

CHAPTER 1 - JUDICIAL ADMINISTRATION..... 1-1

- I. VIRGINIA’S JUDICIAL SYSTEM 1-1
- II. SUPREME COURT OF VIRGINIA 1-1
- III. COURT OF APPEALS..... 1-1
- IV. OFFICE OF THE EXECUTIVE SECRETARY 1-2
 - A. Assistant Executive Secretary and Counsel..... 1-2
 - B. Court Improvement Program 1-2
 - C. Educational Services..... 1-2
 - D. Fiscal Services 1-3
 - E. Human Resources 1-3
 - F. Judicial Information Technology..... 1-3
 - G. Judicial Planning..... 1-3
 - H. Judicial Services..... 1-3
 - I. Legal Research..... 1-5
 - J. Legislative and Public Relations..... 1-5
- V. VIRGINIA COURTS..... 1-5
 - A. Circuit Courts..... 1-5
 - B. District Courts..... 1-5
- VI. DISTRICT COURTS..... 1-6
 - A. Judicial Districts..... 1-6
 - B. Judges..... 1-7
 - C. Clerk’s Office..... 1-10
 - D. Duties of clerk..... 1-10
 - E. Court Closed – Computation of Time..... 1-11
 - F. Inclement Weather 1-11
 - G. Judicial Emergency 1-12
 - H. Office Policies – Local..... 1-13
 - I. Separation of Employees Checklist 1-13
 - J. Volunteers 1-13
- VII. PRO HAC VICE 1-13
- VIII. PUBLIC RECORDS 1-14
 - A. Transparency..... 1-14
 - B. Copies 1-14
- IX. STRATEGIC PLANNING 1-15

CHAPTER 2 - THE COURT PROCESS 2-1

- I. INTRODUCTION 2-1
- II. VENUE 2-3
 - A. Original Venue..... 2-4
 - B. Transfer of Venue 2-5
 - C. Venue of Proceedings Arising out of Chapter 5 of Title 20
(§ 20-61 et seq.) 2-6
- III. APPOINTMENT OF COUNSEL AND GUARDIANS *AD LITEM*..... 2-7
- IV. SUMMARY DESCRIPTION 2-8
 - A. Case Initiation 2-8
 - B. Pre-Trial Processes..... 2-9
 - C. Judicial Disqualification 2-10
 - D. Cross-Designation..... 2-10
 - E. Case Hearing, Judgment 2-11
 - F. Post-Trial Processes 2-13
 - G. Execution of Judgments or Enforcement of Verdicts 2-13
 - H. Case Closing 2-14
- V. UNIFORM DOCKETING AND CASE PREPARATION 2-14
 - A. Assign Case Numbers 2-14
 - B. Index Cases 2-15
 - C. File Case..... 2-15
 - D. Prepare Daily Docket Sheets 2-15

CHAPTER 3 - JUVENILE DELINQUENCY PROCEDURES..... 3-1

- I. CASE PROCEDURES 3-1
 - A. Filing of a Petition or Issuance of a Warrant 3-1
 - B. Processing of a Child Taken into Immediate Custody..... 3-4
 - C. Clerk’s Office Processing of the Petition or Warrant 3-8
- II. PRE-TRIAL PROCEDURES 3-9
 - A. Right to Representation by A Lawyer (Counsel)..... 3-9
 - B. Detention Hearing..... 3-11
 - C. Competency to Stand Trial 3-13
 - D. Subpoenas, Witness Summoning..... 3-16
 - E. Juvenile Felony-Fourteen and Older..... 3-17
 - F. Time Limitations..... 3-35

G. Motions and Other Subsequent Pleadings 3-35
H. Miscellaneous Pre-Trial Proceedings 3-35

III. TRIAL PROCEDURES 3-36

A. Adjudicatory Hearing..... 3-36
B. Disposition Hearing 3-38
C. Appeals 3-48
D. Post-Trial Actions When a Juvenile Committed to the Department
of Juvenile Justice 3-48

IV. POST-TRIAL PROCEDURES 3-49

A. Bond Forfeitures 3-50
B. Subsequent Proceedings if Transferred as an Adult 3-51
C. Payment of Counsel 3-51
D. Violations of Court Orders..... 3-51
E. CCRE/Fingerprinting 3-52
F. Constitutionality of Statutes..... 3-57
G. Registration on the Sex Offender and Crimes against Minors Registry 3-57

V. MISCELLANEOUS PROCEDURES 3-58

A. Animal Violations..... 3-58
B. Possession of Marijuana-Diversion 3-63

VI. TOBACCO VIOLATIONS 3-63

CHAPTER 4 - JUVENILE TRAFFIC PROCEDURES 4-1

I. INTRODUCTION 4-1

II. NARRATIVE DESCRIPTION..... 4-1

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

A. Case Initiation 4-2
B. General Provisions 4-4
C. Accident Offenses Allowed by Statute to Be Prepayable..... 4-5
D. Dismissal by Compliance with Law Prior to Trial 4-6

IV. PREPAYMENT OF FINES AND COURT COSTS 4-6

A. In Person or By Telephone 4-7
B. By Mail 4-9
C. Withdrawal of Guilty Plea 4-10
D. Case Disposition 4-11

V. TRIAL PROCEDURES 4-11

- A. Trial in Juvenile’s Absence..... 4-11
- B. Parking Violations 4-12
- C. Order to Complete Traffic School or Driver Improvement Clinic 4-13
- D. Suspension of License..... 4-13
- E. Restricted Driver’s License (RDL) Upon a Conviction of Reckless Driving or Aggressive Driving 4-14
- F. Dismissal by Compliance with Law at Trial..... 4-15
- G. Local License Violations 4-15
- H. Right to Counsel 4-15
- I. Return of Vehicle - Parking in a Space Reserved For Persons with Disabilities 4-15
- J. Appeals 4-15

VI. PAYMENT PROCEDURES 4-16

- A. Payment Procedures for Payment within Thirty Days of Sentencing..... 4-16
- B. Deferred or Installment Payments or Community Service 4-17
- C. Claims of Inability to Pay Fines and Costs..... 4-18
- D. Local License Violations - Special Conditions..... 4-18

VII. POST-TRIAL PROCEDURES 4-18

- A. Notices to the Department Of Motor Vehicles (DMV) 4-18
- B. Unpaid (“Bounced”) Checks or Dishonored Credit/Debit Card Payments 4-19
- C. Restoration of Driver’s License upon Entering into an Installment or Deferred Payment Agreement 4-19
- D. Records Management..... 4-20

VIII. DRIVING WHILE INTOXICATED (DWI) 4-21

- A. Administrative Suspension of Driver’s License 4-21
- B. Clerk’s Office Processing of the Administrative Suspension..... 4-22
- C. Trial Matters..... 4-24
- D. Sentencing Options 4-25
- E. Refusal to Give Blood or Breath Sample..... 4-28
- F. Virginia Alcohol Safety Action Program (VASAP) Participation 4-28
- G. Driver’s License Actions 4-31

IX. IMPOUNDMENT 4-36

X. RESTRICTED DRIVER’S LICENSE (ADMINISTRATIVE, DRIVING SUSPENDED, FINES/COSTS)..... 4-37

- A. Petition for Restricted Driver’s License Pursuant to § 46.2-334.01 4-37

B. Petition for Restricted Driver’s License Pursuant to § 46.2-301(E)..... 4-38
C. Restricted License for Fines and Costs..... 4-39

CHAPTER 5 - CHINS/CHINSUP, ABUSE, NEGLECT AND FOSTER CARE

CASE PROCEDURES 5-1

I. CHILDREN IN NEED OF SERVICES, CHILDREN IN NEED OF SUPERVISION AND STATUS OFFENSES 5-1
A. Definitions..... 5-1
B. Case Initiation 5-2
II. ABUSE, NEGLECT, RELIEF OF CUSTODY, ENTRUSTMENT, FOSTER CARE, AND TERMINATION OF PARENTAL RIGHTS 5-12
A. Emergency Removal Hearing and Preliminary Removal Hearings 5-12
B. Preliminary Protective Proceedings..... 5-28
C. Petition by Custodian for Relief of Custody..... 5-44
D. Petition for Approval of Entrustment Agreement..... 5-56
E. Foster Care and Permanency Planning 5-65
F. Termination of Residual Parental Rights..... 5-99
G. Reversal of Voluntary Terminations of Parental Rights..... 5-112
H. Restoration of Parental Rights 5-113

CHAPTER 6 - JUVENILE CIVIL PROCEDURES 6-1

I. CONSENT FOR ADOPTION 6-1
A. Overview..... 6-1
B. Requirements for Consent to Adoption 6-1
C. Clerk’s Procedures 6-2
II. CUSTODY AND VISITATION..... 6-7
A. Case Initiation 6-8
B. Pretrial..... 6-11
C. Trial..... 6-12
D. Motions to Modify 6-13
E. Military Deployment..... 6-14
F. Servicemembers Civil Relief Act Requirements for Default Judgment..... 6-14
G. Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)..... 6-15
H. Mediation/Educational Seminars/Investigations & Reports..... 6-17
I. Appeals 6-20
III. PATERNITY 6-21
A. Parentage Determinations 6-21
B. Blood Tests as Evidence Regarding Paternity 6-21

C. Voluntary Acknowledgment of Paternity 6-22

IV. JUDICIAL AUTHORIZATION OF ABORTION (JUDICIAL BYPASS PROCEEDINGS)..... 6-22

A. Case Initiation 6-23

B. Right to Counsel 6-24

C. Confidentiality and Notice of Hearing..... 6-25

D. Hearing..... 6-25

E. Appeal..... 6-25

V. INVOLUNTARY MENTAL COMMITMENTS 6-26

A. Overview..... 6-26

B. Quick Reference Summary 6-27

C. Involuntary Commitment for Juvenile (Not Objecting) 6-28

D. Involuntary Commitment by Emergency Admission-Magistrate Issued..... 6-31

E. Involuntary Commitment by Emergency Admission-Judge Issued 6-32

F. Mandatory Outpatient Treatment for Juveniles – Review Hearings 6-33

VI. EMANCIPATION OF MINORS..... 6-37

VII. STANDBY GUARDIANS 6-38

A. Appointment of Standby Guardian Prior to the Triggering Event..... 6-38

B. Court Approval of a Written Designation of a Standby Guardian..... 6-40

C. Revocation, Refusal, Termination of Standby Guardianship 6-41

D. Review of Standby Guardian 6-42

VIII. CUSTODY/VISITATION-REMANDED FROM CIRCUIT COURT DIVORCE ORDER 6-42

CHAPTER 7 - ADULT CRIMINAL CASE PROCEDURES 7-1

I. INTRODUCTION 7-1

II. NARRATIVE DESCRIPTION..... 7-2

A. Pre-Court Procedures Flow Chart..... 7-5

B. Post Court Procedures..... 7-6

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

A. Unexecuted Warrants..... 7-7

B. Venue 7-7

C. Arrest Prior to the Filing of a Complaint 7-8

D. Arrest of an Illegal Alien 7-9

E. Release on Bail 7-10

F.	Commitment to Jail.....	7-16
G.	Search Warrants.....	7-17
H.	Request for Victim Confidentiality.....	7-19
IV.	CASE PRE-TRIAL PROCEDURES.....	7-22
A.	Case Indexing and Filing.....	7-22
B.	Docket Preparation.....	7-22
C.	Prepayment Processing.....	7-22
D.	Advisement of Right to Counsel/Review of Bail Determination.....	7-23
E.	Arraignment.....	7-26
F.	Crossover Arraignments.....	7-26
G.	Preliminary Hearings.....	7-28
H.	Subpoenas, Witness Summoning.....	7-28
I.	Extradition Hearing.....	7-29
J.	Request for a Reduction or Change of Bail (Bond Hearing).....	7-30
K.	Mental Condition of Defendant (Pre-adjudication).....	7-31
L.	Interpreters for Deaf and Non-English Speaking Persons.....	7-39
M.	Certificate of Analysis.....	7-40
N.	Admissibility of Affidavits.....	7-43
O.	Notice, Motion and Order for Chemical Analysis of Alleged Plant Material ...	7-43
P.	Custody of Evidence.....	7-44
Q.	Recall of Process.....	7-44
R.	Photographing and Broadcasting Judicial Proceedings.....	7-44
S.	Transfer of Jurisdiction.....	7-45
T.	Confidentiality of Certain Pretrial Reports.....	7-45
V.	CASE TRIAL PROCEDURES.....	7-45
A.	Adjudicatory Hearing.....	7-46
B.	Failure to Appear and Bond Forfeiture.....	7-47
C.	Trial Provisions.....	7-48
D.	Pre-Conviction Probation for “First-Time Offenders”.....	7-49
E.	Accord and Satisfaction.....	7-51
F.	Sentencing.....	7-51
G.	Substance Abuse Screening, Assessment and Treatment.....	7-53
H.	Restitution.....	7-54
I.	Costs.....	7-55
J.	Cash Bond Used to Pay Fines and Costs.....	7-56
K.	Not Guilty by Reason of Insanity.....	7-56
L.	Insanity after Conviction (Adjudication).....	7-57
M.	Central Criminal Records Exchange (CCRE) Procedures.....	7-59
N.	Constitutionality of Statutes.....	7-63
VI.	CASE PAYMENT PROCEDURES.....	7-64
A.	Payment within Thirty Days of Sentencing.....	7-64

B. Deferred or Installment Payment 7-65

C. Petition for Authorization for Restricted Driver’s License..... 7-66

D. Nondisclosure 7-66

E. Bankruptcy 7-66

VII. CASE POST-TRIAL PROCEDURES..... 7-71

A. Failure to Pay Fines and Costs..... 7-71

B. Failure to Comply with Conditional Release..... 7-73

C. Notices to Jail..... 7-73

D. Appeals 7-75

E. Motion to Rehear 7-75

F. Testing for HIV (Human Immunodeficiency Virus) 7-75

G. DNA Sample Taken at Arrest and Upon Conviction..... 7-76

H. Administrative Procedures..... 7-76

I. Records Management..... 7-77

J. Disposition of Property 7-77

CHAPTER 8 - PROTECTIVE ORDERS..... 8-1

I. FAMILY ABUSE AND CRIMINAL CASES 8-1

A. Emergency Protective Orders 8-1

B. Emergency Protective Order – Family Abuse Procedures 8-1

C. Family Abuse Protective Orders..... 8-2

D. Servicemembers Civil Relief Act Requirements For Default Judgment 8-2

E. Initial Petition Procedures..... 8-4

II. PROTECTIVE ORDERS (§ 19.2-152.9) 8-8

A. Emergency Protective Orders 8-8

B. Procedure - Emergency Protective Order 8-8

C. Preliminary Protective Orders and Protective Orders..... 8-9

D. Procedure – Preliminary Protective Order and Protective Order..... 8-10

III. EXTENSION OF PRELIMINARY PROTECTIVE ORDERS..... 8-13

IV. EXTENSION OF PROTECTIVE ORDERS 8-13

V. PROTECTIVE ORDERS ISSUED FROM CRIMINAL CASE 8-14

VI. MODIFICATIONS AND DISSOLUTIONS OF PROTECTIVE ORDERS 8-15

VII. CONFIDENTIALITY CONSIDERATIONS 8-15

VIII. CHILD PROTECTIVE ORDERS 8-15

IX. FOREIGN PROTECTIVE ORDER (ISSUED BY OTHER STATES) 8-16

 A. State Provisions..... 8-16

 B. Federal Provisions..... 8-16

X. VIOLATIONS OF PROTECTIVE ORDERS 8-17

 A. Violation of Family Abuse Protective Order 8-17

 B. Violations of Protective Orders 8-18

 C. Venue 8-19

CHAPTER 9 - SUPPORT 9-1

I. INTRODUCTION 9-1

II. SUPPORT PROCEEDINGS..... 9-1

 A. Case Initiation of In-State Support Cases 9-1

 B. Pre-Trial Procedures of In-State Support Cases 9-3

 C. Trial Procedures in In-State Support Cases 9-4

 D. Income Deduction Orders 9-10

 E. Post-Trial Procedures..... 9-12

 F. Support Payment Enforcement Process 9-14

III. UNIFORM INTERSTATE FAMILY SUPPORT CASES (UIFSA) 9-20

 A. Requests to Act as Initiating Tribunal for an Order to be heard
 and entered in Another State..... 9-21

 B. Finalizing a Request from Another State’s Initiating Tribunal to
 Hear and Enter a Support Order in Virginia 9-22

 C. Registration of Foreign Support Orders..... 9-23

 D. Modification of Foreign Support Orders 9-27

IV. CRIMINAL NON-SUPPORT 9-28

 A. Clerk’s Procedures for Warrant from Magistrate 9-28

 B. Clerk’s Procedures for Petition Filed in the Clerk’s Office,
 Without Affidavit..... 9-29

 C. Clerk’s Procedures for Petition Filed in the Clerk’s Office with
 DC-614, AFFIDAVIT-DESERTION AND NON-SUPPORT 9-30

 D. Forms 9-32

 E. References..... 9-32

V. APPEAL BONDS 9-32

 A. Arrearage Bond-When Mandatory 9-32

 B. Accrual Bond-Discretionary 9-33

 C. Appearance Bond-Discretionary..... 9-33

JUVENILE & DOMESTIC RELATIONS DISTRICT COURT MANUAL

TABLE OF CONTENTS

PAGE x

D. Withdrawal of Appeals 9-33
E. Forms 9-33

VI. SUPPORT-REMANDED FROM CIRCUIT COURT DIVORCE ORDER..... 9-34

CHAPTER 10 - FEES AND PREPAYMENTS..... 10-1

I. CIVIL FEES SCHEDULES AND CODES 10-1
II. CRIMINAL AND TRAFFIC FEE SCHEDULES AND CODES 10-2
III. UNIFORM FINE SCHEDULE 10-4
 A. Prepayable Traffic Offenses 10-4
 B. Prepayable Non-Traffic Offenses 10-4

CHAPTER 11 - RECORDS RETENTION, DESTRUCTION AND EXPUNGEMENTS..... 11-1

I. AUTHORITIES 11-1
II. RETENTION PROVISIONS..... 11-2
 A. Administrative Records 11-2
 B. Financial Records..... 11-3
 C. Case Records..... 11-4
 D. § 19.2-392.2 Expungement of Police and Court Records - Adults..... 11-6
 E. Juvenile Cases & Adult Support..... 11-12
III. JUVENILE RECORDS RETENTION SCHEDULE 11-14

CHAPTER 12 - MISCELLANEOUS 12-1

I. SUBPOENA *DUCES TECUM* 12-1
 A. Medical Records 12-1
 B. Subpoena *Duces Tecum* for Financial Records 12-4
II. SERVICE OF PROCESS..... 12-4
 A. In General..... 12-4
 B. Service of Process - By Parties and Special Substitute Service Provisions..... 12-5
 C. Served Through the Secretary of the Commonwealth..... 12-11
 D. Served Through Clerk of SCC, DMV or Other 12-12
 E. If an Order of Publication is to be Used 12-12
 F. Failure to Serve Process..... 12-15

JUVENILE & DOMESTIC RELATIONS DISTRICT COURT MANUAL

TABLE OF CONTENTS

PAGE xi

III. MOTION TO REHEAR 12-16

IV. BOND FORFEITURE 12-16

 A. Secured Bond 12-17

 B. Unsecured Bond..... 12-34

 C. Defendant (First Party) Cash Bond..... 12-44

 D. Third-Party Cash Bond 12-47

 E. Appeal-Bond Forfeiture 12-53

 F. Refunding the Bond 12-53

 G. Abstract of Judgment Filed by Juvenile and Domestic Relations
 District Court with the General District Court for Enforcement 12-54

 H. Time Constraints..... 12-55

 I. Forms 12-56

 J. References..... 12-57

V. AUTHORIZATION OF MEDICAL TREATMENT OF JUVENILES 12-58

VI. INTELLECTUAL DISABILITY..... 12-58

VII. TREATMENT, REHABILITATION OR OTHER SERVICES 12-59

VIII. SPECIAL WORK PERMITS 12-59

IX. PETITION FOR PARENTAL PARTICIPATION..... 12-59

X. DRIVER’S LICENSE CEREMONY 12-59

XI. PETITION FOR CANCELLATION OF JUVENILE’S DRIVER’S
 LICENSE 12-60

XII. PETITION FOR RELIEF FROM LEGAL DETERMINATION OF
 PATERNITY 12-60

XIII. SEX OFFENDERS AND CRIMES AGAINST MINORS REGISTRY 12-61

XIV. CIVIL TRANSPORTS 12-62

 A. Decisions under Current Law 12-62

 B. Exception 12-63

CHAPTER 13 - CONFIDENTIALITY OF RECORDS 13-1

 I. IN GENERAL..... 13-1

 II. CONFIDENTIALITY OF DEPARTMENT OF JUVENILE JUSTICE
 RECORDS (INCLUDING THE COURT SERVICES UNIT)..... 13-2

III. CONFIDENTIALITY OF LAW ENFORCEMENT RECORDS 13-3

IV. DOCKETS HEARINGS AND RECORDS PUBLIC TRIAL PRESENCE
IN COURT 13-3

V. CONFIDENTIALITY OF JUVENILE COURT RECORDS 13-4

VI. CONFIDENTIALITY OF CIRCUIT COURT RECORDS 13-6

VII. DISCLOSURE OF VITAL RECORDS 13-6

VIII. REQUEST FOR CONFIDENTIALITY: TRAFFIC AND CRIMINAL
CASES 13-6

 A. Traffic and Criminal Cases 13-6

 B. Civil Cases, Including Protective Orders 13-7

CHAPTER 14 - OTHER COURT SOURCES 14-1

 I. PUBLICATIONS AVAILABLE 14-1

 II. INFORMATION REFERENCE DOCUMENTS AND PAMPHLETS 14-3

GLOSSARY Glossary-1

APPENDIX A – CIVIL FEES & FORMS A-1

APPENDIX B – CRIMINAL & TRAFFIC FINES AND FEES B-1

APPENDIX C – APPEALS C-1

 I. TRAFFIC AND CRIMINALS APPEALS C-1

 II. APPEAL OF BAIL PRIOR TO TRIAL C-3

 III. WITHDRAWAL OF APPEAL C-3

 IV. APPEAL BONDS – CIVIL SUPPORT C-4

 A. Arrearage Bond-When Mandatory C-4

 B. Accrual Bond C-5

 C. Appearance Bond C-5

 D. Withdrawal of Appeal In Civil Cases C-5

 E. Clerk’s Procedures – No Bond Required On Appeal C-5

 F. Clerk’s Procedures – Bond Required on Appeal by the Respondent
 in Civil Support Proceedings C-6

 G. Time Constraints C-8

JUVENILE & DOMESTIC RELATIONS DISTRICT COURT MANUAL

TABLE OF CONTENTS

PAGE xiii

H. Forms C-8
I. References..... C-8

V. APPEAL BONDS – CRIMINAL SUPPORT C-8

 A. Clerk’s Procedures – No Bond Required on Appeal C-8
 B. Clerk’s Procedures – Bond Required..... C-8
 C. Time Constraints..... C-10
 D. Forms C-10
 E. References..... C-10

VI. DELINQUENCY APPEALS..... C-10

 A. Clerk’s Procedures C-10
 B. Forms C-11
 C. References..... C-11

VII. CUSTODY/VISITATION RELIEF OF CUSTODY APPEALS C-11

 A. Clerk’s Procedures C-12
 B. Forms C-13
 C. References..... C-13

VIII. PROTECTIVE ORDERS C-13

IX. APPEALS MATRIX..... C-14

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

 I. OFFICE OF PERSONNEL MANAGEMENT D-1

 II. OFFICE OF THE SECRETARY OF DEFENSE & MILITARY
 DEPARTMENTS..... D-1

 III. SERVICEMEMBERS CIVIL RELIEF ACT REQUIREMENTS FOR
 DEFAULT JUDGMENT..... D-1

 IV. UNITED STATES POSTAL SERVICE D-2

APPENDIX E – MANUAL UPDATES..... E-1

INDEX.....Index-1