.O. Box 570
Richmond, VA 23218-0570.

If paying by check, make check payable to TREASURER OF VIRGINIA.

[] Return to Sender [Completed by Employer/Income Withholder]. Payment must be directed to an SDU in accordance with 42 USC § 466(b)(5) and (6) of the Social Security Act or Tribal Payee (see Payments to SDU below). If payment is not directed to an SDU/Tribal Payee or this IWO is not regular on its face, you must check this box and return the IWO to the sender.

If Required by State or Tribal Law:
Signature of Judge/Issuing Official:
Print Name of Judge/Issuing Official:
Title of Judge/Issuing Official:
Date of Signature:

If the employee/obligor works in a state or for a tribe that is different from the state or tribe that issued this order, a copy of this IWO must be provided to the employee/obligor.

[X] If checked, the employer/income withholder must provide a copy of this form to the employee/obligor.

ADDITIONAL INFORMATION FOR EMPLOYERS/INCOME WITHHOLDERS

State-specific contact and withholding information can be found on the Federal Employer Services website located at State Income Withholding Contacts and Program Requirements | Office of Child Support Enforcement | ACF.

Employers/income withholders may use OCSE's Child Support Portal (https://ocsp.acf.hhs.gov/csp/) to provide information about employees who are eligible to receive a lump sum payment, have terminated employment, and to provide contacts, addresses and other information about their company.

Priority: Withholding for support has priority over any other legal process under State law against the same income (section 466(b)(7) of the Social Security Act). If a federal tax levy is in effect, please notify the sender.

Combining Payments: When remitting payments to an SDU or tribal CSE agency, you may combine withheld amounts from more than one employee/obligor's income in a single payment. You must, however, separately identify each employee/obligor's portion of the payment.

Payments to SDU: You must send child support payments payable by income withholding to the appropriate SDU or to a tribal CSE agency. If this IWO instructs you to send a payment to an entity other than an SDU (e.g. payable to the custodial party, court, or attorney), you must check the box above and return this notice to the sender. Exception: If this IWO was sent by a court, attorney or private individual/entity and the initial order was entered before January 1, 1994 or the order was issued by a tribal CSE agency, you must follow the "Remit payment to" instructions on this form.

Employer's Name: Employer FEIN:

Employee/Obligor's Name: SSN:

Agency Identifier: Order Identifier:

Reporting the Pay Date: You must report the pay date when sending the payment. The pay date is the date on which the amount was withheld from the employee/obligor's wages. You must comply with the law of the state (or tribal law if applicable) of the employee/obligor's principal place of employment regarding time periods within which you must implement the withholding and forward the support payments.

Multiple IWOs: If there is more than one IWO against this employee/obligor and you are unable to fully honor all IWOs due to federal, state, or tribal withholding limits, you must honor all IWOs to the greatest extent possible, giving priority to current support before payment of any past-due support. Follow the state or tribal law/procedure of the employee/obligor's principal place of employment to determine the appropriate allocation method.

Lump Sum Payments: You may be required to notify a state or tribal CSE agency of upcoming lump sum payments to this employee/obligor such as bonuses, commissions, or severance pay. Contact the sender to determine if you are required to report and/or withhold lump sum payments.

Liability: If you have any doubts about the validity of this IWO, contact the sender. If you fail to withhold income from the employee/obligor's income as the IWO directs, you are liable for both the accumulated amount you should have withheld and any penalties set by state or tribal law/procedure.

.....
.....
.....
.....

Anti-discrimination: You are subject to a fine determined under state or tribal law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against an employee/obligor because of this IWO.

The employee/obligor's rights are protected pursuant to Virginia Code § 63.2-1944. IF YOU DISCHARGE AN EMPLOYEE/OBLIGOR, ~~OR TAKE DISCIPLINARY ACTION AGAINST AN EMPLOYEE/OBLIGOR, OR TERMINATE A CONTRACT WITH~~ OR REFUSE TO EMPLOY ANY PERSON BECAUSE OF THIS ORDER, YOU ARE LIABLE FOR A CIVIL FINE OF UP TO \$1,000.00.

.....
.....
.....
.....

Withholding Limits: You may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (CCPA) (15 USC 1673(b)); or 2) the amounts allowed by the law of the state of the employee/obligor's principal place of employment, if the place of employment is in a state; or the tribal law of the employee/obligor's principal place of employment if the place of employment is under tribal jurisdiction. Disposable income is the net income after mandatory deductions such as state, federal, local taxes; Social Security taxes; statutory pension contributions and Medicare taxes. The federal limit is 50% of the disposable income if the obligor is supporting another family and 60% of the disposable income if the obligor is not supporting another family. However, those limits increase 5% - to 55% and 65% - if the arrears are greater than 12 weeks. If permitted by the state or tribe, you may deduct a fee for administrative costs. The combined support amount and fee may not exceed the limit indicated in this section.

Depending upon applicable state or tribal law, you may need to consider amounts paid for health care premiums in determining disposable income and applying appropriate withholding limits.

Arrears greater than 12 weeks? If the *Order Information* section does not indicate that the arrears are greater than 12 weeks, then the employer should calculate the CCPA limit using the lower percentage.

Supplemental Information: See attached VIRGINIA COMPLIANCE PROVISIONS that are incorporated by reference.

Virginia employers may charge and withhold from the employee/obligor's income a fee of \$5.00 for each deduction for support or for each reply that no funds are available. This amount is in addition to the support amount of the income deduction.

.....
.....
.....

Case No.
Employer's Name: Employer FEIN:
Employee/Obligor's Name: SSN:
Agency Identifier: Order Identifier:

NOTIFICATION OF EMPLOYMENT TERMINATION OR INCOME STATUS: If this employee/obligor never worked for you or you are no longer withholding income for this employee/obligor, you must promptly notify the CSE agency and/or the sender by returning this form to the address listed in the contact information below:

- This person has never worked for this employer nor received periodic income.
- This person no longer works for this employer nor receives periodic income.

Please provide the following information for the employee/obligor:

Termination date: Last known phone number:

Last known address:
.....

Final payment date to SDU/tribal payee: Final payment amount:

New employer's name:

New employer's address:
.....

CONTACT INFORMATION

To Employer/Income Withholder: If you have any questions, contact (issuer name)

by telephone:, by fax:, by email or website:

Send termination notice/income status notice to:

Virginia Division of Child Support Enforcement
801 East Main Street
Richmond, VA 23219-2901

Send all other correspondence to:

.....
NAME OF COURT

.....
ADDRESS OF COURT

To Employee/Obligor: If the employee/obligor has questions, contact (issuer name)

by telephone:, by fax:, by email or website:

IMPORTANT: The person completing this form is advised that the information may be shared with the employee/obligor.

Encryption Requirements:

When communicating this form through electronic transmission, precautions must be taken to ensure the security of the data. Child support agencies are encouraged to use the electronic applications provided by the federal Office of Child Support Enforcement. Other electronic means, such as encrypted attachments to emails, may be used if the encryption method is compliant with Federal Information Processing Standard (FIPS) Publication 140-2 (FIPS PUB 140-2).

Paperwork Reduction Act of 1995

This information collection and associated responses are conducted in accordance with 45 CFR 303.100 of the Child Support Enforcement Program. This form is designed to provide uniformity and standardization. Public reporting for this collection of information is estimated to average two to five minutes per response. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

To the Employer: By law, in complying with this order,

1. You must obey this order before you comply with any other lien against (deduction from) respondent's *disposable* income created by state law, such as a garnishment or attachment summons. "Disposable Income" is that income left after deductions required by law are made. Virginia Code § 63.2-1900. (The terms "employer," ~~"employee,"~~ and "income" and "independent contractor" shall have the meanings set forth in Virginia Code § 63.2-1900.)

Exceptions:

- a. If you have been served previously with an order for income withholding for support from any court or an administrative agency, including the Virginia Department of Social Services, Division of Child Support Enforcement, you must prorate among the orders based upon the current amounts due, with any remaining amounts prorated among the orders for accrued arrearages, if any, to the extent that the amounts withheld, when combined, do not exceed the maximum limits imposed under § 34-29 as specified in the order, *and*
 - b. The maximum amount of employee/obligor's disposable income which may be deducted for support payments on this order is the percentage shown on the order.
2. a. You must deduct and forward all payments on employee/obligor's regular pay date, or instance of compensation if the obligor ~~is~~ is an independent contractor, or reply that no funds were deductible, *and*
- b. You may comply by sending payment to the Division of Child Support Enforcement ("DCSE") of the Virginia Department of Social Services. As directed in the order, payment may be sent in a check made payable to the Treasurer of Virginia by first class mail or by submitting such amounts by electronic funds transfer transmitted within four days of the employee/obligor's regular pay date, or instance of compensation if the obligor is an independent contractor, together with employee/obligor's name, employee/obligor's social security number, and the DCSE number, if any, at the top of the order. All employers with at least 100 employees and all payroll processing firms with at least 50 clients shall remit payments by electronic funds transfer. (Contact the Division of Child Support Enforcement at 1-800-257-9986 to arrange electronic funds transfer.) However,

— an employer of 10,000 persons or more shall not be required to make payments to DCSE other than by combined single payments to the Division's central office in Richmond without the employer's express written consent, unless the order is from a support enforcement agency outside the Commonwealth, *and*
 - c. If deductions are taken from more than one employee, they may be combined into a single check if accompanied by a list showing for each order:- (1) employee/obligor's name, (2) employee/obligor's social security number, (3) the DCSE number (if none, then Case number) at the top of the order, (4) the amount deducted pursuant to each order or a statement that no income was deductible, and (5) the date that payment was withheld from the employee/obligor's income.
3. If the employee is an independent contractor, you shall withhold and pay out of the obligor's income a single monetary amount or the maximum amount permitted under § 34-29, whichever is less, for each instance of compensation of the obligor, once the aggregate amount of remuneration reaches \$600 or more in a calendar year. If the obligor is an independent contractor, the order shall begin with the next instance of compensation of the obligor.
- ~~3.4.~~ 4. *In addition* to the payment amount described on this order, you may (but are not required to) also deduct for yourself from the employee/obligor's earnings a fee of five dollars for each deduction for support or for a reply that no funds were deductible to cover your costs of administering this income withholding order; however, this fee shall not be deducted if the child support withholding amount is being collected from unemployment insurance benefits.
- ~~4.5.~~ 5. If you receive an order which
- does not contain employee/obligor's correct social security number; ~~does not specify a single monetary amount to be deducted for each pay period of the employee/obligor,~~ unless the obligor is an independent contractor or the order is for lump sum withholding; or does not state the maximum percentage of disposable income which may be deducted for each regular pay period of the employee/obligor, or
 - contains information ~~which~~ that is in conflict with your current pay records (including regular pay intervals ~~and regular pay dates),~~ or
 - requires that payment be made other than by combined single payment without the express written consent of the employer, and the exemption in paragraph 2.b. (above) applies to you, or
 - requires that payment be made to someone other than the Division of Child Support Enforcement of the Virginia Department of Social Services, or its designee,

then you may deposit in the mail or otherwise file a reply within five (5) business days from service of this order stating which of the above requirements have not been satisfied, after which this order is void unless the court finds that such reply is materially false. The clerk may issue a new order with the corrected information with which you must comply.

~~5.6.~~ THIS ORDER IS BINDING UPON YOU AND ~~YOUR~~ THE EMPLOYEE/OBLIGOR. YOU MUST COMPLY WITH THIS ORDER UNTIL YOU RECEIVE A SUBSEQUENT (MORE RECENTLY DATED) COURT ORDER AFFECTING THE PARTIES LISTED ON THE FIRST PAGE OF THE ORDER.

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 722

An Act to amend and reenact §§ 16.1-278.16, 20-79.1, 20-79.2, 20-79.3, 63.2-1900, 63.2-1903, 63.2-1929, 63.2-1944, and 63.2-1946 of the Code of Virginia, relating to withholding of income for child support; independent contractors.

[S 429]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-278.16, 20-79.1, 20-79.2, 20-79.3, 63.2-1900, 63.2-1903, 63.2-1929, 63.2-1944, and 63.2-1946 of the Code of Virginia are amended and reenacted as follows:

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

In cases involving (i) the custody, visitation, 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 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 B 9 of § 20-79.3.

§ 20-79.1. Enforcement of support orders; income deduction; penalty for wrongful discharge.

A. For the purposes of this section, the terms "employee," "employer," "income," and "independent contractor" shall have the same meanings ascribed to them in § 63.2-1900.

B. As part of any order directing a person to pay child support, except for initial orders entered pursuant to § 20-79.2, or spousal support pursuant to this chapter or §§ 16.1-278.15 through 16.1-278.18, 20-103, 20-107.2, or § 20-109.1, or by separate order at any time thereafter, a court of competent jurisdiction may order a person's employer to deduct from the amounts due or payable to such person, the entitlement to which is based upon income as defined in § 63.2-1900, the amount of current support due and an amount to be applied to arrearages, if any. ~~The terms "employer" and "income" shall have the meanings prescribed in § 63.2-1900.~~ The court shall order such income deductions (i) if so provided in a stipulation or contract signed by the party ordered to pay such support and filed with the pleadings or depositions, (ii) upon receipt of a notice of arrearages in a case in which an order has been entered pursuant to § 20-60.3, or (iii) upon a finding that the respondent is in arrears for an amount equal to one month's support obligation. The court may, in its discretion, order such payroll deduction (a) ~~based upon~~ *on the basis of* the obligor's past financial responsibility, history of prior payments pursuant to any such support order, and any other matter ~~which~~ *that* the court considers relevant in determining the likelihood of payment in accordance with the support order or (b) at the request of the obligor.

~~B. C.~~ C. Any income deduction order shall be entered upon motion and concurrent proper notice sent by the clerk or counsel. The notice shall cite this section. If the notice is sent by the clerk, it shall be served in accordance with the provisions of § 8.01-296 or 8.01-329, or sent by certified mail or by electronic means, including facsimile transmission, to the employer. An employer paying wages *or other income* subject to deduction shall deliver the notice to the person ordered to pay such support.

The notice shall advise the obligor (i) of the amount proposed to be withheld; (ii) that the order of the court will apply to current and future income; (iii) of the right to contest the order; (iv) that the obligor must file a written notice of contest of such deduction with the court within 10 days of the date of issuance of the notice; (v) that if the notice is contested, a hearing will be held and a decision rendered within 10 days from the receipt of the notice of contest by the court, unless good cause is shown for additional time, which shall in no event exceed ~~forty-five~~ 45 days from receipt of the notice by the obligor; (vi) that only disputes as to mistakes of fact as defined in § 63.2-1900 will be heard;

(vii) that any order for income deduction entered will state when the deductions will start and the information that will be provided to the person's employer; and (viii) that payment of overdue support upon receipt of the notice shall not be a bar to the implementation of withholding.

Whenever the obligor and the obligee agree to income deductions in a contract or stipulation, the obligor shall be deemed to have waived notice as required in this subsection and the deduction shall be ordered only upon the stipulation or contract being approved by the court.

~~C.~~ *D.* The income deduction order of the court shall by its terms direct the clerk to issue an order in accordance with § 20-79.3 to any employer and, if required, to each future employer, as necessary to implement the order. The order shall cite this section as authority for the entry of the order.

~~D.~~ *E.* The rights and responsibilities of employers with respect to income deduction orders are set out in § 20-79.3.

~~E.~~ *F.* The order to the employer pursuant to this section shall be effective when a certified copy thereof has been served upon or sent to the employer by electronic means, including facsimile transmission. A copy shall be provided to the employee *or independent contractor* by the employer. If the employer is a corporation, such service shall be accomplished as is provided in § 8.01-513.

~~F.~~ *G.* Any order issued pursuant to this section shall be promptly terminated or modified, as appropriate, after notice and an opportunity for a hearing for the parties when (i) the whereabouts of the children entitled to support and their custodian become unknown, or (ii) the support obligation to an obligee ceases. Any such order shall be promptly modified, as appropriate, when arrearages have been paid in full.

~~G.~~ *H.* The Department of Social Services may charge an obligee an appropriate fee when complying with an order entered under this section sufficient to cover the Department's cost.

~~H.~~ *I.* If a court of competent jurisdiction in any state or territory of the United States or the District of Columbia has ordered a person to pay child support, a court of competent jurisdiction in ~~this the~~ Commonwealth, upon motion, notice, and opportunity for a hearing as provided in this section, shall enter an income deduction order, conforming with § 20-79.3 as provided in this section. The rights and responsibilities of the employer with respect to the order are set out in § 20-79.3. Similar orders of the courts of ~~this the~~ Commonwealth may be enforced in a similar manner in such other state, territory, or district.

~~I.~~ *J.* ~~If the employee is not an independent contractor, the~~ court or clerk shall attempt to ascertain the obligor's pay period interval prior to service of the clerk's order. If, after the order is served, the employer replies to the court that the pay period interval in the income deduction order differs from the obligor's pay period interval, the clerk shall convert the single monetary amount in the income deduction order to an equivalent single monetary amount for the obligor's pay period interval pursuant to a formula approved by the Committee on District Courts. The equivalent single monetary amount shall be contained in a new order issued by the clerk and served on the employer and which conforms to § 20-79.3.

~~J.~~ *K.* If the Department of Social Services or the Department's designee receives payments deducted from income of the obligor pursuant to more than one judicial order or a combination of judicial and administrative orders, the Department or the Department's designee shall first allocate such payments among the obligees under such orders with priority given to payment of the order for current support. Where payments are received pursuant to two or more orders for current support, the Department or the Department's designee shall prorate the payments received on the basis of the amounts due under each such order. Upon satisfaction of any amounts due for current support the Department or the Department's designee shall prorate the remainder of the payments received on the basis of amounts due under any orders for accrued arrearages.

§ 20-79.2. Immediate income deduction; income withholding.

A. For the purposes of this section, the terms "employer" and "income" shall have the same meanings ascribed to them in § 63.2-1900.

B. Every initial order entered on or after July 1, 1995, directing a person to pay child support shall include a provision for immediate withholding from the income of the obligor for the amount of the support order, plus an amount for the liquidation of arrearages, if any, unless the obligor and either the obligee or the Department on behalf of the obligee, agree in writing to an alternative payment arrangement or one of the parties demonstrates and the court finds good cause for not imposing immediate withholding. In determining whether good cause is shown, the court shall consider the obligor's past financial responsibility, history of prior payment under any support order, and any other matter that the court considers relevant to the likelihood of payment in accordance with the support order. An alternative payment arrangement may include but is not limited to, a voluntary income assignment pursuant to § 20-79.1 or § 63.2-1945.

An order ~~which~~ *that* modifies an initial order may include a provision for immediate income withholding.

The total amount withheld shall not exceed the maximum amount permitted under § 34-29.

A withholding order issued to an obligor's employer pursuant to this section shall conform to § 20-79.3. The rights and obligations of the employer with respect to the order are set out in § 20-79.3.

The order shall direct the employer to forward payments to the Department for recording and disbursement to the obligee, or as otherwise required by law. The Department shall not charge a fee for recording and disbursing payments when it is providing support enforcement services to the obligee pursuant to § 63.2-1904 or § 63.2-1908.

§ 20-79.3. Information required in income deduction order.

A. For the purposes of this section, the terms "employee," "employer," "income," and "independent contractor" shall have the same meanings ascribed to them in § 63.2-1900.

B. Orders for withholding from the income of an employee or independent contractor shall state and include the following:

1. The name and correct social security number of the obligor and the name and correct address of the payee;

2. That the employer shall withhold and pay out of the disposable income as defined in § 63.2-100, a single monetary amount or the maximum amount permitted under § 34-29, whichever is less, for each regular pay period of the obligor and such payment may be by check. ~~The terms "employer" and "income" shall have the meanings prescribed in § 63.2-1900~~ *If the employee is an independent contractor, then the order shall state that the employer shall withhold and pay out of the obligor's income a single monetary amount or the maximum amount permitted under § 34-29, whichever is less, for each instance of compensation of the obligor, once the aggregate amount of remuneration reaches \$600 or more in a calendar year, and such payment may be by check;*

3. That the income deduction shall begin with the next regular pay period of the obligor following service of the order on the employer, and payment shall be made at regular intervals consistent with the pay periods of the obligor, *or, if the obligor is an independent contractor, the order shall begin with the next instance of compensation of the obligor, and payment shall be made at each instance of compensation of the obligor;*

4. A statement of the maximum percentage under § 34-29 ~~which~~ *that* may be withheld from the obligor's disposable income;

5. That, to the extent required by the provisions for health care coverage contained in the order, the employer shall (i) enroll the employee, the employee's spouse or former spouse, and the employee's dependent children listed in the order as covered persons in a group health insurance plan or other similar plan providing health care services or coverage offered by the employer, without regard to enrollment season restrictions, if the subject spouse, former spouse, or children are eligible for such coverage under the employer's enrollment provisions; and (ii) deduct any required premiums from the employee's income to pay for the insurance. If more than one plan is offered by the employer, the spouse, former spouse, or children shall be enrolled prospectively in the insurance plan in which the employee is enrolled or, if the employee is not enrolled, in the least costly plan otherwise available. The employer shall also enroll the children of an employee in the appropriate health coverage plan upon application by the children's other parent or legal guardian or upon application by the Department of Medical Assistance Services. In each case ~~which~~ *that* is being enforced by the Department of Social Services, the employer shall respond to such orders by advising the Department in which plan the children are enrolled or if the children are ineligible for any plan through the employer. The order to the employer shall specify either support withholdings or insurance premium deductions as having priority for the duration of the order in the event the maximum total deduction permitted at any time by § 34-29 is insufficient to fully cover both; the employer shall consider and direct insurance premium deductions and support withholdings the same for purposes of § 34-29. The employer shall not be held liable for any medical expenses incurred on behalf of the spouse, former spouse, or dependent children because of the employer's failure to enroll the spouse, former spouse, or dependent children in a health care plan after being directed to do so by a court or the Department. The employer shall not be obligated to subsequently make or change such enrollment if the group health insurance plan or other factors change after the spouse's, former spouse's, or child's eligibility or ineligibility for coverage is initially determined in response to the order for withholding. However, the employer shall not disenroll such children unless the employer (i) is provided satisfactory written evidence that such court or administrative order is no longer in effect, (ii) is provided satisfactory written evidence that the children are or will be enrolled in a comparable health coverage plan ~~which~~ *that* will take effect not later than the effective date of such disenrollment, or (iii) has eliminated family health coverage for all of its employees. A one-time fee of no more than ~~five dollars~~ \$5 may be charged by the employer to the employee for the administration of this requirement;

6. That a fee of ~~five dollars~~ \$5 for each reply or remittance on account of the obligor may be charged by the employer and withheld from the obligor's income in addition to the support amount to be withheld; however, child support withholding amounts collected from unemployment insurance benefits shall not be subject to this fee;

7. That the order is binding upon the employer and obligor and withholding is to continue until further notice by order of the court or the Department is served, or the obligor is no longer employed, whichever occurs first;

8. That the order shall have priority over any other types of liens created by state law against such

income, except that if there is more than one court or administrative order for withholding for support against an obligor, the employer shall prorate among the orders based upon the current amounts due pursuant to more than one judicial or administrative order or a combination thereof, with any remaining amounts prorated among the accrued arrearages, if any, to the extent that the amounts withheld, when combined, do not exceed the maximum limits imposed under § 34-29 as specified in the order being honored;

9. That the obligor's rights are protected pursuant to § 63.2-1944 and that no employer shall discharge any employee, take disciplinary action against an employee, or *terminate a contract with* or refuse to employ a person by reason of the fact that his income has been made subject to a deduction pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 or § 20-79.1 or 20-79.2 and an employer who discharges or takes disciplinary action against an employee, or *terminates a contract with* or refuses to employ any person because of an order for withholding under these sections shall be liable for a civil fine of not more than \$1,000;

10. The address to which the withholding is to be sent at the Department of Social Services and the case number, if available;

11. That the employer shall be liable for payments ~~which~~ *that* he fails to withhold or mail as specified in the order;

12. That employers shall remit payments on each regular pay date of the obligor, *or instance of compensation if the obligor is an independent contractor*, or, if electronic funds transfer is used, within four days of the pay date, directly to the Division of Child Support Enforcement for disbursement. All employers with at least 100 employees and all payroll processing firms with at least 50 clients shall remit payments by electronic funds transfer;

13. That the employer shall be deemed to have complied with the order by (i) mailing on each regular pay date of the obligor, *or instance of compensation if the obligor is an independent contractor*, to the Department, by first-class mail, any amount required to be deducted or (ii) ~~by~~ submitting such amounts by electronic funds transfer transmitted within ~~four~~ *four* days of the obligor's regular pay date *or instance of compensation*;

14. That the employer and obligor shall notify the Department promptly when the obligor terminates employment and shall provide the last known address of the obligor and name and address of the new employer, if known;

15. That amounts withheld from multiple employees identified as such by (i) amount, (ii) name, (iii) social security number, (iv) case number if provided in the order, and (v) date payment was withheld from obligor's income, may be combined into a single payment when payable to the same payee;

16. No order or directive shall require employers of 10,000 or more employees to make payments other than by combined single payment to the Department's central office in Richmond, without the employer's express written consent, unless the order is from a support enforcement agency outside the Commonwealth;

17. Payment pursuant to an order issued under this section shall serve as full acquittance of the employer under any contract of employment;

18. Notice that any employer who fails to timely withhold payments pursuant to this section shall be liable for any amount not timely withheld;

19. That the employer shall provide to the employee *or independent contractor* a copy of the withholding order and the notice to the employee sent by the court.

~~B.~~ *C.* If the employer receives an order that (i) does not contain the obligor's correct social security number, (ii) does not specify a single monetary amount to be withheld per regular pay period interval of the obligor, *unless the obligor is an independent contractor or the order is for lump sum withholding*, (iii) does not state the maximum percentage ~~which~~ *that* may be withheld pursuant to § 34-29, (iv) contains information ~~which~~ *that* is in conflict with the employer's current payroll records, or (v) orders payment to an entity other than to the Department of Social Services or the Department's designee, the employer may deposit in the mail or otherwise file a reply to that effect within five business days from service of such order. The order shall be void from transmission or filing of such reply unless the court or the Department, as applicable, finds that the reply is materially false. In addition, an employer of 10,000 or more persons may also file a reply, with like effect, if payment is ordered other than by combined single payment in the case of withholdings from multiple employees to the Department's central office in Richmond, without the employer's express written consent, unless the order is from a support enforcement agency outside the Commonwealth.

§ 63.2-1900. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Administrative order" or "administrative support order" means a noncourt-ordered legally enforceable support obligation having the force and effect of a support order established by the court.

"Assignment of rights" means the legal procedure whereby an individual assigns support rights to the Commonwealth on behalf of a dependent child or spouse and dependent child.

"Authorization to seek or enforce a support obligation" means a signed authorization to the Commonwealth to seek or enforce support on behalf of a dependent child or a spouse and dependent

child or on behalf of a person deemed to have submitted an application by operation of law.

"Cash medical support" means the proportional amount the court or the Department shall order both parents to pay toward reasonable and necessary unreimbursed medical or dental expenses pursuant to subsection D of § 20-108.2.

"Court order" means any judgment or order of any court having jurisdiction to order payment of support or an order of a court of comparable jurisdiction of another state ordering payment of a set or determinable amount of support moneys.

"Custodial parent" means the natural or adoptive parent with whom the child resides; a stepparent or other person who has physical custody of the child and with whom the child resides; or a local board that has legal custody of a child in foster care.

"Debt" means the total unpaid support obligation established by court order, administrative process or by the payment of public assistance and owed by a noncustodial parent to either the Commonwealth or to his dependent(s).

"Department-sponsored health care coverage" means any health care coverage that the Department may make available through a private contractor for children receiving child support services from the Department.

"Dependent child" means any person who meets the eligibility criteria set forth in § 63.2-602, whose support rights have been assigned or whose authorization to seek or enforce a support obligation has been given to the Commonwealth and whose support is required by Titles 16.1 and 20.

"Electronic means" means service of a required notice by the Department through its secure online child support portal to any person who has agreed to accept service through the portal and has created a user account. The portal shall record and maintain the date and time service is accepted by the user.

"Employee" means any individual receiving income.

"Employer" means the source of any income.

"Financial institution" means a depository institution, an institution-affiliated party, any federal credit union or state credit union including an institution-affiliated party of such a credit union, and any benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity authorized to do business in ~~this~~ the Commonwealth.

"Financial records" includes, but is not limited to, records held by employers showing income, profit sharing contributions and benefits paid or payable and records held by financial institutions, broker-dealers and other institutions and entities showing bank accounts, IRA and separate contributions, gross winnings, dividends, interest, distributive share, stocks, bonds, agricultural subsidies, royalties, prizes and awards held for or due and payable to a responsible person.

"Foreign support order" means any order issued outside of the Commonwealth by a court or tribunal as defined in § 20-88.32.

"Health care coverage" means any plan providing hospital, medical or surgical care coverage for dependent children provided such coverage is available and can be obtained by a parent, parents, or a parent's spouse at a reasonable cost.

"Income" means any periodic *or other* form of payment due an individual from any source and shall include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance pay, payments pursuant to a pension or retirement program, interest, trust income, annuities, capital gains, social security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, veterans' benefits, spousal support, net rental income, gifts, prizes or awards.

"Independent contractor" means an individual who (i) provides any service performed for remuneration or under any contract of hire, written or oral, express or implied, and (ii) is not an employee pursuant to the definition of "employment" in § 60.2-212.

"Mistake of fact" means an error in the identity of the payor or the amount of current support or arrearage.

"Net income" means that income remaining after the following deductions have been taken from gross income: federal income tax, state income tax, federal income compensation act benefits, any union dues where collection thereof is required under federal law, and any other amounts required by law.

"Noncustodial parent" means a responsible person who is or may be obligated under Virginia law for support of a dependent child or child's caretaker.

"Obligee" means (i) an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered, (ii) a state or political subdivision to which the rights under a duty of support or support order have been assigned or that has independent claims based on financial assistance provided to an individual obligee, or (iii) an individual seeking a judgment determining parentage of the individual's child.

"Obligor" means an individual, or the estate of a decedent, who (i) owes or is alleged to owe a duty of support, (ii) is alleged but has not been adjudicated to be a parent of a child, or (iii) is liable under a support order.

"Payee" means any person to whom spousal or child support is to be paid.

"Reasonable cost" pertaining to health care coverage for dependent children means available, in an

amount not to exceed five percent of the parents' combined gross income, and accessible through employers, unions, or other groups, or Department-sponsored health care coverage, without regard to service delivery mechanism; unless the court deems otherwise in the best interests of the child or by agreement of the parties.

§ 63.2-1903. Authority to issue certain orders; civil penalty.

A. In the absence of a court order, the Department shall have the authority to issue orders directing the payment of child, and child and spousal support and, if available at reasonable cost as defined in § 63.2-1900, to require a provision for health care coverage, including Department-sponsored health care coverage, or cash medical support, or both, for dependent children of the parents, which shall include the requirements specified for employers pursuant to subdivision A B 5 of § 20-79.3. The Department shall have the authority to make available Department-sponsored health care coverage for children receiving child support services from the Department. If health care coverage is unavailable at a reasonable cost, as defined in § 63.2-1900, or inaccessible to either parent, the Department shall refer the dependent children to the Family Access to Medical Insurance Security plan pursuant to § 32.1-351. However, prior to referring the dependent children to the Family Access to Medical Insurance Security plan, the Department shall confirm that neither parent has access to health care coverage at a reasonable cost for the dependent children. If a child is enrolled in Department-sponsored health care coverage, the Department shall collect the cost of the coverage pursuant to subsection E of § 20-108.2.

In ordering the payment of child support, the Department shall set such support at the amount resulting from computation pursuant to the guideline set out in § 20-108.2, subject to the provisions of § 63.2-1918.

B. When a payee, as defined in ~~§ 63.2-1900~~, no longer has physical custody of a child, the Department shall have the authority to redirect child support payments to a custodial parent who has physical custody of the child when an assignment of rights has been made to the Department or an application for services has been made by such custodial parent with the Division of Child Support Enforcement.

C. The Department shall have the authority, upon notice from the Department of Medical Assistance Services, to use any existing enforcement mechanisms provided by this chapter to collect the wages, salary, or other employment income or to withhold amounts from state tax refunds of any obligor who has not used payments received from a third party to reimburse, as appropriate, either the other parent of such child or the provider of such services, to the extent necessary to reimburse the Department of Medical Assistance Services.

D. The Department may order the obligor and payee to notify each other or the Department upon request of current gross income as defined in § 20-108.2 and any other pertinent information ~~which~~ *that* may affect child support amounts. For good cause shown, the Department may order that such information be provided to the Department and made available to the parties for inspection in lieu of the parties' providing such information directly to each other. The Department shall record the social security number of each party or control number issued to a party by the Department of Motor Vehicles pursuant to § 46.2-342 in the Department's file of the case.

E. The Department shall develop procedures governing the method and timing of periodic review and adjustment of child support orders established or enforced or both pursuant to Title IV-D of the Social Security Act, as amended. If there is an assignment under Title IV-A of the Social Security Act or at the request of either parent subject to the order, the Department shall initiate a review of such order every three years without requiring proof or showing of a change in circumstances; and shall initiate appropriate action to adjust such order in accordance with the provisions of § 20-108.2 and subject to the provisions of § 63.2-1918.

F. In order to provide essential information for whatever establishment or enforcement actions are necessary for the collection of child support, the Commissioner, the Director of the Division of Child Support Enforcement, and district managers of Division of Child Support Enforcement offices shall have the right to (i) subpoena financial records of, or other information relating to, the noncustodial parent and obligee from any person, firm, corporation, association, or political subdivision or department of the Commonwealth and (ii) summons the noncustodial parent and obligee to appear in the Division's offices. The Commissioner, Director, and district managers may also subpoena copies of state and federal income tax returns. The district managers shall be trained in the correct use of the subpoena process prior to exercising subpoena authority. A civil penalty not to exceed \$1,000 may be assessed by the Commissioner for a failure to respond to a subpoena issued pursuant to this subsection.

G. In the absence of a court order, the Department may establish an administrative support order on an out-of-state obligor pursuant to subdivision A 8 or A 9 of § 8.01-328.1 or § 20-88.35. The Department may also take action to enforce an administrative or court order on an out-of-state obligor. Service of such actions shall be in accordance with the provisions of § 8.01-296, 8.01-327 or 8.01-329 or by certified mail, return receipt requested, or electronic means in accordance with § 63.2-1917.

H. If a support order has been issued in another state but the obligor, the obligee, and the child now live in the Commonwealth, the Department may (i) enforce the order without registration, using all enforcement remedies available under this chapter, and (ii) register the order in the appropriate tribunal

of the Commonwealth for enforcement or modification.

§ 63.2-1929. Orders to withhold and to deliver property of debtor; issuance and service; contents; right to appeal; answer; effect; delivery of property; bond to release; fee; exemptions.

A. After notice containing an administrative support order has been served or service has been waived or accepted, an opportunity for a hearing has been exhausted, and a copy of the order furnished as provided for in § 63.2-1916, or whenever a court order for child or child and spousal support has been entered, the Commissioner is authorized to issue to any person, firm, corporation, association, *or* political subdivision or department of the Commonwealth, orders to withhold and to deliver property of any kind, including, but not restricted to, income of the debtor, when the Commissioner has reason to believe that there is in the possession of such person, firm, corporation, association, *or* political subdivision or department of the Commonwealth, property that is due, owing, or belonging to such debtor. The orders to withhold and to deliver shall take priority over all other debts and creditors under state law of such debtor, including the proceeds or anticipated proceeds of a personal injury or wrongful death award or settlement, except that the Department's lien shall be inferior to those liens created under § 8.01-66.2 or § 8.01-66.9, any statutory right of subrogation accruing to a health insurance provider, and the lien of the attorney representing the injured person in the personal injury or wrongful death action. However, orders to withhold and to deliver shall not take priority with respect to a prior payroll deduction or income withholding order pursuant to §§ § 20-79.1, 20-79.2, 63.2-1923, or § 63.2-1924. The Department shall have the sole authority to negotiate settlement of its liens. Settlement of the Department's support liens does not affect the remaining support arrearages.

B. The order to withhold shall also be served upon the debtor within a reasonable time thereafter, and shall state the amount of the support debt accrued. The order shall state in summary the terms of §§ 63.2-1925 and 63.2-1930 and shall be served in the manner prescribed for the service of a warrant in a civil action, by certified mail, return receipt requested, or by electronic means. The order to withhold shall advise the debtor that this order has been issued to cause the property of the debtor to be taken to satisfy the debt and advise of property that may be exempted from this order. The order shall also advise the debtor of a right to appeal such order based upon a mistake of fact and that if no appeal is made within 10 days of being served, his property is subject to be taken.

C. If the debtor believes such property is exempt from this debt, within 10 days of the date of service of the order to withhold, the debtor may file an appeal to the Commissioner stating any exemptions that may be applicable. If the Commissioner receives a timely appeal, a hearing shall be promptly scheduled before a hearing officer upon reasonable notice to the obligee. The Commissioner may delegate authority to conduct the hearing to a duly qualified hearing officer who shall consider the debtor's appeal. Action by the Commissioner under the provisions of this chapter to collect such support debt shall be valid and enforceable during the pendency of any appeal.

The decision of the hearing officer shall be in writing and shall set forth the debtor's rights to appeal an adverse decision of the hearing officer pursuant to § 63.2-1943. The decision shall be served upon the debtor in accordance with the provisions of § 8.01-296, 8.01-327, or 8.01-329, mailed to the debtor at his last known address by certified mail, return receipt requested, or provided by electronic means or service may be waived. A copy of such decision shall also be provided to the obligee. Such decision shall establish whether the debtor's property is exempt under state or federal laws and regulations.

D. Any person, firm, corporation, association, *or* political subdivision or department of the Commonwealth upon whom service has been made is hereby required to answer such order to withhold within 10 days, exclusive of the day of service, under oath and in writing, and shall file true answers to the matters inquired of therein. In the event *that* there is in the possession of any such person, firm, corporation, association, *or* political subdivision or department of the Commonwealth, any property that may be subject to the claim of the Department, such property shall be withheld immediately upon receipt of the order to withhold, together with any additional property received by such person, firm, corporation, association, *or* political subdivision, or department of the Commonwealth valued up to the amount of the order until receipt of an order to deliver or release. The property shall be delivered to the Commissioner upon receipt of an order to deliver; however, distribution of the property shall not be made during pendency of all appeals. Where money is due and owing under any contract of employment, express or implied, or is held by any person, firm, corporation, ~~or~~ association, *or* political subdivision or department of the Commonwealth subject to withdrawal by the debtor, such money shall be delivered by remittance payable to the order of the Treasurer of Virginia. The person, firm, corporation, *association*, *or* political subdivision or department of the Commonwealth herein specified shall be entitled to receive from such debtor a fee of \$5 for each answer or remittance on account of such debtor. The foregoing is subject to the exemptions contained in §§ 63.2-1925 and 63.2-1933.

E. Delivery to the Commissioner shall serve as full acquittance and the Commonwealth warrants and represents that it shall defend and hold harmless for such actions persons delivering money or property to the Commissioner pursuant to this chapter.

F. An order issued to an employer for withholding from the earnings of an employee *or independent contractor* pursuant to this section shall conform to § 20-79.3. The rights and obligations of an employer with respect to the order are set out in § 20-79.3.

§ 63.2-1944. Employee debtor rights protected; limitation.

No employer shall discharge an employee *or terminate a contract with an independent contractor solely* for reason that a voluntary assignment of earnings under § 63.2-1945 has been presented in settlement of a support debt or that a support lien or order to withhold and deliver has been served against such employee's *or independent contractor's* earnings *or income*.

§ 63.2-1946. Virginia New Hire Reporting Center; State Directory of New Hires; reporting by employers.

A. *For the purposes of this section:*

"New independent contractor" means an independent contractor who (i) has not previously had a contract with an employer or (ii) had previously entered into a contract and has received a payment pursuant to the agreement after receiving no payments for at least 60 consecutive days.

"Newly hired employee" means an individual in employment, as defined in § 60.2-212, who (i) has not previously been in the employment of the employer or (ii) was previously in the employment of the employer but has been separated from such prior employment for at least 60 consecutive days.

B. The Virginia New Hire Reporting Center shall be operated under the authority of the Division of Child Support Enforcement. The Center shall operate and maintain the Virginia State Directory of New Hires. The Center is authorized to share information with the Virginia Employment Commission.

~~B.~~ C. Each employing unit shall submit information concerning each newly hired employee, as defined in subsection H, to the Center within 20 days of the employment, as defined in § 60.2-212, of the newly hired employee. The information shall include the items required by § 453A of the Social Security Act, 42 U.S.C. § 653a, as amended.

~~C.~~ D. Any employer that contracts with an independent contractor shall submit information concerning each new independent contractor to the Center within 20 days of the start of the contract. The information shall include items required by § 453A of the Social Security Act, 42 U.S.C. § 653a, as amended.

E. Employers who transmit such reports magnetically or electronically shall, if necessary, report by two monthly transmissions not less than 12 days nor more than 16 days apart. Employers that have employees who are employed in *or independent contractors who are contracted to provide services in* two or more states and that transmit reports magnetically or electronically may comply by designating one state in which such employer has employees *or independent contractors* to which the employer will transmit the report and transmitting such report to such state. Such employers shall notify the federal Secretary of Health and Human Services in writing as to which state is designated for the purpose of sending reports and shall provide a copy of that notification to the Virginia New Hire Reporting Center.

~~D.~~ F. Employers shall not report an employee *or independent contractor* of a state agency performing intelligence or counterintelligence functions, if the head of such agency has determined that such reporting could endanger the safety of the employee *or independent contractor* or compromise an ongoing investigation or intelligence mission.

~~E.~~ G. Information to be provided shall include only that information that is required by federal law. This information may be provided by mailing a copy of the employee's W-4 form *or the independent contractor's W-9 form*, transmitting information magnetically or electronically in the prescribed format or by any other means determined by the Virginia New Hire Reporting Center to result in timely reporting. Within three business days after the date information regarding a newly hired employee *or new independent contractor* is entered into the Virginia State Directory of New Hires, the Center shall furnish the information to the National Directory of New Hires established under § 453(i) of the Social Security Act, as amended.

~~F.~~ H. The Division of Child Support Enforcement shall use information received pursuant to this section to locate individuals for purposes of establishing paternity and establishing, modifying, and enforcing child support obligations; and may disclose such information in accordance with existing law to carry out such purposes. The Division shall have access to information reported by employers pursuant to this section.

~~G.~~ I. The Board shall have the authority to adopt regulations as necessary, consistent with the federal law and its implementing regulations, to administer this provision, including any exemptions and waivers ~~which~~ that are needed to reduce unnecessary or burdensome reporting.

H. As used in this section, "newly hired employee" means an individual in employment, as defined in § 60.2-212, who (i) has not previously been in the employment of the employer or (ii) was previously in the employment of the employer but has been separated from such prior employment for at least 60 consecutive days.

2. That any employer required to submit information concerning each new independent contractor, as defined in § 63.2-1946 of the Code of Virginia, as amended by this act, pursuant to the provisions of this act shall submit a report to the Virginia New Hire Reporting Center by September 1, 2020, that includes information for all current independent contractors.

3. That nothing in this act shall be construed to define or redefine "independent contractor" under the common law or for any purpose other than the withholding of income of an independent contractor for the payment of a support obligation.

Abstract

House Bill 880 amended the statutes for family abuse and Title 19.2 preliminary and final protective orders by providing that upon a petitioner's motion to dissolve, the dissolution order can be issued *ex parte* with or without a hearing. If the dissolution order is issued *ex parte*, the copy of the dissolution order is to be served in conjunction with §§ 8.01-286.1 and 8.01-296. Language was added to the form for the judge to indicate that the dissolution order has been issued *ex parte* under one of the applicable statutes. In addition, as the service statutes referenced allow for substituted service, a section was added to the second page of the form to allow for service on a family member or posted service, instead of personal service.

Senate Bill 144 created a new type of protective order under § 19.2-152.10 that can be issued upon request at the time a defendant is convicted of certain felonies. A new form was created as a result of this legislation, and reference to the new form was added to DC-652.

Source

Senate Bill 144 (Chapter 1005, effective July 1, 2020)

House Bill 880 (Chapter 137, effective July 1, 2020)

Revision

Legislative

Form Type

Master

ORDER DISSOLVING PROTECTIVE ORDER

COMMONWEALTH OF VIRGINIA
Va. Code §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-277.02, 16.1-278.2,
16.1-278.3, 16.1-279.1, 19.2-152.8, 19.2-152.9, 19.2-152.10

Case No.

HEARING DATE AND TIME

[] General District Court [] Circuit Court
[] Juvenile and Domestic Relations District Court

In re:

NAME OF CHILD (IF APPLICABLE)

PETITIONER:

PETITIONER'S DATE OF BIRTH

[Empty box for Petitioner Name]

[Empty box for Petitioner's Date of Birth]

LAST FIRST MIDDLE

V.

RESPONDENT (No. 1):

RESPONDENT (No. 1) IDENTIFIERS

[Empty box for Respondent (No. 1) Name]

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			

RESPONDENT (NO. 1) ADDRESS

SSN

DRIVER'S LICENSE NO.	STATE	EXP.
----------------------	-------	------

RESPONDENT (No. 2):

RESPONDENT (No. 2) IDENTIFIERS

[Empty box for Respondent (No. 2) Name]

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			

RESPONDENT (NO. 2) ADDRESS

SSN

DRIVER'S LICENSE NO.	STATE	EXP.
----------------------	-------	------

- A(n) [] EMERGENCY PROTECTIVE ORDER – FAMILY ABUSE, DC-626
- [] PRELIMINARY PROTECTIVE ORDER – FAMILY ABUSE, DC-627
- [] PROTECTIVE ORDER – FAMILY ABUSE, DC-650
- [] EMERGENCY PROTECTIVE ORDER, DC-382
- [] PRELIMINARY PROTECTIVE ORDER, DC-384
- [] PROTECTIVE ORDER, DC-385
- [] PROTECTIVE ORDER – ACT OF VIOLENCE CONVICTION, CC-1395
- [] PRELIMINARY CHILD PROTECTIVE ORDER – ABUSE AND NEGLECT, DC-527
- [] CHILD PROTECTIVE ORDER – ABUSE AND NEGLECT, DC-532
- [] PRELIMINARY CHILD PROTECTIVE ORDER, DC-545
- [] CHILD PROTECTIVE ORDER, DC-546

with Case No.

was issued by [] this Court [] Court [] a magistrate on DATE

[] A motion requesting that the protective order be dissolved has been filed by the [] Petitioner [] Respondent

[]

Based on the evidence presented ~~at the hearing on this matter~~, the Court finds that sufficient reason exists for the dissolution of the protective order described above.

[] This order was entered ex parte pursuant to Va. Code §§ 16.1-253.1(B), 16.1-279.1(G), 19.2-152.9(B), or 19.2-152.10(H).

THEREFORE, THE PROTECTIVE ORDER ISSUED ON IS HEREBY ORDERED DISSOLVED.

IF A TEMPORARY SUPPORT ORDER WAS ISSUED IN CONJUNCTION WITH A PROTECTIVE ORDER – FAMILY ABUSE, FORM DC-650, IT IS ALSO DISSOLVED.

DATE

JUDGE

RETURNS: Each person was served according to law, as indicated below, unless not found.

RESPONDENT (No. 1):
 NAME
 ADDRESS
 [] PERSONAL SERVICE TELEPHONE NUMBER

[] NOT FOUND

_____ SERVING OFFICER
 for _____
 _____ DATE AND TIME

[] Copy delivered to:

 by _____ TITLE _____
 _____ SIGNATURE _____

PETITIONER: (See form DC-621, NON-DISCLOSURE ADDENDUM)
 NAME
 [] PERSONAL SERVICE
 [] NOT FOUND

_____ SERVING OFFICER
 for _____
 _____ DATE AND TIME

[] Copy delivered to:

 by _____ TITLE _____
 _____ SIGNATURE _____

RESPONDENT (No. 2):
 NAME
 ADDRESS
 [] PERSONAL SERVICE TELEPHONE NUMBER

[] NOT FOUND

_____ SERVING OFFICER
 for _____
 _____ DATE AND TIME

[] Copy delivered to:

 by _____ TITLE _____
 _____ SIGNATURE _____

[] This order was entered *ex parte* pursuant to Va. Code §§ 16.1-253.1, 16.1-279.1, 19.2-152.9, or 19.2-152.10.
 NAME
 ADDRESS

[] PERSONAL SERVICE TEL. NO.

Being unable to make personal service, a copy was delivered in the following manner:

[] Delivered to family (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.

[] Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

[] NOT FOUND

_____ SERVING OFFICER
 _____ for _____
 _____ DATE

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 1005

An Act to amend and reenact §§ 18.2-60.4 and 19.2-152.10 of the Code of Virginia, relating to protective orders; issuance upon convictions for certain felonies; penalty.

[S 144]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-60.4 and 19.2-152.10 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-60.4. Violation of protective orders; penalty.

A. Any person who violates any provision of a protective order issued pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 is guilty of a Class 1 misdemeanor. Conviction hereunder shall bar a finding of contempt for the same act. The punishment for any person convicted of a second offense of violating a protective order, *other than a protective order issued pursuant to subsection C of § 19.2-152.10*, when the offense is committed within five years of the prior conviction and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. Any person convicted of a third or subsequent offense of violating a protective order, *other than a protective order issued pursuant to subsection C of § 19.2-152.10*, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence, is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of six months. The mandatory minimum terms of confinement prescribed for violations of this section shall be served consecutively with any other sentence.

B. In addition to any other penalty provided by law, any person who, while knowingly armed with a firearm or other deadly weapon, violates any provision of a protective order with which he has been served issued pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, *other than a protective order issued pursuant to subsection C of § 19.2-152.10*, is guilty of a Class 6 felony.

C. If the respondent commits an assault and battery upon any party protected by the protective order, *other than a protective order issued pursuant to subsection C of § 19.2-152.10*, resulting in bodily injury to the party or stalks any party protected by the protective order in violation of § 18.2-60.3, he is guilty of a Class 6 felony. Any person who violates such a protective order, *other than a protective order issued pursuant to subsection C of § 19.2-152.10*, by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty provided by law.

D. Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended.

E. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § 19.2-152.10 for a specified period not exceeding two years from the date of conviction.

§ 19.2-152.10. Protective order.

A. The court may issue a protective order pursuant to this chapter to protect the health and safety of 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 violence, force, or threat or (ii) a hearing held pursuant to subsection D of § 19.2-152.9. 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 violence, force, or threat or criminal offenses that may 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. Any other relief 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.

B. ~~The~~ *Except as provided in subsection C*, 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. 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. Upon conviction for an act of violence as defined in § 19.2-297.1 and upon the request of the victim or of the attorney for the Commonwealth on behalf of the victim, the court may issue a protective order to the victim pursuant to this chapter to protect the health and safety of the victim. The protective order may be issued for any reasonable period of time, including up to the lifetime of the defendant, that the court deems necessary to protect the health and safety of the victim. The protective order shall expire at 11:59 p.m. on the last day specified in the protective order, if any. Upon a conviction for violation of a protective order issued pursuant to this subsection, the court that issued the original protective order may extend the protective order as the court deems necessary to protect the health and safety of the victim. The extension of the protective order shall expire at 11:59 p.m. on the last day specified, if any. Nothing herein shall limit the number of extensions that may be issued.

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

~~E. F.~~ 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. G.~~ 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, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any appropriate district court by filing with the court, an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of 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 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. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

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. H.~~ 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.

~~H.~~ *I.* 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.

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

~~J.~~ *K.* As used in this section:

"Copy" includes a facsimile copy; and

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

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

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 137

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 Virginia, relating to protective orders; motions to dissolve filed by petitioner; ex parte hearing and issuance of order.

[H 880]

Approved March 4, 2020

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 and reenacted as follows:

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

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 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 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 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 present danger of family abuse or evidence sufficient to establish probable cause that family abuse has recently occurred shall constitute good cause. Evidence that the petitioner has been subjected to family 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 incarceration within 30 days following the petition or has been released from incarceration within 30 days prior to the petition, (ii) the crime for which the allegedly abusing person was convicted and incarcerated involved family abuse against the petitioner, and (iii) the allegedly abusing person has made threatening contact with the petitioner while he was incarcerated, exhibiting a renewed threat to the petitioner of family abuse.

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

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 premises occupied by the parties to the exclusion of the allegedly abusing person; 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 a premises that the petitioner has been granted possession of pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to such premises.
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 allegedly abusing person; however, no such grant of possession or use shall affect title to the vehicle.
7. Requiring that the allegedly abusing person provide suitable alternative housing for the petitioner 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.
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.
9. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner.

B. 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 Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of a preliminary protective order containing any such identifying information shall be forwarded forthwith 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 on the allegedly abusing person in person as provided 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 respondent's identifying information and the name, date of birth, sex, and race of each protected person 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 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 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264. 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. The preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the 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 on the next day not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. If such court is closed pursuant to § 16.1-69.35 or 17.1-207, the preliminary protective 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 hearing because the respondent was not personally served, or if personally served was incarcerated and 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 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 clerk shall provide the petitioner with a copy of the order and information regarding the date and time of service. The order shall further specify that either party may at any time file a motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of the court. *Upon petitioner's motion to dissolve the preliminary 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.*

Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to the primary law-enforcement agency, and the agency shall forthwith verify and enter any modification as 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.

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

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 evidence.

E. 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.

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.

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

§ 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 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;
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;
8. Ordering the respondent to participate in treatment, counseling or other programs as the court 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

10. 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 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 family or household 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 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, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any juvenile and domestic relations district court by filing with the court an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of 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 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. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

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 dissolve or modify 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. As used in this section:

"Copy" includes a facsimile copy; and

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

I. 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.

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

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

§ 19.2-152.9. Preliminary protective orders.

A. Upon the filing of a petition alleging that (i) the petitioner is or has been, within a reasonable period of time, subjected to an act of violence, force, or threat, or (ii) a petition or warrant has been issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act of violence, force, or threat, the court may issue a preliminary protective order against the alleged perpetrator 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 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 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:

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

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.

B. 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 Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of a preliminary protective order containing any such identifying information shall be forwarded forthwith 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 on the alleged perpetrator in person as provided 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 respondent's identifying information and the name, date of birth, sex, and race of each protected person 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 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 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided in § 16.1-264. 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. The preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the 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 on the next day not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. If such court is closed pursuant to § 16.1-69.35 or 17.1-207, the preliminary protective 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 hearing because the respondent was not personally served, the court may extend the protective order for a period not to exceed six months. The extended protective order shall be served as soon as possible on the respondent. However, upon 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 clerk shall provide the petitioner with a copy of the order and information regarding the date and time of service. The order shall further specify that either party may at any time file a motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of the court. *Upon petitioner's motion to dissolve the preliminary 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.*

Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to primary law-enforcement agency and the agency shall forthwith verify and enter any modification as 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.

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.

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

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

F. 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.

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

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

§ 19.2-152.10. Protective order.

A. The court may issue a protective order pursuant to this chapter to protect the health and safety of 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 violence, force, or threat or (ii) a hearing held pursuant to subsection D of § 19.2-152.9. 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 violence, force, or threat or criminal offenses that may 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. Any other relief 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.

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. 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 and 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 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, 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, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided

reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any appropriate district court by filing with the court, an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of 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 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. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

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.

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

J. As used in this section:

"Copy" includes a facsimile copy; and

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

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

TEMPORARY DETENTION ORDER – MAGISTRATE

Commonwealth of Virginia Va. Code §§ 37.2-809; 19.2-169.6, 19.2-182.9

Case No.

..... [] General District Court [] Circuit Court

NAME OF RESPONDENT

ADDRESS OF RESPONDENT

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			

SSN

DL# STATE

TO ANY AUTHORIZED OFFICER OF:

This temporary detention order is hereby issued [] upon motion of the undersigned magistrate

[] upon the sworn petition of NAME TELEPHONE NUMBER

an evaluation having been conducted by NAME

..... based upon a finding of probable cause pursuant to

- [] § 37.2-809, it appearing from all evidence readily available, including any recommendation from a physician, ~~or~~ clinical psychologist, or clinical social worker treating the person, and if available, information provided by the person who initiated emergency custody, that the person (i) has a mental illness, and that there exists a substantial likelihood that, as a result of mental illness, the respondent will, in the near future, (a) cause serious physical harm to him/herself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information or (b) suffer serious harm due to his/her lack of capacity to protect him/herself from harm or to provide for his/her basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment.
- [] subdivision A2 of § 19.2-169.6, it appearing from all evidence readily available, including any recommendation from a physician or clinical psychologist treating the inmate, that the inmate (i) has a mental illness; (ii) there exists a substantial likelihood that, as a result of a mental illness, the inmate will, in the near future, cause serious physical harm to him/herself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information; and (iii) the inmate requires treatment in a hospital rather than a local correctional facility.
- [] § 19.2-182.9, that the respondent is an acquittee on conditional release who has violated the conditions of release or is no longer a proper subject for conditional release, and requires emergency evaluation to assess the need for inpatient hospitalization.

THEREFORE, you are commanded to execute this order, take the respondent into custody and

- [] transport the respondent from the respondent's current location to the location listed below, or if this order is entered pursuant to § 37.2-809, to the alternative facility of temporary detention identified by the employee or designee of the community services board if you continue to have custody of the respondent when an alternative facility is identified.
- [] transfer custody of the respondent to the alternative transportation provider, DC-4000, ORDER FOR ALTERNATIVE TRANSPORTATION PROVIDER, is attached.

CURRENT LOCATION OF RESPONDENT

NAME AND ADDRESS OF TEMPORARY DETENTION FACILITY

- [] Prior to placement in the above temporary detention facility, transport the respondent
 - [] for emergency medical evaluation or treatment
 - [] for medical evaluation or treatment as may be required by a physician at the temporary detention facility

to: NAME AND ADDRESS OF FACILITY

The duration of temporary detention may not exceed the period authorized in Virginia Code § 37.2-809, subdivision A 2 of § 19.2-169.6 or § 19.2-182.9. If this order commands that the respondent be detained pursuant to § 37.2-809, the director of the facility of temporary detention may release the respondent prior to a hearing as authorized in § 37.2-814 if it appears, based on an evaluation conducted by the psychiatrist or clinical psychologist treating the respondent, that the respondent no longer meets the criteria for temporary detention. If the respondent is detained by this order pursuant to subdivision A 2 of § 19.2-169.6 or § 19.2-182.9, the director of the facility of temporary detention may not release the respondent without an order of a judge. If the judicial officer issues this order pursuant to § 37.2-809, or subdivision A 2 of § 19.2-169.6, this order becomes void if not executed within [] 24 hours [] hours after issuance.

TO ANY HEALTH CARE PROVIDER as defined in Virginia Code § 32.1-127.1:03, or other provider who has provided or is currently providing services to or is currently evaluating the respondent: Virginia Code § 37.2-804.2 requires you to disclose certain information upon request. (See Page Two, AUTHORIZATION FOR DISCLOSURE AND USE OF HEALTH INFORMATION.)

DATE AND TIME OF ISSUANCE

MAGISTRATE

Respondent discharged from institution on this day: by NAME AND TITLE

EXECUTED by delivering a copy of this Order to the respondent on this day DATE AND TIME OF EXECUTION

NAME OF TEMPORARY DETENTION FACILITY (IF DIFFERENT FROM ABOVE)

DATE AND TIME RESPONDENT DELIVERED TO FACILITY

OFFICER TAKING RESPONDENT INTO CUSTODY

BADGE NO., AGENCY, JURISDICTION

for SHERIFF

EXPLANATION OF TEMPORARY DETENTION PROCEDURES

To the Respondent detained pursuant to Va. Code § 37.2-809:

You are a person who has been detained pursuant to a temporary detention order issued by a magistrate.

You were detained because the magistrate decided that there was probable cause to believe that:

1. You have a mental illness and there exists a substantial likelihood that, as a result of mental illness, you will in the near future
 - a. cause serious physical harm to yourself or others as evidenced by your recent behavior causing, attempting or threatening harm and other relevant information, OR
 - b. suffer serious harm due to your lack of capacity to protect yourself from harm or to provide for your basic needs, AND
2. You are in need of hospitalization or treatment, AND
3. You are unwilling to volunteer or incapable of volunteering for hospitalization or treatment.

You were detained after an evaluation was conducted by an employee or designee of the community services board. An evaluation was not required if you were personally examined within the previous 72 hours, or there was a significant physical, psychological or medical risk to you or to the people associated with the evaluation.

You will be detained in the facility listed on the temporary detention order, which may be a state facility, or in another facility if it is determined that another facility is a more appropriate facility for you given your specific security, medical, or behavioral health needs.

You will not be detained in a jail or other place of confinement for people charged with criminal offenses unless you are an inmate or under criminal charges.

Any facility caring for you under a temporary detention order is authorized to provide emergency medical and psychiatric services within its capabilities when the facility determines that the services are in your best interests.

You may be detained under the temporary detention order for up to 72 hours prior to a court hearing; however, if the 72 hours ends on a Saturday, Sunday, legal holiday or a day on which the court is lawfully closed, you may be detained until the close of business on the next day that is not a Saturday, Sunday, legal holiday or day on which the court is lawfully closed.

While you are detained, you will be personally examined in private by a psychiatrist, psychologist or a licensed mental health professional, who will assess your mental status and make recommendations to a judge or special justice for your placement, care and treatment. The community services board will prepare a preadmission screening report and provide the report to the court prior to the hearing.

AUTHORIZATION FOR DISCLOSURE AND USE OF HEALTH INFORMATION

Under Virginia Code § 37.2-804.2, any health care provider, as defined in Virginia Code § 32.1-127.1:03, or other provider who has provided or is currently providing services to a person who is the subject of proceedings pursuant to Title 37.2, Chapter 8 of the Code of Virginia must, upon request, disclose to a magistrate, the court, the person's attorney, the person's guardian *ad litem*, the examiner identified to perform an examination of a person who is the subject of a commitment hearing for involuntary admission, the community services board or its designee performing any related evaluation, preadmission screening, or monitoring duties, or a law-enforcement officer any information that is necessary and appropriate for the performance of his duties pursuant to § 37.2-800 et seq. Any health care provider, as defined in § 32.1-127.1:03, or other provider who has provided or is currently evaluating or providing services to a person who is the subject of emergency custody or involuntary temporary detention proceedings must disclose information that may be necessary for the treatment of such person to any other health care provider or other provider evaluating or providing services to or monitoring the treatment of the person. Health records disclosed to a law-enforcement officer must be limited to information necessary to protect the officer, the person, or the public from physical injury or to address the health care needs of the person. Information disclosed to a law-enforcement officer must not be used for any other purpose, disclosed to others, or retained.

Any health care provider providing services to a person who is the subject of proceedings pursuant to Title 37.2, Chapter 8 of the Code of Virginia, shall (i) inform the person that his family member or personal representative, including any agent named in an advance directive executed in accordance with the Health Care Decisions (§ 54.1-2981 et. seq.), will be notified of information that is directly relevant to such individual's involvement with the person's health care, which may include the person's location and general condition, in accordance with subdivision D 34 of § 32.1-127.1:03, and (ii) make a reasonable effort to so notify the person's family member or personal representative, unless the provider has actual knowledge that the family member or personal representative is currently prohibited by court order from contacting the person. No health care provider shall be required to notify a person's family member or personal representative pursuant to § 37.2-804.2 if the health care provider has actual knowledge that such notice has been provided.

Any health care provider disclosing records pursuant to Virginia Code § 37.2-804.2 will be immune from civil liability for any harm resulting from the disclosure, including any liability under the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.), as amended, unless the person or provider disclosing such records intended the harm or acted in bad faith.

TEMPORARY DETENTION ORDER – MAGISTRATE (JUVENILE)

Commonwealth of Virginia Va. Code § 16.1-340.1

Case No.

- Circuit Court
- Juvenile and Domestic Relations District Court

NAME OF JUVENILE

ADDRESS OF JUVENILE

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			

SSN

DL# STATE

TO ANY AUTHORIZED OFFICER OF:

This temporary detention order is hereby issued pursuant to § 16.1-340.1

- upon motion of the undersigned magistrate
- upon the sworn petition of

NAME

TELEPHONE NUMBER

an evaluation having been conducted by

NAME

AGENCY/FACILITY

TELEPHONE NUMBER

probable cause having been found from all evidence readily available, including any recommendation from a physician, ~~or~~ clinical psychologist, or clinical social worker treating the juvenile, that (i) because of mental illness, the juvenile (a) presents a serious danger to self or others to the extent that severe or irremediable injury is likely to result, as evidenced by recent acts or threats OR (b) is experiencing a severe deterioration of the ability to care for self in a developmentally age-appropriate manner, as evidenced by delusionary thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control, and (ii) the juvenile is in need of compulsory treatment for a mental illness and is reasonably likely to benefit from the proposed treatment.

- The juvenile is currently in a juvenile detention or shelter care facility.

THEREFORE, you are commanded to execute this order, take the juvenile into custody and

- transport the juvenile from the juvenile’s present location to the location listed below, or to the alternative facility of temporary detention identified by the employee or designee of the community services board, if you continue to have custody of the juvenile when an alternative facility is identified,
- transfer custody of the juvenile to the alternative transportation provider as designated on the attached form DC-4000, ORDER FOR ALTERNATIVE TRANSPORTATION PROVIDER.

CURRENT LOCATION OF JUVENILE

NAME AND ADDRESS OF FACILITY

- Prior to placement in the above temporary detention facility, transport the juvenile
 - for emergency medical evaluation or treatment
 - for medical evaluation or treatment as may be required by a physician at the temporary detention facility

to: NAME AND ADDRESS OF FACILITY

The duration of temporary detention may not exceed the period authorized in Virginia Code § 16.1-340.1. Pursuant to § 16.1-340.1(H), this order becomes void if

not executed within 24 hours hours after issuance.

TO ANY HEALTH CARE PROVIDER as defined in Virginia Code § 32.1-127.1:03, or other provider rendering services to or is currently evaluating the juvenile: Virginia Code § 16.1-337 requires you to disclose certain information upon request. (See Page Two, AUTHORIZATION FOR DISCLOSURE AND USE OF HEALTH INFORMATION.)

DATE AND TIME OF ISSUANCE

MAGISTRATE

Juvenile discharged from institution on this day: by NAME AND TITLE

EXECUTED by delivering a copy of this Order to the juvenile: DATE AND TIME OF EXECUTION

NAME OF TEMPORARY DETENTION FACILITY (IF DIFFERENT FROM ABOVE)

DATE AND TIME JUVENILE DELIVERED TO FACILITY

OFFICER TAKING JUVENILE INTO CUSTODY

BADGE NO., AGENCY, AND JURISDICTION

for SHERIFF

AUTHORIZATION FOR DISCLOSURE AND USE OF HEALTH INFORMATION

Under Virginia Code § 16.1-337, any health care provider, as defined in Virginia Code § 32.1-127.1:03, or other provider rendering services to a minor who is the subject of proceedings pursuant to the Psychiatric Treatment of Minors Act (Act) must, upon request, disclose to a magistrate, the juvenile intake officer, the court, the minor's attorney, the minor's guardian *ad litem*, the qualified evaluator performing the evaluation as required under §§ 16.1-338, 16.1-339, and 16.1-342, the community services board or its designee performing the evaluation, preadmission screening, or monitoring duties under the Act, or a law-enforcement officer any and all information that is necessary and appropriate to enable each of them to perform his duties under the Act. These health care providers and other service providers must disclose to one another health records and information where necessary to provide care and treatment to the minor and to monitor that care and treatment. Health records disclosed to a law-enforcement officer must be limited to information necessary to protect the officer, the minor, or the public from physical injury or to address the health care needs of the minor. Information disclosed to a law-enforcement officer must not be used for any other purpose, disclosed to others, or retained.

Any health care provider providing services to a minor who is the subject of proceedings pursuant to the Psychiatric Treatment of Minors Act shall make a reasonable attempt to notify the minor's parent of information that is directly relevant to such individual's involvement with the minor's health care, which may include the minor's location and general condition, in accordance with § 32.1-127.1:03(D)(34), unless the provider has actual knowledge that the parent is currently prohibited by court order from contacting the minor. No health care provider shall be required to notify a person's family member or personal representative pursuant to § 16.1-337 if the health care provider has actual knowledge that such notice has been provided.

Any health care provider disclosing records pursuant to this section will be immune from civil liability for any harm resulting from the disclosure, including any liability under the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.), as amended, unless the person or provider disclosing such records intended the harm or acted in bad faith.

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 945

An Act to amend and reenact §§ 8.01-413, 8.01-581.20, 16.1-340.1, 20-124.6, 32.1-127.1:03, 37.2-809, 38.2-608, 53.1-40.2, and 54.1-2969 of the Code of Virginia, relating to Clinical social workers; patient records; involuntary detention orders.

[S 1046]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-413, 8.01-581.20, 16.1-340.1, 20-124.6, 32.1-127.1:03, 37.2-809, 38.2-608, 53.1-40.2, and 54.1-2969 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-413. Certain copies of health care provider's records or papers of patient admissible; right of patient, his attorney and authorized insurer to copies of such records or papers; subpoena; damages, costs and attorney fees.

A. In any case where the health care provider's original records or papers of any patient in a hospital or institution for the treatment of physical or mental illness are admissible or would be admissible as evidence, any typewritten copy, photograph, photostatted copy, or microphotograph or printout or other hard copy generated from computerized or other electronic storage, microfilm, or other photographic, mechanical, electronic, imaging, or chemical storage process thereof shall be admissible as evidence in any court of the Commonwealth in like manner as the original, if the printout or hard copy or microphotograph or photograph is properly authenticated by the employees having authority to release or produce the original records or papers.

Any health care provider whose records or papers relating to any such patient are subpoenaed for production as provided by law may comply with the subpoena by a timely mailing to the clerk issuing the subpoena or in whose court the action is pending properly authenticated copies, photographs or microphotographs in lieu of the originals. The court whose clerk issued the subpoena or, in the case of an attorney-issued subpoena, in which the action is pending, may, after notice to such health care provider, enter an order requiring production of the originals, if available, of any stored records or papers whose copies, photographs or microphotographs are not sufficiently legible.

Except as provided in subsection G, the party requesting the subpoena duces tecum or on whose behalf an attorney-issued subpoena duces tecum was issued shall be liable for the reasonable charges of the health care provider for the service of maintaining, retrieving, reviewing, preparing, copying, and mailing the items produced pursuant to subsections B2, B3, B4, and B6, as applicable.

B. Copies of a health care provider's records or papers shall be furnished within 30 days of receipt of such request to the patient, his attorney, his executor or administrator, or an authorized insurer upon such patient's, attorney's, executor's, administrator's, or authorized insurer's written request, which request shall comply with the requirements of subsection E of § 32.1-127.1:03. If a health care provider is unable to provide such records or papers within 30 days of receipt of such request, such provider shall notify the requester of such records or papers in writing of the reason for the delay and shall have no more than 30 days after the date of such written notice to comply with such request.

However, copies of a patient's records or papers shall not be furnished to such patient when the patient's treating physician or, clinical psychologist, or *clinical social worker* in the exercise of professional judgment, has made a part of the patient's records or papers a written statement that in his opinion the furnishing to or review by the patient of such records or papers would be reasonably likely to endanger the life or physical safety of the patient or another person, or that such records or papers make reference to a person, other than a health care provider, and the access requested would be reasonably likely to cause substantial harm to such referenced person. In any such case, if requested by the patient or his attorney or authorized insurer, such records or papers shall be furnished within 30 days of the date of such request to the patient's attorney or authorized insurer, rather than to the patient.

If the records or papers are not provided to the patient in accordance with this section, then, if requested by the patient, the health care provider denying the request shall comply with the patient's request to either (i) provide a copy of the records or papers to a physician or, clinical psychologist, or *clinical social worker* of the patient's choice whose licensure, training, and experience, relative to the patient's condition, are at least equivalent to that of the treating physician or, clinical psychologist, or *clinical social worker* upon whose opinion the denial is based, who shall, at the patient's expense, make a judgment as to whether to make the records or papers available to the patient or (ii) designate a physician or, clinical psychologist, or *clinical social worker* whose licensure, training, and experience, relative to the patient's condition, are at least equivalent to that of the treating physician or, clinical psychologist, or *clinical social worker* upon whose opinion the denial is based and who did not participate in the original decision to deny the patient's request for his records or papers, who shall, at

practices in such locality or similar localities give rise to a standard of care which is more appropriate than a statewide standard. Any health care provider who is licensed to practice in Virginia shall be presumed to know the statewide standard of care in the specialty or field of practice in which he is qualified and certified. This presumption shall also apply to any person who, but for the lack of a Virginia license, would be defined as a health care provider under this chapter, provided that such person is licensed in some other state of the United States and meets the educational and examination requirements for licensure in Virginia. An expert witness who is familiar with the statewide standard of care shall not have his testimony excluded on the ground that he does not practice in this Commonwealth. A witness shall be qualified to testify as an expert on the standard of care if he demonstrates expert knowledge of the standards of the defendant's specialty and of what conduct conforms or fails to conform to those standards and if he has had active clinical practice in either the defendant's specialty or a related field of medicine within one year of the date of the alleged act or omission forming the basis of the action.

The provisions of this section shall apply to expert witnesses testifying on the standard of care as it relates to professional services in nursing homes.

B. In any action for damages resulting from medical malpractice, any issue as to the standard of care to be applied shall be determined by the jury, or the court trying the case without a jury.

C. In any action described in this section, each party may designate, identify, or call to testify at trial no more than two expert witnesses per medical discipline on any issue presented. The court may permit a party, for good cause shown, to designate, identify, or call to testify at trial additional expert witnesses. The number of treating health care providers who may serve as expert witnesses pursuant to § 8.01-399 shall not be limited pursuant to this subsection, except for good cause shown. If the court permits a party to designate, identify, or call additional experts, the court may order that party to pay all costs incurred in the discovery of such additional experts. For good cause shown, pursuant to the Rules of Supreme Court of Virginia, the court may limit the number of expert witnesses other than those identified in this subsection whom a party may designate, identify, or call to testify at trial.

§ 16.1-340.1. Involuntary temporary detention; issuance and execution of order.

A. A magistrate shall issue, upon the sworn petition of a minor's treating physician or parent or, if the parent is not available or is unable or unwilling to file a petition, by any responsible adult, including the person having custody over a minor in detention or shelter care pursuant to an order of a juvenile and domestic relations district court, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 16.1-345.1 by an employee or designee of the local community services board to determine whether the minor meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician, psychologist, or clinical social worker treating the person, that (i) because of mental illness, the minor (a) presents a serious danger to himself or others to the extent that severe or irreparable injury is likely to result, as evidenced by recent acts or threats, or (b) is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusional thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control; and (ii) the minor is in need of compulsory treatment for a mental illness and is reasonably likely to benefit from the proposed treatment. The magistrate shall also consider the recommendations of the minor's parents and of any treating or examining physician licensed in Virginia if available either verbally or in writing prior to rendering a decision. To the extent possible, the petition shall contain the information required by § 16.1-339.1. Any temporary detention order entered pursuant to this section shall be effective until such time as the juvenile and domestic relations district court serving the jurisdiction in which the minor is located conducts a hearing pursuant to subsection B of § 16.1-341. Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to subsection B of § 16.1-337. This subsection shall not preclude any other disclosures as required or permitted by law.

B. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician, psychologist, or clinical social worker licensed in Virginia, if available, (ii) any past actions of the minor, (iii) any past mental health treatment of the minor, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

C. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection A if (i) the minor has been personally examined within the previous 72 hours by an employee or designee of the local community services board or (ii) there is a significant physical, psychological, or medical risk to the minor or to others associated with conducting such evaluation.

D. An employee or designee of the local community services board shall determine the facility of temporary detention in accordance with the provisions of § 16.1-340.1:1 for all minors detained pursuant

determining that only a portion of the submitted health records should be disclosed, provide such portion to the party on whose behalf the subpoena was issued and return the remaining health records to the health care entity in a sealed envelope.

8. Following the court or administrative agency's resolution of a motion to quash, the party on whose behalf the subpoena duces tecum was issued shall have the duty to certify in writing to the subpoenaed health care entity a statement of one of the following:

a. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are consistent with such resolution; and, therefore, the health records previously delivered in a sealed envelope to the clerk of the court or administrative agency will not be returned to the health care entity;

b. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are consistent with such resolution and that, since no health records have previously been delivered to the court or administrative agency by the health care entity, the health care entity shall comply with the subpoena duces tecum by returning the health records designated in the subpoena by the return date on the subpoena or five days after receipt of certification, whichever is later;

c. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution; therefore, no health records shall be disclosed and all health records previously delivered in a sealed envelope to the clerk of the court or administrative agency will be returned to the health care entity;

d. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution and that only limited disclosure has been authorized. The certification shall state that only the portion of the health records as set forth in the certification, consistent with the court or administrative agency's ruling, shall be disclosed. The certification shall also state that health records that were previously delivered to the court or administrative agency for which disclosure has been authorized will not be returned to the health care entity; however, all health records for which disclosure has not been authorized will be returned to the health care entity; or

e. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution and, since no health records have previously been delivered to the court or administrative agency by the health care entity, the health care entity shall return only those health records specified in the certification, consistent with the court or administrative agency's ruling, by the return date on the subpoena or five days after receipt of the certification, whichever is later.

A copy of the court or administrative agency's ruling shall accompany any certification made pursuant to this subdivision.

9. The provisions of this subsection have no application to subpoenas for health records requested under § 8.01-413, or issued by a duly authorized administrative agency conducting an investigation, audit, review or proceedings regarding a health care entity's conduct.

The provisions of this subsection shall apply to subpoenas for the health records of both minors and adults.

Nothing in this subsection shall have any effect on the existing authority of a court or administrative agency to issue a protective order regarding health records, including, but not limited to, ordering the return of health records to a health care entity, after the period for filing a motion to quash has passed.

A subpoena for substance abuse records must conform to the requirements of federal law found in 42 C.F.R. Part 2, Subpart E.

I. Health care entities may testify about the health records of an individual in compliance with §§ 8.01-399 and 8.01-400.2.

J. If an individual requests a copy of his health record from a health care entity, the health care entity may impose a reasonable cost-based fee, which shall include only the cost of supplies for and labor of copying the requested information, postage when the individual requests that such information be mailed, and preparation of an explanation or summary of such information as agreed to by the individual. For the purposes of this section, "individual" shall subsume a person with authority to act on behalf of the individual who is the subject of the health record in making decisions related to his health care.

K. Nothing in this section shall prohibit a health care provider who prescribes or dispenses a controlled substance required to be reported to the Prescription Monitoring Program established pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 to a patient from disclosing information obtained from the Prescription Monitoring Program and contained in a patient's health care record to another health care provider when such disclosure is related to the care or treatment of the patient who is the subject of the record.

§ 37.2-809. Involuntary temporary detention; issuance and execution of order.

A. For the purposes of this section:

"Designee of the local community services board" means an examiner designated by the local

community services board who (i) is skilled in the assessment and treatment of mental illness, (ii) has completed a certification program approved by the Department, (iii) is able to provide an independent examination of the person, (iv) is not related by blood or marriage to the person being evaluated, (v) has no financial interest in the admission or treatment of the person being evaluated, (vi) has no investment interest in the facility detaining or admitting the person under this article, and (vii) except for employees of state hospitals and of the U.S. Department of Veterans Affairs, is not employed by the facility.

"Employee" means an employee of the local community services board who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department.

"Investment interest" means the ownership or holding of an equity or debt security, including shares of stock in a corporation, interests or units of a partnership, bonds, debentures, notes, or other equity or debt instruments.

B. A magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or a designee of the local community services board to determine whether the person meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician or, clinical psychologist, or *clinical social worker* treating the person, that the person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs; (ii) is in need of hospitalization or treatment; and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. The magistrate shall also consider, if available, (a) information provided by the person who initiated emergency custody and (b) the recommendations of any treating or examining physician licensed in Virginia either verbally or in writing prior to rendering a decision. Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

C. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician or, psychologist, or *clinical social worker* licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

D. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection B if (i) the person has been personally examined within the previous 72 hours by an employee or a designee of the local community services board or (ii) there is a significant physical, psychological, or medical risk to the person or to others associated with conducting such evaluation.

E. An employee or a designee of the local community services board shall determine the facility of temporary detention in accordance with the provisions of § 37.2-809.1 for all individuals detained pursuant to this section. An employee or designee of the local community services board may change the facility of temporary detention and may designate an alternative facility for temporary detention at any point during the period of temporary detention if it is determined that the alternative facility is a more appropriate facility for temporary detention of the individual given the specific security, medical, or behavioral health needs of the person. In cases in which the facility of temporary detention is changed following transfer of custody to an initial facility of temporary custody, transportation of the individual to the alternative facility of temporary detention shall be provided in accordance with the provisions of § 37.2-810. The initial facility of temporary detention shall be identified on the preadmission screening report and indicated on the temporary detention order; however, if an employee or designee of the local community services board designates an alternative facility, that employee or designee shall provide written notice forthwith, on a form developed by the Executive Secretary of the Supreme Court of Virginia, to the clerk of the issuing court of the name and address of the alternative facility. Subject to the provisions of § 37.2-809.1, if a facility of temporary detention cannot be identified by the time of the expiration of the period of emergency custody pursuant to § 37.2-808, the individual shall be detained in a state facility for the treatment of individuals with mental illness and such facility shall be indicated on the temporary detention order. Except as provided in § 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6, the person shall not be detained in a jail or other place of confinement for persons charged with criminal offenses and shall remain in the custody of law enforcement until the person is either detained within a secure facility or custody has been accepted by the appropriate personnel designated by either the initial facility of temporary detention identified in the temporary detention order or by the alternative facility of

**TWENTY-FIFTH JUDICIAL CIRCUIT
OF VIRGINIA**



W. CHAPMAN GOODWIN
JUDGE
AUGUSTA COUNTY COURTHOUSE
P.O. BOX 689
STAUNTON, VIRGINIA 24402-0689
540-245-5014
FAX 540-245-5296

COUNTIES
ALLEGHANY, AUGUSTA, BATH,
BOTETOURT, CRAIG, HIGHLAND, ROCKBRIDGE

CITIES
BUENA VISTA, CLIFTON FORGE, COVINGTON,
LEXINGTON, STAUNTON AND WAYNESBORO

CHARLES L. RICKETTS, III
CHIEF JUDGE
540-245-5324
FAX 540-245-5296

PAUL A. DRYER
JUDGE
540-245-5324
FAX 540-245-5296

June 25, 2020


Karl Hade, Executive Secretary
Office of the Executive Secretary
Supreme Court of Virginia
100 North Ninth Street
Richmond, VA 23219

Dear Mr. Hade,

I spoke with Mr. Macon a couple of weeks ago regarding the elevation of one of our substitute judges to the District Court Bench. We have also utilized a substitute judge from Southwest, Virginia, Steve Arey, for several years after he moved to Staunton. He has retired now and with Robin Mayer's appointment to the District Court Bench, we find ourselves short several substitute judges. Due to the size and geography of our Circuit, we are pretty spread out and our General District and J&D Court Judges travel extensively. We have five J&D Court judges and four District Court judges covering nine separate Courts across the district (total 9 judges). We have five substitute judges now with seven authorized. I would like to appoint two new substitute judges in the near future, one from Alleghany County and one from Lexington. I would also like to appoint two more for the Staunton and Augusta County Courts. This would require increasing the number of authorized substitute judges from seven to nine. I am advised that the rule of thumb is that we should have about the same number of substitute judges as we have sitting judges, particularly in light of the size and number of Courts in our Circuit. I would ask if you would consider adding this request to the October agenda for the Committee on District Courts meeting if you feel it would be appropriate.

Thank you for your assistance.

Very truly yours,


W. Chapman Goodwin
Chief Judge

Virginia Judicial Workload Assessment

Final Report

November 2017

Excerpt: Exhibits 16 & 17 - GD and JDR District Implied Need

Brian J. Ostrom, Ph.D.
Matthew Kleiman, Ph.D.
Cynthia G. Lee, J.D.
Shannon Roth

Research Division
National Center for State Courts



Exhibit 16: General District Court Implied Need, using 1.15/.9 rounding rule

District	Authorized Judgeships (FTE)	Funded Judges (FTE)	Total Need (FTE)	Current Workload per Judge	Judge Need (FTE) rounded 1.15/.9	Final Workload per Judge
1	4	4	4.16	1.04	4	1.04
2	7	7	6.43	.92	7	.92
3	2	3	1.88	.63	2	.94
4	6	5	5.75	1.15	6	.96
5	2	2	2.62	1.31	3	.87
6	4	4	5.01	1.25	5	1.00
7	4	4	3.44	.86	4	.86
8	3	3	2.80	.93	3	.93
9	3	3	3.13	1.04	3	1.04
10	3	3	2.52	.84	3	.84
11	3	3	2.48	.83	3	.83
12	5	5	5.53	1.11	5	1.11
13	6	6	6.05	1.01	6	1.01
14	5	5	4.80	.96	5	.96
15	8	7	8.06	1.15	8	1.01
16	4	4	4.01	1.00	4	1.00
17	3	3	2.54	.85	3	.85
18	2	2	1.61	.80	2	.80
19	11	10	12.07	1.21	11	1.10
20	4	4	3.44	.86	4	.86
21	1	1	1.25	1.25	2	.63
22	2	2	2.22	1.11	2	1.11
23	4	4	3.79	.95	4	.95
24	3	3	3.05	1.02	3	1.02
25	3	3	3.45	1.15	4	.86
26	5	5	5.33	1.07	5	1.07
27	5	4	5.05	1.26	5	1.01
28	2	2	2.46	1.23	3	.82
29	2	2	1.70	.85	2	.85
30	2	2	1.42	.71	2	.71
31	5	5	5.05	1.01	5	1.01
32	1	1	1.30	1.30	2	.65
	124	121	124.42	1.03	130	.96

Exhibit 17: Juvenile and Domestic Relations District Court Implied Need, using 1.15/.9 rounding rule

District	Authorized Judgeships (FTE)	Funded Judges (FTE)	Total Need (FTE)	Current Workload per Judge	Judge Need (FTE)	Final Workload per Judge
1	4	3	3.53	1.18	4	.88
2	7	6	6.20	1.03	6	1.03
3	3	3	2.61	.87	3	.87
4	5	5	4.76	.95	5	.95
5	2	2	2.28	1.14	2	1.14
6	2	2	2.39	1.20	3	.80
7	4	4	3.54	.88	4	.88
8	3	3	2.93	.98	3	.98
9	4	3	3.82	1.27	4	.95
10	4	3	3.11	1.04	3	1.04
11	3	2	2.44	1.22	3	.81
12	6	6	5.77	.96	6	.96
13	4	4	4.69	1.17	5	.94
14	5	5	5.15	1.03	5	1.03
15	10	9	9.62	1.07	9	1.07
16	6	5	6.14	1.23	6	1.02
17	2	2	1.60	.80	2	.80
18	2	2	1.83	.91	2	.91
19	7	7	8.82	1.26	8	1.10
20	3	3	3.33	1.11	3	1.11
21	2	2	2.20	1.10	2	1.10
22	4	4	3.62	.91	4	.91
23	5	5	4.78	.96	5	.96
24	6	5	5.86	1.17	6	.98
25	5	4	4.62	1.16	5	.92
26	7	6	7.11	1.19	7	1.02
27	5	5	4.83	.97	5	.97
28	3	3	2.67	.89	3	.89
29	3	3	3.27	1.09	3	1.09
30	2	2	2.30	1.15	3	.77
31	5	5	5.39	1.08	5	1.08
32	1	1	.84	.84	1	.84
	134	124	132.06	1.06	135	.98



Judicial Workload Analysis

The First Judicial District

General District Court Certification of Judicial Vacancy

The First Judicial District serves the City of Chesapeake. Figures from the Weldon Cooper Center indicate that the estimated 2019 population of the area is 245,745 residents. This represents an increase of 10.6% over 2010 population figures.

Four general district court judges serve the First District: Erin L. Evans; Philip J. Infantino, III; Michael R. Katchmark; and Robert G. MacDonald. This report serves to certify the vacancy that will be created when **Judge Philip J. Infantino, III** retires from the bench on March 31, 2021.

Utilization of Substitute and Retired Recalled Judges

In 2019, the judges of the First District used approximately 129.5 days for substitute and retired recalled judges, an average of 32.4 days per judge. This was above the 2019 state average of 30.0 days per district court judge.

Review of 2019 Caseload

Data for the First District show that there were 85,635 filings in 2019, up 0.3% from the number reported in the previous year. The number of criminal filings increased 5.6% to total 8,748 with the number of traffic filings falling 6.4% to total 35,661. Civil filings increased by 6.0% and totaled 40,378. The total number of hearings held fell 1.0% to total 122,974.

In 2019, the four judges serving in the First District averaged 21,409 filings and 30,744 hearings per judge. The average number of filings per judge in the First in 2019 was 373 filings below the statewide average (21,782 filings per judge). Judges in the First held 30,744 hearings each, compared to the statewide average of 29,142 hearings.

The general district judges averaged 2,187 criminal filings, 8,915 traffic, and 10,094 civil filings in 2019, compared to the statewide averages of 2,645 criminal filings,

12,376 traffic filings, and 5,235 civil filings per judge.

Adjusted* 2020 Caseload

Filings in the First District are expected to increase 2.2% to reach 87,560 in 2020. The number of hearings is expected to decrease 16.1% to total 103,190. With these changes, the four judges of the district averaged a total of 21,890 filings per judge and 26,548 hearings per judge. Statewide, the 2020 average was 21,677 filings per judge. The First exceeded this by 213 filings.

The number of hearings per judge in the district totaled 26,548. This number of hearings is 698 above the state average for 2020 (25,850).

Effect on Workload if the Vacancy is not Filled

If the vacancy is not filled, the three judges in the First would average 29,187 filings, 7,510 filings above the average for judges statewide in 2020 (21,677). The judges would also hold an average of 35,397 hearings, 9,547 more than the state average in 2020 of 25,850 hearings per judge.

The First Judicial District 2019 AT A GLANCE	
Population	245,745
Filings	
Criminal	8,748
Traffic	35,661
Civil	40,378
Miscellaneous	848
Total	85,635
Hearings	122,974
Judgeships	4.0
Filings/Judge	
First	21,409
State	21,782
Hearings/Judge	
First	30,744
State	29,142
ADJUSTED* 2020 DATA	
Filings/Judge	
With 4 Judges	21,890
With 3 Judges	29,187
State	21,677
Hearings/Judge	
With 4 Judges	26,548
With 3 Judges	35,397
State	25,850
*Data adjusted for COVID-19 impact. Data subject to ongoing audit.	



Judicial Workload Analysis

The Second Judicial District

General District Court Certification of Judicial Vacancy

The Second Judicial District serves the City of Virginia Beach. Figures from the Weldon Cooper Center indicate that the estimated 2019 population of the area was 497,014, an increase of 2.8% over the 2010 population.

Six general district court judges currently serve the Second District: Afshin Farashahi, Elizabeth S. Hodges, Salvatore R. Iaquinto, Daniel Roger Lahne, Sandra L. Menago, and Paul David Merullo. This report serves to certify the vacancy that was created when **Judge Teresa N. Hammons** retired from the bench on August 31, 2020.

Utilization of Substitute and Retired Recalled Judges

In 2019, the judges of the Second District used approximately 177.0 days for substitute and retired recalled judges, an average of 25.3 days per judge. This was below the 2019 state average of 30.0 days per district court judge.

Review of 2019 Caseload

Data for the Second District show there were 138,170 filings in 2019, up 2.7% from the number reported in the previous year. The number of criminal filings increased 4.6% to total 16,764 with the number of traffic filings rising 3.4% to total 58,365. Civil filings increased by 1.8% and totaled 59,705. The total number of hearings held fell 1.3% to total 187,387.

In 2019, the seven judges serving in the Second District averaged 19,739 filings and 26,770 hearings per judge. The average number of filings per judge in the Second in 2019 was 2,043 filings below the statewide average (21,782 filings per judge). Judges in the Second held 26,770 hearings each, compared to the statewide average of 29,142 hearings. The general district judges averaged 2,395 criminal filings, 8,338 traffic filings, and 8,529 civil filings in 2019, compared to the statewide averages of 2,645 criminal,

12,376 traffic, and 5,235 civil filings per judge.

Adjusted* 2020 Caseload

Based on adjusted 2020 filings data, filings in the Second District are expected to increase 1.2% to reach 139,770 in 2020. The judges of the district averaged a total of 19,967 filings per judge. Statewide, the 2020 average was 21,677. The Second would fall below this by 1,710 filings.

The number of hearings is expected to decrease 15.8% to total 157,844. The number of hearings per judge in the district totaled 22,549 which is 3,301 less than the state average for 2020 (25,850).

Effect on Workload if the Vacancy is not Filled

If the vacancy is not filled, six judges in the Second would average 23,295 filings, 1,618 above the expected average for judges statewide in 2020 (21,677). The judges would also hold an average of 26,307 hearings, 457 more than the expected state average in 2020 of 25,850 hearings per judge.

The Second Judicial District 2019 AT A GLANCE	
Population	497,014
Filings	
Criminal	16,764
Traffic	58,365
Civil	59,705
Miscellaneous	3,336
Total	138,170
Hearings	187,387
Judgeships	7.0
Filings/Judge	
Second	19,739
State	21,782
Hearings/Judge	
Second	26,770
State	29,142
ADJUSTED* 2020 DATA	
Filings/Judge	
With 7 Judges	19,967
With 6 Judges	23,295
State	21,677
Hearings/Judge	
With 7 Judges	22,549
With 6 Judges	26,307
State	25,850
*Data adjusted for COVID-19 impact. Data subject to ongoing audit.	



Judicial Workload Analysis

The Seventh Judicial District

J&DR District Court Certificate of Judicial Vacancy

The Seventh Judicial District serves the localities of Newport News. According to the Weldon Cooper Center, the estimated 2019 population of the area stood at 181,000 residents. This represents an increase 0.2% over 2010 population figures.

Four juvenile and domestic relations district court judges currently serve the Seventh District: Thomas W. Carpenter, Judith Anne Kline, Rebecca M. Robinson, and Jeffrey C. Rountree. This report serves to certify the vacancy that will be created when **Judge Judith Anne Kline** retires from the bench on March 31, 2021.

Utilization of Substitute and Retired Recalled Judges

In 2019, the judges of the Seventh J&DR District used approximately 232.5 days for substitute and retired recalled judges, an average of 58.1 days per judge. This was above the 2019 state average of 30.0 days per district court judge.

Review of 2019 Caseload

Data for the Seventh District show that there were 12,180 filings in 2019, down 5.4% from the number reported in the previous year. The number of juvenile filings decreased 4.9% to total 5,149 with the number of adult filings falling 5.7% to total 7,031. The total number of hearings held fell 10.4% to total 32,709.

In 2019, the four judges serving in the Seventh District averaged 3,045 filings and 8,177 hearings per judge. The average number of filings per judge in the Seventh in 2019 was 94 filings above the statewide average (2,951 filings per judge). Judges in the Seventh held 8,177 hearings each, compared to the statewide average of 6,863 hearings. The J&DR judges averaged 1,287 juvenile filings and 1,758 adult filings in 2019, compared to the statewide averages of 1,453 juvenile filings and 1,498 adult filings per judge.

Adjusted* 2020 Caseload

Based on adjusted 2020 filings data, filings in the Seventh District are expected to increase by 13.2% to reach 13,788 in 2020. The four judges of the district are expected to average a total of 3,447 filings per judge. Filings per judge fell below the expected 2020 state average (3,513) by 66.

The number of hearings is expected to increase 15.0% to total 37,603. The number of hearings per judge in the district are expected to total 9,401. This number of hearings is 1,190 more than the expected state average for 2020 (8,211).

Effect on Workload if the Vacancy is not Filled

If the vacancy is not filled, the three remaining judges in the Seventh District would average 4,596 filings, 1,083 more than the average for judges statewide in 2020 (3,513). The judges would also hold an average of 12,534 hearings, 4,323 more than the state average in 2020 of 8,211 hearings per judge.

The Seventh Judicial District 2019 AT A GLANCE	
Population	181,000
Filings	
Juvenile	5,149
Adult	7,031
Total	12,180
Hearings	32,709
Judgeships	4.0
Filings/Judge	
Seventh	3,045
State	2,951
Hearings/Judge	
Seventh	8,177
State	6,863
ADJUSTED* 2020 DATA	
Filings/Judge	
With 4 Judges	3,447
With 3 Judges	4,596
State	3,513
Hearings/Judge	
With 4 Judges	9,401
With 3 Judges	12,534
State	8,211
*Data adjusted for COVID-19 impact. Data subject to ongoing audit.	



Judicial Workload Analysis

The Nineteenth Judicial District

J&DR District Court Certification of Judicial Vacancy

The Nineteenth Judicial District serves the localities of Fairfax County and Fairfax City. According to the Weldon Cooper Center, the 2019 estimated population of the area stood at 1,167,417 residents. This represents an increase 5.7% over 2010 population figures.

Eight juvenile and domestic relations district court judges currently serve the Nineteenth District: Maha-Rebekah Ramos Abejuela; Gayl Branum Carr, Glenn L. Clayton, II; Kimberly J. Daniel; Jonathan D. Frieden; Todd G. Petit; Janine M. Saxe; and Thomas P. Sotelo. Judge Janine M. Saxe will retire from the bench on January 31, 2021. This report serves to certify the vacancy that was created when **Judge Kimberly J. Daniel** retires from the bench on December 31, 2020.

Utilization of Substitute and Retired Recalled Judges

In 2019, the judges of the Nineteenth J&DR District used approximately 282.0 days for substitute and retired recalled judges, an average of 35.3 days per judge. This was above the 2019 state average of 30.0 days per district court judge.

Review of 2019 Caseload

Data for the Nineteenth District show 25,459 filings in 2019, down 10.1% from the number reported in the previous year. The number of juvenile filings decreased 10.1% to total 13,677 with the number of adult filings falling 10.1% to total 11,782. The total number of hearings held fell 16.3% to total 47,745.

In 2019, the eight judges serving in the Nineteenth District averaged 3,182 filings and 5,968 hearings per judge. The average number of filings per judge in the Nineteenth in 2019 was 231 filings above the statewide average (2,951 filings per judge). Judges in the Nineteenth held 5,968 hearings each, compared to the statewide average of 6,863

hearings. The J&DR judges averaged 1,710 juvenile filings and 1,473 adult filings in 2019, compared to the statewide averages of 1,453 juvenile filings and 1,498 adult filings per judge.

Adjusted* 2020 Caseload

Based on adjusted 2020 filings data, filings in the Nineteenth District are expected to increase by 20.1% to reach 30,571 in 2020. The eight judges of the district are expected to average a total of 3,821 filings per judge. Filings per judge exceeded the expected 2020 state average (3,513) by 308.

The number of hearings are expected to increase 16.7% to total 57,309. The number of hearings per judge in the district are expected to total 7,164. This number of hearings is 1,047 more than the expected state average for 2020 (8,211).

Judge Daniel will retire from the bench on December 31, 2020. On January 31, 2021, Judge Saxe will retire from the bench leaving two vacancies. If one vacancy is not filled, seven judges in the Nineteenth District would average 4,367 filings, 854 filings above the expected average for judges statewide in 2020 (3,602). The judges would also hold an average of 8,187 hearings, 24 less than the expected state average for 2020 of 8,211 hearings per judge.

If both vacancies are not filled, six judges in the Nineteenth District would average 5,095 filings, 1,582 filings above the expected average for judges statewide in 2020 (3,513). The judges would also hold an average of 9,552 hearings, 1,341 more than the expected state average in 2020 of 8,211 hearings per judge.

The Nineteenth Judicial District 2019 AT A GLANCE	
Population	1,167,471
Filings	
Juvenile	13,677
Adult	11,782
Total	25,459
Hearings	47,745
Judgeships	8.0
Filings/Judge	
Nineteenth	3,182
State	2,951
Hearings/Judge	
Nineteenth	5,968
State	6,863
ADJUSTED* 2020 DATA	
Filings/Judge	
With 8 Judges	3,821
With 7 Judges	4,367
With 6 Judges	5,095
State	3,513
Hearings/Judge	
With 8 Judges	7,164
With 7 Judges	8,187
With 6 Judges	9,552
State	8,211
*Data adjusted for COVID-19 impact. Data subject to ongoing audit.	



Judicial Workload Analysis

The Nineteenth Judicial District

J&DR District Court Certification of Judicial Vacancy

The Nineteenth Judicial District serves the localities of Fairfax County and Fairfax City. According to the Weldon Cooper Center, the 2019 estimated population of the area stood at 1,167,417 residents. This represents an increase 5.7% over 2010 population figures.

Eight juvenile and domestic relations district court judges currently serve the Nineteenth District: Maha-Rebekah Ramos Abejuela; Gayl Branum Carr, Glenn L. Clayton, II; Kimberly J. Daniel; Jonathan D. Frieden; Todd G. Petit; Janine M. Saxe; and Thomas P. Sotelo. Judge Kimberly J. Daniel will retire from the bench on December 31, 2020. This report serves to certify the vacancy that was created when **Judge Janine M. Saxe** retires from the bench on January 31, 2021.

Utilization of Substitute and Retired Recalled Judges

In 2019, the judges of the Nineteenth J&DR District used approximately 282.0 days for substitute and retired recalled judges, an average of 35.3 days per judge. This was above the 2019 state average of 30.0 days per district court judge.

Review of 2019 Caseload

Data for the Nineteenth District show 25,459 filings in 2019, down 10.1% from the number reported in the previous year. The number of juvenile filings decreased 10.1% to total 13,677 with the number of adult filings falling 10.1% to total 11,782. The total number of hearings held fell 16.3% to total 47,745.

In 2019, the eight judges serving in the Nineteenth District averaged 3,182 filings and 5,968 hearings per judge. The average number of filings per judge in the Nineteenth in 2019 was 231 filings above the statewide average (2,951 filings per judge). Judges in the Nineteenth held 5,968 hearings each, compared to the statewide average of 6,863

hearings. The J&DR judges averaged 1,710 juvenile filings and 1,473 adult filings in 2019, compared to the statewide averages of 1,453 juvenile filings and 1,498 adult filings per judge.

Adjusted* 2020 Caseload

Based on adjusted 2020 filings data, filings in the Nineteenth District are expected to increase by 20.1% to reach 30,571 in 2020. The eight judges of the district are expected to average a total of 3,821 filings per judge. Filings per judge exceeded the expected 2020 state average (3,513) by 308.

The number of hearings are expected to increase 16.7% to total 57,309. The number of hearings per judge in the district are expected to total 7,164. This number of hearings is 1,047 more than the expected state average for 2020 (8,211).

Judge Daniel will retire from the bench on December 31, 2020. On January 31, 2021, Judge Saxe will retire from the bench leaving two vacancies. If one vacancy is not filled, seven judges in the Nineteenth District would average 4,367 filings, 854 filings above the expected average for judges statewide in 2018 (3,602). The judges would also hold an average of 8,187 hearings, 24 less than the expected state average for 2020 of 8,211 hearings per judge.

If both vacancies are not filled, six judges in the Nineteenth District would average 5,095 filings, 1,582 filings above the expected average for judges statewide in 2020 (3,513). The judges would also hold an average of 9,552 hearings, 1,341 more than the expected state average in 2020 of 8,211 hearings per judge.

The Nineteenth Judicial District 2019 AT A GLANCE	
Population	1,167,471
Filings	
Juvenile	13,677
Adult	11,782
Total	25,459
Hearings	47,745
Judgeships	8.0
Filings/Judge	
Nineteenth	3,182
State	2,951
Hearings/Judge	
Nineteenth	5,968
State	6,863
ADJUSTED* 2020 DATA	
Filings/Judge	
With 8 Judges	3,821
With 7 Judges	4,367
With 6 Judges	5,095
State	3,513
Hearings/Judge	
With 8 Judges	7,164
With 7 Judges	8,187
With 6 Judges	9,552
State	8,211
*Data adjusted for COVID-19 impact. Data subject to ongoing audit.	



Judicial Workload Analysis

The Twenty-fifth Judicial District

J&DR District Court Certification of Judicial Vacancy

The Twenty-fifth Judicial District serves the counties of Alleghany, Augusta, Bath, Botetourt, Craig, Highland, and Rockbridge and the cities of Buena Vista, Covington, Lexington, Staunton, and Waynesboro. According to the Weldon Cooper Center, the 2019 population of the area stood at 224,699 residents. This represents an increase of 1.2% over 2010 population figures.

Five juvenile and domestic relations district court judges currently serve the Twenty-fifth District: Laura L. Dascher, Linda Schorsch Jones, Susan B. Read, Correy R. Smith, and Paul A. Tucker. This report serves to certify the vacancy that will be created when **Judge Laura L. Dascher** retires from the bench on January 31, 2021.

Utilization of Substitute and Retired Recalled Judges

In 2019, the judges of the Twenty-fifth J&DR District used approximately 117.0 days for substitute and retired recalled judges, an average of 23.4 days per judge. This was below the 2019 state average of 30.0 days per district court judge.

Review of 2019 Caseload

Data for the Twenty-fifth District show 14,963 filings in 2019, down 3.1% from the number reported in the previous year. The number of juvenile filings decreased 0.6% to total 7,779 with the number of domestic relations filings falling 5.6% to total 7,184. The total number of hearings held fell 16.2% to total 31,504.

In 2019, the five judges serving in the Twenty-fifth District averaged 2,993 filings and 6,301 hearings per judge. The average number of filings per judge in the Twenty-fifth in 2019 was 42 filings above the statewide average (2,951 filings per judge). Judges in the Twenty-fifth held 6,301 hearings each, compared to the statewide average of 6,863 hearings. The J&DR judges

averaged 1,556 juvenile filings and 1,437 domestic relations filings in 2019, compared to the statewide averages of 1,453 juvenile filings and 1,498.

Adjusted* 2020 Caseload

Based on adjusted 2020 filings data, filings in the Twenty-fifth Judicial District is expected to increase 12.6% to reach 16,846 in 2020, while the number of hearings is expected to increase 17.7% to total 37,080.

With these changes, the five judges of the district would average a total of 3,369 filings per judge and 7,416 hearings per judge. Statewide, the 2020 average is expected to be 3,513 filings per judge. The Twenty-fifth District would fall below this by 144 filings.

The number of hearings per judge in the district is expected to total 7,416. This number of hearings would be 795 below the expected state average for 2020 (8,211).

Effect on Workload if the Vacancy is not Filled

If the vacancy is not filled, the four judges in the Twenty-fifth District would average 4,212 filings, 699 filings above the expected average for judges statewide in 2020 (3,513). The judges would also hold an average of 9,270 hearings, 1,059 more than the expected state average in 2020 of 8,211 hearings per judge.

The Twenty-fifth Judicial District 2019 AT A GLANCE	
Population	224,699
Filings	
Juvenile	7,779
Adult	7,184
Total	14,963
Hearings	31,504
Judgeships	5.0
Filings/Judge	
Twenty-fifth	2,993
State	2,951
Hearings/Judge	
Twenty-fifth	6,301
State	6,863
ADJUSTED* 2020 DATA	
Filings/Judge	
With 5 Judges	3,369
With 4 Judges	4,212
State	3,513
Hearings/Judge	
With 5 Judges	7,416
With 4 Judges	9,270
State	8,211
*Data adjusted for COVID-19 impact. Data subject to ongoing audit.	

Department of Judicial Services

CLERK RECOMMENDATIONS

September 27, 2019 – March 6,
2020 **47 Courts Visited**

GENERAL DISTRICT COURTS

Accomack General District Court
Caroline General District Court
Charlottesville General District Court
Chesterfield General District Court
Fairfax County General District Court
Fauquier General District Court
Gloucester General District Court
Hanover General District Court
Henrico General District Court
King William and King and Queen General District Courts
Lancaster General District Court
New Kent General District Court
Northampton General District Court
Staunton General District Court
Williamsburg/James City General District Court
Wythe County General District Court
York General District Court

JUVENILE & DOMESTIC RELATIONS DISTRICT COURTS

Accomack Juvenile and Domestic Relations District Court
Alexandria Juvenile and Domestic Relations District Court
Bedford Juvenile and Domestic Relations District Court
Clarke Juvenile and Domestic Relations District Court
Danville Juvenile and Domestic Relations District Court
Fairfax Juvenile and Domestic Relations District Court
Fauquier Juvenile and Domestic Relations District Court
Harrisonburg/Rockingham Juvenile and Domestic Relations District Court
Henry Juvenile and Domestic Relations District Court
Lancaster Juvenile and Domestic Relations District Court
Loudoun Juvenile and Domestic Relations District Court
Louisa Juvenile and Domestic Relations District Court
Lynchburg Juvenile and Domestic Relations District Court
Northampton Juvenile and Domestic Relations District Court
Pittsylvania Juvenile and Domestic Relations District Court
Roanoke County Juvenile and Domestic Relations District Court
Stafford Juvenile and Domestic Relations District Court
Warren Juvenile and Domestic Relations District Court
Westmoreland Juvenile and Domestic Relations District Court

COMBINED DISTRICT COURTS

Bath General and Juvenile and Domestic Relations District Combined Courts
Bland General and Juvenile and Domestic Relations District Combined Courts
Buchanan General and Juvenile and Domestic Relations District Combined Courts
Dinwiddie General and Juvenile and Domestic Relations District Combined Courts
Galax General and Juvenile and Domestic Relations District Combined Courts
Grayson General and Juvenile and Domestic Relations District Combined Courts
King George General and Juvenile and Domestic Relations District Combined Courts
Powhatan General and Juvenile and Domestic Relations District Combined Courts
Radford General and Juvenile and Domestic Relations District Combined Courts
Salem General and Juvenile and Domestic Relations District Combined Courts
Scott General and Juvenile and Domestic Relations District Combined Courts

GENERAL DISTRICT COURTS

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**ACCOMACK COUNTY GENERAL
DISTRICT COURT**

OCTOBER 16, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23220
(804) 786-6455
PROJECT NO.: 056-042

ACCOMACK COUNTY GENERAL DISTRICT COURT

OCTOBER 16, 2019

An administrative and financial judicial services visit was conducted in the Accomack County General District Court on October 16, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

1. Administrative
2. Bank Statement Reconciliations
3. Timeliness of Bank Deposits
4. Court Liability Accounts
5. Fine and Costs Assessments
6. Daily, Weekly & Monthly Closings
7. Court-Appointed Attorney Payments
8. Escheatments

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

Clerk shared no performance evaluations have been completed since 2015 for the staff or the clerk. DJS and the clerk discussed the importance of these evaluations for both the clerk and the staff. Clerk indicated she would complete performance evaluations for 2020.

DJS recommends that at the conclusion of a case when the defendant has been sentenced to a period of incarceration, including weekends, that the clerk’s office enter the period of incarceration in FAS to note the current active sentence. Entry of the incarceration period will invoke the incarceration interest edits in accordance with §19.2-353.5.

Procedures for DNA collection and assessment of the fee in accordance with §19.2-310.1 are not being followed by the clerk’s office. DJS demonstrated how to check the LIDS system for DNA samples and recommended the clerk have staff review and assess the DNA fee when appropriate.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT/COMPLIANCE

DJS discussed the court’s last audit with the clerk. The clerk shared there were no audit points or issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Francina Chisum, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted by: Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**CAROLINE GENERAL DISTRICT
COURT**

FEBRUARY 6, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

CAROLINE GENERAL DISTRICT COURT

FEBRUARY 6, 2020

An administrative and financial judicial services visit was conducted in the Caroline General District Court on February 6, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No other significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS discussed with the clerk and recommended the use of certified language interpreters.

DJS shared with the clerk that Grade 9 and under staff are required to complete the Attendance Leave Record to meet the requirement of the Fair Labor Standards Act.

Clerk shared there has not been any Active Shooter Training held for the clerk's office. DJS recommends the clerk contact the Sheriff to request this training.

DJS discussed the requirement to check LIDS when a DNA sample is required pursuant to §19.2-310.2. DJS demonstrated how to access LIDS for the clerk.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared the audit was good.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Terry Southworth, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted by: Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**CITY OF CHARLOTTESVILLE
GENERAL
DISTRICT COURT**

AUGUST 14, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23220

CITY OF CHARLOTTESVILLE GENERAL DISTRICT COURT

AUGUST 14, 2019

An administrative and financial judicial services visit was conducted in the City of Charlottesville General District Court on August 14, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

1. Administrative
2. Bank Statement Reconciliations
3. Timeliness of Bank Deposits
4. Court Liability Accounts
5. Fine and Costs Assessments
6. Daily, Weekly & Monthly Closings

- | | |
|--------------------------------------|-------------------------------------|
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS discussed and recommend the clerk’s office utilize the Special Needs Field (NDS) in the case management systems to indicate when defendant’s required an interpreter and other special needs such a wheelchair, interpreter for the deaf, etc.

DJS recommends that at the conclusion of a case when the defendant has been sentenced to a period of incarceration, including weekends, that the clerk’s office enter the period of incarceration in FAS to note the current active sentence. Entry of the incarceration period will invoke the incarceration interest edits in accordance with §19.2-353.5.

DJS observed there was no security upon entry of the clerk’s office. The clerk stated security is only provided on court days.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT/COMPLIANCE

DJS discussed the court’s last audit with the clerk. The clerk shared there were audit points and issues. The clerk is working to correct the issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Mary Trimble, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted by: Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**CHESTERFIELD GENERAL DISTRICT
COURT**

FEBRUARY 6, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

CHESTERFIELD GENERAL DISTRICT COURT

FEBRUARY 6, 2020

An administrative and financial judicial services visit was conducted in the Chesterfield General District Court on February 6, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |

11. Accounts Receivable Collections

12. Internal Control Procedures

No other significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS discussed restitution procedures with the clerk. The clerk and bookkeeper expressed concerns about several of the court's restitution practices and the restitution orders completed by the Commonwealth Attorney. DJS reviewed the concerns and requested additional guidance and assistance from Legal Research to the court.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared there were no audit points or issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Linda Moore, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted by: Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**FAIRFAX COUNTY GENERAL
DISTRICT COURT**

NOVEMBER 13, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23220
(804) 786-6455
PROJECT NO.: 056-042

FAIRFAX COUNTY GENERAL DISTRICT COURT

NOVEMBER 13, 2019

An administrative and financial judicial services visit was conducted in the Fairfax County General District Court on November 13, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

1. Administrative
2. Bank Statement Reconciliations
3. Timeliness of Bank Deposits
4. Court Liability Accounts
5. Fine and Costs Assessments
6. Daily, Weekly & Monthly Closings
7. Court-Appointed Attorney Payments
8. Escheatments

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS shared with the clerk that Grade 9 and under staff are required to complete the Attendance Leave Record to meet the requirement of the Fair Labor Standards Act.

DJS discussed the current ex-parte protective order hearing process. The judges review and decide issuance of the preliminary protective order in chambers. Whenever a petition for protective is denied; the court allows the petitioner to file a motion to re-hear the petition. This practice is unique to Fairfax and has caused concern in the past.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT/COMPLIANCE

DJS discussed the court’s last audit with the clerk. The clerk shared there were no audit points or issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Eric Barr, Clerk, for his assistance.

Administrative and Financial Judicial Services Visit Conducted by: Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**FAUQUIER GENERAL
DISTRICT COURT**

NOVEMBER 13, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

FAUQUIER GENERAL DISTRICT COURT

NOVEMBER 13, 2019

An administrative and financial judicial services visit was conducted in the Fauquier General District Court on November 13, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |

11. Accounts Receivable Collections 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends that at the conclusion of a case when the defendant has been sentenced to a period of incarceration, including weekends, that the clerk's office enter the period of incarceration in FAS to note the current active sentence. Entry of the incarceration period will invoke the incarceration interest edits in accordance with §19.2-353.5.

DJS discussed the continuous bank reconciliation issues within the clerk's office. The clerk assured DJS she was working to solve this issues.

DJS recommended the clerk review the list of available certified interpreters for this jurisdiction to ensure the public is receiving the best interpreter services available.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT/COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared there were audit points regarding bank reconciliation. The clerk shared she has taken action corrective action regarding this processing.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Ashley Gatchell Boteler, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted by: Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**GLOUCESTER GENERAL
DISTRICT COURT**

SEPTEMBER 24, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

GLoucester General District Court

SEPTEMBER 24, 2019

An administrative and financial judicial services visit was conducted in the Gloucester General District Court on September 24, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommended that all staff members complete the Attendance Leave Record used to meet the records keeping requirement of the Fair Labor Standards Act for non-exempt employees.

DJS discussed with the clerk the efficiency and benefit to both the public and the clerk's office with the completion of services on civil pleadings within the case management system.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT/COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared there were no audit points or issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Amy Pierce, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**HANOVER COUNTY GENERAL
DISTRICT COURT**

OCTOBER 21, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23220
(804) 786-6455
PROJECT NO.: 056-042

HANOVER COUNTY GENERAL DISTRICT COURT

OCTOBER 21, 2019

An administrative and financial judicial services visit was conducted in the Hanover County General District Court on October 21, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

1. Administrative
2. Bank Statement Reconciliations
3. Timeliness of Bank Deposits
4. Court Liability Accounts
5. Fine and Costs Assessments
6. Daily, Weekly & Monthly Closings
7. Court-Appointed Attorney Payments
8. Escheatments

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends that at the conclusion of a case when the defendant has been sentenced to a period of incarceration, including weekends, that the clerk’s office enter the period of incarceration in FAS to note the current active sentence. Entry of the incarceration period will invoke the incarceration interest edits in accordance with §19.2-353.5.

DJS shared with the clerk that Grade 9 and under staff are required to complete the Attendance Leave Record to meet the requirement of the Fair Labor Standards Act.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT/COMPLIANCE

DJS discussed the court’s last audit with the clerk. The clerk shared there were audit points due to bank account not being reconciled. The clerk has resolved all outstanding bank reconciliation issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Cheryl DeV Vaughn, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**HENRICO GENERAL DISTRICT
COURT**

FEBRUARY 4, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

HENRICO GENERAL DISTRICT COURT

FEBRUARY 4, 2020

An administrative and financial judicial services visit was conducted in the Henrico General District Court on February 4, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No other significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS discussed with the clerk the efficiency and benefit to both the public and the clerk's office with the completion of bond information in the Criminal Division of case management.

DJS reviewed the general ledger and found several accounts with negative balances. The clerk and bookkeeping staff indicated they would research and correct these negative account balances.

DJS discussed scanning practices and recommended quality assurance techniques to the clerk to ensure that the case documents imaged are an exact mirror image of the paper file.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared there were audit points issues and the problem has been addressed.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Linda Knight, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted by: Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**KING QUEEN GENERAL
DISTRICT COURT**

SEPTEMBER 4, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

KING QUEEN GENERAL DISTRICT COURT

SEPTEMBER 4, 2019

An administrative and financial judicial services visit was conducted in the King Queen General District Court on September 4, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

1. Administrative
2. Bank Statement Reconciliations
3. Timeliness of Bank Deposits
4. Court Liability Accounts
5. Fine and Costs Assessments
6. Daily, Weekly & Monthly Closings
7. Court-Appointed Attorney Payments
8. Escheatments

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends that at the conclusion of a case when the defendant has been sentenced to a period of incarceration, including weekends, that the clerk’s office enter the period of incarceration in FAS to note the current active sentence. Entry of the incarceration period will invoke the incarceration interest edits in accordance with §19.2-353.5.

DJS observed there was no security upon entry of the clerk’s office. The clerk stated security is only provided on court days. DJS recommends that the clerk discuss security with the Sheriff and request Active Shooter Training for her staff.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT/COMPLIANCE

DJS discussed the court’s last audit with the clerk. The clerk was shared there were no audit points during the last audit.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Jill Hall, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**KING WILLIAM GENERAL
DISTRICT COURT**

SEPTEMBER 4, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

KING WILLIAM GENERAL DISTRICT COURT

SEPTEMBER 4, 2019

An administrative and financial judicial services visit was conducted in the King William General District Court on September 4, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends that at the conclusion of a case when the defendant has been sentenced to a period of incarceration, including weekends, that the clerk’s office enter the period of incarceration in FAS to note the current active sentence. Entry of the incarceration period will invoke the incarceration interest edits in accordance with §19.2-353.5.

DJS recommends that the clerk discuss security with the Sheriff and request Active Shooter Training for her staff.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT/COMPLIANCE

DJS discussed the court’s last audit with the clerk. The clerk was shared there were no audit points during the last audit.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Jill Hall, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**LANCASTER COUNTY GENERAL
DISTRICT COURT**

OCTOBER 24, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23220
(804) 786-6455
PROJECT NO.: 056-042

LANCASTER COUNTY GENERAL DISTRICT COURT

OCTOBER 24, 2019

An administrative and financial judicial services visit was conducted in the Lancaster County General District Court on October 24, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS shared with the clerk that Grade 9 and under staff are required to complete the Attendance Leave Record to meet the requirement of the Fair Labor Standards Act.

DJS recommends that the clerk discuss security with the Sheriff and request Active Shooter Training for her staff. There is no security at the courthouse on non-court days.

DJS discussed with the clerk the benefits of entering bond information in the case management system for criminal cases.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT/COMPLIANCE

DJS discussed the court’s last audit with the clerk. The clerk shared the court received a good audit with no points.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Christina Headley, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**NEW KENT COUNTY GENERAL
DISTRICT COURT**

OCTOBER 17, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23220
(804) 786-6455
PROJECT NO.: 056-042

NEW KENT COUNTY GENERAL DISTRICT COURT

OCTOBER 17, 2019

An administrative and financial judicial services visit was conducted in the New Kent County General District Court on October 17, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends that at the conclusion of a case when the defendant has been sentenced to a period of incarceration, including weekends, that the clerk’s office enter the period of incarceration in FAS to note the current active sentence. Entry of the incarceration period will invoke the incarceration interest edits in accordance with §19.2-353.5.

DJS shared with the clerk that Grade 9 and under staff are required to complete the Attendance Leave Record to meet the requirement of the Fair Labor Standards Act.

Clerk shared there has not been any Active Shooter Training held for the clerk’s office. DJS recommends the clerk contact the Sheriff to request this training, clerk stated contact has been made.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT/COMPLIANCE

DJS discussed the court’s last audit with the clerk. The clerk shared there were no audit points or issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Sirena Kestner, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**STAUNTON GENERAL
DISTRICT COURT**

OCTOBER 22, 2109

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

STAUNTON GENERAL DISTRICT COURT

OCTOBER 22, 2109

An administrative and financial judicial services visit was conducted in the Staunton General District Court on October 22, 210. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |

11. Accounts Receivable Collections

12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommended that all staff members complete the Attendance Leave Record used to meet the records keeping requirement of the Fair Labor Standards Act for non-exempt employees.

DJS recommended fines and costs be assessed by a courtroom clerk. This will be considered again in the future if additional staff is obtained.

DJS discussed and recommend the clerk's office utilize the Special Needs Field (NDS) in the case management systems to indicate when defendant's required an interpreter and other special needs such a wheelchair, interpreter for the deaf, etc.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at the time.

AUDIT/COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared there were no audit points or issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Amanda Knighting, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Michelle Crawford

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**NORTHAMPTON COUNTY GENERAL
DISTRICT COURT**

OCTOBER 16, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23220
(804) 786-6455
PROJECT NO.: 056-042

NORTHAMPTON COUNTY GENERAL DISTRICT COURT

OCTOBER 16, 2019

An administrative and financial judicial services visit was conducted in the Northampton County General District Court on October 16, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

Clerk shared no performance evaluations have been completed since 2015 for the staff or the clerk. DJS and the clerk discussed the importance of these evaluations for both the clerk and the staff. Clerk indicated she would complete performance evaluations for 2020.

DJS recommends that at the conclusion of a case when the defendant has been sentenced to a period of incarceration, including weekends, that the clerk’s office enter the period of incarceration in FAS to note the current active sentence. Entry of the incarceration period will invoke the incarceration interest edits in accordance with §19.2-353.5.

DJS shared with the clerk that Grade 9 and under staff are required to complete the Attendance Leave Record to meet the requirement of the Fair Labor Standards Act.

Clerk shared there has not been any Active Shooter Training held for the clerk’s office. DJS recommends the clerk contact the Sheriff to request this training.

DJS reviewed the balance in account 407, credit card convenience fee. DJS found excessive funds within the account. DJS recommends the court transfer this money to the state fund in a timely manner.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT/COMPLIANCE

DJS discussed the court’s last audit with the clerk. The clerk shared there were no audit points or issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Karen Merritt, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted by: Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**WILLIAMSBURG/JAMES CITY
COUNTY GENERAL DISTRICT
COURT**

DECEMBER 12, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

WILLIAMSBURG/JAMES CITY COUNTY GENERAL DISTRICT COURT

DECEMBER 12, 2019

An administrative and financial judicial services visit was conducted in the Williamsburg/James City County General District Court on December 12, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No other significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS spoke with the clerk regarding annual performance evaluations; the clerk shared that she last completed the evaluations for staff in 2013. DJS recommended the clerk complete these evaluations for the staff annually.

DJS shared with the clerk that Grade 9 and under staff are required to complete the Attendance Leave Record to meet the requirement of the Fair Labor Standards Act.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT/COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk was shared there were no audit points during the last audit.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Karen Snyder, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted by: Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**WYTHE GENERAL
DISTRICT COURT**

DECEMBER 4, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

WYTHE GENERAL DISTRICT COURT

DECEMBER 4, 2019

An administrative and financial judicial services visit was conducted in the Wythe General District Court on December 4, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends printing abstracts of judgments only when requested by the judgment creditor.

DJS recommends either the clerk or the designated IRMS backup take the annual DJS IRMS training offered each year.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time

AUDIT/COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared there were no audit points or issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Vicki Tate, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Michelle Crawford

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**YORK GENERAL
DISTRICT COURT**

SEPTEMBER 24, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

YORK GENERAL DISTRICT COURT

SEPTEMBER 24, 2019

An administrative and financial judicial services visit was conducted in the York General District Court on September 24, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |

11. Accounts Receivable Collections

12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS reviewed the balance in the court’s credit card convenience account, the amount was excessive. DJS and the clerk discussed the requirements to ensure these monies are transferred to the state fund on a regular basis.

DJS recommends that at the conclusion of a case when the defendant has been sentenced to a period of incarceration, including weekends, that the clerk’s office enter the period of incarceration in FAS to note the current active sentence. Entry of the incarceration period will invoke the incarceration interest edits in accordance with §19.2-353.5.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT/COMPLIANCE

DJS discussed the court’s last audit with the clerk. The clerk was shared there were no audit points during the last audit.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Melanie Stephens, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Jody Hess

**JUVENILE & DOMESTIC RELATIONS
DISTRICT COURTS**

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

ACCOMACK JDR DISTRICT COURT

OCTOBER 16, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

ACCOMACK JDR DISTRICT COURT

OCTOBER 16, 2019

An administrative and financial judicial services visit was conducted in the Accomack JDR District Court on October 16, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends that when a defendant has been sentenced to a period of incarceration, the clerk's office enter the period of incarceration in FAS.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

There are no outstanding compliance issues requiring follow-up services.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Roland Leighton, Clerk, for his assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**ALEXANDRIA JDR DISTRICT
COURT**

SEPTEMBER 30, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

ALEXANDRIA JDR DISTRICT COURT

SEPTEMBER 30, 2019

An administrative and financial judicial services visit was conducted in the Alexandria JDR District Court on September 30, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends that when a defendant has been sentenced to a period of incarceration, the clerk’s office enter the period of incarceration in FAS.

DJS recommends all employees Grade 9 and under complete the Attendance Leave Record monthly.

DJS recommends the court contact the Sheriff’s Department regarding Active Shooter Training for court staff.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

There are no outstanding compliance issues requiring follow-up services.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Dominika Bui, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

BEDFORD JDR DISTRICT COURT

SEPTEMBER 9, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

BEDFORD JDR DISTRICT COURT

SEPTEMBER 9, 2019

An administrative and financial judicial services visit was conducted in the Bedford JDR District Court on September 9, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

-DJS recommends that when a defendant has been sentenced to a period of incarceration, the clerk's office enter the period of incarceration in FAS.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

There are no outstanding compliance issues requiring follow-up services.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Stacey Arrington, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

CLARKE JDR DISTRICT COURT

OCTOBER 23, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

CLARKE JDR DISTRICT COURT

OCTOBER 23, 2019

An administrative and financial judicial services visit was conducted in the Clarke JDR District Court on October 23, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends employees Grade 9 and under complete the Attendance/Leave Record monthly.

Courthouse security is only present when court is in session. DJS recommends the clerk discuss with the judge working with the sheriff to improve such security.

DJS recommends the clerk request Active Shooter Training from the Sheriff's Department.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

There are no outstanding compliance issues requiring follow-up services.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Sherri Allen, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**CITY OF DANVILLE JUVENILE &
DOMESTIC RELATIONS DISTRICT COURT**

OCTOBER 3, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455

CITY OF DANVILLE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

OCTOBER 3, 2019

An administrative and financial judicial services visit was conducted in the City of Danville Juvenile and Domestic Relations District Court on October 3, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Manuals (Text/Forms), the Courts Automated Information System User's Guides (Financial Management System/Case Management System), the District Court Accounting Manual, and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

1. Administrative Manuals
2. Bank Statement Reconciliations
3. Timeliness of Bank Deposits
4. Court Liability Accounts
5. Fine and Costs Assessments
6. Daily, Weekly & Monthly Closings
7. Court-Appointed Attorney Payments
8. Escheatments

9. Bond Administration

10. Set-Off Debt Collection Program

11. Accounts Receivable Collections

12. Internal Control Procedures

No other significant and uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

- DJS recommends that the Clerk and Judges speak with local law enforcement and the county administration about conducting an active shooter training at the courthouse.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Ms. Tammy White, Court Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Rhonda Gardner

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

FAIRFAX JDR DISTRICT COURT

DECEMBER 20, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

FAIRFAX JDR DISTRICT COURT

DECEMBER 20, 2019

An administrative and financial judicial services visit was conducted in the Fairfax JDR District Court on December 20, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends that at the conclusion of a case when the defendant has been sentenced to a period of incarceration, including weekends, that the clerk's office enter the period of incarceration in FAS to note the current active sentence. Entry of the incarceration period will invoke the incarceration interest edits in accordance with §19.2-353.5.

DJS recommends pursuant to §19.2-143 the court follow the procedures for bond forfeiture when the defendant fails to appear for court. At this time the court is holding \$61,649 to be forfeited. The court should immediately take action to forfeit these bonds.

DJS recommends the court timely disburse bond refunds when the case is concluded. The court is currently holding \$7,500.00 in bond money to be disbursed.

DJS recommends the court refund overpayments timely. The court is currently holding \$178.11 in overpayments which should be refunded.

DJS recommends the court timely disburse or escheat restitution payments. The court is currently holding \$8,591.02 in restitution payments.

DJS recommends the court adhere to the Indexing and Docketing Guidelines provided by the JDR Team by not docketing each motion as a new case. The motion should be an additional hearing line on the underlying case and should only be indexed with a new number when the underlying case is finalized.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

If the court needs assistance in any of the recommended procedures the DJS JDR is available.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Barbara Moran, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

FAUQUIER JDR DISTRICT COURT

DECEMBER 9, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

FAUQUIER JDR DISTRICT COURT

DECEMBER 9, 2019

An administrative and financial judicial services visit was conducted in the Fauquier JDR District Court on December 9, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends the clerk complete evaluations for all staff members. Evaluations are a good time for staff to discuss professional goals and for management to stress office goals and strategies, as well as, the importance of training and customer service.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

There are no outstanding compliance issues requiring follow-up services.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Lois Welch, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**HARRISONBURG/ROCKINGHAM
JDR DISTRICT COURT**

NOVEMBER 4, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

HARRISONBURG/ROCKINGHAM JDR DISTRICT COURT

NOVEMBER 4, 2019

An administrative and financial judicial services visit was conducted in the Harrisonburg/Rockingham JDR District Court on November 4, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends that when a defendant has been sentenced to a period of incarceration, the clerk's office enter the period of incarceration in FAS.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

There are no outstanding compliance issues requiring follow-up services.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Terri Rea, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

HENRY JDR DISTRICT COURT

NOVEMBER 8, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

HENRY JDR DISTRICT COURT

NOVEMBER 8, 2019

An administrative and financial judicial services visit was conducted in the Henry JDR District Court on November 8, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

No recommendations made.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

There are no outstanding compliance issues requiring follow-up services.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Nora Green, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**LANCASTER COUNTY JUVENILE &
DOMESTIC RELATIONS DISTRICT COURT**

SEPTEMBER 30, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455

LANCASTER COUNTY JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

SEPTEMBER 30, 2019

An administrative and financial judicial services visit was conducted in the Lancaster County Juvenile and Domestic Relations District Court on September 30, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Manuals (Text/Forms), the Courts Automated Information System User's Guides (Financial Management System/Case Management System), the District Court Accounting Manual, and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

1. Administrative Manuals
2. Bank Statement Reconciliations
3. Timeliness of Bank Deposits
4. Court Liability Accounts
5. Fine and Costs Assessments
6. Daily, Weekly & Monthly Closings
7. Court-Appointed Attorney Payments
8. Escheatments

9. Bond Administration

10. Set-Off Debt Collection Program

11. Accounts Receivable Collections

12. Internal Control Procedures

No other significant and uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

- DJS recommends all staff in a Grade 9 position or below complete the Attendance/Leave Record monthly. This form may be found on the Internal Website under Human Resources/Leave.
- DJS recommends that the Clerk and Judge speak with local law enforcement and the county administration about conducting an active shooter training at the courthouse. Emergency training for personnel has been limited to certain weather events.
- DJS recommends the Judge and Clerk speak with local law enforcement regarding security at the courthouse during non-court days.
- DJS recommends that the court process and conduct an ex parte hearing on petitions for preliminary protective orders for family abuse on the same day the petitions are filed. Currently, the courts rely on the Emergency Protective Order to cover the victim until the next day the court is in session.
- DJS recommends that the Clerk receive a performance evaluation from the Presiding Judge or Chief Judge annually by March 31st.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Ms. Linda Jacobs, Court Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Rhonda Gardner

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

LOUDOUN JDR DISTRICT COURT

AUGUST 30, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

LOUDOUN JDR DISTRICT COURT

AUGUST 30, 2019

An administrative and financial judicial services visit was conducted in the Loudoun JDR District Court on August 30, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

- DJS recommends the court conduct ex parte hearings on petitions for preliminary protective orders the day the petitions are filed. The court should not have a cut-off time for the filing of petitions requesting a preliminary protective order. At this time if the petition is not filed by 12:30 the petitions are heard the next business day.
- DJS recommends the clerk contact the Sheriff's Department regarding Active Shooter training for court staff.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

There are no outstanding compliance issues requiring follow-up services.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Evamari Bates, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

LOUISA JDR DISTRICT COURT

OCTOBER 1, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

LOUISA JDR DISTRICT COURT

OCTOBER 1, 2019

An administrative and financial judicial services visit was conducted in the Louisa JDR District Court on October 1, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

No recommendations made.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

There are no outstanding compliance issues requiring follow-up services.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Toni Seay, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

LYNCHBURG JDR DISTRICT COURT

SEPTEMBER 4, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

LYNCHBURG JDR DISTRICT COURT

SEPTEMBER 4, 2019

An administrative and financial judicial services visit was conducted in the Lynchburg JDR District Court on September 4, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

-DJS recommends employees Grade 9 and under complete the Attendance Leave Record monthly.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

There are no outstanding compliance issues requiring follow-up services.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Victoria Baez, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**NORTHAMPTON JDR DISTRICT
COURT**

OCTOBER 17, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

NORTHAMPTON JDR DISTRICT COURT

OCTOBER 17, 2019

An administrative and financial judicial services visit was conducted in the Northampton JDR District Court on October 17, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

1. Administrative
2. Bank Statement Reconciliations
3. Timeliness of Bank Deposits
4. Court Liability Accounts
5. Fine and Costs Assessments
6. Daily, Weekly & Monthly Closings
7. Court-Appointed Attorney Payments
8. Escheatments

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends the clerk ensure the deputy clerk becomes certified in IRMS to serve as a backup.

DJS recommends that the Clerk and Judge speak with local law enforcement about conducting an active shooter training at the courthouse.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

There are no outstanding compliance issues requiring follow-up services.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Francine Williams, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**PITTSYLVANIA COUNTY JUVENILE &
DOMESTIC RELATIONS DISTRICT COURT**

SEPTEMBER 6, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455

PITTSYLVANIA COUNTY JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

SEPTEMBER 6, 2019

An administrative and financial judicial services visit was conducted in the Pittsylvania County Juvenile and Domestic Relations District Court on September 6, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Manuals (Text/Forms), the Courts Automated Information System User's Guides (Financial Management System/Case Management System), the District Court Accounting Manual, and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

1. Administrative Manuals
2. Bank Statement Reconciliations
3. Timeliness of Bank Deposits
4. Court Liability Accounts
5. Fine and Costs Assessments
6. Daily, Weekly & Monthly Closings
7. Court-Appointed Attorney Payments
8. Escheatments

9. Bond Administration

10. Set-Off Debt Collection Program

11. Accounts Receivable Collections

12. Internal Control Procedures

No other significant and uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

- DJS recommends all staff in a Grade 9 position or below complete the Attendance/Leave Record monthly. This form may be found on the Internal Website under Human Resources/Leave.
- DJS recommends that the Clerk and Judges speak with local law enforcement and the county administration about conducting an active shooter training at the courthouse. Emergency training for personnel has been limited to certain weather events.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Ms. Sherrie Lester, Court Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Rhonda Gardner

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**ROANOKE Co JDR DISTRICT
COURT**

SEPTEMBER 23, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

ROANOKE CO JDR DISTRICT COURT

SEPTEMBER 23, 2019

An administrative and financial judicial services visit was conducted in the Roanoke Co JDR District Court on September 23, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends that when a defendant has been sentenced to a period of incarceration, the clerk's office enter the period of incarceration in FAS.

DJS recommends the clerk request law enforcement provide Active Shooter Training for court staff.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

There are no outstanding compliance issues requiring follow-up services.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Debra Barbour, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

STAFFORD JDR DISTRICT COURT

NOVEMBER 5, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

STAFFORD JDR DISTRICT COURT

NOVEMBER 5, 2019

An administrative and financial judicial services visit was conducted in the Stafford JDR District Court on November 5, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

No recommendations made.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

There are no outstanding compliance issues requiring follow-up services.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank James Thompson, Clerk, for his assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

WARREN Co JDR DISTRICT COURT

NOVEMBER 1, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

WARREN CO JDR DISTRICT COURT

NOVEMBER 1, 2019

An administrative and financial judicial services visit was conducted in the Warren Co JDR District Court on November 1, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends that when a defendant has been sentenced to a period of incarceration, the clerk's office enter the period of incarceration in FAS.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

There are no outstanding compliance issues requiring follow-up services.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Shanna Henry, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**WESTMORELAND COUNTY JUVENILE &
DOMESTIC RELATIONS DISTRICT COURT**

OCTOBER 15, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455

WESTMORELAND COUNTY JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

OCTOBER 15, 2019

An administrative and financial judicial services visit was conducted in the Westmoreland County Juvenile and Domestic Relations District Court on October 15, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Manuals (Text/Forms), the Courts Automated Information System User's Guides (Financial Management System/Case Management System), the District Court Accounting Manual, and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

1. Administrative Manuals
2. Bank Statement Reconciliations
3. Timeliness of Bank Deposits
4. Court Liability Accounts
5. Fine and Costs Assessments
6. Daily, Weekly & Monthly Closings
7. Court-Appointed Attorney Payments
8. Escheatments

9. Bond Administration

10. Set-Off Debt Collection Program

11. Accounts Receivable Collections

12. Internal Control Procedures

No other significant and uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

- DJS recommends all staff in a Grade 9 position or below complete the Attendance/Leave Record monthly. This form may be found on the Internal Website under Human Resources/Leave.
- DJS recommends that the Clerk and Judge speak with local law enforcement and the county administration about conducting an active shooter training at the courthouse. Emergency training for personnel has been limited to certain weather events.
- DJS recommends that the court process and conduct an ex parte hearing on petitions for preliminary protective orders for family abuse on the same day the petitions are filed. Currently, the courts rely on the Emergency Protective Order to cover the victim until the next day the court is in session.
- DJS recommends that the Clerk receive a performance evaluation from the Presiding Judge or Chief Judge annually by March 31st.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

The clerk requested assistance with bank reconciliation statements in 2019. The JDR Team has assisted in updating bank statements dating back to March 2015 and has requested monthly updates from the clerk regarding the reconciliation of the bank account. The JDR Team will continue to monitor this process in Westmoreland JDR.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Ms. Christina Viviers, Court Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Rhonda Gardner

COMBINED DISTRICT COURTS

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**BATH COMBINED
DISTRICT COURT**

OCTOBER 21, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

BATH COMBINED DISTRICT COURT

OCTOBER 21, 2019

An administrative and financial judicial services visit was conducted in the Bath Combined District Court on October 21, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommended that all staff members complete the Attendance Leave Record used to meet the records keeping requirement of the Fair Labor Standards Act for non-exempt employees.

DJS recommends that at the conclusion of a case when the defendant has been sentenced to a period of incarceration, including weekends, that the clerk's office enter the period of incarceration in FAS to note the current active sentence. Entry of the incarceration period will invoke the incarceration interest edits in accordance with §19.2-353.5.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT/COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared that there were audit points accessed. The points were accessed for a default in IRMS and for failure to disburse liability accounts timely. The clerk has taken measures to prevent these issues from reoccurring.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Mikayo Curtis, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Michelle Crawford and Ruth Lipp

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**BLAND COMBINED DISTRICT
COURTS**

SEPTEMBER 24, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

BLAND COMBINED DISTRICT COURTS

SEPTEMBER 24, 2019

An administrative and financial judicial services visit was conducted in the Bland Combined District Courts on September 24, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommended that all staff members complete the Attendance Leave Record used to meet the records keeping requirement of the Fair Labor Standards Act for non-exempt employees.

DJS recommends that at the conclusion of a case when the defendant has been sentenced to a period of incarceration, including weekends, that the clerk's office enter the period of incarceration in FAS to note the current active sentence. Entry of the incarceration period will invoke the incarceration interest edits in accordance with §19.2-353.5.

DJS observed there was no security upon entry of the clerk's office. The clerk stated security is only provided on court days. DJS recommends that the clerk discuss security with the Sheriff and request Active Shooter Training for her staff.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT/COMPLIANCE

DJS discussed the court's last audit with the clerk. This was a very good audit with no points accessed.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

There are no outstanding compliance issues requiring follow-up services.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Jill Baker, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Michelle Crawford and Ruth Lipp

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**BUCHANAN COMBINED DISTRICT
COURTS**

OCTOBER 29, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

BUCHANAN COMBINED DISTRICT COURTS

OCTOBER 29, 2019

An administrative and financial judicial services visit was conducted in the Buchanan Combined District Courts on October 29, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

1. Administrative
2. Bank Statement Reconciliations
3. Timeliness of Bank Deposits
4. Court Liability Accounts
5. Fine and Costs Assessments
6. Daily, Weekly & Monthly Closings
7. Court-Appointed Attorney Payments
8. Escheatments

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends that when a defendant has been sentenced to a period of incarceration, the clerk's office enter the period of incarceration in FAS.

DJS recommends the clerk speak with the Sheriff's Department regarding Active Shooter training for the court staff in the current location and the new location once the court is relocated.

DJS recommends completing all of the fields in GCMS on civil cases as it relates to service and pleadings and complete bond information on criminal cases.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

There are no outstanding compliance issues requiring follow-up services.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Judith Lyall, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp and Michelle Crawford.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**DINWIDDIE COMBINED DISTRICT
COURTS**

NOVEMBER 20,2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

DINWIDDIE COMBINED DISTRICT COURTS

NOVEMBER 20, 2019

An administrative and financial judicial services visit was conducted in the Dinwiddie Combined District Courts on November 20, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends the clerk or the designated IRMS backup employee take the annual IRMS training.

DJS discussed and recommend the clerk's office utilize the Special Needs Field (NDS) in the case management systems to indicate when defendant's required an interpreter and other special needs such a wheelchair, interpreter for the deaf, etc.

The clerk shared there has not been any Active Shooter Training held for the clerk's office. DJS recommends the clerk contact the Sheriff to request this training.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT/COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared there were no audit points or issues.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

There are no outstanding compliance issues requiring follow-up services.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Lisa Coleman, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Michelle Crawford and Ruth Lipp

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**GALAX COMBINED DISTRICT
COURTS**

SEPTEMBER 24, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

GALAX COMBINED DISTRICT COURTS

SEPTEMBER 24, 2019

An administrative and financial judicial services visit was conducted in the Galax Combined District Courts on September 24, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommended that all staff members complete the Attendance Leave Record used to meet the records keeping requirement of the Fair Labor Standards Act for non-exempt employees.

DJS observed there was no security upon entry of the clerk's office. The clerk stated security is only provided on court days. DJS recommends that the clerk discuss security with the Sheriff and request Active Shooter Training for her staff.

DJS recommended the clerk's office utilize the service and pleadings reports menu within the Civil division of GCMS for the benefit of the office and to the public.

DJS recommends the court begin scanning cases upon entry into GCMS in order for the court, the public to receive the most benefit from the process.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT/COMPLIANCE

DJS discussed the court's last audit with the clerk. This was a very good audit with no points accessed.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

There are no outstanding compliance issues requiring follow-up services.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Amanda Stoneman, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Michelle Crawford and Ruth Lipp

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**GRAYSON COMBINED DISTRICT
COURTS**

SEPTEMBER 25, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

GRAYSON COMBINED DISTRICT COURTS

SEPTEMBER 25, 2019

An administrative and financial judicial services visit was conducted in the Grayson Combined District Courts on September 25, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends that all employees Grade 9 and below complete the Attendance Leave Record monthly.

DJS recommends that when a defendant has been sentenced to a period of incarceration, the clerk's office enter the period of incarceration in FAS.

Courthouse security is only present on the days court is in session. DJS recommends the clerk discuss with the judge working with the sheriff to improve such security.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

There are no outstanding compliance issues requiring follow-up services.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Autumn Hawks, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp and Michelle Crawford.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**KING GEORGE COUNTY COMBINED
DISTRICT COURT**

FEBRUARY 13, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455

KING GEORGE COUNTY COMBINED DISTRICT COURT

FEBRUARY 13, 2020

An administrative and financial judicial services visit was conducted in the King George Combined District Court on February 13, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Manuals (Text/Forms), the Courts Automated Information System User's Guides (Financial Management System/Case Management System), the District Court Accounting Manual, and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

1. Administrative Manuals
2. Bank Statement Reconciliations
3. Timeliness of Bank Deposits
4. Court Liability Accounts
5. Fine and Costs Assessments
6. Daily, Weekly & Monthly Closings
7. Court-Appointed Attorney Payments
8. Escheatments
9. Bond Administration
10. Set-Off Debt Collection Program

11. Accounts Receivable Collections 12. Internal Control Procedures

No other significant and uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

- DJS recommends all staff utilize the NDS (Special Needs) fields in JCMS and GCMS to note a party's need for an accommodation such as a foreign language or sign language interpreter.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

None at this time.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Ms. Rebecca Conner, Court Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Rhonda Gardner and Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**POWHATAN COMBINED DISTRICT
COURTS**

NOVEMBER 19, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

POWHATAN COMBINED DISTRICT COURTS

NOVEMBER 19, 2019

An administrative and financial judicial services visit was conducted in the Powhatan Combined District Courts on November 19, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

1. Administrative
2. Bank Statement Reconciliations
3. Timeliness of Bank Deposits
4. Court Liability Accounts
5. Fine and Costs Assessments
6. Daily, Weekly & Monthly Closings
7. Court-Appointed Attorney Payments
8. Escheatments

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

- DJS recommends that the court process and conduct an ex parte hearing on petitions for preliminary protective orders for family abuse on the same day the petitions are filed.
- The clerk stated security is only provided on court days. DJS recommends that the clerk discuss security be provided everyday with the Sheriff.
- Currently, the building is frequently left unlocked overnight. DJS recommends the clerk speak with the Sheriff requesting the building be locked overnight.
- DJS recommends that all documents be scanned on juvenile and domestic relations cases. Currently, only petitions and orders are being scanned. This is due to the staff shortage in the last few months.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

There are no outstanding compliance issues requiring follow-up services.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Michelle Soukup, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp and Michelle Crawford.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**RADFORD COMBINED DISTRICT
COURTS**

SEPTEMBER 23, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

RADFORD COMBINED DISTRICT COURTS

SEPTEMBER 23, 2019

An administrative and financial judicial services visit was conducted in the Radford Combined District Courts on September 23, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends that all employees Grade 9 and below complete the Attendance Leave Record monthly.

DJS recommends that when a defendant has been sentenced to a period of incarceration, the clerk's office enter the period of incarceration in FAS.

DJS recommends completing all of the fields in CMS on civil cases as it relates to service and pleadings.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

There are no outstanding compliance issues requiring follow-up services.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Sally Davis, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp and Michelle Crawford.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**SALEM COMBINED
DISTRICT COURT**

SEPTEMBER 26, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

SALEM COMBINED DISTRICT COURT

SEPTEMBER 26, 2019

An administrative and financial judicial services visit was conducted in the Salem Combined District Court on September 26, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommended that all staff members complete the Attendance Leave Record used to meet the records keeping requirement of the Fair Labor Standards Act for non-exempt employees.

DJS discussed with the clerk the benefits to the court and to the public when the fields in CMS on civil cases for service and pleadings are utilized.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

Phone meeting to review procedure for Civil Commitments with clerk and staff.

AUDIT/COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared there were no audit points or issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Brandy Duncan, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Michelle Crawford and Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**SCOTT COMBINED DISTRICT
COURTS**

OCTOBER 30, 2019

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

SCOTT COMBINED DISTRICT COURTS

OCTOBER 30, 2019

An administrative and financial judicial services visit was conducted in the Scott Combined District Courts on October 30, 2019. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

1. Administrative
2. Bank Statement Reconciliations
3. Timeliness of Bank Deposits
4. Court Liability Accounts
5. Fine and Costs Assessments
6. Daily, Weekly & Monthly Closings
7. Court-Appointed Attorney Payments
8. Escheatments

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends all employees Grade 9 and under complete the Attendance/Leave Record monthly.

DJS recommends when a voucher is returned for corrections, the court keep a copy of the corrections.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

There are no outstanding compliance issues requiring follow-up services.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Karen Hood, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp and Michelle Crawford.

SUMMARY OF ADMINISTRATIVE AND FINANCIAL VISIT RECOMMENDATIONS

March 7, 2020 – September 18, 2020

38 Courts Visited

GENERAL DISTRICT COURTS

Botetourt General District Court
Culpeper General District Court
Danville General District Court
Giles General District Court
Hampton General District Court
Isle of Wight General District Court
Montgomery General District Court
Nelson General District Court
Northumberland General District Court
Orange General District Court
Patrick County General District Court
Pulaski General District Court
Richmond John Marshall Traffic/Criminal General District Court
Smyth General District Court
Spotsylvania General District Court
Tazewell General District Court
Waynesboro General District Court

JUVENILE & DOMESTIC RELATIONS DISTRICT COURTS

Chesterfield Juvenile and Domestic Relations District Court
Colonial Heights Juvenile and Domestic Relations District Court
Culpeper Juvenile and Domestic Relations District Court
Halifax Juvenile and Domestic Relations District Court
Hanover Juvenile and Domestic Relations Court
Mecklenburg Juvenile and Domestic Relations District Court
Orange Juvenile and Domestic Relations District Court
Page Juvenile and Domestic Relations District Court
Pulaski Juvenile and Domestic Relations District Court
Shenandoah Juvenile and Domestic Relations District Court
Spotsylvania Juvenile and Domestic Relations District Court

COMBINED DISTRICT COURTS

Amelia General and Juvenile and Domestic Relations District Combined Courts
Brunswick General and Juvenile and Domestic Relations District Combined Courts
Buckingham General and Juvenile and Domestic Relations District Combined Courts
Essex General and Juvenile and Domestic Relations District Combined Courts
Fluvanna General and Juvenile and Domestic Relations District Combined Courts
Franklin City General and Juvenile and Domestic Relations District Combined Courts
Goochland General and Juvenile and Domestic Relations District Combined Courts
Greene General and Juvenile and Domestic Relations District Combined Courts
Hopewell General and Juvenile and Domestic Relations District Combined Courts
Richmond County General and Juvenile and Domestic Relations District Combined Courts

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**AMELIA COMBINED DISTRICT
COURTS**

SEPTEMBER 9, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

AMELIA COMBINED DISTRICT COURTS

SEPTEMBER 9, 2020

An administrative and financial judicial services visit was conducted in the Amelia Combined District Courts on September 9, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends that the Clerk and Judge speak with local law enforcement and the county administration about conducting an active shooter training at the courthouse.

DJS recommends all staff in a Grade 9 position or below complete the Attendance/Leave Record monthly.

The juvenile intake office is only open on Mondays. This creates issues with individuals needing to file petitions. DJS has provided DJJ contact information to the court to discuss this issue.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

None at this time.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Melissa Gil, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Michelle Crawford and Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**BOTETOURT GENERAL
DISTRICT COURT**

AUGUST 4, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

BOTETOURT GENERAL DISTRICT COURT

AUGUST 4, 2020

An administrative and financial judicial services visit was conducted in the Botetourt General District Court on August 4, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |

11. Accounts Receivable Collections

12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommended that all staff members complete the Attendance Leave Record used to meet the records keeping requirement of the Fair Labor Standards Act for non-exempt employees.

DJS recommends that at the conclusion of a case when the defendant has been sentenced to a period of incarceration, including weekends, that the clerk's office enter the period of incarceration in FAS to note the current active sentence. Entry of the incarceration period will invoke the incarceration interest edits in accordance with §19.2-353.5.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time

AUDIT/COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared there were audit points for failing to enter the correct due dates into the automated system. The clerk shared she has addressed this issue and developed procedures to address the issue.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Donna Booth, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Michelle Crawford

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**BRUNSWICK COUNTY COMBINED
DISTRICT COURT**

JUNE 26, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
PRINCE GEORGE, VIRGINIA
23219
(804) 786-6455
PROJECT NO.: 056-042

BRUNSWICK COUNTY COMBINED DISTRICT COURT

JUNE 26, 2020

An administrative and financial judicial services visit was conducted in the Brunswick County Combined District Court on June 26, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

1. Administrative
2. Bank Statement Reconciliations
3. Timeliness of Bank Deposits
4. Court Liability Accounts
5. Fine and Costs Assessments
6. Daily, Weekly & Monthly Closings
7. Court-Appointed Attorney Payments
8. Escheatments
9. Bond Administration
10. Set-Off Debt Collection Program

11. Accounts Receivable Collections 12. Internal Control Procedures

No other significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends that at the conclusion of a case when the defendant has been sentenced to a period of incarceration, including weekends, that the clerk's office enter the period of incarceration in FAS to note the current active sentence. Entry of the incarceration period will invoke the incarceration interest edits in accordance with §19.2-353.5.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared there are audit points or issues. The clerk is working to correct the issues reported.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Susan Martin, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted by: Jody Hess and Rhonda Gardner.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**BUCKINGHAM COUNTY COMBINED
DISTRICT COURT**

JULY 21, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455

BUCKINGHAM COUNTY COMBINED DISTRICT COURT

JULY 21, 2020

An administrative and financial judicial services visit was conducted in the Buckingham County Combined District Court on July 21, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Manuals (Text/Forms), the Courts Automated Information System User's Guides (Financial Management System/Case Management System), the District Court Accounting Manual, and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

1. Administrative Manuals
2. Bank Statement Reconciliations
3. Timeliness of Bank Deposits
4. Court Liability Accounts
5. Fine and Costs Assessments
6. Daily, Weekly & Monthly Closings
7. Court-Appointed Attorney Payments
8. Escheatments
9. Bond Administration
10. Set-Off Debt Collection Program

11. Accounts Receivable Collections 12. Internal Control Procedures

No other significant and uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

- DJS recommends all staff in a Grade 9 position or below complete the Attendance/Leave Record monthly. This form may be found on the Internal Website under Human Resources/Leave.
- DJS recommends the clerk's office enter the period of incarceration in FAS when a defendant receives an active jail sentence. By noting this active jail sentence in the FAS, interest ceases to accrue on all accounts in the court for the defendant.

SERVICES REQUESTED BY COURT

- The clerk requests the JDR Team assist the clerk in implementing JCMS Scheduling. A JDR Analyst will contact the clerk to schedule a meeting to discuss the JDR docket schedule.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

None at this time.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Ms. Dana Franklin, Court Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Rhonda Gardner and Michelle Crawford

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**CHESTERFIELD JDR DISTRICT
COURT**

JULY 8, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

CHESTERFIELD JDR DISTRICT COURT

JULY 8, 2020

An administrative and financial judicial services visit was conducted in the Chesterfield JDR District Court on July 8, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

No recommendations made.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

None at this time.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Laura Griffin, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**COLONIAL HEIGHTS JDR DISTRICT
COURT**

AUGUST 3, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

COLONIAL HEIGHTS JDR DISTRICT COURT

AUGUST 3, 2020

An administrative and financial judicial services visit was conducted in the Colonial Heights JDR District Court on August 3, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

1. Administrative
2. Bank Statement Reconciliations
3. Timeliness of Bank Deposits
4. Court Liability Accounts
5. Fine and Costs Assessments
6. Daily, Weekly & Monthly Closings
7. Court-Appointed Attorney Payments
8. Escheatments

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

No recommendations made.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

None at this time.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Evelyn Hall, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**CULPEPER GENERAL DISTRICT
COURT**

JUNE 25, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

CULPEPER GENERAL DISTRICT COURT

JUNE 25, 2020

An administrative and financial judicial services visit was conducted in the Culpeper General District Court on June 25, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above-mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |

11. Accounts Receivable Collections 12. Internal Control Procedures

No other significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommended the use of certified interpreters. Clerk shared the judge insists on utilizing a non-certified interpreter.

DJS recommends that at the conclusion of a case when the defendant has been sentenced to a period of incarceration, including weekends, that the clerk's office enter the period of incarceration in FAS to note the current active sentence. Entry of the incarceration period will invoke the incarceration interest edits in accordance with §19.2-353.5

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared there were no audit points or issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Cheryl Phillips, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted by: Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

CULPEPER JDR DISTRICT COURT

AUGUST 18, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

CULPEPER JDR DISTRICT COURT

AUGUST 18, 2020

An administrative and financial judicial services visit was conducted in the Culpeper JDR District Court on August 18, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends all interpreting services be conducted by certified interpreters.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

None at this time.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Bethany McClanahan, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**DANVILLE GENERAL
DISTRICT COURT**

AUGUST 25, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

DANVILLE GENERAL DISTRICT COURT

AUGUST 25, 2020

An administrative and financial judicial services visit was conducted in the Danville General District Court on August 25, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends the clerk or someone on the staff take the annual DJS IRMS training.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT/COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared there were no audit points or issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Julie Carlisle, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Michelle Crawford

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**ESSEX COMBINED DISTRICT
COURT**

JULY 30, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

ESSEX COMBINED DISTRICT COURT

JULY 30, 2020

An administrative and financial judicial services visit was conducted in the Essex Combined District Court on July 30, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No other significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS shared with the clerk that Grade 9 and under staff are required to complete the Attendance Leave Record to meet the requirement of the Fair Labor Standards Act.

Clerk shared there has not been any Active Shooter Training held for the clerk's office. DJS recommends the clerk contact the Sheriff to request this training.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared there were no audit points or issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Dee Davis, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted by: Jody Hess and Ruth Lipp

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**FLUVANNA CITY COMBINED
DISTRICT COURT**

AUGUST 6, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

FLUVANNA CITY COMBINED DISTRICT COURT

AUGUST 6, 2020

An administrative and financial judicial services visit was conducted in the Fluvanna City Combined District Court on August 6, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |

11. Accounts Receivable Collections 12. Internal Control Procedures

No other significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

The courthouse has a secured exit area for defendants who leave the courtroom to pay fines and costs. DJS recommends the clerk ensure that the public can safely exit this area without assistance from the clerk's office in case of a fire.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared there were no audit points or issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Mariah Belcher, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted by: Ruth Lipp and Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**FRANKLIN CITY COMBINED
DISTRICT COURTS**

JULY 10, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

FRANKLIN CITY COMBINED DISTRICT COURTS

JULY 10, 2020

An administrative and financial judicial services visit was conducted in the Franklin City Combined District Courts on July 10, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

1. Administrative
2. Bank Statement Reconciliations
3. Timeliness of Bank Deposits
4. Court Liability Accounts
5. Fine and Costs Assessments
6. Daily, Weekly & Monthly Closings
7. Court-Appointed Attorney Payments
8. Escheatments

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends that the Clerk and Judge speak with local law enforcement and the county administration about conducting an active shooter training at the courthouse. While a deputy from the Sheriff's Office did speak briefly with the employees, there was no determination about a safe location in the event of an active shooter, no information regarding how the clerk's office would be notified of an active shooter or any other specific safety information.

DJS recommends all staff in a Grade 9 position or below complete the Attendance/Leave Record monthly.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

None at this time.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Mariah Belcher, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Jody Hess and Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**GILES GENERAL
DISTRICT COURT**

JULY 20, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

GILES GENERAL DISTRICT COURT

JULY 20, 2020

An administrative and financial judicial services visit was conducted in the Giles General District Court on July 20, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

None at this time.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time

AUDIT/COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared there were no audit points or issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Yvette Pennington, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Michelle Crawford

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**GOOCHLAND COUNTY COMBINED
DISTRICT COURT**

JUNE 17, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455

GOOCHLAND COUNTY COMBINED DISTRICT COURT

JUNE 17, 2020

An administrative and financial judicial services visit was conducted in the Goochland Combined District Court on June 17, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Manuals (Text/Forms), the Courts Automated Information System User's Guides (Financial Management System/Case Management System), the District Court Accounting Manual, and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

1. Administrative Manuals
2. Bank Statement Reconciliations
3. Timeliness of Bank Deposits
4. Court Liability Accounts
5. Fine and Costs Assessments
6. Daily, Weekly & Monthly Closings
7. Court-Appointed Attorney Payments
8. Escheatments
9. Bond Administration
10. Set-Off Debt Collection Program

11. Accounts Receivable Collections 12. Internal Control Procedures

No other significant and uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

- DJS recommends the clerk and employees responsible for processing Debt Set-Off claims with the Department of Taxation attend the DJS trainings on the Integrated Revenue Management System offered annually in January.
- DJS recommends the clerk's office enter the period of incarceration in FAS when a defendant receives an active jail sentence. By noting this active jail sentence in the FAS, interest ceases to accrue on all accounts in the court for the defendant.
- DJS recommends the clerk access the LIDS database to check for previous DNA samples prior to ordering a defendant to submit to a DNA sample on a statutorily required charge.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

None at this time.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Ms. Dianne White, Court Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Rhonda Gardner and Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**GREENE COMBINED DISTRICT
COURTS**

AUGUST 7, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

GREENE COMBINED DISTRICT COURTS

AUGUST 7, 2020

An administrative and financial judicial services visit was conducted in the Greene Combined District Courts on August 7, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

1. Administrative
2. Bank Statement Reconciliations
3. Timeliness of Bank Deposits
4. Court Liability Accounts
5. Fine and Costs Assessments
6. Daily, Weekly & Monthly Closings
7. Court-Appointed Attorney Payments
8. Escheatments

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends the clerk’s office enter the period of incarceration in FAS when a defendant receives an active jail sentence. By noting this active jail sentence in the FAS, interest ceases to accrue on all accounts in the court for the defendant.

DJS recommends that the Clerk and Judge speak with local law enforcement and the county administration about conducting an active shooter training at the courthouse.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

None at this time.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Amber Knight, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Jody Hess and Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

HALIFAX JDR DISTRICT COURT

SEPTEMBER 10, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

HALIFAX JDR DISTRICT COURT

SEPTEMBER 10, 2020

An administrative and financial judicial services visit was conducted in the Halifax JDR District Court on September 10, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

While the clerk has made a previous request, DJS recommends that the Clerk and Judge speak with local law enforcement and the county administration about conducting an active shooter training at the courthouse.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

None at this time.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Catherine Ratliff, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**HAMPTON GENERAL DISTRICT
COURT**

JULY 16, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

HAMPTON GENERAL DISTRICT COURT

JULY 16, 2020

An administrative and financial judicial services visit was conducted in the Hampton General District Court on July 16, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No other significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

Clerk shared there were not enough bailiffs to have a bailiff in the courtroom for the civil dockets. DJS discussed and provided Virginia Code §53.1-120 to the clerk for further guidance and direction to rectify this situation.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared there were no audit points or issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Barbara Fagley, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted by: Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

HANOVER JDR DISTRICT COURT

JULY 28, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

HANOVER JDR DISTRICT COURT

JULY 28, 2020

An administrative and financial judicial services visit was conducted in the Hanover JDR District Court on July 28, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends that the Clerk and Judge speak with local law enforcement and the county administration about conducting an active shooter training at the courthouse.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

None at this time.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Susan Wood, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**HOPEWELL COUNTY COMBINED
DISTRICT COURT**

JULY 9, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
PRINCE GEORGE, VIRGINIA
23219
(804) 786-6455
PROJECT NO.: 056-042

HOPEWELL COUNTY COMBINED DISTRICT COURT

JULY 9, 2020

An administrative and financial judicial services visit was conducted in the Hopewell County Combined District Court on July 9, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

1. Administrative
2. Bank Statement Reconciliations
3. Timeliness of Bank Deposits
4. Court Liability Accounts
5. Fine and Costs Assessments
6. Daily, Weekly & Monthly Closings
7. Court-Appointed Attorney Payments
8. Escheatments
9. Bond Administration
10. Set-Off Debt Collection Program

11. Accounts Receivable Collections 12. Internal Control Procedures

No other significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends that at the conclusion of a case when the defendant has been sentenced to a period of incarceration, including weekends, that the clerk's office enter the period of incarceration in FAS to note the current active sentence. Entry of the incarceration period will invoke the incarceration interest edits in accordance with §19.2-353.5.

DJS shared with the clerk that Grade 9 and under staff are required to complete the Attendance Leave Record to meet the requirement of the Fair Labor Standards Act.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared the audit was good.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Ellen Chiasson, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted by: Jody Hess and Ruth Lipp

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**ISLE OF WIGHT GENERAL DISTRICT
COURT**

AUGUST 5, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

ISLE OF WIGHT GENERAL DISTRICT COURT

AUGUST 5, 2020

An administrative and financial judicial services visit was conducted in the Isle of Wight General District Court on August 5, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |

11. Accounts Receivable Collections 12. Internal Control Procedures

No other significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS discussed with the clerk the importance of completing performance evaluations. Clerk indicated these were last completed in 2018, she would work to get staff evaluations completed for 2020.

DJS shared with the clerk that Grade 9 and under staff are required to complete the Attendance Leave Record to meet the requirement of the Fair Labor Standards Act.

DJS recommends that at the conclusion of a case when the defendant has been sentenced to a period of incarceration, including weekends, that the clerk’s office enter the period of incarceration in FAS to note the current active sentence. Entry of the incarceration period will invoke the incarceration interest edits in accordance with §19.2-353.5.

DJS reviewed the balance in account 407, credit card convenience fee. DJS found excessive funds within the account. DJS recommends the court consistently transfer this money to the state fund.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT COMPLIANCE

DJS discussed the court’s last audit with the clerk. The clerk shared there were no audit points this audit.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Keith Daniels, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted by: Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**MECKLENBURG JDR DISTRICT
COURT**

SEPTEMBER 11, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

MECKLENBURG JDR DISTRICT COURT

SEPTEMBER 11, 2020

An administrative and financial judicial services visit was conducted in the Mecklenburg JDR District Court on September 11, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

While the clerk has made a previous request, DJS recommends that the Clerk and Judge speak with local law enforcement and the county administration about conducting an active shooter training at the courthouse.

DJS recommends all staff in a Grade 9 position or below complete the Attendance/Leave Record monthly.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

None at this time.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Charlene Williamson, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**MONTGOMERY GENERAL
DISTRICT COURT**

AUGUST 19, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

MONTGOMERY GENERAL DISTRICT COURT

AUGUST 19, 2020

An administrative and financial judicial services visit was conducted in the Montgomery General District Court on August 19, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends that all staff members complete the Attendance Leave Record used to meet the records keeping requirement of the Fair Labor Standards Act for non-exempt employees.

DJS recommends that the clerk or the clerk that is an approved IRMS backup complete the annual DJS IRMS training.

DJS recommends that at the conclusion of a case when the defendant has been sentenced to a period of incarceration, including weekends, that the clerk's office enter the period of incarceration in FAS to note the current active sentence. Entry of the incarceration period will invoke the incarceration interest edits in accordance with §19.2-353.5.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT/COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared there were no audit points or issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Kim McKittrick, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Michelle Crawford

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**NELSON GENERAL
DISTRICT COURT**

JULY 14, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

NELSON GENERAL DISTRICT COURT

JULY 14, 2020

An administrative and financial judicial services visit was conducted in the Nelson General District Court on July 14, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends the clerk's office utilize the Special Needs Field (NDS) in the GCMS to indicate when defendants require an interpreter and other special needs such a wheelchair or interpreter for the deaf, etc.

DJS recommends the clerk's office utilize the service menu within the Civil division of GCMS to the benefit of the office and the public.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time

AUDIT/COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared there were no audit points or issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Ashely Johnson, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Michelle Crawford

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**NORTHUMBERLAND GENERAL
DISTRICT COURT**

AUGUST 20, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

NORTHUMBERLAND GENERAL DISTRICT COURT

AUGUST 20, 2020

An administrative and financial judicial services visit was conducted in the Northumberland General District Court on August 20, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above-mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |

11. Accounts Receivable Collections 12. Internal Control Procedures

No other significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS noted that there was no security in the courthouse during the visit. The clerk shared there is security at the courthouse when court is in session.

The clerk shared that the clerk's office does not have an authorized IRMS back-up. DJS recommends the deputy clerk complete the training to become a certified IRMS User. A back-up will ensure there are no delays in processing and collecting the State's revenue.

Clerk stated there has not been any Active Shooter Training held for the clerk's office. DJS recommends the clerk contact the Sheriff to request this training.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared there were no audit points or issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Angela Tadlock, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted by: Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**ORANGE GENERAL DISTRICT
COURT**

JULY 21, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

ORANGE GENERAL DISTRICT COURT

JULY 21, 2020

An administrative and financial judicial services visit was conducted in the Orange General District Court on July 21, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No other significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends that at the conclusion of a case when the defendant has been sentenced to a period of incarceration, including weekends, that the clerk's office enter the period of incarceration in FAS to note the current active sentence. Entry of the incarceration period will invoke the incarceration interest edits in accordance with §19.2-353.5.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared there were audit points issues and the problem has been addressed.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Shelia Lewis, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted by: Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

ORANGE JDR DISTRICT COURT

AUGUST 14, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

ORANGE JDR DISTRICT COURT

AUGUST 14, 2020

An administrative and financial judicial services visit was conducted in the Orange JDR District Court on August 14, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

No recommendations.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

None at this time.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Barbara Miller, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

PAGE JDR DISTRICT COURT

JULY 17, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

PAGE JDR DISTRICT COURT

JULY 17, 2020

An administrative and financial judicial services visit was conducted in the Page JDR District Court on July 17, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends that the Clerk and Judge speak with local law enforcement and the county administration about conducting an active shooter training at the courthouse.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

None at this time.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Lindsey Short, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

PATRICK COUNTY GENERAL DISTRICT COURT

JUNE 24, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455

PATRICK COUNTY GENERAL DISTRICT COURT

JUNE 24, 2020

An administrative and financial judicial services visit was conducted in the Patrick County General District Court on June 24, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Manuals (Text/Forms), the Courts Automated Information System User's Guides (Financial Management System/Case Management System), the District Court Accounting Manual, and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

1. Administrative Manuals
2. Bank Statement Reconciliations
3. Timeliness of Bank Deposits
4. Court Liability Accounts
5. Fine and Costs Assessments
6. Daily, Weekly & Monthly Closings
7. Court-Appointed Attorney Payments
8. Escheatments
9. Bond Administration
10. Set-Off Debt Collection Program
11. Accounts Receivable Collections
12. Internal Control Procedures

No other significant and uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

- DJS recommends all certified IRMS staff take the annual DJS IRMS training.
- DJS recommends the clerk's office give foreign language interpreting assignments to certified interpreters over non-certified interpreters.
- DJS recommends all staff utilize the NDS (Special Needs) fields in JCMS and GCMS to note a party's need for an accommodation such as a foreign language or sign language interpreter.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

None at this time.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Ms. Amanda Nester, Court Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Michelle Crawford

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**PULASKI GENERAL
DISTRICT COURT**

AUGUST 27, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

PULASKI GENERAL DISTRICT COURT

AUGUST 27, 2020

An administrative and financial judicial services visit was conducted in the Pulaski General District Court on August 27, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommended that all staff members complete the Attendance Leave Record used to meet the records keeping requirement of the Fair Labor Standards Act for non-exempt employees.

DJS recommends that at the conclusion of a case when the defendant has been sentenced to a period of incarceration, including weekends, that the clerk's office enter the period of incarceration in FAS to note the current active sentence. Entry of the incarceration period will invoke the incarceration interest edits in accordance with §19.2-353.5.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT/COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk was shared there were not audit points or issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Sharon Collins, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Michelle Crawford

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

PULASKI JDR DISTRICT COURT

SEPTEMBER 4, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

PULASKI JDR DISTRICT COURT

SEPTEMBER 4, 2020

An administrative and financial judicial services visit was conducted in the Pulaski JDR District Court on September 4, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

No recommendations.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

None at this time.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Anne Helms, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**RICHMOND COUNTY COMBINED
DISTRICT COURTS**

AUGUST 4, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

RICHMOND COUNTY COMBINED DISTRICT COURTS

AUGUST 4, 2020

An administrative and financial judicial services visit was conducted in the Richmond County Combined District Courts on August 4, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS discussed the use of the automated financial report system with the clerk and recommend she utilize the Reports Application when it becomes available.

DJS recommends the clerk speak with the judge regarding a meeting with the Sheriff's Department with reference to obtaining fingerprints.

DJS recommends the deputy clerk become certified in IRMS.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

None at this time.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Wanda Brownlee, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Jody Hess and Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**RICHMOND JOHN MARSHALL
CRIMINAL-TRAFFIC GENERAL
DISTRICT COURT**

JUNE 24, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

RICHMOND JOHN MARSHALL CRIMINAL-TRAFFIC GENERAL DISTRICT COURT

JUNE 24, 2020

An administrative and financial judicial services visit was conducted in the Richmond John Marshall Criminal-Traffic General District Court on June 24, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

1. Administrative
2. Bank Statement Reconciliations
3. Timeliness of Bank Deposits
4. Court Liability Accounts
5. Fine and Costs Assessments
6. Daily, Weekly & Monthly Closings
7. Court-Appointed Attorney Payments
8. Escheatments

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No other significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS discussed with the clerk their practice of detaining the public in a secure area after court to ensure they speak with the clerk’s office. DJS shared concerns regarding this practice; the clerk assured DJS law enforcement officers are within the same space and can provide the public the ability to exit.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT COMPLIANCE

DJS discussed the court’s last audit with the clerk. The clerk shared there were audit points on the court’s last audit. The clerk has addressed these matters.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Rebecca Schmidt, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**SHENANDOAH JDR DISTRICT
COURT**

JULY 27, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

SHENANDOAH JDR DISTRICT COURT

JULY 27, 2020

An administrative and financial judicial services visit was conducted in the Shenandoah JDR District Court on July 27, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |

- 9. Bond Administration
- 10. Set-Off Debt Collection Program
- 11. Accounts Receivable Collections
- 12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends that the Clerk and Judge speak with local law enforcement and the county administration about conducting an active shooter training at the courthouse.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

COMPLIANCE ISSUES REQUIRING FOLLOW-UP SERVICES

None at this time.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and I would like to take this opportunity to thank Nikki Taylor, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Ruth Lipp.

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**SMYTH GENERAL
DISTRICT COURT**

JULY 27, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

SMYTH GENERAL DISTRICT COURT

JULY 27, 2020

An administrative and financial judicial services visit was conducted in the Smyth General District Court on July 27, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS shared with the clerk that Grade 9 and under staff are required to complete the Attendance Leave Record to meet the requirement of the Fair Labor Standards Act.

DJS recommends the clerk review the BU06 daily and address individual accounts listed on the report. This would include promptly disbursing funds that are due to defendants and restitution funds due to individuals and businesses.

DJS recommends that at the conclusion of a case when the defendant has been sentenced to a period of incarceration, including weekends, that the clerk's office enter the period of incarceration in FAS to note the current active sentence. Entry of the incarceration period will invoke the incarceration interest edits in accordance with §19.2-353.5.

DJS recommends the clerk's office check the Local Inmate Data System (LIDS) when a case requires that DNA be collected. DJS shared the location of this court's Agency ORI and Agency Password during the visit.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time

AUDIT/COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared there were no audit points or issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Heidi Campbell, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Michelle Crawford

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**SPOTSYLVANIA GENERAL DISTRICT
COURT**

JULY 22, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

SPOTSYLVANIA GENERAL DISTRICT COURT

JULY 22, 2020

An administrative and financial judicial services visit was conducted in the Spotsylvania General District Court on July 22, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |

11. Accounts Receivable Collections 12. Internal Control Procedures

No other significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

Clerk shared the last time she completed evaluations was 2017. DJS discussed the importance of annual performance evaluations for staff and recommended evaluations be completed this year.

DJS shared with the clerk that Grade 9 and under staff are required to complete the Attendance Leave Record to meet the requirement of the Fair Labor Standards Act.

DJS recommends that at the conclusion of a case when the defendant has been sentenced to a period of incarceration, including weekends, that the clerk's office enter the period of incarceration in FAS to note the current active sentence. Entry of the incarceration period will invoke the incarceration interest edits in accordance with §19.2-353.5.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared there were no audit points or issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Kyra Bullock, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted by: Jody Hess

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**TAZEWELL GENERAL
DISTRICT COURT**

JULY 29, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

TAZEWELL GENERAL DISTRICT COURT

JULY 29, 2020

An administrative and financial judicial services visit was conducted in the Tazewell General District Court on July 29, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |
| 11. Accounts Receivable Collections | 12. Internal Control Procedures |

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

None at this time.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time

AUDIT/COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk shared there were no audit points or issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Crystal Crouse, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Michelle Crawford

DEPARTMENT OF JUDICIAL SERVICES
ADMINISTRATIVE AND FINANCIAL VISIT

**WAYNESBORO GENERAL
DISTRICT COURT**

JULY 13, 2020

SUPREME COURT OF VIRGINIA
OFFICE OF THE EXECUTIVE
SECRETARY
100 NORTH 9TH STREET,
3RD FLOOR
RICHMOND, VIRGINIA 23219
(804) 786-6455
PROJECT NO.: 056-042

WAYNESBORO GENERAL DISTRICT COURT

JULY 13, 2020

An administrative and financial judicial services visit was conducted in the Waynesboro General District Court on July 13, 2020. This court processes financial transactions using the CAIS Financial Management System.

The Committee on District Courts has requested the Office of the Executive Secretary to conduct these periodic judicial services visits throughout the Commonwealth's judicial system in order to provide district courts with objective assistance in analyzing and resolving present and future financial, managerial, and procedural issues and to provide a local training resource.

During the visit, the court's compliance with established procedures as prescribed in the Virginia District Court Procedure Manuals, the Courts Automated Information System User's Guides (Financial Management System/Case Management System), and other guidelines on special topics providing uniform administration concerning court-appointed attorneys, account receivables, and collection programs were discussed.

The Department of Judicial Services procedural and system manuals provide a description of the accounting practices and procedures to be utilized in district courts. These manuals are used as the reference for resolving questions concerning overall accounting requirements, understanding recommended procedures and the appropriate use of the statewide case and financial management systems, and as a reference for manual operations during contingency operations.

FINANCIAL AND INTERNAL CONTROLS

The following financial and administrative areas were reviewed with court personnel using the Judicial Services Monitoring Questionnaire in order to evaluate compliance with administrative and accounting guidelines as set forth in the above mentioned manuals and guidelines:

- | | |
|--------------------------------------|-------------------------------------|
| 1. Administrative | 2. Bank Statement Reconciliations |
| 3. Timeliness of Bank Deposits | 4. Court Liability Accounts |
| 5. Fine and Costs Assessments | 6. Daily, Weekly & Monthly Closings |
| 7. Court-Appointed Attorney Payments | 8. Escheatments |
| 9. Bond Administration | 10. Set-Off Debt Collection Program |

11. Accounts Receivable Collections

12. Internal Control Procedures

No significant or uncorrected compliance exceptions were noted during discussions with court personnel.

CURRENT ADMINISTRATIVE TOPICS

The following areas were also discussed with court personnel in order to provide judicial personnel with the most current accounting or administrative information:

DJS recommends fines and costs to be assessed by a courtroom clerk. We discussed that this is to assure accuracy when the ruling is recorded and then the clerks at the window would also verify the written information and amount against what is recorded into CMS and FMS.

SERVICES REQUESTED BY COURT

None at this time.

FOLLOW-UP SERVICES REQUESTED BY COURT

None at this time.

AUDIT/COMPLIANCE

DJS discussed the court's last audit with the clerk. The clerk was shared there were not audit points or issues.

ADDITIONAL SERVICES

The visit findings and recommendations were discussed with the clerk at the conclusion of the administrative and financial judicial services visit; and we would like to take this opportunity to thank Jackie Balderson, Clerk, for her assistance.

Administrative and Financial Judicial Services Visit Conducted By: Michelle Crawford

SUPREME COURT OF VIRGINIA
2020 PAY AND HOLIDAY CALENDAR
 FOR SALARY PAYROLL
 Revised May 2020

January						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			H	2	3	4
5	6	7	8	9	10	11
12	13	14	15	\$	H	18
19	H	21	22	23	24	25
26	27	28	29	30	\$	

February						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	\$	15
16	H	18	19	20	21	22
23	24	25	26	27	\$	29

March						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	\$	17	18	19	20	21
22	23	24	25	26	27	28
29	30	\$				

April						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	\$	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

May						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					\$	2
3	4	5	6	7	8	9
10	11	12	13	14	\$	16
17	18	19	20	21	22	23
24	H	26	27	28	29	30
31						

June						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	\$	2	3	4	5	6
7	8	9	10	11	12	13
14	15	\$	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

July						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			\$	2	H	4
5	6	7	8	9	10	11
12	13	14	15	\$	17	18
19	20	21	22	23	24	25
26	27	28	29	30	\$	

August						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	\$	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

September						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		\$	2	3	4	5
6	H	8	9	10	11	12
13	14	15	\$	17	18	19
20	21	22	23	24	25	26
27	28	29	\$			

October						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	H	13	14	15	\$	17
18	19	20	21	22	23	24
25	26	27	28	29	\$	31

November						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	H	4	5	6	7
8	9	10	H	12	13	14
15	\$	17	18	19	20	21
22	23	24	25	H	H	28
29	30					

December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		\$	2	3	4	5
6	7	8	9	10	11	12
13	14	15	\$	17	18	19
20	21	22	23	H	H	26
27	28	29	30	\$		

H Denotes Full Day Holiday

H Denotes Half Day Holiday

\$ Denotes Payday

State Holidays:

- | | |
|-------------|-------------------------------------|
| January 1 | New Year's Day |
| January 17 | Lee-Jackson Day |
| January 20 | Martin Luther King, Jr. Day |
| February 17 | George Washington Day |
| May 25 | Memorial Day |
| July 3 | Independence Day |
| September 7 | Labor Day |
| October 12 | Columbus Day & Yorktown Victory Day |
| November 3 | Election Day |
| November 11 | Veterans Day |
| November 25 | 4 hours additional holiday time |
| November 26 | Thanksgiving Day |
| November 27 | Day After Thanksgiving |
| December 24 | 8 hours additional holiday time |
| December 25 | Christmas Day |