

**CHAPTER 1 - THE COURT PROCESS ..... 1-1**

I. SUMMARY DESCRIPTION ..... 1-1

    A. Case Initiation ..... 1-1

    B. Pre-Trial Processes..... 1-1

    C. Judicial Disqualification ..... 1-2

    D. Cross-Designation..... 1-3

    E. Case Hearing, Judgment ..... 1-3

    F. Post-Trial Processes ..... 1-5

    G. Execution Of Judgments Or Enforcement Of Verdicts ..... 1-6

    H. Case Closing ..... 1-6

II. UNIFORM DOCKETING AND CASE PREPARATION ..... 1-6

    A. Assign Case Numbers ..... 1-7

    B. Index Cases ..... 1-7

    C. File Cases ..... 1-7

    D. Prepare Daily Docket Sheets ..... 1-8

**CHAPTER 2 - CRIMINAL CASE PROCEDURES ..... 2-1**

I. INTRODUCTION ..... 2-1

II. NARRATIVE DESCRIPTION..... 2-2

    A. Pre-Court Procedures Flow Chart..... 2-5

    B. Post-Court Procedures Flow Chart ..... 2-6

III. CASE INITIATION..... 2-7

    A. Court-Initiated Capias/Warrant..... 2-7

    B. Unexecuted Warrants (Magistrate Issued)..... 2-8

    C. Venue ..... 2-9

    D. Arrest Prior To The Filing Of A Complaint ..... 2-10

    E. Pre-Arrest Issuance Of A Summons Or Warrant..... 2-10

    F. Arrest Of An Illegal Alien ..... 2-11

    G. Release On Bail..... 2-11

    H. Commitment To Jail ..... 2-23

    I. Search Warrants ..... 2-24

    J. Request For Victim Confidentiality..... 2-26

IV. PROCEDURE TO BE USED FOR AN INDIVIDUAL REQUESTING ACCESS..... 2-28

V. CASE PRE-TRIAL PROCEDURES ..... 2-29

- A. Case Indexing And Filing ..... 2-29
- B. Docket Preparation..... 2-29
- C. Prepayment Processing ..... 2-30
- D. Advisement Of Right To Counsel/Review Of Bail Determination ..... 2-30
- E. Arraignment ..... 2-33
- F. Crossover Arraignments ..... 2-33
- G. Preliminary Hearings ..... 2-36
- H. Subpoenas, Witness Summoning..... 2-36
- I. Subpoena Duces Tecum..... 2-37
- J. Subpoena Duces Tecum For Medical Records..... 2-38
- K. Subpoena Duces Tecum For Financial Records ..... 2-38
- L. Extradition Hearing..... 2-38
- M. Request For A Reduction Or Change Of Bail ..... 2-39
- N. Mental Condition Of Defendant ..... 2-40
- O. Interpreters for Deaf And Non-English Speaking Persons ..... 2-46
- P. Certificate Of Analysis ..... 2-47
- Q. Admissibility of Affidavits ..... 2-49
- R. Notice, Motion & Order For Chemical Analysis of Alleged Plant Material ... 2-50
- S. Custody Of Evidence ..... 2-51
- T. Recall Of Process..... 2-51
- U. Photographing And Broadcasting Judicial Proceedings ..... 2-51
- V. Transfer Of Jurisdiction ..... 2-51
- W. Confidentiality Of Local Community-Based Probation Agency Reports ..... 2-52

VI. CASE TRIAL PROCEDURES ..... 2-53

- A. Adjudicatory Hearing..... 2-53
- B. Failure To Appear And Bond Forfeiture ..... 2-54
- C. Trial Provisions..... 2-55
- D. Pre-Conviction Probation For “First-Time Offenders” ..... 2-56
- E. Accord And Satisfaction..... 2-58
- F. Sentencing..... 2-58
- G. Substance Abuse Screening, Assessment And Treatment..... 2-60
- H. Restitution..... 2-61
- I. Costs..... 2-62
- J. Cash Bond Used To Pay Fines And Costs..... 2-63
- K. Not Guilty By Reason Of Insanity (NGRI) ..... 2-63
- L. Inpatient Psychiatric Hospital Admission from Local Correctional Facility..... 2-66
- M. Revocation of Driver’s License ..... 2-68
- N. Revocation Of Other Licenses And Permits..... 2-69
- O. Central Criminal Records Exchange (CCRE) Procedures..... 2-70
- P. Constitutionality Of Statues..... 2-75

VII. TRIAL PROCEDURES FOR MISDEMEANOR DRUG CASES..... 2-75

- A. Pre-Conviction Probation For “First-Time Offenders” Drug Charges ..... 2-75
- B. Convictions On Drug Cases..... 2-76
- C. Clerk’s Procedures - Deferred Disposition ..... 2-76
- D. Clerk’s Procedures - Conviction..... 2-79

VIII. CASE PAYMENT PROCEDURES ..... 2-82

- A. Payment Within Fifteen Days Of Sentencing ..... 2-83
- B. Deferred Or Installment Payment ..... 2-83
- C. Nondisclosure ..... 2-84
- D. Bankruptcy ..... 2-84

IX. CASE POST-TRIAL PROCEDURES..... 2-84

- A. Failure To Pay Fines And Costs ..... 2-84
- B. Failure To Comply With Conditional Release..... 2-86
- C. Notices To Jail ..... 2-86
- D. Appeals ..... 2-87
- E. Motion To Rehear ..... 2-88
- F. Testing For HIV (Human Immunodeficiency Virus) Or Hepatitis B Or C ..... 2-88
- G. DNA samples taken at arrest and upon conviction. .... 2-89
- H. Administrative Procedures..... 2-89
- I. Records Management..... 2-90
- J. Disposition of Property ..... 2-91

X. MISCELLANEOUS CASE TYPES ..... 2-92

- A. Animal Violations ..... 2-92
- B. Underage Purchase/Possession Of Alcohol ..... 2-98
- C. Purchase Alcohol For Underage ..... 2-101
- D. Underage Purchase/Possession Of Tobacco ..... 2-103
- E. Virginia Indoor Clean Air Act ..... 2-104

**CHAPTER 3 - TRAFFIC CASE PROCEDURES..... 3-1**

I. INTRODUCTION ..... 3-1

II. NARRATIVE DESCRIPTION..... 3-1

III. TRAFFIC CASE PROCESS FLOW CHART..... 3-3

IV. PRE-TRIAL PROCESSING ..... 3-4

- A. General Provisions ..... 3-4
- B. Prepayable Offenses That Involve An Accident..... 3-5
- C. Dismissal By Compliance With Law Prior To Trial ..... 3-6

D.	Administrative Impoundment of a Motor Vehicle When Charged With Second/Subsequent Offense of § 46.2-300.....	3-7
V.	PREPAYMENT OF FINES AND COURT COSTS .....	3-10
A.	In Person Or By Telephone.....	3-10
B.	By Mail .....	3-12
C.	By VIPNET.....	3-13
D.	Overweight Vehicles.....	3-14
E.	Bond Return Requests.....	3-14
F.	Withdrawal Of Guilty Plea .....	3-15
G.	Case Disposition .....	3-15
H.	Bankruptcy.....	3-16
VI.	TRIAL PROCEDURES .....	3-16
A.	Trial In Defendant’s Absence .....	3-17
B.	Parking Violations .....	3-18
C.	Commercial Motor Vehicles Violations .....	3-18
D.	Order To Complete Traffic School Or Driver Improvement Clinic .....	3-18
E.	Suspension Of License.....	3-19
F.	Overweight Vehicles.....	3-20
G.	Dismissal By Compliance With Law At Trial.....	3-21
H.	Local License Violations .....	3-21
I.	Right To Counsel.....	3-21
J.	Return Of Vehicle - Parking In A Space Reserved For Persons With Disabilities .....	3-21
K.	Appeals .....	3-22
L.	Constitutionality Of Statues.....	3-22
VII.	PAYMENT PROCEDURES .....	3-23
A.	Payment Procedures For Payment Within Fifteen Days Of Sentencing.....	3-23
B.	Deferred Or Installment Payments Or Community Service .....	3-23
C.	Claims Of Inability To Pay Fines And Costs.....	3-24
D.	Local License Violations - Special Conditions.....	3-25
VIII.	POST-TRIAL PROCEUDRES.....	3-26
A.	Notices To The Department Of Motor Vehicles (DMV).....	3-26
B.	Unpaid (“Bounced”) Checks Or Dishonored Credit Card Payments .....	3-27
C.	Restoration Of Driver’s License Upon Entering Into An Installment Or Deferred Payment Agreement.....	3-27
D.	Records Management.....	3-28

**CHAPTER 4 - DUI CASE PROCESSING AND RESTRICTED DRIVER'S LICENSE..4-1**

I. INTRODUCTION ..... 4-1

II. PRE-TRIAL PROCESSING..... 4-1

    A. General Provisions ..... 4-1

III. TRIAL PROCEDURES ..... 4-2

    A. Right To Counsel ..... 4-2

    B. Appeals ..... 4-2

IV. PAYMENT PROCEDURES ..... 4-3

    A. Payment Procedures For Payment Within Fifteen Days Of Sentencing..... 4-3

    B. Deferred Or Installment Payments Or Community Service ..... 4-4

    C. Claims Of Inability To Pay Fines And Costs..... 4-5

V. POST-TRIAL PROCEUDRES ..... 4-5

    A. Notices To The Department Of Motor Vehicles (DMV)..... 4-5

    B. Records Management..... 4-7

VI. DRIVING UNDER THE INFLUENCE (DUI) ..... 4-7

    A. Administrative Suspension of Driver's License ..... 4-7

    B. Trial Matters..... 4-10

    C. Sentencing Options ..... 4-11

    D. Refusal To Give Blood Or Breath Sample ..... 4-14

    E. Virginia Alcohol Safety Action Program (VASAP) Participation ..... 4-15

VII. RESTRICTED AND OTHER DRIVER'S LICENSE ACTIONS ..... 4-18

    A. DUI Related ..... 4-18

    B. Ignition Interlock Systems ..... 4-21

    C. Non-DUI related ..... 4-23

VIII. IMPOUNDMENT OR IMMOBILIZATION OF MOTOR VEHICLES ..... 4-28

    A. Administrative Impoundment Process, Including Post-Conviction  
        Impoundments..... 4-28

IX. HABITUAL OFFENDER PROCEEDINGS IN GENERAL DISTRICT COURT.. 4-33

    A. Adjudication Of Habitual Offenders..... 4-33

    B. Restoration Of Driving Privileges ..... 4-33

**CHAPTER 5 - CIVIL CASE PROCEDURES.....5-1**

I. INTRODUCTION ..... 5-1

    A. Jurisdiction..... 5-1

    B. Venue ..... 5-1

    C. Discovery Procedures ..... 5-2

II. NARRATIVE DESCRIPTION..... 5-2

    A. Pre-Trial Procedures Flow Chart ..... 5-5

    B. Trial Procedures Flow Chart..... 5-6

    C. Judgment Enforcement Flow Chart ..... 5-7

III. VENUE ..... 5-8

    A. Preferred Venue ..... 5-8

    B. Permissible Venue ..... 5-9

    C. Multiple Parties..... 5-10

    D. Objection To Improper Venue ..... 5-10

    E. Motion For Transfer Of Venue ..... 5-11

    F. Civil Transportation Of Incarcerated Witnesses..... 5-12

    G. Discretion Of Judge ..... 5-12

    H. Docketing A Transferred Case..... 5-12

IV. SUITS IN DEBT ..... 5-13

    A. Case Initiation ..... 5-13

    B. Service Of Process ..... 5-15

    C. Pre-Trial Procedures ..... 5-24

    D. Pre-Trial Settlement ..... 5-25

    E. Mediation ..... 5-26

    F. Subpoenas For Witnesses ..... 5-26

    G. Subpoenas Duces Tecum ..... 5-27

    H. Incarcerated Witness..... 5-29

    I. Counterclaims, Cross-Claims, Third-Party Claims ..... 5-29

    J. Consolidation Of Actions ..... 5-30

    K. Discovery Procedures ..... 5-30

    L. Removal To Circuit Court ..... 5-30

    M. Nonsuits ..... 5-30

    N. Case Hearing, Judgment ..... 5-31

    O. Interpreters ..... 5-31

    P. Continuances..... 5-32

    Q. Exclusion Of Witnesses ..... 5-32

    R. Constitutional Rights ..... 5-32

    S. Trial On Affidavit, Denial By Defendant ..... 5-32

    T. Entry And Docketing Of Judgment ..... 5-33

U. Bad Check Cases.....	5-33
V. Failure To Appear And Default Judgments .....	5-34
W. Servicemembers Civil Relief Act Requirements For Default Judgment .....	5-35
X. Civil Action For Bad Check, Shoplifting And Employee Theft.....	5-36
V. POST-TRIAL PROCEDURES .....	5-36
A. Appeals .....	5-36
B. New Trial Of Case .....	5-37
C. Motion to Vacate.....	5-37
VI. VACATING OR SETTING ASIDE OF JUDGMENT ORDERS .....	5-37
A. Notice Of Satisfaction.....	5-38
B. Records And Evidence Management.....	5-38
C. Execution Of Judgment.....	5-39
D. Levy On Property In The Hands Of The Judgment Debtor.....	5-40
E. Garnishment Of Funds.....	5-42
F. Notice of Lien on Financial Institutions .....	5-47
G. Abstract Of Judgment .....	5-48
H. Interrogatories .....	5-48
I. Interpleader And Postponement Of Sale.....	5-50
J. Interpleader of Real Estate Escrows .....	5-51
VII. SUITS IN DETINUE.....	5-52
A. Suit In Detinue Without Pre-Trial Seizure.....	5-52
B. Suit In Detinue With Pre-Trial Seizure.....	5-54
VIII. UNLAWFUL DETAINER .....	5-56
A. Case Initiation .....	5-57
B. Trial Procedures .....	5-58
C. Post-Trial Procedures.....	5-61
IX. ATTACHMENTS .....	5-62
A. Case Initiation .....	5-64
B. Issuance Of Attachment.....	5-65
C. Service Of Process And Pre-Trial Procedures .....	5-66
D. Case Hearing.....	5-67
E. Post-Trial Procedures.....	5-67
X. DISTRESS FOR RENT .....	5-68
A. Case Initiation .....	5-68
B. Service Of Process And Pre-Trial Procedures .....	5-70
C. Case Hearing.....	5-70

**GENERAL DISTRICT COURT MANUAL**

**TABLE OF CONTENTS**

**PAGE** viii

D. Post-Trial Procedures..... 5-71  
E. Execution ..... 5-71

XI. SMALL CLAIMS DIVISION ..... 5-71

XII. MISCELLANEOUS CASE TYPES ..... 5-73  
A. Lien Of Mechanic For Repairs ..... 5-73  
B. Tenant’s Assertion And Complaint ..... 5-75

XIII. VIOLATIONS PUNISHED BY CIVIL PENALTIES ..... 5-77  
A. Zoning and Building Code Violations ..... 5-77  
B. Bad Checks ..... 5-77  
C. Child Safety Restraints ..... 5-77  
D. Interpleader ..... 5-77  
E. Fire Inspection Warrants..... 5-78  
F. Freedom Of Information Act - Injunctions Or Writs Of Mandamus..... 5-79  
G. Isolation Of Certain Persons With Diseases ..... 5-80  
H. Testing For Blood-Borne Pathogens..... 5-81  
I. Enforcement Of Statutory Liens ..... 5-81  
J. Human Rights Violations..... 5-82  
K. Arbitration Proceedings ..... 5-84

XIV. *PRO SE* LAWSUITS BY PRISONERS ..... 5-87

XV. ASSIGNMENT OF JUDGMENT ..... 5-88  
A. Overview..... 5-88

XVI. EXTENSION OF JUDGMENTS ..... 5-89  
A. Overview..... 5-89  
B. Clerk’s Procedures When Plaintiff/Creditor Filing Abstract From  
Circuit Court ..... 5-89

XVII. COLLECTION OF CHILD SUPPORT..... 5-90  
A. Overview..... 5-90  
B. Clerk’s Procedures When Plaintiff/Petitioner Filing Abstract From  
Juvenile and Domestic Relations Court..... 5-91

**CHAPTER 6 - MISCELLANEOUS CIVIL CASE PROCEDURES..... 6-1**

I. ANIMAL VIOLATIONS..... 6-1

II.	BANKRUPTCY.....	6-1
	A. Types Of Bankruptcy .....	6-1
	B. Definitions.....	6-2
	C. Clerk’s Procedures-Criminal And Traffic Cases .....	6-3
	D. Clerk’s Procedures-Civil Cases .....	6-5
III.	BOND FORFEITURES .....	6-7
	A. Secured Bond.....	6-8
	B. Unsecured Bond.....	6-14
	C. Defendant (First Party) Cash Bond.....	6-17
	D. Third-Party Cash Bond .....	6-19
	E. Refunding The Bond.....	6-20
	F. Abstract Of Judgment Filed By Juvenile And Domestic Relations District Court With the General District Court For Enforcement.....	6-22
	G. Time Constraints.....	6-22
IV.	DISCOVERY OF MEDICAL RECORDS .....	6-26
	A. Who Must Be Notified.....	6-26
	B. Form Of Notification .....	6-26
	C. Return Date .....	6-26
	D. Transmittal Of Records/Motion To Quash .....	6-26
	E. Disclosure .....	6-28
	F. Standards For Adjudicating Motions To Quash .....	6-28
	G. Exceptions To Heightened Notification Requirements .....	6-28
V.	OVERWEIGHT VIOLATIONS/MOTOR CARRIER VIOLATIONS.....	6-29
	A. Case Initiation .....	6-29
	B. Case Hearing, Judgment .....	6-29
	C. Violations of Town Ordinances Concerning Weight Limits .....	6-30
VI.	PETITION TO RESTORE RIGHT TO PURCHASE, POSSESS OR TRANSPORT A FIREARM.....	6-30
	A. Overview.....	6-30
VII.	PROTECTIVE ORDERS .....	6-34
	A. Jurisdiction.....	6-34
	B. Emergency Protective Order.....	6-35
	C. Preliminary Protective Orders.....	6-40
	D. Protective Orders .....	6-48
	E. Extension of Protective Orders .....	6-54
	F. Protective Orders In Criminal Cases.....	6-57

**GENERAL DISTRICT COURT MANUAL**

**TABLE OF CONTENTS**

**PAGE x**

G. Convictions For Violating Protective Order ..... 6-61

VIII. FOREIGN PROTECTIVE ORDER ..... 6-66

IX. REINSTATEMENT OF DRIVING PRIVILEGES – FAILURE TO SATISFY  
JUDGMENT ..... 6-68

**CHAPTER 7 - CIVIL COMMITMENTS ..... 7-1**

I. INVOLUNTARY ADMISSIONS OF MENTALLY ILL/MENTALLY  
RETARDED AND MEDICAL EMERGENCY TEMPORARY DETENTION ..... 7-1

A. Involuntary Civil Commitment..... 7-1

B. Procedures For Involuntary Mandatory Outpatient Treatment..... 7-12

C. CCRE Reporting..... 7-26

D. Proceeding For Eligibility For Admission Of Mentally Retarded Person..... 7-26

E. Medical Emergency Temporary Detention Proceedings ..... 7-28

F. Special Procedures For State Prisoners..... 7-31

G. Judicial Authorization Of Treatment For Mental Or Physical Disorder..... 7-31

**CHAPTER 8 - FEES AND PREPAYMENTS..... 8-1**

I. CIVIL FEES SCHEDULES AND CODES ..... 8-1

II. CRIMINAL AND TRAFFIC FEE SCHEDULES AND CODES ..... 8-2

III. LIQUIDATED DAMAGES SCHEDULE..... 8-4

A. Overweight Limit..... 8-4

B. Exceptions to Above Schedule ..... 8-4

C. All Cases ..... 8-5

IV. UNIFORM FINE SCHEDULE ..... 8-5

A. Prepayable Traffic Offenses ..... 8-5

B. Prepayable Non-Traffic Offenses ..... 8-5

**CHAPTER 9 - RECORDS RETENTION, DESTRUCTION AND EXPUNGEMENTS ... 9-1**

I. AUTHORITIES ..... 9-1

II. RETENTION PROVISIONS..... 9-2

A. Administrative Records ..... 9-2

B. Financial Records..... 9-3

C. Case Records..... 9-4

D. Civil Commitment – Audio Recording Tape..... 9-6

E. Expungement Of Police And Court Records -Adults ..... 9-6

**CHAPTER 10 - OTHER COURT SOURCES..... 10-1**

    I.    PUBLICATIONS AVAILABLE..... 10-1

    II.   INFORMATION REFERENCE DOCUMENTS AND PAMPHLETS:..... 10-3

**GLOSSARY..... Glossary-1**

**APPENDIX A - CIVIL FORMS AND FEES..... A-1**

**APPENDIX B - CRIMINAL & TRAFFIC FINES AND FEES ..... B-1**

**APPENDIX C - APPEALS ..... C-1**

    I.    CIVIL APPEALS..... C-1

        A.  Clerk’s Procedures ..... C-1

    II.   WITHDRAW OF APPEAL IN CIVIL CASES ..... C-4

    III.  TRAFFIC AND CRIMINAL APPEALS ..... C-4

        A.  Clerk’s Procedures ..... C-5

    IV.   APPEAL OF BAIL PRIOR TO TRIAL ..... C-6

        A.  Clerk’s Procedures ..... C-6

    V.    WITHDRAWAL OF APPEAL..... C-7

        A.  Clerk’s Procedures ..... C-7

**APPENDIX D - SERVICE OF PROCESS..... D-1**

    I.    CHILD AND SPOUSAL SUPPORT ..... D-1

    II.   CIVILIAN EMPLOYEES ..... D-1

    III.  ARMED SERVICES ..... D-1

    IV.   POSTAL WORKERS ..... D-1

**APPENDIX E – MANUAL UPDATES..... E-1**

**INDEX..... Index-1**