

Code of Virginia
 Title 19.2. Criminal Procedure
 Chapter 21. Recovery of Fines and Penalties
 Article 4. Payment of Fines and Costs on Installment Basis, Etc.

§ 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. Any 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, who is sentenced to pay a fine, restitution, forfeiture, or penalty may pay such fine, restitution, forfeiture, or penalty and any costs that the defendant may be required to pay in deferred payments or installments. The court assessing the fine, restitution, forfeiture, or penalty and costs shall 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 moneys 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, unless an order for restitution is docketed in the name of the victim or it is ordered that an assignment of the judgment to the victim be docketed. Any payment agreement authorized under this section shall be consistent with the provisions of § 19.2-354.1. 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 moneys collected shall be made in the following order of priority:

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 State Board of Local and Regional Jails shall promulgate regulations governing the receipt of wages paid to persons sentenced to local correctional facilities participating in such programs, the withholding of payments, and the disbursement of appropriate funds. The Director of the Department of Corrections shall prescribe rules governing the

receipt of wages paid to persons sentenced to state correctional facilities 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.

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.

Code 1950, § 19.1-347.1; 1971 Ex. Sess., c. 250; 1975, c. 495; 1977, c. 585; 1982, c. 244; 1984, c. 32; 1986, c. 230; 1988, cc. 770, 852; 1994, cc. 841, 945; 1995, cc. 380, 441; 1996, c. 273; 1998, c. 831; 1999, c. 9; 2001, c. 414; 2002, c. 831; 2009, c. 741; 2012, c. 615; 2015, c. 265; 2016, c. 282; 2017, cc. 757, 802, 806; 2018, c. 61; 2020, cc. 25, 188, 759, 964, 965; 2021, Sp. Sess. I, cc. 190, 388, 393.

§ 19.2-358. Procedure on default in deferred payment or installment payment of fine, costs, forfeiture, restitution or penalty

A. When an individual obligated to pay a fine, costs, forfeiture, or penalty defaults in the payment or any installment payment, the court upon the motion of the Commonwealth in the case of a conviction of a violation of a state law, or attorney for a locality or for the Commonwealth in the event of a conviction of a violation of a local law or ordinance, or upon its own motion, may require him to show cause why he should not be confined in jail or fined for nonpayment. A show cause proceeding shall not be required prior to issuance of a capias if an order to appear on a date certain in the event of nonpayment was issued pursuant to subsection A of § 19.2-354 and the defendant failed to appear.

B. Following the order to show cause or following a capias issued for a defendant's failure to comply with a court order to appear issued pursuant to subsection A of § 19.2-354, unless the defendant shows that his default for the payment of fines, costs, forfeitures, or penalties was not attributable to an intentional refusal to obey the sentence of the court, or not attributable to a failure on his part to make a good faith effort to obtain the necessary funds for payment, or unless the defendant shows that any failure to appear was not attributable to an intentional refusal to obey the order of the court, the court may order the defendant confined as for a contempt for a term not to exceed sixty days or impose a fine not to exceed \$500. The court may provide in its order that payment or satisfaction of the amounts in default for the payment of fines, costs, forfeitures, or penalties at any time will entitle the defendant to his release from such confinement or, after entering the order, may at any time reduce the sentence for good cause shown, including payment or satisfaction of such amounts.

C. If it appears that the default for the payment of fines, costs, forfeitures, or penalties is excusable under the standards set forth in subsection B, the court may enter an order allowing the defendant additional time for payment, reducing the amount due or of each installment, or remitting the unpaid portion in whole or in part.

D. When an individual obligated to pay restitution defaults in the payment or any installment payment, the court upon the motion of the Commonwealth in the case of a conviction of a violation of a state law, or attorney for a locality or for the Commonwealth in the event of a conviction of a violation of a local law or ordinance, or upon its own motion, may proceed in accordance with the procedures set forth in subsection E.

E. If, pursuant to subsection D or at a hearing conducted pursuant to subsection F of § 19.2-305.1, the court finds that a defendant is not in compliance with a restitution order, the court may order the defendant confined as for a contempt for

a term not to exceed 60 days unless the defendant shows that his default was not attributable to an intentional refusal to obey the sentence of the court, or not attributable to a failure on his part to make a good faith effort to obtain the necessary funds for payment, or unless the defendant shows that any failure to appear was not attributable to an intentional refusal to obey the order of the court. The court may provide in its order that payment or satisfaction of the amounts in default at any time will entitle the defendant to his release from such confinement or, after entering the order, may at any time reduce the sentence for good cause shown, including payment or satisfaction of such amounts. If it appears that the defendant's default for the payment of restitution is excusable under the standards set forth in this subsection, the court may modify the terms for payment of restitution, except that the court may not modify the amount of restitution owed by the defendant.

F. Nothing in this section shall be deemed to alter or interfere with the collection of fines by any means authorized for the enforcement of money judgments rendered in favor of the Commonwealth or any locality within the Commonwealth.

Code 1950, § 19.1-347.6; 1973, c. 342; 1975, c. 495; 1977, c. 223; 1987, c. 238; 1988, cc. 770, 852; 1992, c. 485; 1994, c. 546; 2018, cc. 316, 671.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**FINES AND COSTS PAYMENT AGREEMENT/
ACKNOWLEDGMENT OF DRIVER'S LICENSE STATUS**
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. Acknowledgment of Suspension or Revocation of Driver's License:

I understand 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

Payment of Fines and Costs:

I understand that I owe fines, costs, forfeiture, restitution and/or penalty of \$ plus any additional court-appointed attorney fee, if applicable. I understand that my case will be referred for collection enforcement if the amount owed is not paid in full within 90 days of sentencing on my case unless I enter into a payment agreement or I am exempt from making payments.
 I am requesting a payment agreement for the amount owed plus any additional court-appointed attorney fee, if applicable.
OR
 My sole financial resource is a social security benefit or supplemental security income and I am exempt from making payments.

I understand that I am required to make restitution payments if the judge ordered a separate payment agreement schedule for restitution.

I certify that on this date this notice, including Part I, was read and understood by me, and a copy given to me.

My license WAS WAS NOT surrendered to this court.

..... DATE DEFENDANT Witnessed by:

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

II. ORDER FOR PAYMENT AGREEMENT

Having assessed the defendant's ability to pay the amount imposed by taking into account the defendant's financial resources and obligations, except for any social security benefit or supplemental security income, as set forth on form DC-211 and/or by verbally inquiring 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.
- Defendant is exempt from making payments as defendant indicated that defendant's sole financial resource is a social security benefit or supplemental security income.

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.

SEE PART II ON THE BACK OF THIS FORM FOR MORE REQUIREMENTS, WARNINGS AND INFORMATION WHICH ARE INCORPORATED BY REFERENCE.

..... DATE CLERK JUDGE

PART I

I understand that if I pay 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 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.

I understand that if my sole financial resource is a social security benefit or supplemental security income, then I am exempt from making payments until I have a resource other than a social security benefit or supplemental security income. I understand that I must contact the clerk's office to enter into a payment agreement if I have a different financial resource.

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.

**PETITION FOR PAYMENT AGREEMENT
FOR FINES AND COSTS OR
REQUEST TO MODIFY EXISTING AGREEMENT**

Commonwealth of Virginia VA. CODE §§ 19.2-354.1, 19.2-355

Case No(s)

General District Court Circuit Court
 Juvenile and Domestic Relations District Court

CITY OR COUNTY

COURT ADDRESS

Commonwealth of Virginia

V.

DEFENDANT/JUVENILE

.....

ADDRESS OF DEFENDANT/JUVENILE

SOCIAL SECURITY NO.

CITY

STATE

ZIP

TELEPHONE NO.

- I respectfully ask the court to allow me to pay the fines, costs, forfeiture, restitution (if not otherwise ordered) and/or penalty owed of \$, plus any additional court-appointed attorney fee, if applicable,
 in periodic payments OR
 in one payment due in full on a future date
 and I shall try to make periodic payments until that future date AND/OR
 by doing community service work to earn credit for finest and costs only, if available.

I understand that I am required to make restitution payments if the judge ordered a separate payment schedule for restitution.

- I respectfully ask the court to change my current payment agreement
 as my sole financial resource is a social security benefit or supplemental security income and I am exempt from making payments.
 for the following reasons:

Court Debt Owed in Other Courts:

- I currently owe unpaid fines, costs, forfeiture, restitution, and/or penalty in other courts.
 I owe a total of \$ in those other courts. I do not know the total of unpaid court debt owed.
 I pay a total of \$ per month towards that unpaid court debt.
 I do not have unpaid court debt in other courts.

Financial Information:

- The information provided to this court by defendant on Form DC-333, FINANCIAL STATEMENT – ELIGIBILITY DETERMINATION FOR INDIGENT DEFENSE SERVICES, as previously submitted, is unchanged.
 OR
 This information is provided to this court below in support of this Petition or Request:

Public Assistance:

- I currently receive the following type(s) of public assistance:
 TANF \$ Medicaid Supplemental Security Income \$
 SNAP (food stamps) \$ Other (specify type and amount)
 I do not receive public assistance.

Employment:

- I am employed. I am not currently employed but I receive social security of \$ per month.
 I am not currently employed and it has been months since I was last employed.

Employer(s)

Occupation

Defendant self-employed

Spouse self-employed

Number of Dependents

	<u>Defendant</u>	<u>Spouse</u>
Household Net Income:		
Take-Home Pay (after taxes, etc.)	\$	\$
Pay Period (weekly, every 2 weeks, twice monthly, monthly)	\$	\$
Other Income Sources (specify)	\$	\$
Income Contribution of Dependents	\$	\$
TOTAL NET INCOME =	\$	\$

Case No(s)

	<u>Defendant</u>	<u>Spouse</u>
Assets:		
Bank Accounts/Cash on Hand	\$	\$
Other Assets (specify)		
with a		
..... value of	\$	\$
Real Estate - \$	\$	\$
NET VALUE		
Motor Vehicles		
YEAR AND MAKE	YEAR AND MAKE	
Other Personal Property: (describe)	\$	\$

TOTAL ASSETS = \$

Debts Owed (amount paid per month):

Car payment	\$	\$
Rent/mortgage payment	\$	\$
Credit card payments	\$	\$
Other monthly payments (not including court debt payments)	\$	\$

TOTAL MONTHLY DEBTS = \$

EXCEPTIONAL EXPENSES (Total Exceptional Expenses of Family)

Medical Expenses (list only unusual and continuing expenses) \$

Court-ordered child support payments/alimony \$

deducted from paycheck not deducted from paycheck

Child-care payments (e.g. day care) \$

Other (describe): } \$

TOTAL EXCEPTIONAL EXPENSES \$

THIS STATEMENT IS MADE UNDER OATH, ANY FALSE STATEMENT OF A MATERIAL FACT TO ANY QUESTIONS CONTAINED HEREIN SHALL CONSTITUTE PERJURY UNDER THE PROVISIONS OF VA. CODE § 18.2-434. THE MAXIMUM PENALTY FOR PERJURY IS CONFINEMENT IN THE STATE PENITENTIARY FOR A PERIOD OF TEN YEARS.

I hereby state that the above information is correct to the best of my knowledge.

..... DATE DEFENDANT

Sworn to and signed before me this

..... day of, 20..... CLERK DEPUTY 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 FOR REQUEST TO MODIFY EXISTING PAYMENT AGREEMENT

Upon request to modify an existing payment agreement,

- the request is granted based upon a good faith showing of need, and the new payment agreement is set forth on form
 - DC-210, FINES AND COSTS PAYMENT AGREEMENT/ACKNOWLEDGMENT OF DRIVER'S LICENSE STATUS.
 - CC-1379, ACKNOWLEDGMENT OF SUSPENSION OR REVOCATION OF DRIVER'S LICENSE/ORDER AND NOTICE OF DEFERRED PAYMENT OR INSTALLMENT PAYMENTS.
- the request is denied, and the current payment agreement continues in full force and effect.

..... DATE JUDGE CLERK DEPUTY CLERK

Code of Virginia
Title 46.2. Motor Vehicles
Chapter 3. Licensure of Drivers

§ 46.2-427. When suspensions to remain effective; relief from furnishing proof of financial responsibility; prohibition against registration in name of another person.

The suspension required by the provisions of § 46.2-417 shall continue except as otherwise provided by §§ 46.2-421 and 46.2-423 until the person satisfies the judgment or judgments as prescribed in § 46.2-419 and gives proof of his financial responsibility in the future. However, the judgment debtor whose driving privileges, registration certificates, and license plates have been so suspended may petition the court that entered the judgment for reinstatement of his driving privileges, registration certificates, and license plates and the court may order reinstatement if the judgment has not been satisfied, provided the judgment debtor proves by a preponderance of the evidence that the judgment debtor (i) is unable, after examination of the records of the Department and the court reflecting that suspension and the exercise of due diligence, to locate the person to whom payment is due or, if the person to whom payment is due is dead, the judgment debtor is unable to identify either who are his heirs and assignees, or where they are located, and (ii) has paid into the court an amount equal to the judgment, court costs, and all interest that has accrued up to the date payment was made to the court. Any payment made to the court under this section shall be held for one year and, if unclaimed by the judgment creditor during that period, shall be transmitted by the court to the State Treasurer or his designee to be disposed of pursuant to the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.).

Upon receipt of such an order, the Commissioner shall reinstate the driving privileges, registration certificates, and license plates of the judgment debtor, provided the judgment debtor has given proof of his financial responsibility in the future and satisfied all other reinstatement requirements as provided in this chapter.

Notwithstanding the provisions of this article, a judgment debtor whose driving privileges have been suspended pursuant to this article may petition the court that entered the judgment for a restricted license to operate a motor vehicle during the period of suspension and the court may, for good cause shown, order the issuance of such restricted license for any of the purposes set forth in subsection E of § 18.2-271.1. Such 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 punished as provided in § 46.2-301. No restricted license issued pursuant to this section 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 motor vehicle involved in the accident on which the suspension under § 46.2-417 is based shall not be registered in the name of any other person when the Commissioner has reasonable grounds to believe that the registration of the vehicle will have the effect of defeating the purpose of the chapter and no other motor vehicle shall be registered, and no driver's license or learner's permit shall be issued in the name of the person suspended, except as prescribed in § 46.2-437 until the suspension is terminated.

This section shall not relieve any person from giving or maintaining proof of his financial responsibility when he is required so to do for some reason rather than having been involved in a motor vehicle accident.

Code 1950, §§ 46-446, 46-447, 46-477.1; 1950, p. 639; 1958, c. 541, § 46.1-459; 1972, c. 638; 1984, c. 780; 1989, c. 727; 2003, c. 316; 2013, c. 598; 2024, c. 467.

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; 46.2-427

Case No:

COMPLETE DATA BELOW IF KNOWN

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

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

..... OFFENDER/PETITIONER

..... ADDRESS B.A.C. [] Original Order

..... CITY STATE ZIP OFFENSE DATE [] Amended Order

- [] 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.
- [] You have been convicted of [] reckless driving [] aggressive driving [] careless driving and infliction of injury or death on vulnerable road users 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.
- [] 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
- [] You seek a restricted license as a judgment debtor whose driving privileges were suspended, for failure to pay a judgment, pursuant to Article 13 (§ 46.2-417 et seq.) of Chapter 16 of Title 46.2 of the Code of Virginia.
- [] You are ORDERED, on the terms and conditions listed below, to enter the following 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: 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 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.**
 - 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.***
 - 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 ordered to enter a Program, 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 any change to any of the information listed in items "a" through "q" 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

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 [X] no travel to or from your place of employment by the most direct route as described below.
- (b) [] yes [X] 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 [X] 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 [X] no travel to and from school.

SCHOOL NAME AND LOCATION

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

(e) [] yes [X] 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 [X] no You may only operate a motor vehicle that is equipped with a functioning, certified ignition interlock system. See either form DC-266, RESTRICTED LICENSE CONDITIONS – IGNITION INTERLOCK ORDER (attached, if applicable) or DC-269, RESTRICTED LICENSE CONDITIONS – IGNITION INTERLOCK AND REMOTE ALCOHOL MONITORING DEVICE ORDER (attached, if applicable), the terms of which are incorporated herein by reference.

- [] 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
 - [] 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.
 - [] as you were convicted of reckless driving and ordered to enter into and successfully complete an alcohol safety action program.

[] You are authorized to operate a motor vehicle for any purpose if, in addition to only operating a motor vehicle that is equipped with a functioning, certified ignition interlock system, you use a remote alcohol monitoring device for the same time period that an ignition interlock system is required, and you refrain from alcohol consumption during the ordered time period.

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

(g-1) [] yes [X] 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 [X] 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 [X] 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

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

COURT

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

NAME(S) AND LOCATION OF CHILD(REN)

(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.

(q) 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-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"/> Travel to and from the offices of the Virginia Employment Commission for the purpose of seeking employment.	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> 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.	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> I was convicted of reckless driving and ordered to enter into and successfully complete an alcohol safety action program. 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.	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> I am requesting to operate a motor vehicle for any purpose, with the conditions that (1) I only operate a motor vehicle that is equipped with a functioning, certified ignition interlock system; (2) I use a remote alcohol monitoring device; and (3) I refrain from alcohol consumption.	<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

Code of Virginia
 Title 46.2. Motor Vehicles
 Chapter 3. Licensure of Drivers

§ 46.2-391. Revocation of license for multiple convictions of driving while intoxicated; exception; petition for restoration of privilege.

A. The Commissioner shall forthwith revoke and not thereafter reissue for three years the driver's license of any person on receiving a record of the conviction of any person who (i) is adjudged to be a second offender in violation of the provisions of subsection A of § 46.2-341.24 (driving a commercial motor vehicle under the influence of drugs or intoxicants), or § 18.2-266 (driving under the influence of drugs or intoxicants), if the subsequent violation occurred within 10 years of the prior violation, or (ii) is convicted of any two or more offenses of § 18.2-272 (driving while the driver's license has been forfeited for a conviction under § 18.2-266) if the second or subsequent violation occurred within 10 years of the prior offense. However, if the Commissioner has received a copy of a court order authorizing issuance of a restricted license as provided in subsection E of § 18.2-271.1, he shall proceed as provided in the order of the court. For the purposes of this subsection, an offense in violation of a valid local ordinance, or law of any other jurisdiction, which ordinance or law is substantially similar to any provision of Virginia law herein shall be considered an offense in violation of such provision of Virginia law. Additionally, in no event shall the Commissioner reinstate the driver's license of any person convicted of a violation of § 18.2-266, or of a substantially similar valid local ordinance or law of another jurisdiction, until receipt of notification that such person has successfully completed an alcohol safety action program if such person was required by court order to do so unless the requirement for completion of the program has been waived by the court for good cause shown. A conviction includes a finding of not innocent in the case of a juvenile.

B. The Commissioner shall forthwith revoke and not thereafter reissue the driver's license of any person after receiving a record of the conviction of any person (i) convicted of a violation of § 18.2-36.1 or 18.2-51.4 or a felony violation of § 18.2-266 or (ii) convicted of three offenses arising out of separate incidents or occurrences within a period of 10 years in violation of the provisions of subsection A of § 46.2-341.24, § 18.2-266, or a substantially similar ordinance or law of any other jurisdiction, or any combination of three such offenses. A conviction includes a finding of not innocent in the case of a juvenile.

C. Any person who has had his driver's license revoked in accordance with subsection B may petition the circuit court of his residence, or, if a nonresident of Virginia, any circuit court:

1. For restoration of his privilege to drive a motor vehicle in the Commonwealth after the expiration of five years from the date of his last conviction. On such petition, and for good cause shown, the court may, in its discretion, restore to the person the privilege to drive a motor vehicle in the Commonwealth on condition that such person install an ignition interlock system in accordance with § 18.2-270.1 on all motor vehicles, as defined in § 46.2-100, owned by or registered to him, in whole or in part, for a period of at least six months, and upon whatever other conditions the court may prescribe, subject to the provisions of law relating to issuance of driver's licenses, if the court is satisfied from the evidence presented that (i) at the time of his previous convictions, the petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; (ii) at the time of the hearing on the petition, he is no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and (iii) the defendant does not constitute a threat to the safety and welfare of himself or others with regard to the driving of a motor vehicle. However, prior to acting on the petition, the court shall order that an evaluation of the person, to include an assessment of his degree of alcohol abuse and the appropriate treatment therefor, if any, be conducted by a Virginia Alcohol Safety Action Program and recommendations therefrom be submitted to the court, and the court shall give the recommendations such weight as the court deems appropriate. The court may, in lieu of restoring the person's privilege to drive, authorize the issuance of a restricted license for a period not to exceed five years in accordance with the provisions of § 18.2-270.1 and subsection E of § 18.2-271.1. The court shall notify the Virginia Alcohol Safety Action Program that during the term of the restricted license it shall monitor the person's compliance

with the terms of the restrictions imposed by the court. Any violation of the restrictions shall be reported to the court, and the court may then modify the restrictions or revoke the license.

2. For a restricted license to authorize such person to drive a motor vehicle in the Commonwealth in the course of his employment and to drive a motor vehicle to and from his home to the place of his employment after the expiration of three years from the date of his last conviction unless such person's last conviction resulted from a final order being entered by a court after the successful completion of a Veterans Treatment Court Program, behavioral health docket, or other specialty docket established pursuant to § 18.2-254.2 or 18.2-254.3 or Rule 1:25 of the Rules of Supreme Court of Virginia. If such person's last conviction resulted from a final order being entered by a court after the successful completion of a Veterans Treatment Court Program, behavioral health docket, or other specialty docket established pursuant to § 18.2-254.2 or 18.2-254.3 or Rule 1:25 of the Rules of Supreme Court of Virginia, such person may file a petition for a restricted license to be issued in accordance with the provisions of this subdivision without having to wait for the expiration of three years from the date of his last conviction, regardless of the date of such conviction. The court may order that a restricted license for such purposes be issued in accordance with the procedures of subsection E of § 18.2-271.1 if the court is satisfied from the evidence presented that (i) at the time of the previous convictions, the petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; (ii) at the time of the hearing on the petition, he is no longer addicted to or psychologically dependent on the use of alcohol or such other drugs; and (iii) the defendant does not constitute a threat to the safety and welfare of himself and others with regard to the driving of a motor vehicle. The court shall prohibit the person to whom a restricted license is issued from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system during all or any part of the term for which the restricted license is issued, in accordance with the provisions set forth in § 18.2-270.1. However, prior to acting on the petition, the court shall order that an evaluation of the person, to include an assessment of his degree of alcohol abuse and the appropriate treatment therefor, if any, be conducted by a Virginia Alcohol Safety Action Program and recommendations therefrom be submitted to the court, and the court shall give the recommendations such weight as the court deems appropriate. The Virginia Alcohol Safety Action Program shall during the term of the restricted license monitor the person's compliance with the terms of the restrictions imposed by the court. Any violation of the restrictions shall be reported to the court, and the court may then modify the restrictions or revoke the license.

The ignition interlock system installation requirement under subdivisions 1 and 2 need only be satisfied once as to any single revocation under subsection B for any person seeking restoration under subdivision 1 following the granting of a restricted license under subdivision 1 or 2.

D. Any person convicted of driving a motor vehicle or any self-propelled machinery or equipment (i) while his license is revoked pursuant to subsection A or B or (ii) in violation of the terms of a restricted license issued pursuant to subsection C shall, provided such revocation was based on at least one conviction for an offense committed after July 1, 1999, be punished as follows:

1. If such driving does not of itself endanger the life, limb, or property of another, such person is guilty of a Class 1 misdemeanor punishable by a mandatory minimum term of confinement in jail of 10 days except in cases wherein such operation is necessitated in situations of apparent extreme emergency that require such operation to save life or limb, the sentence, or any part thereof, may be suspended.

2. a. If such driving (i) of itself endangers the life, limb, or property of another or (ii) takes place while such person is in violation of § 18.2-36.1, 18.2-51.4, or 18.2-266, subsection A of § 46.2-341.24, or a substantially similar law or ordinance of another jurisdiction, irrespective of whether the driving of itself endangers the life, limb, or property of another and the person has been previously convicted of a violation of § 18.2-36.1, 18.2-51.4, or 18.2-266, subsection A of § 46.2-341.24, or a substantially similar local ordinance, or law of another jurisdiction, such person is guilty of a felony punishable by confinement in a state correctional facility for not less than one year nor more than five years, one year of which shall be a mandatory minimum term of confinement or, in the discretion of the jury or the court trying the case without a jury, by mandatory minimum confinement in jail for a period of 12 months and no portion of such sentence shall be suspended or run concurrently with any other sentence.

b. However, in cases wherein such operation is necessitated in situations of apparent extreme emergency that require such operation to save life or limb, the sentence, or any part thereof, may be suspended.

3. If any such offense of driving is a second or subsequent violation, such person shall be punished as provided in subdivision 2, irrespective of whether the offense, of itself, endangers the life, limb, or property of another.

E. Notwithstanding the provisions of subdivisions D 2 and 3, following conviction and prior to imposition of sentence with the consent of the defendant, the court may order the defendant to be evaluated for and to participate in the community corrections alternative program pursuant to § 19.2-316.4.

F. Any period of driver's license revocation imposed pursuant to this section shall not begin to expire until the person convicted has surrendered his license to the court or to the Department of Motor Vehicles.

G. Nothing in this section shall prohibit a person from operating any farm tractor on the highways when it is necessary to move the tractor from one tract of land used for agricultural purposes to another such tract of land when the distance between the tracts is no more than five miles.

H. Any person who operates a motor vehicle or any self-propelled machinery or equipment (i) while his license is revoked pursuant to subsection A or B or (ii) in violation of the terms of a restricted license issued pursuant to subsection C, where the provisions of subsection D do not apply, is guilty of a violation of § 18.2-272.

Code 1950, § 46-417; 1958, c. 541, § 46.1-421; 1960, c. 364; 1964, c. 194; 1968, c. 561; 1976, cc. 359, 612, 691; 1983, c. 504; 1984, cc. 658, 673, 780; 1987, c. 409; 1989, cc. 705, 727; 1990, c. 949; 1994, c. 573; 1995, c. 486; 1997, cc. 691, 706; 1999, cc. 945, 987; 2000, cc. 243, 956, 958, 959, 980, 982, 985; 2001, c. 739; 2004, cc. 461, 937, 951; 2013, cc. 415, 655; 2016, c. 230; 2019, c. 618; 2024, cc. 552, 568.

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, 46.2-391

COMPLETE DATA BELOW IF KNOWN

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

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

 OFFENDER/PETITIONER

 ADDRESS

 CITY STATE ZIP OFFENSE DATE

[] 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. 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 had your license revoked pursuant to Virginia Code § 46.2-391(B) [] three years or more prior to this date [] less than three years prior to this date and your last conviction resulted from a final order being entered after successful completion of a specialty docket.
- 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 "q" 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.

COURT

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

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 [X] no travel to or from your place of employment by the most direct route as described below.
- (b) [] yes [X] 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 [X] 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 [X] no travel to and from school.

.....
SCHOOL NAME AND LOCATION

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

(e) [] yes [X] 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 [X] no You may only operate a motor vehicle that is equipped with a functioning, certified ignition interlock system. See either form DC-266, RESTRICTED LICENSE CONDITIONS – IGNITION INTERLOCK ORDER (attached, if applicable) or DC-269, RESTRICTED LICENSE CONDITIONS – IGNITION INTERLOCK AND REMOTE ALCOHOL MONITORING DEVICE ORDER (attached, if applicable), the terms of which are incorporated herein by reference.

- [] 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
 - [] 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.
 - [] as you were convicted of reckless driving and ordered to enter into and successfully complete an alcohol safety action program.

[] You are authorized to operate a motor vehicle for any purpose if, in addition to only operating a motor vehicle that is equipped with a functioning, certified ignition interlock system, you use a remote alcohol monitoring device for the same time period that an ignition interlock system is required, and you refrain from alcohol consumption during the ordered time period.

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

(g-1) [] yes [X] 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 [X] 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 [X] 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

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

COURT

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

NAME(S) AND LOCATION OF CHILD(REN)

(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.

(q) 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

09/11/2024

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.

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Code of Virginia
Title 16.1. Courts Not of Record
Chapter 11. Juvenile and Domestic Relations District Courts

§ 16.1-228. Definitions.

As used in this chapter, unless the context requires a different meaning:

"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. 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. No child whose parent or other person responsible for his care allows the child to engage in independent activities without adult supervision shall for that reason alone be considered to be an abused or neglected child, provided that (a) such independent activities are appropriate based on the child's age, maturity, and physical and mental abilities and (b) such lack of supervision does not constitute conduct that is so grossly negligent as to endanger the health or safety of the child. Such independent activities include traveling to or from school or nearby locations by bicycle or on foot, playing outdoors, or remaining at home for a reasonable period of time. 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, or an intimate partner of such parent or person, 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 Tier III 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 federal Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the federal Justice for Victims of

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 within 30 days of the child's birth to (i) a hospital that provides 24-hour emergency services, (ii) an attended emergency medical services agency that employs emergency medical services personnel, or (iii) a newborn safety device located at and operated by such hospital or emergency medical services agency. 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 that constitutes a part of a common scheme or plan with, a delinquent act that would be a felony if committed by an adult.

"Child," "juvenile," or "minor" means a person who is (i) younger 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, younger 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, (a) 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; (b) the child or his family is in need of treatment, rehabilitation, or services not presently being received; and (c) 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 does 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.

"Delinquent child" means a child who has committed a delinquent act or an adult who has committed a delinquent act prior to his eighteenth 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.

"Driver's license" means any document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the highways.

"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 such spouse resides in the same home with the person; (ii) the person's former spouse, whether or not such person 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; (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; ~~or (vii) an individual who is a legal custodian of a juvenile.~~

"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, (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-293, or (v) is living with a relative participating in the Federal-Funded Kinship Guardianship Assistance program set forth in § 63.2-1305 and developed consistent with 42 U.S.C. § 673 or the State-Funded Kinship Guardianship Assistance program set forth in § 63.2-1306.

"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 eighteenth 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. "Independent living services" includes 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, seven 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.

Code 1950, § 16.1-141; 1956, c. 555; 1972, c. 708; 1973, c. 546; 1974, cc. 44, 45; 1977, c. 559; 1978, c. 605; 1979, c. 15; 1981, c. 491; 1984, c. 631; 1985, c. 260; 1986, cc. 281, 308; 1987, c. 632; 1988, c. 794; 1990, cc. 704, 769, 842; 1991, c. 534; 1992, cc. 742, 830, 886; 1993, cc. 435, 467, 494; 1994, cc. 859, 865, 949; 1996, cc. 755, 914; 1999, cc. 453, 665, 697, 721; 2002, cc. 810, 818; 2003, cc. 538, 547, 835; 2004, cc. 245, 753; 2006, c. 868; 2008, cc. 475, 483; 2011, cc. 445, 480; 2015, cc. 502, 503; 2016, c. 631; 2017, c. 623; 2018, c. 497; 2019, cc. 282, 688; 2020, cc. 95, 732, 829, 1227, 1246, 1285, 1286; 2021 Sp. Sess. I, cc. 254, 310, 550, 551; 2022, cc. 80, 81, 366, 414, 415; 2023, c. 568; 2024, c. 273.

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. 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.

PERSONAL SERVICE

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

 DATE for

 TIME

PETITIONER: (See form DC-621, NON-DISCLOSURE ADDENDUM)
 Name:

PERSONAL SERVICE

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

 DATE for

 TIME

“Family or household member” means (i) the person’s spouse, whether or not such spouse resides in the same home with the person; (ii) the person’s former spouse, whether or not such person 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; (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; or (vii) an individual who is a legal custodian of a juvenile.

“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.

PRELIMINARY PROTECTIVE ORDER

Commonwealth of Virginia VA. CODE § 19.2-152.9

Case No.

Hearing Date and Time:

General District Court Circuit Court Extension of Preliminary Protective Order
 Juvenile and Domestic Relations District Court

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

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:

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

07/09/2024

DATE ISSUED

CLERK DEPUTY CLERK

THE COURT FINDS that it has jurisdiction over the parties and subject matter, and that

- 1. The Petitioner is, or has been, within a reasonable period of time, subjected to an act of violence, force or threat, **OR**
 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; and
- 2. In order to protect the health and safety of the Petitioner or any family or household member of the Petitioner, a preliminary protective order is warranted.
- Ex Parte* Proceeding Only: The petition has been supported by an affidavit or sworn testimony before the judge or intake officer, and either the Petitioner is in immediate and present danger of any act of violence, force, or threat or there is sufficient evidence to establish probable cause that an act of violence, force, or threat has recently occurred so as to justify an *ex parte* proceeding.
 As this order was entered without a separate affidavit or an attested petition, or without a form pursuant to Va. Code § 16.1-253.4(D) being presented, the basis upon which this order is entered, including a summary of the allegations made and the court's findings, is as follows:

Pursuant to Va. Code § 19.2-152.10(B), a written motion requesting a hearing to extend a protective order was filed prior to the expiration of the protective order without alleging an act of violence, force or threat. This order was issued in an *ex parte* proceeding.

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
NAME/TYPE

The Respondent shall notify the court in writing within seven days of any change in residence while this order is in effect, provided that the Respondent has been served with a copy of this order.

It is further ordered that

It is further ORDERED that a full hearing on the request for a protective order be held at this Court on at * and that service of this Order will constitute notice to the parties for that hearing.

*** If the court is closed on the above date because the conditions constitute a threat to the health or safety of the general public or for another reason set forth in Va. Code § 16.1-69.35 or § 17.1-207, the full hearing will be held on the next day that the court is open, and this Preliminary Protective Order will remain in full force and effect until this order is dissolved by the court, another preliminary protective order is entered or a protective order is entered.**

It is ORDERED that the Preliminary Protective Order is extended

as the Respondent failed to appear at the protective order hearing set for because the Respondent was not personally served.

DATE AND TIME

upon good cause shown by the Respondent.

pursuant to Va. Code § 19.2-152.10(B)(2), as the Respondent was personally served but the Petitioner showed by clear and convincing evidence that a continuance is necessary to meet the ends of justice.

Supplemental Sheet to Protective Order, Form DC-653, attached and incorporated by reference. No. of supplemental sheets

DATE

JUDGE

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.

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:

“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.

Family or household member means (i) the person’s spouse, whether or not such spouse resides in the same home with the person; (ii) the person’s former spouse, whether or not such person 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; (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; or (vii) an individual who is a legal custodian of a juvenile.

“Companion animal” means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. No agricultural animal or game species, or animal actively involved in bona fide scientific or medical experimentation shall be considered a companion animal.

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

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

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

.....

Other protected family or household members:
(list each name and date of birth)

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

V.

RESPONDENT

.....

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
NAME/TYPE

[] 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.

[X] The Respondent shall notify the court in writing within seven days of any change in residence while this order is in effect, provided that the Respondent has been served with a copy of 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

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> <p><input type="checkbox"/> PERSONAL SERVICE TELEPHONE NUMBER</p> <p><input type="checkbox"/> NOT FOUND</p> <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>	<p>PETITIONER: (See form DC-621, NON-DISCLOSURE ADDENDUM)</p> <p>NAME</p> <p>.....</p> <p><input type="checkbox"/> PERSONAL SERVICE</p> <p><input type="checkbox"/> NOT FOUND</p> <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</p> <p style="text-align: center;">TITLE</p> <p>.....</p> <p style="text-align: center;">SIGNATURE</p> <p>.....</p>
--	--

DEFINITIONS:

“Family or household member” means (i) the person’s spouse, whether or not such spouse resides in the same home with the person; (ii) the person’s former spouse, whether or not such person 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; (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; or (vii) an individual who is a legal custodian of a juvenile.

“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.

“Companion animal” means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. No agricultural animal or game species, or animal actively involved in bona fide scientific or medical experimentation shall be considered a companion animal.

**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

.....
PETITIONER

v.

.....
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

PETITION FOR PROTECTIVE ORDER – FAMILY ABUSE

Case No.

Commonwealth of Virginia Va. Code §§ 16.1-241(M), 16.1-253.1, 16.1-279.1

Hearing Date and Time

..... Juvenile and Domestic Relations District Court

SUMMONS FOR HEARING

TO THE RESPONDENT:

You are commanded to appear before this Court on at

.....
[] CLERK [] DEPUTY CLERK

.....
PETITIONER

v.

.....
RESPONDENT

.....
RESPONDENT'S ADDRESS/LOCATION

(H) (W)
RESPONDENT'S TELEPHONE NUMBER

TO THE PETITIONER: Please provide your information on form DC-621, NON-DISCLOSURE ADDENDUM.

RESPONDENT'S DESCRIPTION									
RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
SSN									

The undersigned Petitioner respectfully represents to the Court that:

- Petitioner and Respondent are family or household members because
 - Petitioner is the Respondent's spouse former spouse
 - parent, stepparent, child, stepchild, brother, sister, half-brother, half-sister, grandparent, or grandchild, specifically,
 - mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law who resides in the same home with Respondent, specifically,
 - Petitioner and Respondent have children in common currently cohabit cohabited within the previous 12 months.
 - Petitioner and Respondent reside in the same home, and Petitioner is a child of a person Respondent cohabits with, or cohabited with within the previous 12 months, or Petitioner is a person Respondent's parent cohabits with, or cohabited with within the previous 12 months.
- Respondent is committing or, within a reasonable time, has committed the following acts of family abuse:
 -
 -
 -
 -
 -
 -
 -
 -
 -
 -

See accompanying affidavit.

- Other cases involving the Petitioner and Respondent have have not been filed in Virginia courts.
- An Emergency Protective Order involving the parties is in effect and was issued in the City County of on
- A Preliminary Protective Order or a Protective Order involving the parties is currently in effect.
- Petitioner knows or has reason to know that the Respondent owns or otherwise possesses firearms.

PETITIONER, THEREFORE, RESPECTFULLY REQUESTS that a preliminary protective order a protective order be issued and that such order impose the following conditions on the Respondent and such other conditions as the judge deems appropriate as allowed by law:

- Prohibiting further acts of family abuse or criminal offenses that result in injury to person or property.
- Prohibiting such contact with the Petitioner as the judge deems necessary for the health or safety of the Petitioner.

Case No.

[] 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:

RETURNS: Each person was served according to law, as indicated below, unless not found.

RESPONDENT:	
NAME	
ADDRESS	
.....	
<input type="checkbox"/> PERSONAL SERVICE	TELEPHONE NO.
<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	
.....	
<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	
.....	
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.

PRELIMINARY PROTECTIVE ORDER – FAMILY ABUSE

Commonwealth of Virginia VA. CODE § 16.1-253.1

Case No.

Hearing Date and Time:

Circuit Court

Juvenile and Domestic Relations District Court

Extension of Preliminary 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, and that

1. The Petitioner is a family or household member of the Respondent;
 2. The Petitioner is, or has been, within a reasonable period of time, subjected to family abuse; and
 3. In order to protect the health and safety of the Petitioner or any family or household member of the Petitioner, a preliminary protective order is warranted.
- Ex Parte* Proceeding Only: The petition has been supported by an affidavit or sworn testimony before the judge or intake officer, and either the Petitioner is in immediate and present danger of family abuse or there is sufficient evidence to establish probable cause that family abuse has recently occurred so as to justify an *ex parte* proceeding.
- As this order was entered without a separate affidavit or an attested petition, or without a form pursuant to Va. Code § 16.1-253.4(D) being presented, the basis upon which this order is entered, including a summary of the allegations made and the court's findings, is as follows:

Pursuant to Va. Code § 16.1-279.1(B), a written motion requesting a hearing to extend a protective order was filed prior to the expiration of the protective order without alleging family abuse; the Petitioner was a family or household member of the Respondent at the time the initial protective order was issued; and this order was issued in an *ex parte* proceeding.

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.

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.
- 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 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 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 and the password to such 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 or surveille the Petitioner.
- The Respondent shall notify the court in writing within seven days of any change in residence while this order is in effect, provided that the Respondent has been served with a copy of this order.
- It is further ordered that

- Supplemental Sheet to Protective Order, Form DC-653, attached and incorporated by reference.
Number of supplemental pages

It is further ORDERED that a full hearing on the request for a protective order be held at this Court on at * and that service of this Order will constitute notice to the parties for that hearing.

*** If the court is closed on the above date because the conditions constitute a threat to the health or safety of the general public or for another reason set forth in Va. Code § 16.1-69.35 or § 17.1-207, the full hearing will be held on the next day that the court is open, and this Preliminary Protective Order will remain in full force and effect until this order is dissolved by the court, another preliminary protective order is entered or a protective order is entered.**

- It is ORDERED that the Preliminary Protective Order is extended
 - pursuant to Va. Code § 16.1-253.1(B), as the Respondent failed to appear at the protective order hearing set for because the Respondent was not personally served or, if personally served, was incarcerated and not transported to the hearing.
 - upon good cause shown by the Respondent.
 - pursuant to Va. Code § 16.1-279.1(B)(2)
 - as the Respondent failed to appear for the hearing set for because the Respondent was not personally served.
 - as the Respondent was personally served but the Petitioner showed by clear and convincing evidence that a continuance is necessary to the meet the ends of justice.

..... DATE JUDGE

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	

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.**

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 such spouse resides in the same home with the person; (ii) the person’s former spouse, whether or not such person 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; (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; or (vii) an individual who is a legal custodian of a juvenile.

“Companion animal” means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. No agricultural animal or game species, or animal actively involved in bona fide scientific or medical experimentation shall be considered a companion animal.

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 and the password to such 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 or surveille the Petitioner.
- It is further ordered that
.....
- Supplemental Sheet to Protective Order, Form DC-653, attached and incorporated by reference.
Number of supplemental pages
- 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.
- 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.
- The Respondent shall notify the court in writing within seven days of any change in residence while this order is in effect, provided that the Respondent has been served with a copy of 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.

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	
ADDRESS	
<input type="checkbox"/> PERSONAL SERVICE	TELEPHONE NUMBER
<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 such spouse resides in the same home with the person; (ii) the person’s former spouse, whether or not such person 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; (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; or (vii) an individual who is a legal custodian of a juvenile.

“Companion animal” means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. No agricultural animal or game species, or animal actively involved in bona fide scientific or medical experimentation shall be considered a companion animal.

**PROTECTIVE ORDER
FIREARM CERTIFICATION**

Commonwealth of Virginia Va. Code § 18.2-308.1:4

Case No.

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

.....
ADDRESS OF COURT

.....
PETITIONER

v.

.....
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



For Further Information

To find out more about federal firearms prohibitions:

Bureau of Alcohol, Tobacco, and Firearms;
*Misdemeanor Crimes of Domestic Violence
Frequently Asked Questions* -
<https://www.atf.gov/qa-category/misdemeanor-crime-domestic-violence>

To find out more about Batterer Intervention Programs in your area:

Virginia Batterer Intervention Program
Certification Board
<https://www.vabipboard.org>

For legal help:

Virginia Lawyer Referral Service -
1-800-552-7977
<http://www.vsb.org/vlrs/>

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Revised June 2024

VIRGINIA GUN OWNERS' RESPONSIBILITIES (VA. CODE §18.2-308.1:4)

If you have been served with a preliminary protective order:

- You cannot transport or purchase a firearm
- You cannot carry a concealed weapon even if you have a concealed weapons permit

If you have a concealed weapons permit, you must surrender it to the court that issued the preliminary protective order.

If you have been served with a final protective order

- You cannot possess, transport, or purchase a firearm
- You may possess a firearm in the first 24 hours after you receive the protective order in order to
 - Sell or transfer it to a person who is allowed to possess firearms
 - Sell or transfer it to a dealer who is allowed to possess firearms
 - Surrender your firearm to a local law enforcement agency

You must complete the firearm certification form indicating that you either do not possess firearms or that you have transferred or surrendered them as described above.

- Within 48 hours of service of the protective order you must file this certification with the clerk of the court in the court that issued the protective order.

If you have a concealed weapons permit, you must surrender it to the court that issued the protective order.

If you were convicted of assault and battery of your spouse, your former spouse, or a person with whom you have a child in common, Virginia law prohibits you from purchasing, transporting, or possessing a firearm for three years from the date of your conviction. Violation of this prohibition is a class one misdemeanor, carrying up to 12 months in jail and/or a \$2,500 fine.
Va. Code §18.2-308.1:8

FEDERAL AND STATE FIREARMS LAW:

DOMESTIC VIOLENCE OFFENDER GUNBAN

An Important Notice to Persons Convicted of Misdemeanor Crimes of Domestic Violence

Commonwealth of Virginia
Information Pamphlet

Office of the Executive Secretary
Supreme Court of Virginia

100 N. 9th Street
Richmond, VA

23210-LE Pg # 048

Have you been convicted of a misdemeanor crime?

Did the crime involve the use or attempted use of physical force, or threatened use of a deadly weapon, against someone in your household or someone with whom you have a relationship?

If your answers to these questions are “yes” then you may be subject to federal laws making it a crime for you to possess, ship, transport, or receive any firearm or ammunition.

If you are convicted of a “misdemeanor crime of domestic violence,” it is unlawful for you to possess, ship, transport or receive any firearm or ammunition. 18 U.S.C. § 922(g)(9). This prohibition also applies to federal, state, and local governmental employees in both their official and private capacities. Violation of this prohibition is a federal criminal offense punishable by up to ten years imprisonment.

What qualifies as a “misdemeanor crime of domestic violence” conviction?

The term “misdemeanor crime of domestic violence” means a criminal offense that:

- Is a federal, state, local or tribal offense that is a misdemeanor under federal or state law;
- Has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon; and,
- At the time the misdemeanor was committed, the convicted offender was:
 - a current or former spouse, parent, or guardian of the victim,
 - a person with whom the victim shared a child in common,
 - a person who was cohabiting with or had cohabited with the victim as a spouse, parent, or guardian,
 - a person who was or had been similarly situated to a spouse, parent, or guardian of the victim, or
 - a person who has a current or recent former dating relationship with the victim.

- A “dating relationship” means a relationship between individuals who have or have recently had a continuous serious relationship of a romantic or intimate nature.

For the purpose of applying this law, a person is not considered to have been convicted of a misdemeanor crime of domestic violence unless

- the person was represented by counsel or knowingly and intentionally waived the right to counsel, and
- if entitled to have the case tried by a jury, the case was actually tried by a jury, or the person knowingly and intelligently waived the right to have the case tried by a jury.

If the conviction is expunged or set aside, or if the convicted offender is pardoned for the offense, the conviction will not qualify, unless the expungement or pardon expressly provides that the person may not ship, transport, possess or receive firearms. 18 U.S.C. § 921(a)(33)(A), (B).

My qualifying misdemeanor conviction happened many years ago--does the federal law apply to me?

Since the effective date of the federal gun law, September 30, 1996, any person convicted of a misdemeanor crime of domestic violence may no longer possess a firearm or ammunition. *

This applies to persons who were convicted of misdemeanor crimes of domestic violence at *any time*, even before the passage of the law in September 1996.

What should I do if I have been convicted of a misdemeanor crime of domestic violence?

The Federal Bureau of Alcohol, Tobacco and Firearms advises that you immediately and lawfully dispose of your firearm and/or ammunition by transferring it to a third party, such as your attorney, local police agency, or a Federal firearms dealer.

Other Domestic Violence Statutes & Offenses

Domestic Violence Offenses

- Bans access to firearms by people convicted of crimes of domestic violence: 18 U.S.C. § 922(g)(9)
- Interstate travel to commit domestic violence: 18 U.S.C. § 2261
- Interstate stalking: 18 U.S.C. § 2261A
- Interstate travel to violate a protective order: 18 U.S.C. § 2262

Firearms Offenses

- Possession of a firearm while subject to a protective order: 18 U.S.C. § 922(g)(8)
 - Transfer of a firearm to person subject to a protective order: 18 U.S.C. § 922(d)(8)
 - Transfer of a firearm to person convicted of a misdemeanor crime of domestic violence: 18 U.S.C. § 922(d)(9)
 - Possession of a firearm to person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year: 18 U.S.C. § 922(g)(1)
 - A person convicted of a misdemeanor crime of domestic violence may not transport, ship, or receive a firearm that has gone through interstate or foreign commerce: 18 U.S.C. § 922(g)(9)
 - Purchase or transportation of firearm by persons subject to protective orders: Va. Code § 18.2-308.1:4
 - Possession of a concealed handgun while subject to a protective order: Va. Code § 18.2-308.1:4
 - Possession of a concealed handgun by person convicted of assault, battery, or stalking: Va. Code §§ 18.2-308.09 and 18.2-308.013(A)
- *If you were convicted of a misdemeanor crime of domestic violence and you were in a dating relationship with the victim, you may want to talk with an attorney to determine whether your right to possess a firearm may be restored in the future under certain limited circumstances.

Code of Virginia
Title 16.1. Courts Not of Record
Chapter 11. Juvenile and Domestic Relations District Courts

§ 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, or the filing of a written motion requesting a hearing to extend a protective order pursuant to § 16.1-279.1 without alleging that the petitioner is or has been, within a reasonable period of time, subject 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 or upon the filing of a written motion requesting a hearing to extend a protective order pursuant to § 16.1-279.1 without alleging that the petitioner is or has been, within a reasonable period of time, subject to family abuse. 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 and the password to such 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 or surveille 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 hearing has been continued pursuant to this subsection or 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, where the respondent shows good cause, 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. In the event that the allegedly abused person is a minor and an emergency protective order was issued pursuant to § 16.1-253.4 for the protection of such minor and the respondent is a parent, guardian, or person standing in loco parentis, the attorney for the Commonwealth or a law-enforcement officer may file a petition on behalf of such minor as his next friend before such emergency protective order expires or within 24 hours of the expiration of such emergency protective order.

E. 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.

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

I. 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.

J. The respondent may be required to notify the court in writing within seven days of any change of residence while the preliminary protective order is in effect, provided that the respondent has been served a copy of such order in accordance with the provisions of this section. Any failure of a respondent to make such required notification shall be punishable by contempt.

1984, c. 631; 1987, c. 497; 1988, c. 165; 1992, c. 886; 1994, c. 907; 1996, c. 866; 1997, c. 603; 1998, c. 684; 2000, cc. 34, 654; 2001, c. 101; 2002, cc. 508, 810, 818; 2006, c. 308; 2007, c. 205; 2008, cc. 73, 246; 2009, cc. 343, 732; 2011, cc. 445, 480; 2014, c. 346; 2018, cc. 38, 652; 2019, cc. 197, 718; 2020, c. 137; 2023, cc. 370, 565, 620, 621; 2024, c. 594.

Code of Virginia
 Title 16.1. Courts Not of Record
 Chapter 11. Juvenile and Domestic Relations District Courts

§ 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 and the password to such 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 or surveille 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 temporary child support order shall terminate upon the determination of support pursuant to § 20-108.1 or upon the termination of such protective order, whichever occurs first.

B. 1. 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. A written motion requesting a hearing to extend the protective order shall be served as soon as possible on the respondent.

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.

2. Upon the filing of a written motion requesting a hearing to extend the protective order, the court may issue an ex parte preliminary protective order pursuant to § 16.1-253.1 until the extension hearing. The ex parte preliminary protective order shall specify a date for the extension hearing, which shall be held within 15 days of the issuance of the ex parte preliminary protective order and may be held after the expiration of the protective order. If the respondent fails to appear at the extension hearing because the respondent was not personally served, the court shall schedule a new date for the extension hearing and may extend the ex parte preliminary protective order until such new date. The extended ex parte preliminary protective order shall be served as soon as possible on the respondent. If the respondent was personally served, where the petitioner shows by clear and convincing evidence that a continuance is necessary to meet the ends of justice or the respondent shows good cause, the court may continue the extension hearing and such ex parte preliminary protective order shall remain in effect until the extension hearing.

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 attorney 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.

"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.

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

M. The respondent ~~shall be required to~~ notify the court in writing within seven days of any change of residence while the protective order is in effect, provided that the respondent has been served a copy of such order in accordance with the provisions of this section. A violation of this subsection shall be punishable by contempt.

1984, c. 631; 1987, c. 497; 1992, c. 886; 1994, cc. 360, 521, 739, 907; 1996, cc. 866, 900, 945; 1997, c. 603; 1998, c. 684; 2000, cc. 34, 654; 2002, cc. 508, 810, 818; 2004, cc. 972, 980; 2006, c. 308; 2008, cc. 73, 246; 2009, cc. 343,

Code of Virginia
 Title 8.01. Civil Remedies and Procedure
 Chapter 18. Executions and Other Means of Recovery

§ 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 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 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 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 \$50,000 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)

(address)

_____ (telephone no.)

(telephone no.)

The statements made in this request are true to the best of my knowledge and belief.

____ (date)

(date)

_____ (signature of judgment debtor)

(signature of judgment debtor)

1984, c. 1; 1986, c. 489; 1989, c. 684; 1994, c. 40; 2007, c. 872; 2009, cc. 332, 387, 388; 2010, c. 673; 2012, cc. 23, 79; 2020, c. 328; 2020, Sp. Sess. I, c. 39; 2023, cc. 456, 457; 2024, c. 656.

Code of Virginia
Title 8.01. Civil Remedies and Procedure
Chapter 20. Attachments and Bail in Civil Cases

§ 8.01-546.1. Exemption claims form.

The form for requesting a hearing or a claim for exemption from levy or seizure shall be designed by the Supreme Court and provided to all courts which may issue attachments and to all magistrates.

1986, c. 341.

Code of Virginia
Title 34. Homestead and Other Exemptions
Chapter 2. Homestead Exemption of Householder

§ 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 \$50,000 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.

On April 1, 2027, and at each three-year interval ending on April 1 thereafter, each monetary limit in effect under this section immediately before such April 1 shall be adjusted to reflect the change in the Consumer Price Index for all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, for the most recent three-year period ending immediately before January 1 preceding such April 1, and rounded to the nearest \$25, the dollar amount that represents such change. Adjustments made in this section shall not apply with respect to bankruptcy cases commenced before April 1, 2027.

Code 1919, § 6531; 1918, p. 487; 1975, c. 466; 1977, c. 496; 1978, c. 231; 1990, c. 942; 1997, cc. 785, 861; 2009, c. 387; 2020, c. 328; 2024, c. 656.

Code of Virginia
 Title 34. Homestead and Other Exemptions
 Chapter 3. Other Articles Exempt

§ 34-26. Poor debtor's exemption; exempt articles enumerated.

In addition to the exemptions provided in Chapter 2 (§ ~~34-4~~ et seq.), every householder shall be entitled to hold exempt from creditor process the following enumerated items:

1. The family Bible.
 - 1a. Wedding and engagement rings.
2. Family portraits and family heirlooms not to exceed \$5,000 in value.
3. (i) A lot in a burial ground and (ii) any preneed funeral contract not to exceed \$5,000.
4. All wearing apparel of the householder not to exceed \$1,000 in value.
 - 4a. 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.
 - 4b. Firearms, not to exceed a total of \$3,000 in value.
5. All animals owned as pets, such as cats, dogs, birds, squirrels, rabbits, and other pets not kept or raised for sale or profit.
6. Medically prescribed health aids.
7. 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 section. A motor vehicle, vessel, or aircraft used to commute to and from a place of occupation or trade and not otherwise necessary for use in the course of such occupation or trade shall not be exempt under this subdivision. "Occupation," as used in this subdivision, includes enrollment in any public or private elementary, secondary, or career and technical education school or institution of higher education.
8. Motor vehicles, not held as exempt under subdivision 7, owned by the householder, not to exceed a total of \$10,000 in value, except that a perfected security interest on a motor vehicle shall have priority over the claim of exemption under this subdivision.
9. Those portions of a tax refund or governmental 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.
10. Unpaid spousal or child support.

The value of an item claimed as exempt under this section 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 under that subdivision.

The purchase of an item claimed as exempt under this section with nonexempt property in contemplation of bankruptcy or creditor process shall not be deemed to be in fraud of creditors.

No officer or other person shall levy or distrain upon, or attach, such articles, or otherwise seek to subject such articles to any lien or process. It shall not be required that a householder designate any property exempt under this section in a deed in order to secure such exemption.

On April 1, 2027, and at each three-year interval ending on April 1 thereafter, each monetary limit in effect under this section immediately before such April 1 shall be adjusted to reflect the change in the Consumer Price Index for all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, for the most recent three-year period ending immediately before January 1 preceding such April 1, and rounded to the nearest \$25, the dollar amount that represents such change. Adjustments made in this section shall not apply with respect to bankruptcy cases commenced before April 1, 2027.

Code 1919, § 6552; 1934, p. 371; 1936, p. 322; 1956, c. 637; 1970, c. 428; 1975, c. 466; 1976, c. 150; 1977, cc. 253, 496; 1990, c. 942; 1992, c. 644; 1993, c. 150; 2001, c. 483; 2002, c. 88; 2011, cc. 761, 835; 2015, c. 686; 2024, c. 656.

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) 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 \$50,000 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 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 \$10,000 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 –
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 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. 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 \$50,000 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

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 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 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.

Code of Virginia
Title 8.01. Civil Remedies and Procedure
Chapter 3. Actions

§ 8.01-126. Summons for unlawful detainer issued by magistrate or clerk or judge of a general district court.

A. For the purposes of this section, "termination notice" means a notice given under § 55.1-1245 or other notice of termination of tenancy given by the landlord to the tenant of a dwelling unit, or any notice of termination given by a landlord to a tenant of a nonresidential premises.

B. In any case when possession of any house, land or tenement is unlawfully detained by the person in possession thereof, the landlord, his agent, attorney, or other person, entitled to the possession may present to a magistrate or a clerk or judge of a general district court a statement under oath of the facts which authorize the removal of the tenant or other person in possession, describing such premises; and thereupon such magistrate, clerk or judge shall issue his summons against the person or persons named in such affidavit. The process issued upon any such summons issued by a magistrate, clerk or judge may be served as provided in § 8.01-293, 8.01-296, or 8.01-299. When issued by a magistrate it may be returned to and the case heard and determined by the judge of a general district court. If the summons for unlawful detainer is filed to terminate a tenancy pursuant to the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.), the initial hearing on such summons shall occur as soon as practicable, but not more than 21 days from the date of filing. If the case cannot be heard within 21 days from the date of filing, the initial hearing shall be held as soon as practicable, but in no event later than 30 days after the date of the filing. If the plaintiff requests that the initial hearing be set on a date later than 21 days from the date of filing, the initial hearing shall be set on a date the plaintiff is available that is also available for the court. Such summons shall be served at least 10 days before the return day thereof. If a summons for unlawful detainer is filed by an owner of a residential single family dwelling unit in the Commonwealth and the court finds based upon the evidence that (i) no rental agreement exists or has ever existed between the owner and the occupant; (ii) the occupant occupies such dwelling unit without permission of such owner; and (iii) the owner has given such occupant a written notice to vacate such dwelling unit at least 72 hours prior to the date of filing, an emergency hearing on such summons shall occur as soon as practicable, but not more than 14 days from the date of filing. If the case cannot be heard within 14 days from the date of filing, the emergency hearing shall be held as soon as practicable, but in no event later than 30 days after the date of the filing.

C. Any summons issued pursuant to the provisions of this section shall contain a notice to the tenant that, pursuant to the provisions of § 18.2-465.1, it is unlawful for his employer to discharge him from employment or take any adverse personnel action against him as a result of his absence from employment due to appearing at any initial or subsequent hearing on such summons, provided that he has given reasonable notice of such hearing to his employer.

D. The court shall not enter an order of possession unless the plaintiff, plaintiff's attorney, or agent has presented a copy of a proper termination notice issued to the defendant and the court has entered such notice into evidence.

E. Notwithstanding any rule of court or provision of law to the contrary, the plaintiff, plaintiff's attorney, or agent in an unlawful detainer case may submit into evidence a photocopy of a properly executed paper document or paper printout of an electronically stored document including a copy of the original lease or other documents, provided that the plaintiff provides an affidavit or sworn testimony that the copy of such document is a true and accurate copy of the original lease. If the defendant fails to appear in court, the plaintiff, plaintiff's attorney, or agent may introduce into evidence by an affidavit or sworn testimony a statement of the amount of outstanding rent, late charges, attorney fees, costs, and any other charges or damages as contracted for in the rental agreement that are due and owing as of the date of the hearing. The plaintiff, plaintiff's attorney, or agent shall advise the court of any payments made by or on behalf of the defendant that result in a reduction of the amount due and owing to the plaintiff.

F. 1. The plaintiff may include on the summons for unlawful detainer a request for all amounts due and owing as of the date of the hearing and the approximate amount the defendant may owe as of the date of the hearing if the defendant makes no payments prior to the date of such hearing. Notwithstanding any rule of court or provision of law to the contrary, if such request is made on the summons for unlawful detainer, the court shall permit amendment of the amount requested on the summons for unlawful detainer filed in court in accordance with the evidence and the amounts contracted for in the rental agreement. If the plaintiff makes such a request and additional amounts become due and owing prior to the final disposition of a pending unlawful detainer, a plaintiff may amend the amount in an unlawful detainer to request all amounts due and owing as of the date of final disposition.

If, however, the plaintiff has not included on the summons for unlawful detainer a request for all amounts due and owing as of the date of the hearing, the court may permit the plaintiff to amend the amount requested on the summons for unlawful detainer upon finding that (i) the evidence accurately sets forth the amount due and owing to the plaintiff, (ii) the plaintiff provided the defendant with a separate written notice of additional amounts due and owing as of the date of the hearing and of the plaintiff's intent to amend the amount requested on the summons, and (iii) the defendant had the opportunity at court to object to any additional amounts claimed.

2. If the plaintiff requests on the summons for unlawful detainer all amounts due and owing as of the date of the hearing or if the court grants an amendment of the amounts requested on the summons for unlawful detainer, the plaintiff shall not subsequently file additional unlawful detainers or warrants in debt against the defendant for such additional amounts if those amounts could have been included in the amended amount. Any such subsequent unlawful detainers or warrants in debt filed for amounts that were included in the amended amount shall be dismissed. Nothing in this section shall preclude the plaintiff from filing an unlawful detainer for a non-rent lease violation during the pendency of an unlawful detainer for nonpayment of rent or from filing a warrant in debt for amounts unrelated to the unlawful detainer against the defendant.

3. In determining the amount due the plaintiff as of the date of the hearing, if the rental agreement or lease provides that rent is due and payable on the first of the month in advance for the entire month, at the request of the plaintiff or the plaintiff's attorney or agent, the amount due as of the date of the hearing shall include the rent due for the entire month in which the hearing is held, and rent shall not be prorated as of the actual court date. Otherwise, the rent shall be prorated as of the date of the hearing. However, nothing herein shall be construed to permit a landlord to collect rent in excess of the amount stated in such rental agreement or lease. If a money judgment has been granted for the amount due for the month of the hearing pursuant to this section and the landlord re-rents such dwelling unit and receives rent from a new tenant prior to the end of such month, the landlord is required to reflect the applicable portion of the judgment as satisfied pursuant to § 16.1-94.01.

4. If, on the date of a foreclosure sale of a single-family residential dwelling unit, the former owner remains in possession of such dwelling unit, such former owner becomes a tenant at sufferance. Such tenancy may be terminated by a written termination notice from the successor owner given to such tenant at least three days prior to the effective date of termination. Upon the expiration of the three-day period, the successor owner may file an unlawful detainer under this section. Such tenant shall be responsible for payment of fair market rental from the date of such foreclosure until the date the tenant vacates the dwelling unit, as well as damages, and for payment of reasonable attorney fees and court costs.

Code 1950, § 8-791; 1954, c. 333; 1966, c. 436; 1968, c. 639; 1972, c. 397; 1975, c. 235; 1977, c. 617; 1978, c. 344; 1980, c. 502; 2000, c. 1055; 2008, cc. 551, 691; 2012, c. 788; 2013, c. 63; 2014, c. 168; 2015, c. 547; 2017, c. 481; 2018, c. 255; 2019, cc. 130, 132; 2022, c. 467; 2024, cc. 268, 331.

SUMMONS FOR UNLAWFUL DETAINER (CIVIL CLAIM FOR EVICTION)

Commonwealth of Virginia

VA. CODE § 8.01-126

General District Court

CITY OR COUNTY

STREET ADDRESS OF COURT

TO ANY AUTHORIZED OFFICER: Summon the Defendant(s) as provided below:
TO THE DEFENDANT(S): You need to come to this Court on

to answer this civil claim for eviction.
RETURN DATE AND TIME

DATE ISSUED

[] CLERK [] DEPUTY CLERK [] MAGISTRATE

CLAIM AND AFFIDAVIT: Defendant(s) unlawfully detains and withholds from Plaintiff(s):

ADDRESS/DESCRIPTION OF DETAINED PROPERTY

and Defendant should be removed from possession of the property (evicted) because of:

[] unpaid rent []

Plaintiff states that rent is due and not paid and damages have been incurred as follows:

\$ rent due for and \$ late fee
RENT PERIOD

and \$ damages for with interest
RATE(S) AND BEGINNING DATE(S)

and \$ costs and \$ civil recovery and \$ attorney's fees.

[] Plaintiff asks for judgment for all amounts due as of the hearing date. [] If Defendant makes no payments before that date, the approximate amount Defendant may owe on that date will be

[] This summons is filed to end a tenancy not governed by the Virginia Residential Landlord and Tenant Act, § 55.1-1200 *et seq.* of the Code of Virginia.

All required notices have been given. I state under penalty of perjury that the foregoing is true and correct.

[] PLAINTIFF(S) [] PLAINTIFF'S ATTORNEY [] PLAINTIFF'S AGENT

DATE

CASE DISPOSITION

[] JUDGMENT that Plaintiff(s) recover against { [] [] named DEFENDANT(S).

[] possession of the premises described above pursuant to § 8.01-128.

[] A hearing will be held on to decide final rent and damages.

DATE AND TIME

[] Immediate writ of eviction [] ordered pursuant to Va. Code § 8.01-129 upon request of Plaintiff.

[] granted pursuant to Va. Code § 55.1-1250(C).

DEFENDANT(S) PRESENT? [] YES [] NO

DATE

JUDGE

[] Rent, in the sum of \$ and \$ late fee

and \$ damages with interest and
RATE(S) AND BEGINNING DATE(S)

\$ costs and \$ civil recovery and \$ attorney's fees

[] and \$ costs for Servicemembers Civil Relief Act counsel fees.

HOMESTEAD EXEMPTION WAIVED? [] YES [] NO [] CANNOT BE DEMANDED

[] JUDGMENT FOR [] NAMED DEFENDANT(S) []

\$ costs and \$ attorney fees
awarded to Defendant(s)

[] NON-SUIT* [] DISMISSED* DEFENDANT(S) PRESENT? [] YES [] NO

DATE

JUDGE

CASE NO.

PLAINTIFF(S) NAME(S) (LAST, FIRST, MIDDLE)

ADDRESS

TELEPHONE NUMBER

v.

DEFENDANT(S) NAME(S) (LAST, FIRST, MIDDLE)

ADDRESS

TELEPHONE NUMBER

TO DEFENDANT: You are not required to come to court; however, if you do not come to court, judgment may be entered against you and you may be evicted. See information on the reverse about your right to prevent this unlawful detainer action by paying the money owed.

[] If you disagree with this case, you must come to court on the **RETURN DATE** to try this case.

[] If you disagree with this case, you must come to court on the **RETURN DATE** for the judge to set another date for the trial.

If you do not come to court and a judgment is entered against you, a writ of eviction may be issued immediately to give possession of the property to the Plaintiff.

Bill of Particulars ordered
DUE DATE

Grounds of Defense ordered
DUE DATE

ATTORNEY FOR PLAINTIFF(S)

TELEPHONE NUMBER

ATTORNEY FOR DEFENDANT(S)

TELEPHONE NUMBER

DISABILITY ACCOMMODATIONS for loss of vision, hearing, mobility, etc. Contact the court ahead of time.

HEARING DATE AND TIME

[] Redemption tender presented; continued to:

HEARING DATE AND TIME

[] Defendant must pay:

\$
RENT OWED
into the court to be held in escrow by

DATE

and any rents coming due prior to the next hearing date must also be paid into the court.

JUDGE'S INITIALS

MONEY JUDGMENT PAID OR SATISFIED PURSUANT TO ATTACHED NOTICE OF SATISFACTION

DATE

CLERK

*This case shall be expunged 30 days after dismissal or six months after nonsuit, if an order of possession was not entered, pursuant to Va. Code § 8.01-130.01.

To the Defendant(s):

(1) The preferred place for an Unlawful Detainer (Civil Claim for Eviction) to be filed is the city or county where the property is located. If the plaintiff has filed this case in a city or county that is not where the property you rent is located, you may object to the location. The court may move the case to the preferred place, if the court agrees with you. The court may order the Plaintiff to pay you costs and attorney's fees if the court agrees with your objection. To object to where the case was filed, you must:

- Tell the court in writing that you do not agree with the place where the case was filed. Include in what you write (a) this court's name, (b) the case number and the "return date" as shown on the other side of this form in the left column under the words "TO THE DEFENDANT(S)," (c) Plaintiff(s)' name(s) and your name(s), (d) "I move to object to venue of this case in this court because" and give the reasons for your objection and also say in which city or county the case should be tried, and (e) your signature and mailing address.
- 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 the plaintiff.
- If you mail your written request to the court, the clerk will tell you the judge's decision.

(2) If this case involves a lease for a property that is lived in and the only reason on this Summons for the entry of an order of possession is that you did not pay the rent, then you, or someone on your behalf, may pay the landlord or the landlord's attorney or pay into court all (i) rent due and not paid as of the court date as included in the rental agreement, (ii) other charges and fees as included in the rental agreement, (iii) late charges included in the rental agreement and as provided by law, (iv) reasonable attorney fees as included in the rental agreement or as provided by law, and (v) costs of the proceeding as provided by law, and if you pay everything that you owe, this unlawful detainer action will be dismissed pursuant to Virginia Code § 55.1-1250.

(3) If you tell your landlord that you want another person to receive a copy of this summons, the landlord must send a copy to that person. However, that person will not, by getting a copy of the summons, become a party to the case or be able to challenge the landlord's actions for you. Virginia Code § 55.1-1209.

(4) Pursuant to Virginia Code § 18.2-465.1, it is against the law for your employer to fire you from your job or take any negative personnel action against you if you were absent from your job because you had to come to court for a hearing on this Summons, as long as you gave reasonable notice of the hearing to your employer.

I certify that I mailed a copy of this document to the defendants named therein at the address show therein on

.....
 DATE [] PLAINTIFF [] PLAINTIFF'S ATTORNEY [] PLAINTIFF'S AGENT

Fi. Fa. issued on

Interrogatories issued on

Garnishment issued on

RETURNS: Each defendant 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	
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	

Code of Virginia
Title 8.01. Civil Remedies and Procedure
Chapter 3. Actions

§ 8.01-130.01. Unlawful detainer; expungement.

A. If, in an action for unlawful detainer filed in general district court, (i) such action is dismissed and the 30-day period following such dismissal has passed or (ii) a voluntary nonsuit of such action is taken and the six-month period following such nonsuit has passed, provided that no order of possession has been entered in the case, the court shall, without further petition or hearing, enter an order requiring the expungement of the court records. The court shall not automatically expunge such records in an unlawful detainer action where a judgement is entered in favor of the defendant; however, such a defendant may file a petition, and the court shall, without a hearing, expunge such records in accordance with the provisions of subsection B.

B. For unlawful detainer actions commenced prior to July 1, 2024, for which the court still has records, if (i) such action was dismissed and the 30-day period following such dismissal has passed or (ii) a voluntary nonsuit of such action was taken and the six-month period following such nonsuit has passed, provided that no order of possession has been entered in the case, the defendant may file a petition on a form created by the Supreme Court in the general district court in which the underlying unlawful detainer action was filed requesting expungement of the court records relating to the unlawful detainer. The petition shall provide the date that the order of dismissal, entry of judgment in favor of the defendant, or nonsuit was entered, the address of the property that was the subject of the unlawful detainer action, and the name of the plaintiff in the unlawful detainer action.

Upon finding that the unlawful detainer action was dismissed and the 30-day period following such dismissal has passed or a nonsuit was taken and the six-month period following such nonsuit has passed, and no order of possession was entered, the court shall, without a hearing, enter an order requiring the expungement of the court records.

2020, c. [1013](#); 2024, c. [372](#).

**PETITION FOR EXPUNGEMENT
OF UNLAWFUL DETAINER**

Commonwealth of Virginia Va. Code § 8.01-130.01

Underlying Case No.....

..... [] General District Court [] Circuit Court
CITY OR COUNTY

.....
NAME OF PETITIONER

I am requesting the court to expunge court records relating to a SUMMONS FOR UNLAWFUL DETAINER for which no order of possession has been entered.

[] The SUMMONS was commenced prior to July 1, 2024 and was
[] dismissed on ,
DATE
and at least 30 days have passed since that dismissal.

OR

[] voluntarily nonsuited on ,
DATE
and at least 6 months have passed since that nonsuit.

OR

[] I was a defendant in the proceeding for the SUMMONS and judgment was entered in my favor as a defendant.

The SUMMONS FOR UNLAWFUL DETAINER for which I was a defendant is described as follows:

..... v.
PLAINTIFF(S) DEFENDANT(S)

Address of the property for which the SUMMONS FOR UNLAWFUL DETAINER was filed:

.....
ADDRESS OF PROPERTY
.....

I am requesting that any order entered in response to this petition be mailed to me at the following address:

.....
ADDRESS

I hereby state that the above information is correct to the best of my knowledge.

.....
DATE

.....
SIGNATURE OF [] PETITIONER [] ATTORNEY FOR PETITIONER

**EXPUNGEMENT ORDER FOR
UNLAWFUL DETAINER**

Commonwealth of Virginia Va. Code § 8.01-130.01

..... [] General District Court [] Circuit Court
CITY OR COUNTY

.....
NAME OF PETITIONER

The court having reviewed the petition and the court records of the underlying unlawful detainer action identified in the petition, the request for expungement of the court records relating to the unlawful detainer is

[] DENIED as to this petitioner

[] as the SUMMONS FOR UNLAWFUL DETAINER was not dismissed or nonsuited, or judgment was not granted in favor of this petitioner.

[] as an order of possession was entered in the case.

[] GRANTED as to this petitioner. The court finds that the unlawful detainer action was dismissed (and at least 30 days have passed since dismissal), nonsuited (and at least 6 months have passed since the nonsuit), or judgment was entered in favor of this petitioner who was a defendant in the unlawful detainer action. The court also finds that no order of possession has been entered in the case. The court orders that the court records relating to the SUMMONS FOR UNLAWFUL DETAINER identified below be expunged pursuant to Virginia Code § 8.01-130.01. The clerk shall mail a copy of this order to the petitioner at the address indicated on the petition.

..... v.
PLAINTIFF(S) DEFENDANT(S)

Case No.

Address of the property for which the SUMMONS FOR UNLAWFUL DETAINER was filed:

.....
ADDRESS OF PROPERTY
.....

.....
DATE

.....
JUDGE

NOTICE TO THE PETITIONER:

You should keep a copy of this order for your records.

Code of Virginia
 Title 8.01. Civil Remedies and Procedure
 Chapter 8. Process

§ 8.01-316. Service by publication; when available.

A. Except in condemnation actions, an order of publication may be entered against a defendant in the following manner:

1. An affidavit by a party seeking service stating one or more of the following grounds:
 - a. That the party to be served is (i) a foreign corporation, (ii) a foreign unincorporated association, order, or a foreign unincorporated common carrier, or (iii) a nonresident individual, other than a nonresident individual fiduciary who has appointed a statutory agent under § 64.2-1426; or
 - b. That diligence has been used without effect to ascertain the location of the party to be served; or
 - c. That the last known residence of the party to be served was in the county or city in which service is sought and that a return has been filed by the sheriff that the process has been in his hands for twenty-one days and that he has been unable to make service; or
2. In any action, when a pleading (i) states that there are or may be persons, whose names are unknown, interested in the subject to be divided or disposed of; (ii) briefly describes the nature of such interest; and (iii) makes such persons defendants by the general description of "parties unknown"; or
3. In any action, when (i) the number of defendants upon whom process has been served exceeds ten and (ii) it appears by a pleading, or exhibit filed, that such defendants represent like interests with the parties not served with process.

Under subdivisions 1 and 2 of this subsection, the order of publication may be entered by the clerk of the court. Under this subdivision such order may be entered only by the court. However, any orders not properly entered, but processed by a clerk prior to July 1, 2010, shall be deemed to have been properly entered.

Every affidavit for an order of publication shall state the last known post office address of the party against whom publication is asked, or if such address is unknown, the affidavit shall state that fact.

B. The cost of such publication shall be paid initially by the party seeking service; however, such costs ultimately may be recoverable pursuant to § 17.1-601.

Code 1950, § 8-71; 1952, c. 522; 1977, c. 617; 1982, c. 384; 1983, c. 467; 1996, c. 352; 1999, c. 353; 2010, c. 827.

ORDER OF PUBLICATION

Commonwealth of Virginia VA. CODE § 8.01-316

Case No.

General District Court
 Juvenile and Domestic Relations District Court

Commonwealth of Virginia, *in re*

..... /v.

.....

The object of this suit is to:

It is ORDERED that the defendant appear at the above-named Court and protect his or her interests on or before
DATE

(This section NOT TO BE PRINTED)

ORDER TO PUBLISHER:

It is further ORDERED that this ORDER OF PUBLICATION be published once a week for four successive weeks in

NAME OF NEWSPAPER

a copy be posted pursuant to § 1-211.1, and a copy be mailed to each

defendant

proper and necessary party to the proceedings, namely:

Publish this ORDER OF PUBLICATION for the time specified and send the CERTIFICATE OF PUBLICATION and the bill to:

ATTORNEY'S NAME AND ADDRESS

Waiver of Publication:

It is further ordered by the undersigned judge to dispense with publication of this order in a newspaper.

DATE

CLERK

JUDGE

FOR COURT USE ONLY

I certify that a copy of this Order was:

mailed to the defendant at his/her last known post office address AND

mailed to at his/her last known post office address AND

provided to the designated newspaper AND

posted

at the courthouse OR

on the local public government website or on the website of any court, court clerk, sheriff or

commissioner of accounts of the locality, specifically

WEBSITE ADDRESS

DATE

CLERK

AFFIDAVIT AND PETITION FOR ORDER OF PUBLICATION

Commonwealth of Virginia

VA. CODE §§ 8.01-296(3), -316; -317; 16.1-264

General District Court
 Juvenile and Domestic Relations District Court

Party to be served:

I, the undersigned applicant, state under oath that the object of this suit is to

_____, and that:

- Diligence has been used without effect to ascertain the location of the above-named person(s) to be served;
- The last known residence of the person(s) to be served was in the county or city in which service is sought and that a return has been filed by the Sheriff that the process has been in his or her hands for 21 days and that he or she has been unable to make service; or
- The party to be served is:
 - a foreign corporation,
 - a foreign unincorporated association, order or foreign unincorporated common carrier, or
 - a non resident individual other than a nonresident individual fiduciary who has appointed a statutory agent under § 26-59.

The last known post office address of the party against whom Publication is ordered is:

- The post office address of the party against whom publication is asked is unknown.

Wherefore, I ask for service of process by ORDER OF PUBLICATION:

- and that the Court dispense with publication in a newspaper.

DATE

APPLICANT'S SIGNATURE PLAINTIFF ATTORNEY

Subscribed and sworn to before me this day:

DATE

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:))

RETURN DATE	FILE NO.
AFFIDAVIT AND PETITION FOR ORDER OF PUBLICATION	
<input type="checkbox"/> Commonwealth of Virginia, <i>in re</i>	
_____, a Juvenile	
<input type="checkbox"/> _____	
PLAINTIFF	
v.	

DEFENDANT	
Attorney for _____	

NAME	

ADDRESS	

TELEPHONE	

Code of Virginia
Title 8.01. Civil Remedies and Procedure
Chapter 18. Executions and Other Means of Recovery

§ 8.01-506. Proceedings by interrogatories to ascertain estate of debtor; summons; proviso; objections by judgment debtor.

A. To ascertain the personal estate of a judgment debtor, and to ascertain any real estate, in or out of the Commonwealth, to which the debtor named in a judgment and fieri facias is entitled, upon the application of the execution creditor, the clerk of the court from which such fieri facias issued shall issue a summons against (i) the execution debtor; (ii) any officer, manager, or partner of a corporation, limited liability company, partnership, or other business entity if such execution debtor is an entity having an office in the Commonwealth; (iii) any employee of such entity if such execution debtor is an entity having an office but no known officers, managers, or partners in the Commonwealth, provided that a copy of the summons shall also be served upon the registered agent of such entity; or (iv) any debtor to, or bailee of, the execution debtor if the judgment creditor or such judgment creditor's attorney files an affidavit that he knows or reasonably suspects such person to be a debtor to, or bailee of, the execution debtor.

B. The summons shall require him to appear before the court from which the fieri facias issued or a commissioner of the county or city in which such court is located, or a like court or a commissioner of a county or city contiguous thereto, or upon request of the execution creditor, before a like court or a commissioner of the county or city in which the execution debtor resides, or of a county or city contiguous thereto, to answer such interrogatories as may be propounded to him by the execution creditor or his attorney, or the court, or the commissioner, as the case may be. If the execution creditor requests that the summons require the execution debtor to appear before a like court of the county or city in which the execution debtor resides, or of a county or city contiguous thereto, the case may be filed or docketed in accordance with the requirements of § 8.01-506.2 prior to issuance of the summons.

C. Before proceeding under this section, the execution creditor shall furnish to the court a certificate setting forth that he has not proceeded against the execution debtor under this section within the six months last preceding the date of such certificate. However, for good cause shown, the court may, on motion of the execution creditor, issue an order allowing further proceedings before a commissioner by interrogatories during the six-month period. Any judgment creditor who knowingly gives false information upon any such certificate made under this article is guilty of a Class 1 misdemeanor. The issuance of a summons that is not served shall not constitute the act of proceeding against an execution debtor for purposes of making the certificate required by this subsection.

D. The debtor or other person served with such summons shall appear at the time and place mentioned and make answer to such interrogatories. The commissioner shall, at the request of either of the parties, enter in his proceedings and report to the court mentioned in § 8.01-507.1 any and all objections taken by such debtor against answering such interrogatories, or any or either of them, and if the court afterwards sustains any one or more of such objections, the answers given to such interrogatories as to which objections are sustained shall be held for naught in that or any other case.

E. Notwithstanding the foregoing provisions of this section, the court from which a writ of fieri facias issued, upon motion by the execution debtor, or by a person summoned pursuant to clause (iv) of subsection A, for good cause shown, shall transfer debtor interrogatory proceedings to a more convenient forum.

Code 1950, § 8-435; 1952, c. 699; 1968, c. 599; 1977, c. 617; 1978, c. 66; 1979, c. 225; 1985, c. 433; 1987, c. 182; 1991, c. 463; 2005, c. 726; 2009, c. 622; 2024, c. 744.

Code of Virginia
Title 16.1. Courts Not of Record
Chapter 6. Venue, Jurisdiction and Procedure in Civil Matters

§ 16.1-103. Proceedings by interrogatories.

Whenever a fieri facias has been issued upon a judgment rendered in a general district court the judge or clerk of the court may issue the summons provided for in § 8.01-506. In such case the judge of the general district court shall have all of the powers and authority respecting interrogatories conferred by §§ 8.01-506 to 8.01-510 upon any court or judge mentioned therein. The commissioner before whom any person is required to appear by such summons shall have the same powers and authority as if such summons had been issued under § 8.01-506. All interrogatories, answers, reports and other proceedings under such summons, and also all money, evidences of indebtedness and other security in the hands of an officer which are directed by any section of Chapter 18 (§ 8.01-466 et seq.) of Title 8.01 to be returned or delivered to such court or judge, or to the clerk's office of such court, shall, when the summons was issued by a judge of a general district court be returned or delivered in like manner to the court from which the summons issued.

From any order of the judge of the general district court which involves the disposition of any money or property exceeding the sum of fifty dollars in value, exclusive of interest, there shall be an appeal in the same manner and upon the same conditions as in appeals from judgments rendered in civil matters in general district courts.

1956, c. 555; 1978, c. 66; 1983, c. 499.

SUMMONS TO ANSWER INTERROGATORIES Va. Code §§ 8.01-506, 16.1-103

..... General District Court
CITY OR COUNTY

STREET ADDRESS OF COURT

TO ANY SERVING OFFICER: Serve this summons on the Respondent then return this summons to the Court of Commissioner in Chancery designated below before whom the Respondent is to appear.
TO THE RESPONDENT: A Writ of Fieri Facias was issued on a judgment in favor of Judgment Creditor(s) against Judgment Debtor(s) as indicated below, and the Writ of Fieri Facias constitutes a lien upon the personal estate(s) of the Judgment Debtor(s). At the Judgment Creditor(s) request, you are hereby commanded to appear on

..... at before
DATE TIME
[] this Court (or) [] Court (or)
[] Commissioner in Chancery

STREET ADDRESS

to answer questions concerning property and assets of Judgment Debtor(s) which are held or controlled by the Respondent.
TO JUDGE OR COMMISSIONER IN CHANCERY: Forward these case papers to the issuing court upon completion of the interrogatory proceedings.

DATE ISSUED [] CLERK [] JUDGE

REQUEST FOR SUMMONS TO ANSWER INTERROGATORIES

I request the issuance of a Summons to Answer Interrogatories in connection with the judgment [] in this case [] of the Court requiring the execution debtor to appear before the court named above, where the execution debtor resides or contiguous thereto. I have paid the required fees and have filed or docketed an Abstract of Judgment in this court. The details and status of such judgment are:

DATE WRIT OF FIERI FACIAS ISSUED	DATE OF JUDGMENT UPON WHICH	AMOUNT	COSTS	ATTY'S FEES
		\$	\$	\$
LEGAL INTERESTS DUE ON JUDGMENT: RATES AND BEGINNING DATE(S)		CREDITS	TOTAL BALANCE DUE	
		\$		

I certify that I have not proceeded against the Judgment Debtor(s) under § 8.01-506 within six (6) months from this date.

DATED ISSUED [] JUDGMENT CREDITOR [] JUDGMENT CREDITOR'S ATTORNEY

ADDRESS/TELEPHONE NUMBER OF [] JUDGMENT CREDITOR [] JUDGMENT CREDITOR'S ATTORNEY

WRIT OF FIERI FACIAS TO ANY AUTHORIZED OFFICER: You are commanded to make the money herein mentioned, the principal, interest, costs and attorney's fees, less credits (itemized on the attached list), as shown above, out of the goods, chattels, money, bank notes and other personal property or intangible personal estate of the Judgment Debtor(s). You are further commanded to make your return to the Clerk's Office within 90 days of this date.

Homestead Exemption Waived? [] yes [] no [] cannot be demanded

DATE CLERK

RETURN DATE CASE NO.

SUMMONS TO ANSWER INTERROGATORIES AND WRIT OF FIERI FACIAS

RESPONDENT [] SAME AS DEFENDANT

ADDRESS/LOCATION

IN CONNECTION WITH THE CASE OF:

PLAINTIFF(S)

v.

DEFENDANT(S)

Plaintiffs are Judgment: [] Creditors [] Debtor(s)
Defendant(s) are Judgment: [] Creditors [] Debtor(s)

ATTORNEY FOR PLAINTIFF(S)

WARNING TO RESPONDENT: If you fail to appear in response to this summons, or if you fail to answer questions put to you at the hearing, or if you make answers deemed by the Court or Commissioner presiding to be evasive, YOU MAY BE SUBJECT TO ARREST AND IMPRISONMENT UNTIL SUCH TIME AS YOU SHALL MAKE PROPER ANSWERS.

HEARING DATE AND TIME

To the Judgment Debtor or any debtor to, or bailee of, the Judgment Debtor: If you wish to have this hearing transferred to a city or county where it would be more convenient for you to appear than the city or county shown on the front of this summons and you "show good cause" (give a good reason) for the transfer, the court will move the hearing. To use this procedure, 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 transfer this hearing because" and state the reasons for wanting to transfer, 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 with the clerk's office of the court named at the top of the front side of this summons before the hearing date (use the mail at your own risk). If the summons requires the hearing to be held at a different court or before a commissioner in chancery, also send or deliver a copy (marked "COPY") to that court or commissioner in chancery. Finally, also send or deliver a copy to the Judgment Creditor(s) as shown on the front of this summons.
3. 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 _____

PLAINTIFF
 PLAINTIFF'S ATTORNEY

Fi. Fa. issued on

.....

Interrogatories issued on

Garnishment issued on

.....

CAME TO HAND

.....
DATE AND TIME

SHERIFF

NOTE:

Return of Writ of Fieri Facias to be used if no effects found—otherwise, use appropriate sections of DC-467, WRIT OF FIERI FACIAS.

NO EFFECTS FOUND

.....
DATE

.....
SHERIFF

by _____
DEPUTY SHERIFF

RETURNS: Each defendant 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.)

Served on Secretary of the Commonwealth.

Not found

.....
DATE

SERVING OFFICER

.....
for _____

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.)

Served on Secretary of the Commonwealth.

Not found

.....
DATE

SERVING OFFICER

.....
for _____

EMERGENCY CUSTODY ORDER

Commonwealth of Virginia VA. CODE §§ 37.2-808, 19.2-182.9; § 37.2-817.1

Case No.

- Circuit Court General District Court
- Juvenile and Domestic Relations 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
- pursuant to § 19.2-271.6
- and facts presented by

COMPLETE DATA BELOW IF KNOWN

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

NAME TELEPHONE NUMBER

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 comprehensive mandatory outpatient treatment plan pursuant to § 37.2-817.1. 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 or a certified evaluator 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) the respondent is released, or (d) 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</p> <p style="text-align: center;">SHERIFF</p>	<p>Respondent evaluation completed:</p> <p>..... DATE AND TIME</p> <p>..... NAME OF FACILITY</p> <p>by</p> <p>..... TITLE</p>
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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 or a certified evaluator, as defined in § 37.2-809, 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.

**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

The undersigned judicial officer has considered 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.

The undersigned judicial officer has determined that the alternative transportation provider named below is available and willing to provide transportation, and is able to provide transportation of the respondent in a safe manner, based upon information provided by the petitioner; the community services board or its designee or a certified evaluator; the local law-enforcement agency; the person's treating physician; the proposed alternative transportation provider; or other persons 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
------	----------------------------------	-----------------	------------------

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 or a certified evaluator, 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 (or maintaining custody pursuant to § 37.2-810) 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 (or maintaining custody pursuant to § 37.2-810) 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 (or maintaining custody pursuant to § 37.2-810) shall take custody of the respondent and transport the respondent to the proper facility. If the alternative transportation provider is providing transportation pursuant to § 37.2-810, that provider shall maintain custody of the respondent from the time custody is transferred to the provider until such time as custody of the respondent is transferred to the temporary detention facility, including during any period prior to the initiation of transportation of the respondent from the facility to which the respondent was transported pursuant to § 37.2-808 and while transportation is being provided pursuant to § 37.2-810. 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

**PETITION FOR INVOLUNTARY
ADMISSION FOR TREATMENT**

Commonwealth of Virginia
VA. CODE §§ 16.1-340; 16.1-340.1; 19.2-169.6; 19.2-182.9; 37.2-808 through 37.2-819

Temporary Detention Order No.
Case No.
Hearing Date and Time

General District Court
 Juvenile and Domestic Relations District Court

.....
CITY OR COUNTY

In re
NAME OF RESPONDENT DATE OF BIRTH GENDER

.....
RESIDENCE ADDRESS MAILING ADDRESS IF DIFFERENT

.....
CITY STATE ZIP CODE CITY STATE ZIP CODE

.....
NAME AND ADDRESS OF CURRENT LOCATION OF RESPONDENT

.....
NAME AND ADDRESS OF PARENT/GUARDIAN/LLEGAL CUSTODIAN (IF RESPONDENT IS A JUVENILE)

.....
NAME AND ADDRESS OF PARENT/GUARDIAN/LLEGAL CUSTODIAN (IF RESPONDENT IS A JUVENILE)

.....
NAME OF PETITIONER PETITIONER'S RELATIONSHIP TO RESPONDENT

.....
NAME OF AGENCY OR FACILITY OF PETITIONER (IF APPLICABLE) FACSIMILE NUMBER

.....
ADDRESS OF PETITIONER TELEPHONE NUMBER

.....
CITY STATE ZIP CODE ALTERNATE TELEPHONE NUMBER

I, the undersigned petitioner, being a responsible person, hereby file this petition pursuant to Virginia Code

§§ 37.2-805 through 37.2-819 (Adult Cases Only) and state that the respondent is unwilling to volunteer or incapable of volunteering for hospitalization or treatment, has a mental illness and is in need of hospitalization or treatment, and that 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 others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, 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

I further state, based upon personal knowledge, that meets
NAME OF PROPOSED ALTERNATIVE TRANSPORTATION PROVIDER
the criteria of an alternative transportation provider set forth in § 37.2-808 or § 37.2-810, and request the magistrate to authorize transportation of the respondent by this identified person, facility or agency as an alternative to transportation by a law enforcement agency.

- The preadmission screening report has been prepared by the community services board or certified evaluator and the report is attached.
- An initial mandatory outpatient treatment plan has been prepared by the community services board and is attached.

Petition for Recommitment. This petition is filed pursuant to Virginia Code § 37.2-817(C) prior to the expiration of the involuntary admission order entered on, to continue such order, of which the respondent is the subject, for a period not to exceed 180 days.
DATE

§ 19.2-169.6 and as the person having custody over the respondent, who is an inmate, state that the inmate has a mental illness; 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 self others as evidenced by recent behavior causing, attempting, or threatening harm and any other relevant information, or
- suffer serious harm due to his lack of capacity to protect himself from harm as evidenced by recent behavior and any other relevant information;

and the inmate requires treatment in a hospital rather than a local correctional facility.

§ 19.2-182.9 and state that the respondent, who is an acquittee on conditional release

- has violated the conditions of the respondent's release, or
- is no longer a proper subject for conditional release,

and the respondent requires inpatient hospitalization.

Temporary Detention Order No.

Case No.

§ 16.1-340 or § 16.1-340.1 (Juvenile Cases Only) and state that because of mental illness, the respondent, who is a juvenile:

presents a serious danger to self others to the extent that severe or irremediable injury is likely to result, as evidenced by recent acts or threats, or

is experiencing a serious deterioration of the ability to care for self 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,

and 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 detained in a detention home or shelter care facility by order of the

..... Juvenile and Domestic Relations District Court. To the extent known,
NAME OF COURT
the following charges against the juvenile are the basis of the detention in the detention home or shelter care facility:

..... CHARGE

..... CHARGE

See attached sheet for additional charges.

To the extent known, the names and addresses of the juvenile's parents are as follows:

..... NAME OF MOTHER AND ADDRESS

..... NAME OF FATHER AND ADDRESS

I request that the respondent be examined and accorded such assistance as provided by law. In support of this petition, I further state as follows:

.....

..... DATE

..... PETITIONER

The petitioner appeared this date before the undersigned and, upon being duly sworn, made oath that the facts stated in this petition are true based on the petitioner's knowledge.

..... DATE

..... JUDGE MAGISTRATE SPECIAL JUSTICE CLERK

FOR NOTARY PUBLIC'S USE ONLY:	
State of	<input type="checkbox"/> City <input type="checkbox"/> County of
Acknowledged, subscribed and sworn to before me this day of, 20	
by	
..... DATE NOTARY PUBLIC Notary Registration No. (My commission expires

ORDER FOR TREATMENT

Commonwealth of Virginia VA. CODE §§ 37.2-814, -815, -816, -817, 817.01

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 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, as long as the director is not the person's certified evaluator, 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 or ordered to mandatory outpatient treatment, the respondent's right to appeal the decision to the circuit court, and the respondent's right to a jury on appeal.

VOLUNTARY ADMISSION

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), if applicable.

Having considered all relevant and material evidence,

APPEAL

(CIRCUIT COURT ONLY) Upon appeal heard de novo, the court finds that the respondent no longer meets the criteria for involuntary admission for inpatient treatment or for 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.

DISMISSAL

The court finds that the respondent does not meet the criteria for involuntary admission for treatment. The court, therefore, orders that the case is dismissed and that the facility release the respondent from involuntary custody.

INVOLUNTARY INPATIENT TREATMENT ONLY

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, the person 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 a lack of capacity to protect self from harm or to provide for the person's 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.

Accordingly, the court so certifies and orders the involuntary admission of the respondent

to, a facility designated by the community services board
NAME OF FACILITY

for a period not to exceed 30 days from the date of this order.

for a period not to exceed 180 days from the date of this order, as the petition is for recommitment.

INVOLUNTARY INPATIENT TREATMENT FOLLOWED BY MANDATORY OUTPATIENT TREATMENT

- 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, the person 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 a lack of capacity to protect self from harm or to provide for the person’s 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.

Accordingly, the court so certifies and orders the involuntary admission of the respondent

to, a facility designated by the community services board
NAME OF FACILITY

- for a period not to exceed 30 days from the date of this order.
- for a period not to exceed 180 days from the date of this order, as the petition is for recommitment.

Mandatory Outpatient Treatment Following Inpatient Treatment (Virginia Code § 37.2-817.01(C)):

The court further finds by clear and convincing evidence that:

- the person has a history of lack of adherence to 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 § 37.2-817(C) or being subject to a temporary detention order followed by voluntary admission in accordance with § 37.2-814(B), with the 36-month period not including any time during which the person was receiving inpatient psychiatric treatment or was incarcerated;
- 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;
- the person has the ability to adhere to the comprehensive mandatory outpatient treatment plan; and
- the person is likely to benefit from mandatory outpatient treatment.

Accordingly, the court orders that, upon discharge from inpatient treatment, the person is to adhere to a comprehensive mandatory outpatient treatment plan developed and submitted for approval by the court, which plan is incorporated by reference in this order.

The duration of mandatory outpatient treatment pursuant to this order shall be days, a period not to exceed 180 days, from the date the person is discharged from involuntary inpatient treatment, based on recommendations of the community services board and having considered the impact on the person’s opportunities and obligations, including education and employment.

Thecommunity services board where the person resides shall submit the comprehensive mandatory outpatient treatment plan to the court for approval and shall be responsible for monitoring the person’s progress and adherence to the comprehensive mandatory outpatient treatment plan. The community services board shall report monthly, in writing, to the court regarding the person’s and the community services board’s compliance with the provisions of the comprehensive mandatory outpatient treatment plan.

MANDATORY OUTPATIENT TREATMENT ONLY

- The court finds by clear and convincing evidence that the person meets the criteria for mandatory outpatient treatment specified in Virginia Code § 37.2-817.01(B) in that:
 - the person has a mental illness and there exists a substantial likelihood that, as a result of mental illness, the person 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 a lack of capacity to protect self from harm or to provide for the person's 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, as reflected in the initial outpatient treatment plan; and
 - the person has the ability to adhere to the mandatory outpatient treatment plan;
 - 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.

Accordingly, the court so certifies and orders that the respondent be involuntarily admitted to mandatory outpatient treatment fordays, a period not to exceed 180 days, based on recommendations of the community services board and having considered the impact on the person's opportunities and obligations, including education and employment.

The court further orders that the respondent shall comply with the initial mandatory outpatient treatment plan and the comprehensive mandatory outpatient treatment plan developed and submitted for approval by the court, which plans are incorporated by reference in this order.

Thecommunity services board that prepared the preadmission screening report shall monitor the implementation of the mandatory outpatient treatment plan and the person's progress and adherence to the initial mandatory outpatient treatment plan.

Thecommunity services board where the person resides shall submit the comprehensive mandatory outpatient treatment plan to the court for approval and shall be responsible for monitoring the person's progress and adherence to the comprehensive mandatory outpatient treatment plan. The community services board shall report monthly, in writing, to the court regarding the person's and the community services board's compliance with the provisions of the comprehensive mandatory outpatient treatment plan.

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 §§ 37.2-814 through 37.2-819, 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 or a certified evaluator, as defined in § 37.2-809, 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.

**ORDER – REVIEW OF
MANDATORY OUTPATIENT TREATMENT**

Commonwealth of Virginia VA. CODE § 37.2-817.1

Case No.

- Circuit Court
- General District Court

.....

CITY OR COUNTY

In re

NAME OF RESPONDENT

.....
ADDRESS CITY STATE ZIP CODE

Petitioner:

NAME OF PARTY FILING PETITION FOR REVIEW

.....
ADDRESS CITY STATE ZIP CODE

A petition requesting a hearing to review an order involving mandatory outpatient treatment entered on
....., of which the respondent is the subject, was filed pursuant to Virginia Code § 37.2-817.1.
DATE OF ORDER

- Failure to Appear. The respondent failed to appear for the hearing, and after consideration of any evidence regarding why the respondent failed to appear at the hearing, in accordance with § 37.2-817.1(F), the court
 - orders that the petition is dismissed.
 - orders that the respondent submit to a mandatory examination to be conducted prior to the hearing and in accordance with § 37.2-817.1(E).
 - issues a separate DC-492, EMERGENCY CUSTODY ORDER.

OR

The court has reviewed the order in accordance with the provisions of § 37.2-817.1, and after observing the person and considering (i) the recommendations of any treating or examining physician or psychologist licensed to practice in the Commonwealth, if available; (ii) the person's adherence to the comprehensive mandatory outpatient treatment plan; (iii) any past mental health treatment of the person; (iv) any examiner's certification; (v) any health records available; (vi) any report from the community services board; and (vii) any other relevant evidence that was admitted at the hearing, the court makes the following findings and order as follows:

ENFORCE

- A petition seeking enforcement of the order involving mandatory outpatient treatment having been filed, upon finding that continuing mandatory outpatient treatment is warranted, the court directs the person to fully comply with the order involving mandatory outpatient treatment
 - with modification(s).....
 - without modification.

MODIFY

- A petition seeking modification of the order involving mandatory outpatient treatment having been filed, upon finding that (i) one or more modifications of the order would benefit the person and help prevent relapse or deterioration of the person's condition; (ii) the community services board and the treatment provider responsible for the person's treatment are able to provide services consistent with such modification; and (iii) the person is able to adhere to the modified comprehensive mandatory outpatient treatment plan, the court modifies the order involving mandatory outpatient treatment, and orders the person to comply with the order,
 - with modifications as set forth in the revised plan, which is attached and incorporated herein.
 - with modification(s).....

RESCIND

A petition to enforce, modify or rescind the order involving mandatory outpatient treatment having been filed, upon finding that mandatory outpatient treatment is no longer appropriate, the court rescinds the order involving mandatory outpatient treatment entered on
DATE OF ORDER

If the order involving mandatory treatment has not been rescinded, the community services board shall continue to monitor the person's progress and adherence to the comprehensive mandatory outpatient treatment plan, and shall report monthly, in writing, to the court regarding the person's and the community services board's compliance with the provisions of the comprehensive mandatory outpatient treatment plan.

A status hearing is scheduled for
DATE AND TIME

..... DATE [] JUDGE [] SPECIAL JUSTICE

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 or a certified evaluator, as defined in § 37.2-809, 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.

**ORDER – CONTINUE MANDATORY
OUTPATIENT TREATMENT**

Commonwealth of Virginia VA. CODE § 37.2-817.4

Case No.

Hearing Date

..... [] General District Court [] Circuit Court
CITY OR COUNTY

In re
NAME OF RESPONDENT DATE OF ORDER

.....
RESIDENCE ADDRESS MAILING ADDRESS IF DIFFERENT

.....
CITY STATE ZIP CODE CITY STATE ZIP CODE

Pursuant to Virginia Code § 37.2-817.4 [] without a hearing [] with a hearing, the court has reviewed the petition to continue the order involving mandatory outpatient treatment entered on, of which the above-named person is the subject, and enters the following order.
DATE OF ORDER

[] ORDER (NO HEARING)

[] Having reviewed the petition filed in this matter, the court finds that the respondent and the community services board have both joined the petition. Accordingly, pursuant to Virginia Code § 37.2-817.4(B), the petition is granted and the order involving mandatory outpatient treatment is continued for days, a period not to exceed 180 days from the date of this order, with the comprehensive mandatory outpatient treatment plan also continued
[] with substantial modifications as set forth in the revised plan, which is attached and incorporated herein.
[] with modification(s)
[] without modification.

[] Having reviewed the petition filed in this matter and finding pursuant to § 37.2-817.4(B) that a hearing is required, the court
1. Directs the clerk to schedule a hearing in this matter and to provide notice in accordance with § 37.2-817.1(D).
2. Orders the community services board to provide a report addressing whether the person continues to meet the criteria for being subject to an order involving mandatory outpatient treatment pursuant to § 37.2-817.01(B), (C) or (D).
3. Appoints an examiner who shall personally examine the respondent pursuant to § 37.2-817.1(E) and certify to the court whether or not the examiner has probable cause to believe that the respondent meets the criteria for mandatory outpatient treatment as specified in § 37.2-817.01(B), (C) or (D).

.....
NAME AND ADDRESS OF EXAMINER
.....
CITY STATE ZIP CODE TELEPHONE NUMBER

.....
DATE [] JUDGE [] SPECIAL JUSTICE

[] ORDER (HEARING)

The court has reviewed the petition to continue the order involving mandatory outpatient treatment by observing the respondent, reviewing the report of the community services board provided pursuant to § 37.2-817.4(C), and considering the appointed examiner's certification and any other relevant evidence that was admitted at the hearing.

Based upon this review,

[] The court finds that the person who is the subject of the order no longer meets the criteria for mandatory outpatient treatment, and therefore, the court denies the petition and rescinds the order involving mandatory outpatient treatment.

OR

- The court finds by clear and convincing evidence that the person continues to meet the criteria for mandatory outpatient treatment pursuant to § 37.2-817.01 in that:
 - the person has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, such person 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 a lack of capacity to protect self from harm or to provide for the person's 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 the ability to adhere to the mandatory outpatient treatment plan; and the ordered treatment will be delivered on an outpatient basis by the community services board or designated provider to the person.

Accordingly, the court so certifies and orders that the order involving mandatory outpatient treatment is continued for days, a period not to exceed 180 days from the date of this order, having considered the impact on the person's opportunities and obligations, including education and employment, with the comprehensive mandatory outpatient treatment plan also continued

- with substantial modifications as set forth in the revised plan, which is attached and incorporated herein.
- with modification(s)
- without modification.

The community services board shall continue to monitor the person's progress and adherence to the comprehensive mandatory outpatient treatment plan, and shall report monthly, in writing, to the court regarding the person's and the community services board's compliance with the provisions of the comprehensive mandatory outpatient treatment plan.

A status hearing is scheduled for
DATE AND TIME

.....
DATE

.....
[] JUDGE [] SPECIAL JUSTICE

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 or a certified evaluator, as defined in § 37.2-809, 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.

**NOTICE OF ALTERNATIVE FACILITY
OF TEMPORARY DETENTION**

Commonwealth of Virginia VA. CODE § 37.2-809

Temporary Detention Order No.

Case No.

..... General District Court
CITY OR COUNTY

In re
NAME OF RESPONDENT DATE OF BIRTH GENDER

.....
RESIDENCE ADDRESS MAILING ADDRESS IF DIFFERENT

.....
CITY STATE ZIP CODE CITY STATE ZIP CODE

NOTICE TO CLERK OF COURT OF ISSUING JURISDICTION:

Pursuant to Virginia Code § 37.2-809(E), the undersigned employee or designee of the local community services board or certified evaluator designated an alternative facility for temporary detention during the period of temporary detention. It was determined that the alternative facility is a more appropriate facility for temporary detention of the respondent given the specific security, medical or behavioral health needs of the respondent.

Initial facility of temporary detention indicated on the temporary detention order:

.....
NAME OF INITIAL FACILITY
.....
ADDRESS
.....
TELEPHONE NUMBER

Alternative facility of temporary detention:

.....
NAME OF ALTERNATIVE FACILITY
.....
ADDRESS
.....
TELEPHONE NUMBER

..... DATE SIGNATURE OF [] CSB EMPLOYEE [] CSB DESIGNEE [] CERTIFIED EVALUATOR

..... PRINT NAME OF [] CSB EMPLOYEE [] CSB DESIGNEE [] CERTIFIED EVALUATOR COMMUNITY SERVICES BOARD OR FACILITY

**ORDER FOR TRANSPORTATION TO
ALTERNATIVE FACILITY OF
TEMPORARY DETENTION**

Commonwealth of Virginia VA. CODE § 37.2-809

Temporary Detention Order No.

Case No.

..... General District Court

CITY OR COUNTY

In re
NAME OF RESPONDENT DATE OF BIRTH GENDER

RESIDENCE ADDRESS MAILING ADDRESS IF DIFFERENT

CITY STATE ZIP CODE CITY STATE ZIP CODE

REQUEST FOR TRANSPORTATION ORDER:

An alternative facility has been identified following transfer of custody of the respondent, who is the subject of a temporary detention order issued pursuant to Virginia Code § 37.2-809, to the initial facility of temporary detention by the law-enforcement agency or the alternative transportation provider that provided transportation to the initial facility in accordance with § 37.2-810(B).

Pursuant to § 37.2-810(C), the undersigned is requesting an order authorizing transportation from the initial facility of temporary detention indicated on the temporary detention order to the alternative facility of temporary detention, and states that

The criteria set forth in § 37.2-810(B) are met in this case and the undersigned requests an order authorizing transportation by

NAME RELATIONSHIP TO RESPONDENT/TITLE FACILITY/AGENCY TELEPHONE NUMBER
who is available, willing, and able to provide transportation of the respondent in a safe manner from the initial facility of temporary detention to the alternative facility of temporary detention based upon the following:

Transportation of the respondent to the initial facility of temporary detention was previously ordered to be provided by the same alternative transportation provider being proposed above.

As there is no alternative transportation provider available, willing, and able to provide transportation of the respondent in a safe manner, an order authorizing a law-enforcement agency to transport the respondent from the initial facility of temporary detention to the alternative facility of temporary detention is requested.

Initial facility of temporary detention:
NAME OF INITIAL FACILITY

ADDRESS TELEPHONE NUMBER

Alternative facility of temporary detention:
NAME OF ALTERNATIVE FACILITY

ADDRESS TELEPHONE NUMBER

DATE SIGNATURE OF CSB EMPLOYEE CSB DESIGNEE CERTIFIED EVALUATOR

PRINT NAME OF CSB EMPLOYEE CSB DESIGNEE CERTIFIED EVALUATOR COMMUNITY SERVICES BOARD OR FACILITY

ORDER FOR TRANSPORTATION:

Having considered the above request for an order authorizing transportation of the respondent, the undersigned magistrate finds that

the criteria set forth in § 37.2-810(B) are met in this case and

NAME RELATIONSHIP TO RESPONDENT/TITLE FACILITY/AGENCY TELEPHONE NUMBER
is available, willing, and able to provide transportation of the respondent in a safe manner, and orders the named alternative transportation provider to transport the respondent from the initial facility of temporary detention to the alternative facility of temporary detention.

the criteria set forth in § 37.2-810(B) are not met in this case and no alternative transportation provider is available, willing, and able to provide transportation in a safe manner, and orders any authorized officer of
LAW-ENFORCEMENT AGENCY
to transport the respondent from the initial facility of temporary detention to the alternative facility of temporary detention.

DATE MAGISTRATE

**ORDER FOR MANDATORY OUTPATIENT
TREATMENT UPON DISCHARGE FROM
INPATIENT TREATMENT**

Case No.

Commonwealth of Virginia VA. CODE §§ 37.2-805, 37.2-817.01(D)

..... [] General District Court [] Circuit Court
CITY OR COUNTY

In re
NAME OF RESPONDENT DATE OF BIRTH

.....
ADDRESS CITY STATE ZIP CODE

.....
NAME AND ADDRESS OF CURRENT LOCATION OF RESPONDENT

Person Filing Motion:
NAME OF PERSON FILING MOTION

.....
NAME OF AGENCY OR FACILITY FILING MOTION (IF APPLICABLE)

.....
ADDRESS CITY STATE ZIP CODE

A motion for a hearing to determine if the respondent should be ordered to mandatory outpatient treatment following a period of inpatient treatment was filed prior to discharge of the respondent pursuant to Virginia Code

- § 37.2-817.01(D), as the respondent was involuntarily admitted in accordance with § 37.2-817(C).
- § 37.2-805, as the respondent was the subject of a temporary detention order followed by voluntary admission in accordance with § 37.2-814(B).

Having considered all relevant and material evidence, the court denies the motion for mandatory outpatient treatment following a period of inpatient treatment.

MANDATORY OUTPATIENT TREATMENT UPON DISCHARGE FROM INPATIENT TREATMENT

- Having considered all relevant and material evidence, the court finds by clear and convincing evidence that
 - the person has a history of lack of adherence to 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), or being subject to a temporary detention order followed by voluntary admission in accordance with Virginia Code § 37.2-814(B), with the 36-month period not including any time during which the person was receiving inpatient psychiatric treatment or was incarcerated;
 - 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;
 - the person has the ability to adhere to the comprehensive mandatory outpatient treatment plan; and
 - the person is likely to benefit from mandatory outpatient treatment.

Accordingly, the court orders that, upon discharge from inpatient treatment, the person is to adhere to a comprehensive mandatory outpatient treatment plan developed and submitted for approval by the court, which plan is incorporated by reference in this order.

The duration of mandatory outpatient treatment pursuant to this order shall bedays, a period not to exceed 180 days, from the date the person is discharged from inpatient treatment, based on recommendations of the community services board and having considered the impact on the person's opportunities and obligations, including education and employment.

The community services board where the person resides shall submit the comprehensive mandatory outpatient treatment plan to the court for approval prior to the discharge of the person to mandatory outpatient treatment and shall be responsible for monitoring the person's progress and adherence to the comprehensive mandatory outpatient treatment plan. The community services board shall report monthly, in writing, to the court regarding the person's and the community services board's compliance with the provisions of the comprehensive mandatory outpatient treatment plan.

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 is placed; to the community services board of the jurisdiction where the person resides, to the treatment providers identified in any comprehensive 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.

.....
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 §§ 37.2-814 through 37.2-819, 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 or a certified evaluator, as defined in § 37.2-809, 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.

Code of Virginia
Title 16.1. Courts Not of Record
Chapter 11. Juvenile and Domestic Relations District Courts

Article 15. Emancipation of Minors

§ 16.1-331. Petition for emancipation

Any minor who has reached his sixteenth birthday and is residing in this Commonwealth, or any parent or guardian of such minor, may petition the juvenile and domestic relations district court for the county or city in which either the minor or his parents or guardian resides for a determination that the minor named in the petition be emancipated. The petition shall contain, in addition to the information required by § 16.1-262, the gender of the minor and, if the petitioner is not the minor, the name of the petitioner and the relationship of the petitioner to the minor.

1986, c. 506; 2016, cc. 457, 543; 2024, c. 737.

§ 16.1-332. Orders of court; investigation, report and appointment of counsel

If deemed appropriate the court may (i) require the local department of social services or any other agency or person to investigate the allegations in the petition and file a report of that investigation with the court, (ii) appoint counsel for the minor's parents or guardian, or (iii) make any other orders regarding the matter which the court deems appropriate. In any case pursuant to this article the court shall appoint counsel for the minor to serve as guardian ad litem.

1986, c. 506; 2002, c. 747.

§ 16.1-333. Findings necessary to order that minor is emancipated

The court may enter an order declaring the minor emancipated if, after a hearing, it is found that: (i) the minor is on active duty with any of the armed forces of the United States of America or (ii) the minor willingly lives separate and apart from his parents or guardian, with the consent or acquiescence of the parents or guardian, and that the minor is or is capable of supporting himself and competently managing his own financial affairs.

1986, c. 506; 2016, cc. 457, 543; 2024, c. 737.

§ 16.1-333.1. Repealed

Repealed by Acts 2024, c. 737, cl. 2, effective July 1, 2024.

§ 16.1-334. Effects of order

An order that a minor is emancipated shall have the following effects:

1. The minor may consent to medical, dental, or psychiatric care, without parental consent, knowledge, or liability;
2. The minor may enter into a binding contract or execute a will;
3. The minor may sue and be sued in his own name;
4. The minor shall be entitled to his own earnings and shall be free of control by his parents or guardian;
5. The minor may establish his own residence;
6. The minor may buy and sell real property;
7. The minor may not thereafter be the subject of a petition under this chapter as abused, neglected, abandoned, in need of services, in need of supervision, or in violation of a juvenile curfew ordinance enacted by a local governing body;

8. The minor may enroll in any school or institution of higher education, without parental consent;
9. The minor may secure a driver's license under § 46.2-334 or § 46.2-335 without parental consent;
10. The parents of the minor shall no longer be the guardians of the minor;
11. The parents of a minor shall be relieved of any obligations respecting his school attendance under Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1;
12. The parents shall be relieved of all obligation to support the minor;
13. The minor shall be emancipated for the purposes of parental liability for his acts;
14. The minor may execute releases in his own name; and
15. The minor may not have a guardian ad litem appointed for him pursuant to any statute solely because he is under age 18.

The acts done when such order is or is purported to be in effect shall be valid notwithstanding any subsequent action terminating such order or a judicial determination that the order was void ab initio.

1986, c. 506; 1990, c. 568; 1993, c. 778; 2024, c. 737.

§ 16.1-334.1. Identification card issued to minor by DMV

When entering an emancipation order under § 16.1-333, the court shall issue to the emancipated minor a copy of the order. Upon application to the Department of Motor Vehicles and submission of the copy, the Department shall issue to the minor an identification card containing the minor's photograph, a statement that such minor is emancipated, and a listing of all effects of the emancipation order as set forth in § 16.1-334.

1990, c. 568.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

PETITION FOR ORDER OF EMANCIPATION

COMMONWEALTH OF VIRGINIA

VA. CODE ANN. §§ 16.1-241, 16.1-262, 54.1-2969
 Rules 8:3, 8:22

Case File

..... Juvenile and Domestic Relations District Court

In re
 NAME OF MINOR

1. MINOR'S NAME	2. SSN	3. DATE OF BIRTH	4. AGE:	5. SEX
6. MINOR'S ADDRESS			TELEPHONE NUMBER	
7. PARENT'S NAME		8. PARENT'S ADDRESS		TELEPHONE NUMBER
9. PARENT'S NAME		10. PARENT'S ADDRESS		TELEPHONE NUMBER
11. GUARDIAN/LEGAL CUSTODIAN OR PERSON IN LOCO PARENTIS			12. ADDRESS	
			TELEPHONE NUMBER	

The petitioner is the minor minor's parent minor's guardian.

I, the undersigned petitioner, represent to the court and state under oath to the best of my knowledge, the following:

- The above-named minor is within the jurisdiction of this court and the Juvenile and Domestic Relations District Court law.
- This petition is being brought for a determination that the minor,, be emancipated.
- The minor is at least 16 years old and is residing in Virginia.
- An order of emancipation is being requested for the following reason:

The minor is on active duty with any of the armed forces of the United States of America.

OR

The minor willingly lives separate and apart from the minor's parents or guardian, with the consent or acquiescence of the parents or guardian, and the minor is or is capable of supporting himself or herself and competently managing the minor's own financial affairs.

..... DATE PETITIONER'S NAME (PRINT OR TYPE) PETITIONER'S SIGNATURE

Sworn/affirmed and signed before me on

Title: Signature:

Filed by: _____ DATE
[] INTAKE OFFICER [] ATTORNEY	

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 EMANCIPATION

Commonwealth of Virginia VA. CODE §§ 16.1-331 through 16.1-334

Case No.

HEARING DATE AND TIME

[X] Juvenile and Domestic Relations District Court
[] Circuit Court (Appeal Only)

In re:
NAME OF MINOR DATE OF BIRTH

Present:

- [] Minor [] Guardian *ad litem*
- [] Parent [] Attorney for parent
- [] Parent [] Attorney for parent
- [] Agency representative [] Other

This matter was brought upon a petition requesting a determination that the minor be emancipated filed by

- [] the above-named minor
- []
PETITIONING PARENT(S) OR GUARDIAN(S)

Having considered the evidence presented at a hearing and having determined that the minor is within the jurisdiction of this court and the Juvenile and Domestic Relations District Court law, the court finds that

- A. [] the minor does not meet the requirements for entry of an order of emancipation. Therefore, the court dismisses this petition.
- B. [] the minor meets the requirements for entry of an order of emancipation in that
 1. the minor is at least 16 years old and is residing in Virginia; and
 2. [] the minor is on active duty with any of the armed forces of the United States of America; OR
[] the minor willingly lives separate and apart from his or her parents or guardian, with the consent or acquiescence of the parents or guardian, and the minor is or is capable of supporting himself or herself and competently managing his or her own financial affairs.

Therefore, the court ORDERS that is hereby emancipated, with
this order having the effects as set forth in Virginia Code § 16.1-334.
NAME OF MINOR

.....
DATE JUDGE

Pursuant to § 16.1-334 of the Code of Virginia, 1950, as amended, an order that a minor is emancipated shall have the following effects:

1. The minor may consent to medical, dental, or psychiatric care, without parental consent, knowledge, or liability;
2. The minor may enter into a binding contract or execute a will;
3. The minor may sue and be sued in his own name;
4. The minor shall be entitled to his own earnings and shall be free of control by his parents or guardian;
5. The minor may establish his own residence;
6. The minor may buy and sell real property;
7. The minor may not thereafter be the subject of a petition under this chapter as abused, neglected, abandoned, in need of services, in need of supervision, or in violation of a minor curfew ordinance enacted by a local governing body;
8. The minor may enroll in any school or college, without parental consent;
9. The minor may secure a driver's license under § 46.2-334 or § 46.2-335 without parental consent;
10. The parents of the minor shall no longer be the guardians of the minor;
11. The parents of a minor shall be relieved of any obligations respecting his school attendance under Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1;
12. The parents shall be relieved of all obligation to support the minor;
13. The minor shall be emancipated for the purposes of parental liability for his acts;
14. The minor may execute releases in his own name; and
15. The minor may not have a guardian ad litem appointed for him pursuant to any statute solely because he is under age eighteen.

Code of Virginia
 Title 16.1. Courts Not of Record
 Chapter 11. Juvenile and Domestic Relations District Courts

§ 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;
- j. The juvenile's physical condition and physical maturity; and

k. Any evidence that the juvenile was a victim of felonious criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 or trafficking in violation of Article 3 (§ 18.2-344 et seq.) of Chapter 8 of Title 18.2 by the alleged victim prior to or during the commission of the alleged offense and that such alleged offense was a direct result of the juvenile being a victim of such felonious criminal sexual assault or trafficking. This subdivision shall be construed to prioritize the successful treatment and rehabilitation of juvenile victims of human trafficking and sex crimes who commit acts of violence against their abusers. It is the intent of the General Assembly that these juveniles be viewed as victims and provided treatment and services in the juvenile system.

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 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. Upon motion of the juvenile, the court may conduct a hearing to allow the juvenile to present any evidence described in subdivision A 4 k. If the court finds by a preponderance of the evidence that sufficient evidence exists to believe that the juvenile was a victim of felonious criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 or trafficking in violation of Article 3 (§ 18.2-344 et seq.) of Chapter 8 of Title 18.2 by the alleged victim prior to or during the commission of the alleged offense and that such alleged offense was a direct result of the juvenile being a victim of such felonious criminal sexual assault or trafficking, then the court shall proceed as provided in subsection A.

C. The juvenile court shall conduct a preliminary hearing whenever a juvenile 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 subdivision B 1 or 2 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 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 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 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, 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. Upon motion of the juvenile, the court may conduct a hearing to allow the juvenile to present any evidence described in subdivision A 4 k. If the court finds by a preponderance of the evidence that sufficient evidence exists to believe that the juvenile was a victim of felonious criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 or trafficking in violation of Article 3 (§ 18.2-344 et seq.) of Chapter 8 of Title 18.2 by the alleged victim prior to or during the commission of the alleged offense and that such alleged offense was a direct result of the juvenile being a victim of such felonious criminal sexual assault or trafficking, then the court shall 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.

1994, cc. 859, 949; 1996, cc. 755, 914; 1997, c. 862; 2012, cc. 476, 507, 772; 2020, cc. 987, 988; 2021, Sp. Sess. I, c. 534; 2024, c. 365.

TRANSFER/RETENTION ORDER

COMMONWEALTH OF VIRGINIA VA. CODE ANN. § 16.1-269.1 (A)

CASE NO.:

..... Juvenile and Domestic Relations District Court

In re:.....

Present: Juvenile Parent Parent
 MOTHER FATHER MOTHER FATHER

Attorney for Juvenile Commonwealth’s Attorney Other

The above-named juvenile is within the jurisdiction of this Court by reasons of a verified petition filed against the juvenile in this cause, alleging the commission of an offense, namely:

-
Which if committed by an adult would be a felony, punishable by confinement in a state correctional facility.
- Pursuant to Virginia Code § 16.1-270, the above-named juvenile, with consent of counsel, waived in writing the jurisdiction of the Juvenile and Domestic Relations District Court. (Executed Waiver of Jurisdiction attached.)
- In compliance with the Code of Virginia and on motion of the Commonwealth’s Attorney, a transfer hearing was conducted following proper notice pursuant to Va. Code §§ 16.1-263 and 16.1-264 having been given to the juvenile, the juvenile’s parents, guardian, legal custodian or other person standing in loco parentis or attorney.
- Prior to this transfer hearing, a written study report to the court was prepared by the probation services or other qualified agency designated by the Court as required by the Code of Virginia; this report and study together with any other data and reports concerning the juvenile which were available to the Court were also made available to counsel for the juvenile.
- The Commonwealth withdraws the motion to transfer.
- The Court finds from the evidence presented that there is probable cause to believe the juvenile committed the
 - delinquent act(s) alleged.
 - following lesser-included delinquent acts

-
- The Court finds that the evidence is insufficient to establish probable cause to believe that the juvenile committed the alleged delinquent act, and therefore the case is dismissed.

From the evidence and upon consideration of the study and report (which was not considered until the finding concerning probable cause was made), the Court finds:

- That the juvenile was 14 or more years of age at the time of the alleged commission of the offense; the juvenile is competent to stand trial; and the juvenile is not a proper person to remain in the juvenile court.
 - The statutory factors in § 16.1-269.1 (A)(4) have been considered. (See reverse)
- That the requirements for transfer have not been satisfied.

The Court hereby

- RETAINS jurisdiction of the charge against the juvenile.
- TRANSFERS and so certifies the juvenile for proper criminal proceedings to the Circuit Court of Virginia, which court of record has jurisdiction of this offense and that the juvenile was notified of his right to appeal this decision.

The Court further orders that the juvenile be:

- Remanded to jail
- Detained in the
 NAME OF DETENTION FACILITY
- 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 \$ 0.00 Continued bail in the amount of \$ 0.00

DATE

JUDGE

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 twenty 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 learning 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;
- j. The juvenile's physical condition and physical maturity; and
- k. Any evidence that the juvenile was a victim of felonious criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 or trafficking in violation of Article 3 (§ 18.2-344 et seq.) of Chapter 8 of Title 18.2 by the alleged victim prior to or during the commission of the alleged offense and that such alleged offense was a direct result of the juvenile being a victim of such felonious criminal sexual assault or trafficking.

Reasons for decision

.....
.....
DATE

.....
.....
JUDGE

Code of Virginia
 Title 16.1. Courts Not of Record
 Chapter 11. Juvenile and Domestic Relations District Courts

§ 16.1-336. Definitions.

When used in this article, unless the context otherwise requires:

"Community services board" has the same meaning as provided in § 37.2-100. Whenever the term community services board appears, it shall include behavioral health authority, as that term is defined in § 37.2-100.

"Consent" means the voluntary, express, and informed agreement to treatment in a mental health facility by a minor 14 years of age or older and by a parent or a legally authorized custodian.

"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 of Behavioral Health and Developmental Services, (iii) is able to provide an independent examination of the minor, (iv) is not related by blood, marriage, or adoption to, or is not the legal guardian of, the minor being evaluated, (v) has no financial interest in the admission or treatment of the minor being evaluated, (vi) has no investment interest in the facility detaining or admitting the minor 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 of Behavioral Health and Developmental Services.

"Incapable of making an informed decision" means unable to understand the nature, extent, or probable consequences of a proposed treatment or unable to make a rational evaluation of the risks and benefits of the proposed treatment as compared with the risks and benefits of alternatives to the treatment. Persons with dysphasia or other communication disorders who are mentally competent and able to communicate shall not be considered incapable of giving informed consent.

"Inpatient treatment" means placement for observation, diagnosis, or treatment of mental illness in a psychiatric hospital or in any other type of mental health facility determined by the Department of Behavioral Health and Developmental Services to be substantially similar to a psychiatric hospital with respect to restrictions on freedom and therapeutic intrusiveness.

"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.

"Judge" means a juvenile and domestic relations district judge. In addition, "judge" includes a retired judge sitting by designation pursuant to § 16.1-69.35, substitute judge, or special justice authorized by § 37.2-803 who has completed a training program regarding the provisions of this article, prescribed by the Executive Secretary of the Supreme Court.

"Least restrictive alternative" means the treatment and conditions of treatment which, separately and in combination, are no more intrusive or restrictive of freedom than reasonably necessary to achieve a substantial therapeutic benefit or to protect the minor or others from physical injury.

"Mental health facility" means a public or private facility for the treatment of mental illness operated or licensed by the Department of Behavioral Health and Developmental Services.

"Mental illness" means a substantial disorder of the minor's cognitive, volitional, or emotional processes that demonstrably and significantly impairs judgment or capacity to recognize reality or to control behavior. "Mental illness" ~~may include substance abuse~~, which is the use, without compelling medical reason, of any substance which results in psychological or physiological dependency as a function of continued use in such a manner as to induce mental, emotional, or physical impairment and cause socially dysfunctional or socially disordering behavior. Intellectual disability, head injury, a learning disability, or a seizure disorder is not sufficient, in itself, to justify a finding of mental illness within the meaning of this article.

"Minor" means a person less than 18 years of age.

"Parent" means (i) a biological or adoptive parent who has legal custody of the minor, including either parent if custody is shared under a joint decree or agreement, (ii) a biological or adoptive parent with whom the minor regularly resides, (iii) a person judicially appointed as a legal guardian of the minor, or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption or otherwise by operation of law. The director of the local department of social services, or his designee, may stand as the minor's parent when the minor is in the legal custody of the local department of social services.

"Qualified evaluator" means a psychiatrist or a psychologist licensed in Virginia by either the Board of Medicine or the Board of Psychology, or if such psychiatrist or psychologist is unavailable, (i) any mental health professional licensed in Virginia through the Department of Health Professions as a clinical social worker, professional counselor, marriage and family therapist, or psychiatric advanced practice registered nurse or (ii) any mental health professional employed by a community services board. All qualified evaluators shall (a) be skilled in the diagnosis and treatment of mental illness in minors, (b) be familiar with the provisions of this article, and (c) have completed a certification program approved by the Department of Behavioral Health and Developmental Services. The qualified evaluator shall (1) not be related by blood, marriage, or adoption to, or is not the legal guardian of, the minor being evaluated, (2) not be responsible for treating the minor, (3) have no financial interest in the admission or treatment of the minor, (4) have no investment interest in the facility detaining or admitting the minor under this article, and (5) except for employees of state hospitals, the U.S. Department of Veterans Affairs, and community services boards, not be employed by the facility.

"Treatment" means any planned intervention intended to improve a minor's functioning in those areas which show impairment as a result of mental illness.

1990, c. 975; 1991, c. 159; 2007, cc. 500, 897; 2008, cc. 139, 774; 2009, cc. 455, 555, 813, 840; 2010, cc. 778, 825; 2012, cc. 476, 507; 2023, c. 183.

Code of Virginia
 Title 16.1. Courts Not of Record
 Chapter 11. Juvenile and Domestic Relations District Courts

§ 16.1-339. Parental admission of an objecting minor 14 years of age or older.

A. A minor 14 years of age or older who (i) objects to admission or (ii) is incapable of making an informed decision may be admitted to a willing facility for up to 120 hours, pending the review required by subsections B and C, upon the application of a parent. If admission is sought to a state hospital, the community services board serving the area in which the minor resides shall provide the preadmission screening report required by subsection B of § 16.1-338 and shall ensure that the necessary written findings, except the minor's consent, have been made before approving the admission. A temporary detention order under § 16.1-340.1 shall not be required for a minor to be admitted to a willing facility upon the application of a parent pursuant to this section.

B. A minor admitted under this section shall be examined within 24 hours of his admission by a qualified evaluator designated by the community services board serving the area where the facility is located. If the 24-hour time period expires on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the 24 hours shall extend to the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. The evaluator shall prepare a report that shall include written findings as to whether:

1. The minor appears to have a mental illness, ~~which may include substance abuse as described in § 16.1-336,~~ serious enough to warrant inpatient treatment and is reasonably likely to benefit from the treatment;
2. The minor has been provided with a clinically appropriate explanation of the nature and purpose of the treatment; and
3. All available modalities of treatment less restrictive than inpatient treatment have been considered and no less restrictive alternative is available that would offer comparable benefits to the minor.

The qualified evaluator shall submit his report to the juvenile and domestic relations district court for the jurisdiction in which the facility is located.

C. Upon admission of a minor under this section, the facility shall file a petition for judicial approval no sooner than 24 hours and no later than 120 hours after admission with the juvenile and domestic relations district court for the jurisdiction in which the facility is located. To the extent available, the petition shall contain the information required by § 16.1-339.1. A copy of this petition shall be delivered to the minor's consenting parent. Upon receipt of the petition and of the evaluator's report submitted pursuant to subsection B, the judge shall appoint a guardian ad litem for the minor and counsel to represent the minor, unless it has been determined that the minor has retained counsel. A copy of the evaluator's report shall be provided to the minor's counsel and guardian ad litem. The court and the guardian ad litem shall review the petition and evaluator's report and shall ascertain the views of the minor, the minor's consenting parent, the evaluator, and the attending psychiatrist. The court shall conduct its review in such place and manner, including the facility, as it deems to be in the best interests of the minor. Based upon its review and the recommendations of the guardian ad litem, the court shall order one of the following dispositions:

1. If the court finds that the minor does not meet the criteria for admission specified in subsection B, the court shall issue an order directing the facility to release the minor into the custody of the parent who consented to the minor's admission. However, nothing herein shall be deemed to affect the terms and provisions of any valid court order of custody affecting the minor.
2. If the court finds that the minor meets the criteria for admission specified in subsection B, the court shall issue an order authorizing continued hospitalization of the minor for up to 90 days on the basis of the parent's consent.

Within 10 days after the admission of a minor under this section, the director of the facility or the director's designee shall ensure that an individualized plan of treatment has been prepared by the provider responsible for the minor's treatment and has been explained to the parent consenting to the admission and to the minor. A copy of the plan shall also be provided to the guardian ad litem and to counsel for the minor. The minor shall be involved in the preparation of the plan to the maximum feasible extent consistent with his ability to understand and participate, and the minor's family shall be involved to the maximum extent consistent with the minor's treatment needs. The plan shall include a preliminary plan for placement and aftercare upon completion of inpatient treatment and shall include specific behavioral and emotional goals against which the success of treatment may be measured.

3. If the court determines that the available information is insufficient to permit an informed determination regarding whether the minor meets the criteria specified in subsection B, the court shall schedule a commitment hearing that shall be conducted in accordance with the procedures specified in §§ 16.1-341 through 16.1-345. The minor may be detained in the hospital for up to 120 additional hours pending the holding of the commitment hearing.

D. A minor admitted under this section who rescinds his objection may be retained in the hospital pursuant to § 16.1-338.

E. If the parent who consented to a minor's admission under this section revokes his consent at any time, the minor shall be released within 48 hours to the parent's custody unless the minor's continued hospitalization is authorized pursuant to § 16.1-340.1 or 16.1-345. If the 48-hour time period expires on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the 48 hours shall extend to the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.

F. A 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 a period of inpatient treatment, unless the court having jurisdiction over the case orders that the minor be released from custody.

1990, c. 975; 1991, c. 159; 2005, c. 716; 2007, cc. 500, 897; 2008, cc. 139, 774, 783, 807, 808; 2009, cc. 455, 555; 2010, cc. 778, 825; 2015, cc. 504, 535, 543; 2024, cc. 695, 710.

**ORDER FOR INPATIENT TREATMENT –
ADMISSION BY PARENTAL CONSENT**

Commonwealth of Virginia Va. Code § 16.1-339

Case No.

..... Juvenile and Domestic Relations District Court

In re:, a juvenile hospitalized at

.....
NAME OF FACILITY

Present: Child Parent
 in person by audio/video or telephone in person by audio/video or telephone

Attorney for Child Parent
 in person by audio/video or telephone

Guardian *ad litem* Attending psychiatrist
 in person by audio/video or telephone

CSB
 in person by audio/video or telephone

NAME OF CSB EMPLOYEE/DESIGNEE

NAME OF CSB

TELEPHONE NUMBER

Qualified Evaluator
 in person by audio/video or telephone

Other
NAME ADDRESS RELATIONSHIP/TITLE

The above-named juvenile has been brought before this Court upon the filing of a written petition. Proper notice has been given to all proper and necessary parties, and the parties have been informed by this Court of the contents of the petition filed in this Court. The Court has appointed a guardian ad litem for the juvenile and counsel to represent the juvenile, unless it has been determined that the juvenile has retained counsel, and has received a written report from the qualified evaluator which included a written finding on whether the criteria for inpatient treatment have been met. A copy of the evaluator's report was provided to the juvenile's guardian ad litem and to the juvenile's counsel. 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 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

A. the juvenile does not meet the criteria for admission. Therefore, the Court ORDERS that the above-named facility where the juvenile is hospitalized release the juvenile, pursuant to § 16.1-339(C)(1),

to the custody of the juvenile's parent(s) who consented to the hospitalization. OR

in accordance with the terms and conditions of a valid court order of custody affecting the juvenile.

B. there is insufficient information to permit an informed determination as to whether the juvenile meets the criteria for admission. Therefore, the Court ORDERS that the following involuntary commitment hearing shall be held:

.....
DATE, TIME AND PLACE

and that the juvenile may be detained in the above-named hospital for up to 120 hours from entry of this Order pending the involuntary commitment hearing.

C. the juvenile meets the following criteria for admission:

1. The juvenile appears to have a mental illness, which may include substance abuse as described in § 16.1-336, serious enough to warrant inpatient treatment and is reasonably likely to benefit from the treatment, AND
2. The juvenile has been provided with a clinically appropriate explanation of the nature and purpose of the treatment, AND
3. All available modalities of treatment less restrictive than inpatient treatment have been considered and no less restrictive alternative is available that would offer comparable benefits to the juvenile.

Therefore, the Court ORDERS that the juvenile may be hospitalized for up to 90 days on the basis of the consent of the parent(s) of the juvenile.

- The juvenile, 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 juvenile be released from custody.
- The court further ORDERS pursuant to § 16.1-345 that transportation of the person to the facility shall be provided by
 - the Sheriff of
 - the alternative transportation provider as designated on the attached form DC-4000, ORDER FOR ALTERNATIVE TRANSPORTATION PROVIDER.

.....
DATE AND TIME

.....
[] JUDGE [] SPECIAL JUSTICE

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 it's 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.

Code of Virginia
Title 20. Domestic Relations
Chapter 4.1. Support

§ 20-60.3. Contents of support orders.

All orders directing the payment of spousal support where there are minor children whom the parties have a mutual duty to support and all orders directing the payment of child support, including those orders confirming separation agreements, entered on or after October 1, 1985, whether they are original orders or modifications of existing orders, shall contain the following:

1. Notice that support payments may be withheld as they become due pursuant to § 20-79.1 or § 20-79.2, from income as defined in § 63.2-1900, without further amendments of this order or having to file an application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to § 20-79.1;
2. Notice that support payments may be withheld pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 without further amendments to the order upon application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2;
3. The name, date of birth, and last four digits of the social security number of each child to whom a duty of support is then owed by the parent;
4. If known, the name, date of birth, and last four digits of the social security number of each parent of the child and, unless otherwise ordered, each parent's residential and, if different, mailing address, residential and employer telephone number, and number appearing on a driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, and the name and address of each parent's employer; however, when a protective order has been issued or the court otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, information other than the name of the party at risk shall not be included in the order;
5. Notice that, pursuant to § 20-124.2, support will continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or receiving child support until such child reaches the age of 19 or graduates from high school, whichever occurs first, and that the court may also order that support be paid or continue to be paid for any child over the age of 18 who is (a) 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 met the requirements of clauses (i), (ii), and (iii); (b) unable to live independently and support himself; and (c) residing in the home of the parent seeking or receiving child support;
6. On and after July 1, 1994, notice that 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 to a parent as provided in § 63.2-1937 upon a delinquency for a period of 90 days or more or in an amount of \$5,000 or more. The order shall indicate whether either or both parents currently hold such an authorization and, if so, the type of authorization held;
7. The monthly amount of support and the effective date of the order. In proceedings on initial petitions, the effective date shall be the date of filing of the petition; in modification proceedings, the effective date may be the date of notice to the responding party. The first monthly payment shall be due on the first day of the month following the hearing date and on the first day of each month thereafter. In addition, an amount shall be assessed for any full and partial months between the effective date of the order and the date that the first monthly payment is due. The

assessment for the initial partial month shall be prorated from the effective date through the end of that month, based on the current monthly obligation;

8. a. An order for health care coverage, including the health insurance policy information, for dependent children pursuant to §§ 20-108.1 and 20-108.2 if available at reasonable cost as defined in § 63.2-1900, or a written statement that health care coverage is not available at a reasonable cost as defined in such section, and a statement as to whether there is an order for health care coverage for a spouse or former spouse; and

b. A statement as to whether cash medical support, as defined in § 63.2-1900, is to be paid by or reimbursed to a party pursuant to subsections D and G of § 20-108.2, and if such expenses are ordered, then the provisions governing how such payment is to be made;

9. a. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii) the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be credited to current support obligations first, with any payment in excess of the current obligation applied to arrearages; and

~~10. If support overages exist, (i) to whom an overage is owed and the amount of the overage, (ii) the period of time for which such overage is calculated, and (iii) how such overage is to be paid;~~

10. If child support payments are ordered to be paid through the Department of Social Services or directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall give each other and the court and, when payments are to be made through the Department, the Department of Social Services at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days after the change;

11. If child support payments are ordered to be paid through the Department of Social Services, a provision requiring an obligor to keep the Department of Social Services informed, or if payments are ordered to be paid directly to the obligee, a provision requiring an obligor to keep the court informed, of (i) the name, address, and telephone number of his current employer; (ii) any change to his employment status; and (iii) if he has filed a claim for or is receiving benefits under the provisions of Title 60.2. The provision shall further specify that any such change in employment status or filing of a claim shall be communicated to the Department of Social Services or the court in writing within 30 days of such change or filing;

12. If child support payments are ordered to be paid through the Department of Social Services, a provision requiring the party obligated to provide health care coverage to keep the Department of Social Services informed of any changes in the availability of the health care coverage for the minor child or children, or if payments are ordered to be paid directly to the obligee, a provision requiring the party obligated to provide health care coverage to keep the other party informed of any changes in the availability of the health care coverage for the minor child or children;

13. The separate amounts due to each person under the order, unless the court specifically orders a unitary award of child and spousal support due or the order affirms a separation agreement containing provision for such unitary award;

14. Notice that in determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law. The order shall also provide, pursuant to § 20-78.2, for interest on the arrearage at the judgment rate as established by § 6.2-302 unless the obligee, in a writing submitted to the court, waives the collection of interest;

15. Notice that on and after July 1, 1994, the Department of Social Services may, pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and in accordance with §§ 20-108.2 and 63.2-1921, initiate a review of the amount of support ordered by any court;

16. A statement that if any arrearages for child support, including interest or fees, exist at the time the youngest child included in the order emancipates, payments shall continue in the total amount due (current support plus amount

applied toward arrearages) at the time of emancipation until all arrearages are paid; and

17. Notice that, in cases enforced by the Department of Social Services, the Department of Motor Vehicles may suspend or refuse to renew the driver's license, or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 authorizing the operation of a motor vehicle upon the highways, of any person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in the payment of child support by 90 days or in an amount of \$5,000 or more or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings.

The provisions of this section shall not apply to divorce decrees where there are no minor children whom the parties have a mutual duty to support.

1985, c. 488; 1986, c. 594; 1987, cc. 597, 658, 706; 1988, c. 906; 1991, cc. 651, 694; 1992, c. 199; 1993, c. 534; 1994, cc. 764, 795; 1997, cc. 796, 895; 1998, cc. 727, 884; 2000, c. 305; 2003, c. 625; 2004, c. 1008; 2006, cc. 720, 869; 2009, cc. 706, 713; 2015, cc. 653, 654; 2020, cc. 1227, 1246; 2021, Sp. Sess. I, c. 222; 2024, c. 51.

ORDER OF SUPPORT (CIVIL)

Commonwealth of Virginia

This Court's Case No.

DCSE ID No.

TEMPORARY ORDER

FINAL ORDER

..... 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./Doc. 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
PAYMENT AMOUNT INTERVAL

DATE

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 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.

OVERAGES:

[] \$ child support overage paid by and owed to [] Respondent [] Petitioner.

[] \$ spousal support overage paid by and owed to [] Respondent [] Petitioner.

These overages are calculated as of the date of this Order including support paid for the current month.

These overages are to be paid as follows:



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. Respondent is required to keep the court informed of the name, address, and telephone number of his/her current employer, and must inform the court in writing of any change in employment status or if Respondent has filed a claim for or is receiving benefits under Title 60.2 (unemployment compensation) within 30 days of the change or filing.

[] Treasurer of Virginia and sent to Treasurer of Virginia - Payments, P.O. Box 28990, Richmond, Virginia 23228-8990 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 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. 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, and must inform the Virginia Department of Social Services in writing of any change in employment status or if Respondent has filed a claim for or is receiving benefits under Title 60.2 (unemployment compensation) within 30 days of the change or filing.

[] 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.

OTHER PROVISIONS:

- [] 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, [] and expenses required under Va. Code § 20-49.8, of \$ are [] ordered to be paid% by Respondent and % by Petitioner [] not ordered to be paid for good cause shown or the parties' agreement.
[] 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 CHILD OR CHILDREN for federal and state income 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
TYPE OF LICENSE AGENCY GRANTING LICENSE LICENSE NUMBER
Respondent
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, or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 authorizing the operation of a motor vehicle upon the highways, 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:

ORDER OF SUPPORT (CRIMINAL)

Commonwealth of Virginia

[] TEMPORARY ORDER [] FINAL ORDER

This Court's Case No.

DCSE ID No.

[X] Juvenile and Domestic Relations District Court [] Circuit Court

STREET ADDRESS OF COURT

Petitioner: [] Identifying information not provided for good cause shown
Residential Address
Residential Telephone No.
Mailing Address if different
Social Security No.(last 4 digits only)
Driver's Lic. No. & State
Date of Birth
Employer
Address
Telephone No.

v.

Accused: [] Identifying information not provided for good cause shown
Residential Address
Residential Telephone No.
Mailing Address if different
Social Security No. (last 4 digits only)
Driver's Lic./Doc. No. & State
Date of Birth
Employer
Address
Telephone No.

[] Upon hearing the evidence, the Court finds that the Accused is not guilty of unlawfully and willfully and without cause, deserting and willfully neglecting or refusing to provide for the support and maintenance of the individuals named in the petition as dependents.

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 on the verified petition filed by the Petitioner, the Court finds that the accused is guilty in that he/she did unlawfully and willfully without cause, desert or willfully neglect and refuse and fail to provide for the support and maintenance of the below named dependents as required by law:

Table with 5 columns: NAME, SOC. SEC # (last 4 digits only), SEX, DATE OF BIRTH, RELATIONSHIP TO RESPONDENT

Therefore, the Court ORDERS the Respondent:

- [] to pay \$ fine plus all costs assessed in the case, all payable to the clerk of this court.
[] to serve confinement in jail.
[] with the accused being required to participate in a work release program to provide support and maintenance for his dependents.
[] which sentence is suspended until all of the minor children embraced by this Order have reached their age of majority and have a capacity for earning a living or are otherwise emancipated, upon condition that the accused pay the amount indicated below.

- [] to pay [] \$ per month CURRENT CHILD SUPPORT for all children listed above; OR
[] \$ per month CURRENT CHILD SUPPORT divided among the above-listed children as follows:
\$ for \$ for
\$ for \$ for
[] \$ per month CURRENT SPOUSAL SUPPORT
[] \$ per month COMBINED CHILD-SPOUSAL (UNITARY) SUPPORT
[] \$ per month PAYMENT TOWARDS ARREARAGES OF \$

TOTAL \$ per month payable \$ per beginning on

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. 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

[] \$ 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.

OVERAGES:

[] \$ child support overage paid by and owed to [] Respondent [] Petitioner.

[] \$ spousal support overage paid by and owed to [] Respondent [] Petitioner.

These overages are calculated as of the date of this Order including support paid for the current month.

These overages are to be paid as follows:

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. Respondent is required to keep the court informed of the name, address, and telephone number of his/her current employer, and must inform the court in writing of any change in employment status or if Respondent has filed a claim for or is receiving benefits under Title 60.2 (unemployment compensation) within 30 days of the change or filing.

[] **Treasurer of Virginia** and sent to Treasurer of Virginia – Payments, P.O. Box 28990, Richmond, Virginia 23228-8990 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 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. 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, and must inform the Virginia Department of Social Services in writing of any change in employment status or if Respondent has filed a claim for or is receiving benefits under Title 60.2 (unemployment compensation) within 30 days of the change or filing.

[] 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 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.

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.

OTHER PROVISIONS:

- 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, and expenses required under Va. Code § 20-49.8, of \$ are ordered to be paid% by Respondent and % by Petitioner not ordered to be paid for good cause shown or the parties' agreement.
- 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 CHILD OR CHILDREN 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

	TYPE OF LICENSE	AGENCY GRANTING LICENSE	LICENSE NUMBER
Respondent
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 \$ 0.00 with/without surety.
- The Respondent shall also pay: \$ costs to the clerk of this Court, \$ 0.00 to the Virginia Department of Social Services as reimbursement for attorney's fees and other costs, \$ 0.00 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, or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 authorizing the operation of a motor vehicle upon the highways, 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:

MEDIATION SUPPORT AGREEMENT (DATED
Commonwealth of Virginia

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.:

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 is 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

PAYMENT AMOUNT INTERVAL DATE

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 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.

OVERAGES:

- [] \$ child support overage paid by and owed to [] Respondent [] Petitioner.
[] \$ spousal support overage paid by and owed to [] Respondent [] Petitioner.

These overages are calculated as of the date of this Order including support paid for the current month.

These overages are to be paid as follows:

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. Respondent is required to keep the court informed of the name, address, and telephone number of his/her current employer, and must inform the court in writing of any change in employment status or if Respondent has filed a claim for or is receiving benefits under Title 60.2 (unemployment compensation) within 30 days of the change or filing.

- [] Treasurer of Virginia and sent to Treasurer of Virginia - Payments, P.O. Box 28990, Richmond, Virginia 23228-8990 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 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. 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, and must inform the Virginia Department of Social Services in writing of any change in employment status or if Respondent has filed a claim for or is receiving benefits under Title 60.2 (unemployment compensation) within 30 days of the change or filing.

- [] 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.

MEDIATION SUPPORT AGREEMENT

Case No.

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.

OTHER PROVISIONS:

- 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, and expenses required under Va. Code § 20-49.8, of \$..... are ordered to be paid % by Respondent and% by Petitioner not ordered to be paid for good cause shown or the parties' agreement.

- 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

	TYPE OF LICENSE	AGENCY GRANTING LICENSE	LICENSE NUMBER
Respondent
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:

- [] 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

INCOME WITHHOLDING FOR SUPPORT

Case No.

I. Sender Information: (Completed by the Sender) Date:

- INCOME WITHHOLDING ORDER/NOTICE FOR SUPPORT (IWO)** **AMENDED IWO**
 ONE-TIME ORDER/NOTICE FOR LUMP SUM PAYMENT **TERMINATION OF IWO**

Child Support Enforcement (CSE) Agency Court Attorney Private Individual/Entity (Check One)

NOTE: This IWO must be regular on its face. Under certain circumstances you must reject this IWO and return it to the sender (see IWO instructions www.acf.hhs.gov/css/resource/income-withholding-for-support-instructions). If you receive this document from someone other than a state or tribal CSE agency or a court, a copy of the underlying support order must be attached.

State/Tribe/Territory Commonwealth of Virginia Remittance ID (include w/ payment)

City/County/Dist./Tribe Order ID

Private Individual/Entity Case ID

II. Employer and Case Information: (Completed by the Sender)

EMPLOYER/INCOME WITHHOLDER'S NAME	RE:	EMPLOYEE/OBLIGOR'S NAME (LAST, FIRST, MIDDLE)
EMPLOYER/INCOME WITHHOLDER'S ADDRESS		EMPLOYEE/OBLIGOR'S SOCIAL SECURITY NUMBER
		EMPLOYEE/OBLIGOR'S DATE OF BIRTH
		CUSTODIAL PARTY/OBLIGEE'S NAME (LAST, FIRST, MIDDLE)
EMPLOYER/INCOME WITHHOLDER'S FEIN		
Child(ren)'s Name(s) (Last, First, Middle)	Child(ren)'s Birth Date(s)	
.....	
.....	
.....	
.....	

III. ORDER INFORMATION: (Completed by the Sender)

This document is based on the support order from (State/Tribe).
You are required by law to deduct these amounts from the employee/obligor's income until further notice.

- \$ Per current child support
- \$ Per past-due child support - **Arrears greater than 12 weeks?** Yes No
- \$ Per current cash medical support
- \$ Per past-due cash medical support
- \$ Per current spousal support
- \$ Per past-due spousal support
- \$ Per other (must specify)

for a **Total Amount to Withhold** of \$ per

IV. AMOUNTS TO WITHHOLD: (Completed by the Sender)

You do not have to vary your pay cycle to be in compliance with the *Order Information*. If your pay cycle does not match the ordered payment cycle, withhold one of the following amounts:

- \$ per weekly pay period \$ per semimonthly pay period (twice a month)
- \$ per biweekly pay period (every two weeks) \$ per monthly pay period
- \$ **Lump Sum Payment:** Do not stop any existing IWO unless you receive a termination order.

Document Tracking ID:

Employer/Income Withholder's Name: Employer/Income Withholder's FEIN:

Employee/Obligor's Name: SSN:

Case ID: Order ID:

V. REMITTANCE INFORMATION: (Completed by the Sender except for the "Return to Sender" check box.)

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 4 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 for all orders. If the employee/obligor's principal place of employment is not Virginia, obtain withholding limitations, time requirements, the appropriate method to allocate among multiple child support cases/orders, 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 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/tribalmmap/DataDotGovSamples/tld_map.html.

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 principle place of employment if the place of employment is in a state; or the tribal law of the employee/obligor's principle place of employment if the place of employment is under tribal jurisdiction. The CCPA is available at <https://www.dol.gov/agencies/whd/fact-sheets/30-cppa>. 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.

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.

If the obligor is a nonemployee, obtain withholding limits from the **Supplemental Information** section in this IWO. This information is also available at www.acf.hhs.gov/css/resource/state-income-withholding-contacts-and-program-requirements.

Remit payment to: Treasurer of Virginia – Payments P. O. Box 28990 Richmond, VA 23228-8990	If paying by check, make check payable to TREASURER OF VIRGINIA.
Include the Remittance ID with the payment and if necessary this locator code of the SDU/Tribal order payee on the payment.	
To set up electronic payments or to learn state requirements for checks, contact the State Disbursement Unit (SDU). Contacts and information are found at www.acf.hhs.gov/css/resource/sdu-eft-contacts-and-program-requirements .	

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 in Section VI). 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: <u>JUDGE</u> Title of Judge/Issuing Official: <u>JUDGE</u> 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.

If checked, the employer/income withholder must provide a copy of this form to the employee/obligor.

Employer/Income Withholder's Name: Employer/Income Withholder's FEIN:

Employee/Obligor's Name: SSN:

Case ID: Order ID:

VI. ADDITIONAL INFORMATION FOR EMPLOYERS/INCOME WITHHOLDERS: (Completed by the Sender)

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.

Payments: You must send child support payments payable by income withholding to the appropriate State Disbursement Unit or to a tribal CSE agency within 7 business days, or fewer if required by state law, after the date the income would have been paid to the employee/obligor and include the date you withheld the support from his or her income. You may combine withheld amounts from more than one employee/obligor's income in a single payment as long as you separately identify each employee/obligor's portion of the payment. Child support payments may not be made through the federal Office of Child Support Enforcement (OCSE) Child Support Portal.

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. Employers/income withholders may use OCSE's Child Support Portal (ocsp.acf.hhs.gov/csp/) to provide information about employees who are eligible to receive lump sum payments and to provide contacts, addresses, and other information about their companies. Child support payments may not be made through the federal OCSE Child Support Portal.

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, 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.

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 up to a maximum 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.

Employer/Income Withholder's Name: Employer/Income Withholder's FEIN:

Employee/Obligor's Name: SSN:

Case ID: Order ID:

VII. NOTIFICATION OF EMPLOYMENT TERMINATION OR INCOME STATUS: (Completed by the Employer/Income Withholder)

If this employee/obligor never worked for you or you are no longer withholding income for this employee/obligor, you must promptly notify the CSA and/or the sender by returning this form to the address listed in the **Contact Information** section below or using the OCSS Child Support Portal (ocsp.acf.hhs.gov/csp/). Please report the new employer or income withholder, if known.

[] 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 telephone number:

Last known address:

Final payment date to SDU/tribal payee: Final payment amount:

New employer's or income withholder's name:

New employer's or income withholder's address:

VIII. CONTACT INFORMATION: (Completed by the Sender)

To Employer/Income Withholder: If you have any questions, contact (sender name)

by telephone:, by fax: (757) 123-4567, by email or website:

Send termination notice/income status notice and other correspondence to:

Virginia Division of Child Support Enforcement
P.O. Box 28450
Richmond, VA 23228-8450

Send all other correspondence to:

.....
NAME OF COURT

.....
ADDRESS OF COURT

To Employee/Obligor: If the employee/obligor has questions, contact (sender 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 Services. 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 (Pub. L. 104-13) STATEMENT OF PUBLIC BURDEN:

The purpose of this information collection is to provide uniformity and standardization. Public reporting burden for this collection of information is estimated to average two to five minutes per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. This is a mandatory collection of information in accordance with 45 CFR 303, 100 of the Child Support Enforcement Program. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995, unless it displays a currently valid OMB control number. If you have any comments on this collection of information, please contact the Employer Services Team by email at employerservices@acf.hhs.gov.

a. THIS ORDER IS BINDING UPON YOU AND THE EMPLOYEE/OBLIGOR:

- (i) UNTIL you receive a subsequent (more recently dated) court order affecting the parties listed on the first page of this order; *or*,
- (ii) UNLESS, within five (5) business days from the service of this order on you, you have either deposited by mail or otherwise filed a written reply stating which of the requirements listed in b (below) have not been satisfied, after which this order is void unless the court finds that such a reply is materially false. (Use this form by completing the portion below and either mailing or returning it to this court.) The clerk may issue a new order with corrected information, with which you must comply.

b. To the clerk of the court: This order is defective because it

- does not contain employee/obligor's correct social security number.
- does not contain a single monetary amount to be deducted for each regular pay period, unless the obligor is an independent contractor or the order is for lump sum withholding.
- does not contain the maximum percentage of disposable income (50%, 55%, 60%, 65%) which may be deducted for each regular pay period.
- requires that payment be made other than by combined single payment and the exemption in paragraph 2.b. of the compliance provisions applies to this employer and the order is not from a support enforcement agency outside this Commonwealth.
- requires that payment be made to someone or some organization other than the Division of Child Support Enforcement of the Virginia Department of Social Services.
- contains information which is in conflict with our current pay records (including regular pay intervals and regular pay dates) – the correct information is:

.....

..... by

DATE EMPLOYER NAME SIGNATURE

RETURNS: Each person was served according to law, as indicated below, unless not found.

<p>..... EMPLOYER NAME</p> <p>Address</p> <p>.....</p> <table border="1" style="width:100%; border-collapse: collapse;"><tr><td style="width:70%; padding: 2px;"><input type="checkbox"/> PERSONAL SERVICE</td><td style="padding: 2px;">Tel. No.</td></tr></table> <p>Being unable to make personal service, a copy was delivered in the following manner:</p> <p><input type="checkbox"/> Served on registered agent of the corporation. List name and title:</p> <p><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.</p> <p><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.)</p> <p><input type="checkbox"/> Served on the Clerk of the State Corporation Commission.</p> <table border="1" style="width:100%; border-collapse: collapse;"><tr><td style="width:20%; padding: 2px;"><input type="checkbox"/> Not found</td><td style="padding: 2px;">..... SERVING OFFICER</td></tr></table> <p>..... for</p> <p>DATE</p>	<input type="checkbox"/> PERSONAL SERVICE	Tel. No.	<input type="checkbox"/> Not found SERVING OFFICER	<p>..... EMPLOYER NAME</p> <p>Address</p> <p>.....</p> <p>TEL. NO. FACSIMILE NO.</p> <p>I certify that on DATE</p> <p>I sent to the named employer by electronic means a certified copy of this order.</p> <p style="text-align: center;">..... <input type="checkbox"/> CLERK <input type="checkbox"/> DEPUTY CLERK</p>
<input type="checkbox"/> PERSONAL SERVICE	Tel. No.				
<input type="checkbox"/> Not found SERVING OFFICER				

- a. THIS ORDER IS BINDING UPON YOU AND THE EMPLOYEE/OBLIGOR:
- (i) UNTIL you receive a subsequent (more recently dated) court order affecting the parties listed on the first page of this order;
 - or,*
 - (ii) UNLESS, within five (5) business days from the service of this order on you, you have either deposited by mail or otherwise filed a written reply stating which of the requirements listed in b (below) have not been satisfied, after which this order is void unless the court finds that such a reply is materially false. (Use this form by completing the portion below and either mailing or returning it to this court.) The clerk may issue a new order with corrected information, with which you must comply.
- b. To the clerk of the court: This order is defective because it
- does not contain employee/obligor's correct social security number.
 - does not contain a single monetary amount to be deducted for each regular pay period, unless the obligor is an independent contractor or the order is for lump sum withholding.
 - does not contain the maximum percentage of disposable income (50%, 55%, 60%, 65%) which may be deducted for each regular pay period.
 - requires that payment be made other than by combined single payment and the exemption in paragraph 2.b. of the compliance provisions applies to this employer and the order is not from a support agency enforcement outside this Commonwealth.
 - requires that payment be made to someone or some organization other than the Division of Child Support Enforcement of the Virginia Department of Social Services.
 - contains information which is in conflict with our current pay records (including regular pay intervals and regular pay dates) – the correct information is:
.....

..... DATE EMPLOYER NAME by SIGNATURE

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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," "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 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.
 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 up to a maximum of \$5.00 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.
 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 that is in conflict with your current pay records (including regular pay intervals/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.

6. THIS ORDER IS BINDING UPON YOU AND 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.