

# Annual Update

District Court Forms & Related Statutes

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## Payment of Fines and Costs

~ 19.2-354, 358

DC-210 Fines and Costs  
Payment  
Agreement/Acknowledgem  
ent of Driver's License  
Status

DC-211 Petition for  
Payment Agreement for  
Fines and Costs or  
Request to Modify Existing  
Agreement

- Identical House Bill 896 and Senate bill 625 set forth that if a defendant's sole resource is a social security payment or supplemental security income, then the defendant is exempt from making payments until the defendant has another resource.
- In addition, the amount owed by that defendant must not be sent to collections.
- Lastly, in deciding the terms of a payment agreement, the court must not consider any social security benefit or supplemental security income.

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## Restricted License ~46.2-427

DC-260 Driver's License  
Forfeiture/Suspension and  
Restricted Driving Order

DC-263 Application for  
Restricted Driver's License

- House Bill 1082 provided that a judgment debtor whose driving privileges were suspended for failure to pay a judgment for damages from a motor vehicle accident may petition the court that entered the judgment for a restricted driver's license during the period of suspension.
- Language was added to both the application form and the restricted driver's license form to reflect this change.

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## Restricted License, Specialty Docket ~ 46.2-391

DC-265 Restricted  
Driver's License Order and  
Entry Into Alcohol Safety  
Action Program

- Identical House Bill 1324 and Senate Bill 6 addressed license suspensions and the procedures for a person applying for a restricted driver's license pursuant to the provisions of Virginia Code § 46.2-391.
- Prior to July 1, 2024, a person could only apply for a restricted driver's license three years from the date of the person's last conviction. With this legislation, the person may apply prior to the expiration of the three-year period if the person's last conviction resulted from a final order being entered after the successful completion of a specialty docket.
- Once a person petitions a circuit court for a restricted driver's license, if the court enters an order granting the petition, the form indicated above would be used as the temporary restricted driver's license until issuance of one by the Department of Motor Vehicles.

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Definition of “family or household member”;  
notice of residence change;  
termination of support.

- DC-383 Petition for Protective Order
- DC-384 Preliminary Protective Order
- DC-385 Protective Order
- DC-611 Petition for Protective Order – Family Abuse
- DC-627 Preliminary Protective Order – Family Abuse
- DC-650 Protective order – Family Abuse
- Who is a “Family or Household Member?” Form

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Definition of “family or household member”  
~16.1-228

- House Bill 172 amended the definition of “family or household member” in Virginia Code § 16.1-228 by including “an individual who is a legal custodian of a juvenile.”
- As this definition is included on all of the forms listed above, the forms were updated.

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## Notice of Residence Change

~16.1-253.2, 279.1

- Senate Bill 398 set forth for both *final* family abuse protective orders and *final* Title 19.2 protective orders that the respondent is required to notify the court in writing within seven days of any change of residence while the protective order is in effect, as long as the respondent has been served with the protective order.
- For both family abuse *preliminary* protective orders and Title 19.2 *preliminary* protective orders, the court has the option to order the respondent to provide the court with any change in residence.
- The two preliminary protective orders and the two final protective orders were amended to reflect these provisions.

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## Termination of Support

- House Bill 294 amended Virginia Code § 16.1-279.1 which addresses *final* protective orders in the case of family abuse.
- Pursuant to that statute, a court may issue a temporary child support order for any children of the petitioner for whom the respondent has a legal obligation to support.
- This legislation clarified that any ordered temporary child support terminates either when support is determined under Virginia Code § 20-108.1 or when the protective order terminates, whichever occurs first.
- The child support page for DC-650 was amended accordingly.

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## Exemption Amounts

~ 8.01-512.4  
~ 8.01-546.1  
~ 34-4, 34-26

DC-407 Request for  
Hearing – Exemption Claim

DC-454 Request for  
Hearing – Garnishment/Lien  
Exemption Claim

- House Bill 1339 amended the dollar amount for certain exemptions set forth in Virginia Code §§ 34-4 and 34-26.
- The two forms above were amended to include the updated amounts.

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## Notice of Increase ~ 8.01-126

## Expungement

DC-421 Summons for  
Unlawful Detainer

- House Bill 86 clarified and added specificity to the notice that must be given on the Summons if a landlord intends to amend upward for judgment on all amounts due as of the date of the hearing.
- House Bill 73 provided that in unlawful detainer actions filed in the general district court, if the 30-day period following the dismissal of such an action or the six-month period following a voluntary nonsuit has passed, the court shall, without further petition or hearing, enter an order requiring the expungement of the unlawful detainer action, provided that no order of possession has been entered.
- The form was revised to order the expungement of the unlawful detainer action in accordance with the requirements of the legislation.

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## Expungement, cont'd ~ 8.01-130.01

DC-425 Petition for Expungement  
of Unlawful Detainer

DC-426 Expungement Order for  
Unlawful Detainer

- House Bill 73 provided that in unlawful detainer actions filed in the general district court, if the 30-day period following the dismissal of such an action or the six-month period following a voluntary nonsuit has passed, the court shall, without further petition or hearing, expunge the unlawful detainer action, provided that no order of possession has been entered.
- The bill provided that if a judgment is entered in favor of the defendant, that defendant may petition the court for expungement of the unlawful detainer pursuant to the petition process.
- Additionally, the bill retained the petition process for unlawful detainer actions commenced prior to July 1, 2024 for which the court still has records.

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## Publication ~ 8.01-316

DC-436 Order of Publication

- House Bill 1338 provided that if a document is required to be posted on or at the front door of the courthouse, it constitutes compliance if the document is posted on the local government website or the website of any court, court clerk, sheriff or commissioner of accounts of the locality.
- DC-436 was amended to reflect the language of the legislation.

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## Interrogatories

~8.01-506  
~16.1-103

DC-440 Summons to  
Answer Interrogatories

- House Bill 1248 provided, in part, that in addition to the judgment debtor, any debtor to, or bailee of, the judgment debtor may request that the court transfer the debtor interrogatory proceedings to a more convenient forum, for good cause shown.
- The form was amended on the reverse side in accordance with the legislation.

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## Mental Health Evaluations

- DC-492 Emergency Custody Order (16.1-340, 16.1-345.4)
- DC-4000 Order for Alternative Transportation Provider (37.2-808, 810, 829; 16.1-340, 340.1, 340.2, 345)
- DC-4001 Petition for Involuntary Admission for Treatment (16.1-340, 340.1; 19.2-169.6, 182.9; 37.2-808 – 819)
- DC-4002 Order for Treatment (37.2-814, -815, -816, -817, -817.01)
- DC-4007 Order – Review of Mandatory Outpatient Treatment (37.2-817.1)
- DC-4017 Order – Continue Mandatory Outpatient Treatment (37.2-817.4)
- DC-4044 Notice of Alternative Facility of Temporary Detention (37.2-809)
- DC-4046 Order for Transportation to Alternative Facility of Temporary Detention (37.2-809)
- DC-4056 Order for Mandatory Outpatient Treatment Upon Discharge from Inpatient Treatment
- \*\*NOTE: due to the volume, the related code sections are not included in these materials.

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## Mental Health Evaluations

- Senate Bill 34 authorized hospitals with a psychiatric emergency department located in the city of Hampton to employ certain trained professionals to perform evaluations to determine whether a person meets the criteria for issuance of a temporary detention order.
- The legislation amended several statutes that address adult mental health proceedings to make it clear that such certified evaluators are allowed to do those evaluations. The various forms above, with the exception of DC-895, were amended accordingly.
- DC-894A and DC-895 were amended to clarify the language on the form regarding execution of a temporary detention order to specify that “execution” of the order involves the law enforcement agency taking the person into custody. (these are magistrate forms, not included herein)

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## Emancipation

~ 16.1-331 thru 334

DC-507 Petition

DC-549 Order of  
Emancipation

- House Bill 994 established the legal age of marriage as 18. In doing so, the legislation amended the statutes that address petitions for emancipation filed by minors.
- Prior to July 1, 2024, one of the grounds to request emancipation was that the minor would like to marry.
- With this legislation, that basis for requesting emancipation is no longer valid.
- As such, language allowing a minor to request to be married as a basis for emancipation was deleted from the petition and the order forms pertaining to emancipation.

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Transfer Factors  
~ 16.1-269.1(A)

DC-518 Transfer/Retention  
Order

- Virginia Code § 16.1-269.1(A) provides that a judge is required at a transfer hearing held pursuant to that statute to consider certain factors in determining whether a juvenile charged with an offense that would be a felony if committed by an adult is proper to remain within the jurisdiction of the juvenile court.
- House Bill 268 added another factor for the court to consider, specifically any evidence that the juvenile was a victim of felonious criminal sexual assault or trafficking.
- The various factors that the court is required to consider are included on the second page of DC-518. The new factor was added to the form.

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“Mental Illness”  
includes  
Substance Abuse  
~ 16.1-336, -339

DC-597. Order for  
Inpatient Treatment –  
Admission by Parental  
Consent

- Identical House Bill 772 and Senate Bill 460 clarified that when a minor is evaluated for inpatient treatment for a mental illness, the term “mental illness” may include substance abuse as defined in Virginia Code § 16.1 -336.
- As such, this language was added to the form.

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## Support Overages ~ 20-60.3

DC-628 Order of Support – Civil

DC-629 Order for Support –  
Criminal

DC-631 Mediated Support  
Agreement

DC-645 Income Withholding of  
Support

- House Bill 784 amended Virginia Code § 20-60.3 which sets forth information that is required to be included in all child support orders and all spousal support orders where the parties have minor children for whom they have a mutual duty to support.
- Effective July 1, 2024, if there are support overages, the orders must include certain information about the overages. The four forms listed were amended to include a space for that information.
- DC-645 was also amended to reflect the recent changes to the required federal form on which DC-645 is based.
- The forms were also revised to reflect new DCSE mailing addresses for payments and for correspondence.