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 **YOU AND THE LAW**

*A Look inside Your Juvenile and
Domestic Relations Courts*

March 28, 2017

YOU AND THE LAW

A LOOK INSIDE YOUR JUVENILE AND DOMESTIC RELATIONS COURTS

March 28, 2017

Roanoke City Court House

PROGRAM

5:30pm **Check In**—J&DR Court Lobby

6:00 pm **General Jurisdiction of the Court and Confidentiality of Records; Record Expungement; Protective Orders**—J&DR Court Lobby

Learn about the jurisdiction of this Court and the importance of mandated confidentiality of records/and possible subsequent expungement; how the Court operates; Protective Orders; and what the Clerk's office can and cannot do to help you with your case.

Presented by Judge Leisa K. Ciaffone and Clerk Carolyn Robbins

6:30 pm **Court Security and Public Relations/DARE Officers**—J&DR Court Lobby

See how the Sheriff's office insures appropriate conduct in Court to ensure safe and efficient legal proceedings and how the Sheriff's office educates the public, especially in our schools.

Presented by Captain Chuck Ferguson and Lt. Jeff Jenkins

6:55 pm **BREAK**

7:05 pm **The Boogeyman Exists**—A J&DR Judge's comments on internet safety and social media

GDC Courtroom No. 4

Presented by Judge Hilary Griffith

7:20 pm **Commonwealth's Attorney/Public Defender Presentation**—GDC Courtroom No. 4

Watch as a mock juvenile detention hearing takes place. See how prosecutors and public defenders approach J&DR cases and work toward a resolution all parties can live with.

Presented by John M. McNeil, Assistant Commonwealth's Attorney and Rachel Jackson, Assistant Public Defender

7:40 pm **Pro Se Litigants**—GDC Courtroom No. 4

Two judges describe the reality of unrepresented parties in Court, addressing how unrepresented parties can file petitions and motions without an attorney and describing the court process for unrepresented litigants.

Presented by Judge Onzlee Ware and Judge John Weber

7:55 pm **Foster Care: Protecting the Youngest Among Us**—GDC Courtroom No. 4

A Panel Discussion

Moderator: **Judge Frank W. Rogers, III**

Panelists: **Heather Ferguson, Esq.**, Office of the City Attorney

Rachel Lower, Esq., Counsel for the Department of Social Services

Judi Jacobson, Court Appointed Special Advocate

James Cargill, Esq., Guardian *ad litem*

8:30 pm **Adjournment**



 **YOU AND THE LAW**

*A Look inside Your Juvenile and Domestic
Relations Courts*

Jurisdiction of the Juvenile and Domestic Relations District Court

§ 16.1-241 Jurisdiction of the Juvenile and Domestic Relations District Court

The judges of the juvenile and domestic relations district court have jurisdiction over all cases, matters and proceedings involving:

A. The custody, visitation, support, control or disposition of a child:

1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status offender, or delinquent*;

2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical or mental incapacity of his parents is without parental care and guardianship;

2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated as having abused or neglected another child in the care of the parent or custodian;

3. Whose custody, visitation or support is a subject of controversy or requires determination. ...

4. Who is the subject of an entrustment agreement ...or whose parent or parents for good cause desire to be relieved of his care and custody;

5. Where the termination of residual parental rights and responsibilities is sought....; and

6. Who is charged with a traffic infraction as defined in § 46.2-100.

* Generally, when a juvenile is alleged to have committed a violent juvenile felony ..., the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was 14 years of age or older at the time of the alleged offense. A determination by the juvenile court following a preliminary hearing to certify a charge to the grand jury shall divest the juvenile court of jurisdiction over the charge and any ancillary charge.

B. The admission of minors for inpatient treatment in a mental health and the involuntary admission of a person with mental illness or judicial certification of eligibility for admission to a training center for persons with intellectual disability

C. Except as provided in subsections D and H, judicial consent to such activities as may require parental consent may be given for a child who has been separated from his parents, guardian, ... and is in the custody of the court when such consent is required by law.

D. Judicial consent for emergency surgical or medical treatment for a child who is neither married nor has ever been married, when the consent of his parent, guardian, legal custodian ...is

unobtainable because such parent, guardian, legal custodian ... (i) is not a resident of the Commonwealth, (ii) has his whereabouts unknown, (iii) cannot be consulted with promptness, reasonable under the circumstances, or (iv) fails to give such consent or provide such treatment when requested by the judge to do so.

E. Any person charged with deserting, abandoning or failing to provide support for any person in violation of law.

F. Any parent, guardian, legal custodian or other person standing in loco parentis of a child:

1. Who has been abused or neglected;

2. Who is the subject of an entrustment agreementor is otherwise before the court pursuant to subdivision A 4; or

3. Who has been adjudicated in need of services, in need of supervision, or delinquent, if the court finds that such person has by overt act or omission induced, caused, encouraged or contributed to the conduct of the child complained of in the petition.

G. Petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian or ... for the purpose of obtaining treatment, rehabilitation or other services that are required by law to be provided for that child or such child's parent, guardian, legal custodian.

H. Judicial consent to apply for a work permit for a child when such child is separated from his parents, legal guardian

I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or neglect of children or with any violation of law that causes or tends to cause a child to come within the purview of this law, or with any other offense against the person of a child. In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause.

J. All offenses in which one family or household member is charged with an offense in which another family or household member is the victim and all offenses under § 18.2-49.1.

In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause.

K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily relinquished pursuant to a court proceeding, to seek a reversal of the court order terminating such parental rights. No such petition shall be accepted, however, after the child has been placed in the home of adoptive parents.

L. Any person who seeks spousal support after having separated from his spouse. A decision under this subdivision shall not be res judicata in any subsequent action for spousal support in a circuit court. A circuit court shall have concurrent original jurisdiction in all causes of action under this subdivision.

M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1, and all petitions filed for the purpose of obtaining an order of protection pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 if either the alleged victim or the respondent is a juvenile.

N. Any person who escapes or remains away without proper authority from a residential care facility in which he had been placed by the court or as a result of his commitment to the Virginia Department of Juvenile Justice.

O. Petitions for emancipation of a minor

P. Petitions for enforcement of administrative support orders

Q. Petitions for a determination of parentage A circuit court shall have concurrent original jurisdiction

R. [Repealed.]

S. Petitions filed by school boards against parents pursuant to §§ 16.1-241.2 and 22.1-279.3.

T. Petitions to enforce any request for information or subpoena that is not complied with or to review any refusal to issue a subpoena in an administrative appeal regarding child abuse and neglect pursuant to § 63.2-1526.

U. Petitions filed in connection with parental placement adoption consent hearings

V. Petitions filed for the purpose of obtaining the court's assistance with the execution of consent to an adoption when the consent to an adoption is executed pursuant to the laws of another state and the laws of that state provide for the execution of consent to an adoption in the court of the Commonwealth.

W. Petitions filed by a juvenile seeking judicial authorization for a physician to perform an abortion if a minor elects not to seek consent of an authorized person.

X. Petitions filed pursuant to Article 17 (§ 16.1-349 et seq.) relating to standby guardians for minor children.



 **YOU AND THE LAW**

*A Look inside Your Juvenile and Domestic
Relations Courts*

Juvenile Records, Confidentiality, and Expungement

Virginia Code § 16.1-299 through §16.1-309.1

Laws regarding confidentiality of juvenile records, exceptions to confidentiality, and expungement – paraphrased

§ 16.1-299 **Fingerprints and photographs of juveniles**

This section contains provisions for fingerprinting juveniles, how fingerprints are stored, and when fingerprint cards are to be destroyed.

§ 16.1-299.1 **Sample required for DNA analysis upon conviction or adjudication of felony**

This section contains provisions for DNA sample to be taken of juveniles convicted of certain offenses.

§ 16.1-300 **Confidentiality of Department records**

A. The social, medical, psychiatric and psychological reports and records of children who are or have been (i) before the court, (ii) under supervision, or (iii) receiving services from a court service unit or who are committed to the Department of Juvenile Justice **shall be confidential and shall be open for inspection only to the following:**

1. The judge, prosecuting attorney, probation officers and professional staff assigned to serve a court;
2. Any public agency, child welfare agency, private organization, facility or person who is treating or providing services to the child pursuant to a contract with the Department or pursuant to the Virginia Juvenile Community Crime Control Act;
3. The child's parent, guardian, legal custodian or other person standing in loco parentis and the child's attorney;
4. Any person who has reached the age of majority and requests access to his own records or reports;
5. Any state agency providing funds to the Department of Juvenile Justice and required by the federal government to monitor or audit the effectiveness of programs for the benefit of juveniles which are financed in whole or in part by federal funds;

6. Any other person, agency or institution, including any law-enforcement agency, school administration, or probation office **by order of the court**, having a legitimate interest in the case, the juvenile, or in the work of the court;
7. Any person, agency, or institution, in any state, having a legitimate interest for treatment or rehabilitative services,
8. Any attorney for the Commonwealth, any pretrial services officer, local community-based probation officer and adult probation and parole officer
9. Any person, agency, organization or institution outside the Department that, at the Department's request, is conducting research or evaluation
10. With the exception of medical, psychiatric, and psychological records and reports, any full-time or part-time employee of the Department of State Police or of a police department or sheriff's office that is a part of or administrated by the Commonwealth or any political subdivision thereof, and who is responsible for the enforcement of the penal, traffic, or motor vehicle laws of the Commonwealth, is entitled to any information related to a criminal street gang including that a person is a member of a criminal street gang
11. The Commonwealth's Attorneys' Services Council and any attorney for the Commonwealth, ...;
12. Any state or local correctional facility when such facility has custody of or is providing supervision for a person convicted as an adult who is the subject of the reports and records. ...
13. The Office of the Attorney General,

A person, or his or her parent or guardian if the person is under the age of 18 years, may authorize the Department to release such records to a treatment provider.

B. The Department may withhold from inspection by a child's parent, guardian, legal custodian or other person standing in loco parentis that portion of the records referred to in subsection A hereof, when the staff of the Department determines, in its discretion, that disclosure of such information would be detrimental to the child or to a third party, provided that the juvenile and domestic relations district court (i) having jurisdiction over the facility where the child is currently placed or (ii) that last had jurisdiction over the child if such child is no longer in the custody or under the supervision of the Department shall concur in such determination.

§ 16.1-301 Confidentiality of juvenile law-enforcement records; and disclosures to school principals and others

- A. This section provides that law-enforcement agencies are to ensure that records regarding juveniles are protected from unauthorized disclosure.
- B. This section provides that the chief of police or sheriff may disclose, for the protection of the juvenile, his fellow students and school personnel, to the school principal that a juvenile is a suspect in or has been charged with (i) a violent juvenile felony, as specified in subsections B and C of §16.1-269.1 [murder, rape, robbery, malicious wounding, etc.] (ii) a violation of any of the provisions of §18.2-77 [arson] ; or (iii) a violation of law involving any weapon as described in subsection A of §18.2-308 [carrying a concealed weapon]. If disclosure is made to the principal, this section also provides for follow up information to be given regarding, convictions, dismissals, etc.
- C. This provision discusses who has access to law enforcement records regarding juveniles.
- D. This provision allows sharing of information regarding juveniles between law enforcement agencies.
- E. This provision allows sharing of information regarding juveniles to the Virginia Worker's Compensation Commission regarding paying benefits to the victim of a crime.

§ 16.1-301 Court dockets and records; when hearings and records private; right to a public hearing; presence of juvenile in court

- A. Every juvenile court shall keep a separate docket of cases arising under this law.
- B. Every circuit court shall keep a separate docket, index, and, for entry of its orders, a separate order book or file for cases on appeal from the juvenile court except: (i) cases involving support pursuant to §20-61 or subdivisions A 3, F or L of §16.1-241; (ii) cases involving criminal offenses committed by adults which are commenced on a warrant or a summons ...; and (iii) cases involving civil commitments of adults
- C. The general public shall be excluded from all juvenile court hearings and only such persons admitted as the judge shall deem proper. However, proceedings in cases involving an adult charged with a crime and hearings held on a petition or warrant alleging that a juvenile fourteen years of age or older committed an offense which would be a felony if committed by an adult **shall** be open. Subject to the provisions of subsection D for good cause shown, the court **may**, sua sponte or on motion of the accused or the attorney for the Commonwealth close the proceedings. If the proceedings are closed, the court shall state in writing its reasons and the statement shall be made a part of the public record.

D. In any hearing held for the purpose of adjudicating an alleged violation of any criminal law, or law defining a traffic infraction, the juvenile or adult so charged shall have a right to be present and shall have the right to a public hearing unless expressly waived by such person. [Juveniles may admit to certain traffic infractions with the consent of parent or guardian if allowed by the court and waive a court appearance; adults who were charged with certain traffic infractions as a juvenile may admit to certain traffic infractions and waive a court appearance.] Whenever the sole purpose of a proceeding is to determine the custody of a child of tender years, the presence of such juvenile in court may be waived by the judge at any stage thereof.

§ 16.1-302 Right of victim or representative to attend certain proceedings; notice of hearings

This section provides that, in cases in which a juvenile is charged with a delinquent act, the victim may be present at trial unless the court believes that the presence of the victim will impair the conduct of a fair trial. If the victim is a minor, an adult may stay with the victim. The Commonwealth's Attorney's Office shall give notice of such proceedings to the victim and to any known adult chosen in accordance with this section.

§ 16.1-303 Reports of court officials and employees when privileged

This section makes confidential information learned by court employees and other officials, with certain enumerated exceptions.

§ 16.1-305 Confidentiality of court records

A. Social, medical and psychiatric or psychological records, including reports or preliminary inquiries, predisposition studies and supervision records, of neglected and abused children, children in need of services, children in need of supervision and delinquent children shall be filed with the other papers in the juvenile's case file. **All juvenile case files shall be filed separately from adult files and records of the court and shall be open for inspection only to the following:**

1. The judge, probation officers and professional staff assigned to serve the juvenile and domestic relations district courts;
2. Representatives of a public or private agency or department providing supervision or having legal custody of the child or furnishing evaluation or treatment of the child ordered or requested by the court;
3. The attorney for any party, including the attorney for the Commonwealth;

4. Any other person, agency or institution, by order of the court, having a legitimate interest in the case or in the work of the court.....;

5. Any attorney for the Commonwealth and any local pretrial services or community-based probation officer or state adult probation or parole officer shall have direct access to the defendant's juvenile court delinquency records maintained in an electronic format by the court for the strictly limited purposes of preparing a pretrial investigation report,

A copy of the court order of disposition in a delinquency case shall be provided to a probation officer or attorney for the Commonwealth, when requested for the purpose of calculating sentencing guidelines. The copies shall remain confidential.....

6. The Office of the Attorney General, for all criminal justice activities otherwise permitted and for purposes of performing duties

A1. Any person, agency, or institution that may inspect juvenile case files pursuant to subdivisions A 1 through A 4 shall be authorized to have copies made of such records, subject to any restrictions, conditions, or prohibitions that the court may impose.

B. All or any part of the records enumerated in subsection A, or information secured from such records, which is presented to the judge in court or otherwise in a proceeding under this law shall also be made available to the parties to the proceedings and their attorneys.

B1. If a juvenile 14 years of age or older at the time of the offense is adjudicated delinquent on the basis of an act which would be a felony if committed by an adult, all court records regarding that adjudication and any subsequent adjudication of delinquency, other than those records specified in subsection A, shall be open to the public. However, if a hearing was closed, the judge may order that certain records or portions thereof remain confidential to the extent necessary to protect any juvenile victim or juvenile witness.

C. All other juvenile records, including the docket, petitions, motions and other papers filed with a case, transcripts of testimony, findings, verdicts, orders and decrees shall be open to inspection only by those persons and agencies designated in subsections A and B of this section. However, a licensed bail bondsman shall be entitled to know the status of a bond he has posted or provided surety on for a juvenile This shall not authorize a bail bondsman to have access to or inspect any other portion of his principal's juvenile court records.

D. Attested copies of papers filed in connection with an adjudication of guilty for an offense for which the clerk is required ... to furnish an abstract to the DMV, which shows the charge, finding, disposition, name of the attorney for the juvenile, or waiver of attorney shall be

furnished to an attorney for the Commonwealth upon certification by the prosecuting attorney that such papers are needed as evidence in a pending criminal, traffic, or habitual offender proceeding and that such papers will be only used for such evidentiary purpose.

D1. Attested copies of papers filed in connection with an adjudication of guilt for a delinquent act that would be a felony if committed by an adult, which show the charge, finding, disposition, name of the attorney for the juvenile, or waiver of attorney by the juvenile, shall be furnished to an attorney for the Commonwealth upon his certification that such papers are needed as evidence in a pending criminal prosecution for a violation of § 18.2-308.2 and that such papers will be only used for such evidentiary purpose.

E. Upon request, a copy of the court order of disposition in a delinquency case shall be provided to the Virginia Workers' Compensation Commission solely for purposes of determining whether to make an award to the victim of a crime, and such information shall not be disseminated or used by the Commission for any other purpose including but not limited to actions pursuant to § 19.2-368.15.

F. Staff of the court services unit or the attorney for the Commonwealth shall provide notice of the disposition in a case involving a juvenile who is committed to state care after being adjudicated for a criminal sexual assault . . .to the victim or a parent of a minor victim, upon request. Additionally, if the victim or parent submits a written request, the Department of Juvenile Justice shall provide advance notice of such juvenile offender's anticipated date of release from commitment.

G. Any record in a juvenile case file which is open for inspection by the professional staff of the Department of Juvenile Justice pursuant to subsection A and is maintained in an electronic format by the court, may be transmitted electronically to the Department of Juvenile Justice. Any record so transmitted shall be subject to the provisions of § 16.1-300.

§ 16.1-305.1 Disclosure of disposition in certain delinquency cases

When a juvenile is charged with certain serious offenses, this section requires the clerk of court to provide the disposition (convicted, not guilty, etc.) to the superintendent of the school division in which the child was enrolled.

§ 16.1-305.2 Disclosure of notice of the filing of a petition and certain reports by division superintendent

This provision limits the information that a school superintendent may disclose such information, and under what conditions the disclosure may be made.

§ 16.1-306 Expungement of court records

This provision directs the clerk of court to destroy certain records, depending upon the nature of the charge, the age of the juvenile, and the disposition of the offense. If a case has been dismissed, the person may file a motion that the records be destroyed.

§ 16.1-307 Circuit Court records regarding juveniles

This provision pertains to confidentiality of Circuit Court records regarding juvenile (such as appeals, felonies, etc.).

§ 16.1-308 Effect of adjudication on status of a child

Except as otherwise provided by law for a juvenile found guilty of a felony in circuit court whose case is disposed of in the same manner as an adult criminal case, a finding of guilty on a petition charging delinquency under the provisions of this law shall not operate to impose any of the civil disabilities ordinarily imposed by conviction for a crime, nor shall any such finding operate to disqualify the child for employment by any state or local governmental agency.

Nothing in this section shall prohibit the State Police or a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof from denying employment to a person who had been adjudicated delinquent where such denial is based on the nature and gravity of the offense, the time since adjudication, the time since completion of any sentence, and the nature of the job sought.

§ 16.1-309 Penalty

With certain enumerated exceptions, this provision provides that a person who discloses or makes use of identifying information not otherwise available to the public about a juvenile who is the subject of a proceeding within the jurisdiction of the juvenile court (under §16.1-241 (A)(1)-(5)) or who is in the custody of the Department of Juvenile Justice, shall be guilty of a Class 3 misdemeanor (fine up to \$500).

§ 16.1-309.1 Exception as to confidentiality

This provision allows the judge to make available to the public the name and address of a juvenile and the nature of the offense under various scenarios (when public interest requires, when the juvenile is a fugitive, etc.).



YOU AND THE LAW

*A Look inside Your Juvenile and Domestic
Relations Courts*

Protective Orders

Protective Orders

A. Family or Household Member Abuse – Adult

§ 16.1-253.4. Emergency protective orders authorized in certain cases.

These orders are entered *ex parte*, and expire at 11:59 pm on the third day following issuance, or if court is not in session, on the next day that court is in session. These are often issued by a magistrate following an arrest.

§ 16.1-253.1. Preliminary protective orders in cases of family abuse

A. Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period of time, subjected to **family abuse**, the court may issue a preliminary protective order. 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.

After the issuance of the order, a hearing is required to be held within 15 days. Either party may file a motion to dissolve the order before that time.

§ 16.1-279.1 Protective Orders 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 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 [prohibit all contact, prohibit contact except for lawful contact, granting petitioner possession of residence, preventing respondent from terminating necessary utilities, granting temporary use of a vehicle that is jointly owned or owned by petitioner, etc.).

This order may stay in effect for up to 2 years.

PROTECTIVE ORDER – FAMILY ABUSE
Commonwealth of Virginia VA. CODE § 16.1-279.1

Case No.

Jurisdiction County
 Circuit Court
 Juvenile and Domestic Relations District Court
 Amended Protective Order Extension of Protective Order Conviction for Violation of Protective Order

PETITIONER

DOE, JOHN Q.

LAST FIRST MIDDLE

And on behalf of minor family or household members:
(list each name and date of birth)

PETITIONER'S DATE OF BIRTH

01/01/1976

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

v.

RESPONDENT

DOE, MARY Z.

LAST FIRST MIDDLE

Petitioner's relationship to Respondent:
SPOUSE

5678 HAPPY LANE
RESPONDENT'S ADDRESS
ROANOKE, VA 67890

RESPONDENT IDENTIFIERS (IF KNOWN)

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

SSN

DRIVER'S LICENSE NO.	STATE	EXP.
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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:
BY TELEPHONE ONLY, IF NEEDED TO DISCUSS ISSUES INVOLVING PARTIES' CHILD
- 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

06/01/2018 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 1234 ABC DRIVE, ROANOKE, VA 12345. 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 DOE, CHILD X. is as follows: PETITIONER WILL HAVE CHILD MONDAY THROUGH THURSDAY MORNING. RESPONDENT WILL HAVE CHILD THURSDAY THROUGH MONDAY MORNING. EXCHANGE WILL BE AT SCHOOL OR DAYCARE.

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

It is further ordered that

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

Number of supplemental pages 5

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.

02/14/2017 DATE

X X X X X JUDGE

ADDITIONAL WARNINGS TO RESPONDENT:

If Respondent violates the conditions of this order, Respondent may be sentenced to jail and/or ordered to pay a fine. This order will be entered into the Virginia Criminal Information Network. Either party may at any time file a motion with the court requesting a hearing to dissolve or modify this order; however, this order remains in full force and effect unless and until dissolved or modified by the court.

VIRGINIA FIREARMS PROHIBITIONS:

Pursuant to Code of Virginia § 18.2-308.1:4, Respondent shall not purchase, transport or possess any firearm while this order is in effect. For a period of 24 hours after being served with this order, Respondent may, however, continue to possess and transport a firearm possessed by Respondent at the time of service for the purposes of selling or transferring that firearm 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	DOE, MARY Z.
ADDRESS	5678 HAPPY LANE ROANOKE, VA 67890
<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	DOE, JOHN Q.

<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

sample

DEFINITIONS:

“Family abuse” means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, bodily injury and that is committed by a person against such person’s family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et. seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

“Family or household member” means (i) the person’s spouse, whether or not he or she resides in the same home with the person, (ii) the person’s former spouse, whether or not he or she resides in the same home with the person, (iii) the person’s parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren regardless of whether such persons reside in the same home with the person, (iv) the person’s mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, or (v) any individual who has a child in common with the defendant, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous twelve (12) months, cohabitated with the person, and any children of either of them residing in the same home with the person.

**TEMPORARY SUPPORT ORDER -
PROTECTIVE ORDER – FAMILY ABUSE**
COMMONWEALTH OF VIRGINIA Va. Code § 16.1-279.1 A1

Case No.

Circuit Court
 Juvenile and Domestic Relations District Court

PETITIONER/PLAINTIFF:

RESPONDENT:

DOE, JOHN Q.
.....
LAST FIRST MIDDLE
01/01/1976
DATE OF BIRTH OF PETITIONER

DOE, MARY Z.
.....
LAST FIRST MIDDLE
5678 HAPPY LANE
RESPONDENT'S ADDRESS
ROANOKE, VA 67890

The court finds that the following dependents:

NAME	SOC. SEC. # (last 4 digits only)	SEX	DATE OF BIRTH	RELATIONSHIP TO RESPONDENT
.....
.....
.....

are entitled to temporary support in conjunction with the issuance of a Protective Order—Family Abuse until an Order of Support can be issued in a support proceeding.

Therefore, the court ORDERS Respondent to pay

\$ per month for all children listed above payable \$ per beginning on
INTERVAL DATE

to be paid as follows

This temporary child support order will terminate once a separate order to pay child support has been entered pursuant to § 20-108.1.

02/14/2017
DATE

JUDGE

B. Act of Violence, Force or Threat – Not Necessarily a Family or Household Member

§ 19.2-152.8. Emergency protective orders authorized.

These orders can be issued *ex parte* and expire at 11:59 pm on the third day following issuance, or if court is not in session, on the next day that court is in session. These are often issued by a magistrate following an arrest.

§ 19.2-152.9. Preliminary protective orders.

A. Upon the filing of a petition alleging that (i) the petitioner is or has been, within a reasonable period of time, subjected to an **act of violence, force, or threat**, or (ii) a petition or warrant has been issued for the arrest of the alleged perpetrator for any **criminal offense resulting** from the commission of an **act of violence, force, or threat**, the court may issue a preliminary protective order against the alleged perpetrator. 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.

After the issuance of the order, a hearing is required to be held within 15 days. Either party may file a motion to dissolve the order before that time.

§ 19.2-152.10. Protective order.

A. The court may issue a protective order pursuant to this chapter to protect the health and safety of the petitioner and family or household members of a petitioner upon (i) the issuance of a petition or warrant for, or a conviction of, any criminal offense resulting from the commission of an act of **violence, force, or threat** or (ii) a hearing held pursuant to subsection D of §19.2-152.9. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent [prohibit all contact, prohibit contact except for lawful contact, etc.].

This order may stay in effect for up to 2 years.

PROTECTIVE ORDER

Commonwealth of Virginia VA. CODE § 19.2-152.10

Case No.

JURISDICTION COUNTY J & DR - ADULT

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

LASTNAME, CHILD (FILED BY MOTHER)

LAST FIRST MIDDLE

And on behalf of minor family or household member(s):
(list each name and date of birth)

LASTNAME, MOTHER 01/01/1982

PETITIONER'S DATE OF BIRTH

01/01/2001

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

V.

RESPONDENT

DOE, MARY Z.

LAST FIRST MIDDLE

123 ADDRESS ROAD
RESPONDENT'S ADDRESS

ROANOKE, VA, 67890

RESPONDENT IDENTIFIERS (IF KNOWN)

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
W	F	01	01	76	5	05	115	BR	BR

SSN 111-11-1111

DRIVER'S LICENSE NO.	STATE	EXP.
XXXX	XX	

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 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:

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

02/14/2017

DATE

X X X X X

JUDGE

02/14/2019

MONTH

DAY

YEAR

at 11:59 p.m.

See warnings and notices to Respondent on page two.

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

<p>RESPONDENT:</p> <p>NAME</p> <p>ADDRESS</p> <p><input type="checkbox"/> PERSONAL SERVICE TELEPHONE NUMBER</p> <p><input type="checkbox"/> NOT FOUND</p> <p>_____ SERVING OFFICER</p> <p>for _____</p> <p>_____ 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><input type="checkbox"/> PERSONAL SERVICE</p> <p><input type="checkbox"/> NOT FOUND</p> <p>_____ SERVING OFFICER</p> <p>for _____</p> <p>_____ DATE AND TIME</p> <p><input type="checkbox"/> Copy delivered to:</p> <p>by <i>Sample</i> _____ TITLE _____</p> <p>_____ SIGNATURE _____</p>
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WARNINGS TO RESPONDENT: Pursuant to Code of Virginia § 18.2-308.1:4, Respondent shall not purchase or transport any firearm while this order is in effect. **If Respondent has a concealed handgun permit, Respondent must immediately surrender that permit to the court issuing this order.** If Respondent violates the conditions of this order, Respondent may be sentenced to jail and/or ordered to pay a fine. This order will be entered into the Virginia Criminal Information Network. Either party may at any time file a motion with the court requesting a hearing to dissolve or modify this order; however, this Order remains in full force and effect unless and until dissolved or modified by the court. **Only the court can change this Order.**

Federal Offenses: Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. § 2262). Federal law provides penalties for possessing, transporting, shipping or receiving any firearm or ammunition while subject to a qualifying protective order and under the circumstances specified in 18 U.S.C. § 922(g)(8).

Full Faith and Credit: This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, and any U.S. Territory, and may be enforced on Tribal Lands (18 U.S.C. § 2265).

DEFINITIONS:

“Family or household member” means (i) the person’s spouse, whether or not he or she resides in the same home with the person, (ii) the person’s former spouse, whether or not he or she resides in the same home with the person, (iii) the person’s parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren regardless of whether such persons reside in the same home with the person, (iv) the person’s mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, or (v) any individual who has a child in common with the defendant, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous twelve (12) months, cohabitated with the person, and any children of either of them residing in the same home with the person.

“Act of violence, force, or threat” means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et. seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

C. Abuse or Neglect of a Child by a Parent, Guardian, Etc.

§ 16.1-253. Preliminary protective order.

A. Upon the motion of any person or upon the court's own motion, the court may issue a preliminary protective order, after a hearing, if **necessary to protect a child's life, health, safety or normal development** pending the final determination of any matter before the court. The order may require a **child's parents, guardian, legal custodian, other person standing in loco parentis or other family or household member of the child** to observe reasonable conditions of behavior for a specified length of time. These conditions shall include any one or more of the following: [to abstain from offensive conduct against the child, to cooperate in the provision of reasonable services or programs designed to protect the child's life, health or normal development, to allow persons named by the court to come into the child's home at reasonable times visit the child or inspect the fitness of the home, to allow visitation with the child by persons entitled thereto, to refrain from acts of commission or omission which tend to endanger the child's life, health or normal development, etc.].

.....

May be entered *ex parte* upon sworn testimony or affidavit establishing that the child would be subject to an imminent threat to life or health.

Following the issuance of an *ex parte* order, the court shall provide an adversary hearing as soon as possible, not to exceed 5 days.

All parties shall be advised of their right to counsel. (Clerks often have counsel for each party at the first hearing.)

At the first adversary hearing, the court can determine if abuse or neglect has been proven by a preponderance of the evidence. If no objection to the finding is made, and the court determines that abuse/neglect has been proven, a dispositional hearing is then scheduled within 60 days. However, if an objection to the finding is made, the court will schedule an adjudicatory hearing within the next 30 days, to determine whether abuse/neglect has been proven.

If abuse/neglect is not proven, the petition is dismissed.

If abuse/neglect is proven at the adjudicatory hearing, conditions may be put in place, and a dispositional hearing is held pursuant to § 16.1-278.2.

§ 16.1-278.2. Abused, neglected or abandoned children or children without parental care.

A. Within 60 days of a preliminary removal order hearing held pursuant to § 16.1-252 or a hearing on a preliminary protective order held pursuant to §16.1-253, a dispositional hearing shall be held if the court found abuse or neglect and (i) removed the child from his home or (ii) entered a preliminary protective order.

.....the juvenile court or the circuit court may make any of the following orders of disposition to protect the welfare of the child:

1. Enter an order pursuant to the provisions of §16.1-278;
2. Permit the child to remain with his parent, subject to such conditions and limitations as the court may order with respect to such child and his parent or other adult occupant of the same dwelling;
3. Prohibit or limit contact as the court deems appropriate between the child and his parent or other adult occupant of the same dwelling whose presence tends to endanger the child's life, health or normal development.;
4. Permit the local board of social services or a public agency designated by the community policy and management team to place the child, subject to the provisions of §16.1-281, in suitable family homes, child-caring institutions, residential facilities, or independent living arrangements with legal custody remaining with the parents or guardians.
5. After a finding that there is no less drastic alternative, transfer legal custody, subject to the provisions of §16.1-281, to any of the following:
 - a. A relative or other interested individual ...;
 - b. A child welfare agency, private organization or facility that is licensed or otherwise authorized by law to receive and provide care for such child; ...; or
 - c. The local board of social services of the county or city in which the court has jurisdiction or, at the discretion of the court, to the local board of the county or city in which the child has residence if other than the county or city in which the court has jurisdiction.

Any order authorizing removal from the home and transferring legal custody of a child to a local board of social services as provided in this section shall be entered only upon a finding by the

court that reasonable efforts have been made to prevent removal and that continued placement in the home would be contrary to the welfare of the child; and the order shall so state.

6. Transfer legal custody pursuant to subdivision 5 of this section and order the parent to participate in such services and programs or to refrain from such conduct as the court may prescribe; or

7. Terminate the rights of the parent pursuant to §16.1-283.

A1. Any order transferring custody of the child to a relative or other interested individual pursuant to subdivision A 5 a shall be entered only upon a finding, based upon a preponderance of the evidence, that the relative or other interested individual is one who, after an investigation as directed by the court, (i) is found by the court to be willing and qualified to receive and care for the child; (ii) is willing to have a positive, continuous relationship with the child; (iii) is committed to providing a permanent, suitable home for the child; and (iv) is willing and has the ability to protect the child from abuse and neglect; and the order shall so state.

B. If the child has been placed in foster care,

C. Any preliminary protective orders entered on behalf of the child shall be reviewed at the dispositional hearing and may be incorporated, as appropriate, in the dispositional order.

D. A dispositional order entered pursuant to this section is a final order from which an appeal may be taken in accordance with §16.1-296.

CHILD PROTECTIVE ORDER

Commonwealth of Virginia Va. Code §§ 16.1-253, 16.1-277.02, 16.1-278.3

Juvenile Case No.

02/14/2017

DATE OF HEARING

Juvenile and Domestic Relations District Court

ROANOKE COUNTY J & DR

In re: LASTNAME, CHILD

NAME OF CHILD

DATE OF BIRTH

Present:

- Parent LASTNAME, MOTHER
- Parent LASTNAME, FATHER
- Child LASTNAME, CHILD
- Agency representative SOCIALWORKER, JOHN
- Other GRANDMA RITA

- Attorney for parent ATTORNEY, JOSEPH
- Attorney for parent LAWYER, MARYANN
- Guardian *ad litem* LAWYER, PETER
- Agency attorney AGENCY, LAURA
- CASA

COMPLETE DATA BELOW IF KNOWN
DESCRIPTION OF PERSON (No. 1) SUBJECT TO THIS ORDER

COMPLETE DATA BELOW IF KNOWN
DESCRIPTION OF PERSON (No. 2) SUBJECT TO THIS ORDER

NAME: <u>LASTNAME, MOTHER</u>									
RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
W	F	01	01	82	5	5	150	BR	BR
SSN		111-11-1111							

NAME: <u>LASTNAME, FATHER</u>									
RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
W	M	01	01	81	6	01	210	BR	BR
SSN		111-11-1111							

Check if applicable:

- Relationship of person No. 1 to child's parent: child's other parent spouse/former spouse cohabit in present or past.
 - Relationship of person No. 2 to child's parent: child's other parent spouse/former spouse cohabit in present or past.
- It appearing that the above-named child is within the purview of the Juvenile and Domestic Relations District Court law, and upon a petition of a motion of DEPARTMENT OF SOCIAL SERVICES ("DSS") or the Court's own motion, a hearing has been held, notice has been given as prescribed by law, and the Court has found it necessary to protect the child's life, health, safety or normal development. Therefore, the Court orders that:

LASTNAME, MOTHER

LASTNAME, FATHER

LAST FIRST MIDDLE

LAST FIRST MIDDLE

NAME OF PERSON (NO. 1) SUBJECT TO ORDER
(PARENT, GUARDIAN, LEGAL CUSTODIAN OR OTHER FAMILY OR HOUSEHOLD MEMBER)

NAME OF PERSON (NO. 2) SUBJECT TO ORDER
(PARENT, GUARDIAN, LEGAL CUSTODIAN OR OTHER FAMILY OR HOUSEHOLD MEMBER)

is required to observe reasonable conditions of behavior as set forth below:

- 1. To abstain from offensive conduct against the child or against a family or household member of the child or against any person to whom custody of the child is awarded.
- 2. To cooperate in the provision of the following reasonable services or programs designed to protect the child's life, health or normal development: AS DIRECTED BY DEPT OF SOCIAL SERVICES, INCL DRUG SCREENS
- 3. To allow DSS AND GUARDIAN AD LITEM to come into the child's home
COURT-SELECTED INVESTIGATORY ENTITY
 at reasonable times selected by the investigatory entity
- 4. To allow visitation with the child and to inspect the fitness of the home and to determine the physical and emotional health of the child.
DATES AND TIMES
MOTHER AND FATHER, ONLY IF SUPERVISED AS DIRECTED BY DSS
- 5. To refrain from acts of commission or omission which tend to endanger the child's life, health or normal development.
- 6. To refrain from the following contacts with the child:
NO CONTACT UNLESS SUPERVISED
- 7. To leave the residence of the above-named child because the petitioner proved by a preponderance of the evidence that such person's probable future conduct would constitute a danger to the life or health of the child; and that there are no less drastic alternatives which could reasonably and adequately protect the child's life or health. This condition shall be in effect from to and shall be reviewed by the Court on TIME/DATE
- 8. To grant the child possession of the companion animal described as NAME/TYPE
- 9. CHILD IS PLACED IN CARE OF RITA GRANDMA.

[] Supplemental Sheet to Child Protective Order, DC-547, attached and incorporated by reference. No. of supplemental pages:

NOTICE: This order will be entered into the Virginia Criminal Information Network. A motion may be filed with the court at any time requesting a hearing to dissolve or modify this order. However, this order remains in full force and effect unless and until a subsequent order is entered by the Court.

This ORDER is set for review on 04/25/2017 at 2:00 pm

DATE TIME

02/14/2017

DATE

X X X X X

JUDGE

WARNINGS TO THE PERSON(S) SUBJECT TO THIS ORDER:

Case No.

If you violate the conditions of this order, you may be sentenced to jail and/or ordered to pay a fine.

In re: LASTNAME, CHILD

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 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).

<p>PERSON (NO. 1) SUBJECT TO THIS ORDER: NAME <u>LASTNAME, MOTHER</u> ADDRESS</p> <p><input type="checkbox"/> PERSONAL SERVICE TELEPHONE NO. <input type="checkbox"/> NOT FOUND</p> <p>_____ SERVING OFFICER for _____ _____ DATE AND TIME</p> <p>Respondent's Description (for VCIN) RACE SEX DOB HGT WGT EYES HAIR SSN Telephone No. Relationship to Petitioner/Plaintiff Distinguishing features</p>	<p>PERSON (NO. 2) SUBJECT TO THIS ORDER: NAME <u>LASTNAME, FATHER</u> ADDRESS</p> <p><input type="checkbox"/> PERSONAL SERVICE TELEPHONE NO. <input type="checkbox"/> NOT FOUND</p> <p>_____ SERVING OFFICER for _____ _____ DATE AND TIME</p> <p>Respondent's Description (for VCIN) RACE SEX DOB HGT WGT EYES HAIR SSN Telephone No. Relationship to Petitioner/Plaintiff Distinguishing features</p>
<p>PERSON AGE 12 OR OLDER PROTECTED BY ORDER: (See form DC-621, NON-DISCLOSURE ADDENDUM.) NAME</p> <p><input type="checkbox"/> PERSONAL SERVICE <input type="checkbox"/> NOT FOUND</p> <p>_____ SERVING OFFICER for _____ _____ DATE AND TIME</p>	<p>FAMILY MEMBER OF PROTECTED PERSON: (See form DC-621, NON-DISCLOSURE ADDENDUM.) NAME</p> <p><input type="checkbox"/> PERSONAL SERVICE <input type="checkbox"/> NOT FOUND</p> <p>_____ SERVING OFFICER for _____ _____ DATE AND TIME</p>
<p>PETITIONER: <input type="checkbox"/> See form DC-621, NON-DISCLOSURE ADDENDUM. NAME</p> <p><input type="checkbox"/> PERSONAL SERVICE <input type="checkbox"/> NOT FOUND</p> <p>_____ SERVING OFFICER for _____ _____ DATE AND TIME</p>	<p>RELATIONSHIP TO PERSON PROTECTED BY ORDER <input type="checkbox"/> See form DC-621, NON-DISCLOSURE ADDENDUM. NAME</p> <p><input type="checkbox"/> PERSONAL SERVICE <input type="checkbox"/> NOT FOUND</p> <p>_____ SERVING OFFICER for _____ _____ DATE AND TIME</p>

ORDER DISSOLVING PROTECTIVE ORDER

COMMONWEALTH OF VIRGINIA

Va. Code §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-277.02, 16.1-278.2, 16.1-278.3, 16.1-279.1, 19.2-152.8, 19.2-152.9, 19.2-152.10

Case No. JA019896-01-01

02/14/2017 09:00 AM

HEARING DATE AND TIME

ROANOKE COUNTY J & DR - ADULT

General District Court Circuit Court
 Juvenile and Domestic Relations District Court

In re:
NAME OF CHILD

PETITIONER:

PETITIONER'S DATE OF BIRTH

[Empty box for Petitioner Name]

[Empty box for Petitioner's Date of Birth]

LAST FIRST MIDDLE

V.

RESPONDENT (No. 1):

RESPONDENT (No. 1) IDENTIFIERS

[Empty box for Respondent (No. 1) Name]

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
		12	01	87					

RESPONDENT (NO. 1) ADDRESS

SSN 230-53-9440

DRIVER'S LICENSE NO. STATE EXP.

RESPONDENT (No. 2):

RESPONDENT (No. 2) IDENTIFIERS

[Empty box for Respondent (No. 2) Name]

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

RESPONDENT (NO. 2) ADDRESS

SSN

DRIVER'S LICENSE NO. STATE EXP.

- A(n) EMERGENCY PROTECTIVE ORDER – FAMILY ABUSE, Form DC-626
- PRELIMINARY PROTECTIVE ORDER – FAMILY ABUSE, Form DC-627
- PROTECTIVE ORDER – FAMILY ABUSE, Form DC-650
- EMERGENCY PROTECTIVE ORDER, Form DC-382
- PRELIMINARY PROTECTIVE ORDER, Form DC-384
- PROTECTIVE ORDER, Form DC-385
- PRELIMINARY CHILD PROTECTIVE ORDER – ABUSE AND NEGLECT, Form DC-527
- CHILD PROTECTIVE ORDER – ABUSE AND NEGLECT, Form DC-532
- PRELIMINARY CHILD PROTECTIVE ORDER, Form DC-545
- CHILD PROTECTIVE ORDER, Form DC-546

with Case No.

was issued by this Court Court a magistrate on DATE

A motion requesting that the protective order be dissolved has been filed by the Petitioner Respondent

Based on the evidence presented at the hearing on this matter, the Court finds that sufficient reason exists for the dissolution of the protective order described above.

THEREFORE, THE PROTECTIVE ORDER ISSUED ON DATE IS HEREBY ORDERED DISSOLVED.

IF A TEMPORARY SUPPORT ORDER WAS ISSUED IN CONJUNCTION WITH A PROTECTIVE ORDER – FAMILY ABUSE, FORM DC-650, IT IS ALSO DISSOLVED.

02/14/2017
DATE

X X X X X
JUDGE

Sample



YOU AND THE LAW

*A Look inside Your Juvenile and Domestic
Relations Courts*

Courthouse and Courtroom Security

YOU AND THE LAW

Courthouse security

- Cameras - both inside and outside
- Screening stations
- Weapons policy and deterrents

Courtroom security

- Staffing
- Armed/unarmed staff
- Body positioning
- Physical barriers
- In-custody defendants/ not in-custody defendants
- Juveniles/ adults

DARE

- court/school questions



 **YOU AND THE LAW**

*A Look inside Your Juvenile and Domestic
Relations Courts*

The Boogeyman Exists

**A J&DR Judge's Comments on Internet Safety and
Social Media**



 **YOU AND THE LAW**

*A Look inside Your Juvenile and Domestic
Relations Courts*

Commonwealth's Attorney and Public Defender Presentation

A Resolution All Parties Can Live With



YOU AND THE LAW

*A Look inside Your Juvenile and Domestic
Relations Courts*

Pro Se Litigants

PRO SE LITIGANTS

Judge Onzlee Ware & Judge John Weber III

DEFINITION: Pro Se litigants are also referred to as Self-Represented Litigants (“SRL”). A SRL is any party that appears in the court without a lawyer. SLR’s make up between 70-85% of the docket involving cases heard in the Juvenile and Domestic Relations Court including the following types of cases:

1. Initial child custody/visitation petitions

- a. Petitions filed by a parent or guardian can be filled out by a SRL at intake requesting that custody or visitation be granted to the petitioner. Petitions are generally filed where the child resides or where the last order was entered by a court of the Commonwealth of Virginia.
- b. Normally, initial custody petitions will include the appointment of a GAL for the child. A GAL is an attorney that represents the child and is required to consider the best interests of the child. If neither party is represented by an attorney, the court will appoint a GAL for the child unless the parties have reached a mutual agreement.
- c. Both parties may present testimony and any exhibits that they consider important to their case. The petitioner will start and the other party, called the respondent, will then have an opportunity to present their side after the petitioner is finished.

2. Motions to Amend Custody and/or visitation

- a. A parent or guardian may ask the court to amend an existing order because there has been a “material change in circumstances”. Generally, Motions to Amend are filed where the original order was entered.
- b. The court will ordinarily appoint a GAL to represent the child unless the parties have an agreement.

3. Petitions for Child Support and/or spousal support

- a. The custodial parent may ask for child support or spousal support to be awarded by the court. The court will consider the financial condition of both parties and prepare a guideline worksheet after taking testimony from both parties. If the parties are unrepresented, the court will make sure that the appropriate

information is considered, to the extent possible, in arriving at the guidelines for child support or spousal support.

- b. The Division of Child Support Enforcement may also enforce or modify support obligations. Usually the party receiving the child support is not represented by an attorney but may be called as a witness of DCSE. The respondent, or paying party, usually is represented by a court appointed or retained attorney due to the possibility that the respondent could be required to serve an active jail sentence for failing to pay support.

4. Runaway Petitions

- a. Children who habitually run away from home may be brought before the court by a petition filed by a parent known as a “Children in Need of Supervision” or “CHIN Sup”. This petition allows the court to hear evidence from the parent or guardian about the circumstances regarding the child and the concerns of the parent.

5. Relinquishment of custody petitions

- a. In some circumstances, a guardian may request that she no longer be required to maintain custody of a child, usually because the child is not behaving or has run away repeatedly. In those instances, the petitioner may ask the court to relinquish their responsibilities and request that another family member or the department of social services assist in the case.

6. Protective Orders

- a. SRL’s can file for protective orders as the petitioner without counsel, requesting that another party be barred from contact if evidence of “family abuse” is present. Protective order hearings are conducted ex parte initially and then scheduled for a full hearing after proper notice to the respondent. In most instances, protective orders involve only the parties.

SRL’s have the same rights and privileges to address the court and present testimony and evidence as any other parties, although they cannot make opening statements or closing arguments.

Commonplace rules of evidence continue to apply to SRL cases but ordinarily the court will relax the rules as necessary to allow a SRL to present their case. Hearsay, however, not permitted since it is the testimony or opinion of someone who is not present to testify.

SRL cases are an important part of the Juvenile and Domestic Relations Court because they allow ordinary citizens to access the court and to address important family matters without the expense of attorneys.

Citizens should understand that access and opportunity to present cases in the Juvenile Court is designed to be simple and swift.

NOTES:



 **YOU AND THE LAW**

*A Look inside Your Juvenile and Domestic
Relations Courts*

**Foster Care:
Protecting the Youngest Among Us**

YOU AND THE LAW

Foster Care- Protecting the Youngest Among Us: A Panel Discussion

Moderator: Judge Frank W. Rogers, III
Panelists: Heather Ferguson, Esq.
Rachel Lower, Esq.
Counsel for Dept. of Social Services
Judi Jacobsen
Court Appointed Special Advocate
James Cargill, Esq.
Guardian *Ad Litem*

Factual Scenario

Roanoke City police were called in the early morning hours to the apartment of Jimmy Grubb and Jane Tedesco. A neighbor reported hearing loud arguing and what sounded like a physical altercation.

When the police entered the apartment, they noticed that Jane had a bloody nose and scratches to her face and neck. Both Jimmy and Jane appeared to be under the influence of drugs. On a table in the living room police found syringes, a substance which appeared to be heroin, and other paraphernalia. Jimmy and Jane admitted to police that they had been using heroin and fighting. The police arrested both for felony possession of drugs, and arrested Jimmy for domestic assault and battery.

Two children, ages 2 years and 6 months, were found asleep in a bedroom. What happens next?

Va. Code Ann. § 16.1-228

Copy Citation

Current through Chapter 1 of the 2017 Regular Session of the General Assembly

Code of Virginia TITLE 16.1. COURTS NOT OF RECORD CHAPTER 11. JUVENILE ANP POMESDC
RELATIONS DISTRICT COURTS ARTICLE 1. GENERAL PROVISIONS

§ 16.1-228. Definitions

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

"Abused or neglected child" means any child:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;
2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child;
3. Whose parents or other person responsible for his care abandons such child;
4. Whose parents or other person responsible for his care commits or allows to be committed any sexual act upon a child in violation of the law;
5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis;
6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902 or
7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services personnel, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

STANDARDS TO GOVERN THE PERFORMANCE OF GUARDIANS AD LITEM FOR CHILDREN

These standards apply to all attorneys serving as Guardians ad litem for children in child protection¹, custody and visitation, juvenile delinquency, child in need of supervision, child in need of services, status offense and other appropriate cases, as determined by the court, in juvenile and domestic relations district courts, circuit courts, the Court of Appeals and the Supreme Court of Virginia. These standards augment the policies governing the qualification of attorneys as Guardians ad litem.

INTRODUCTORY COMMENT: Many of the competencies required to represent children are the same as those required for many other types of litigation. There are skills, abilities and actions expected of attorneys in all cases such as conducting interviews, framing and evaluating pleadings, engaging in discovery techniques, thoroughly preparing for trial, and negotiating on behalf of a client. These skills are of equal importance to other types of civil cases such as labor, tort, contract or family law. The need for practices such as comprehensive client interviews is present in every case. Likewise attorneys involved in any form of litigation must make choices and determine strategic options. For example, the need to interview non-parties depends on the nature of the case and the litigator's goal. Hence, qualifying phrases like "as appropriate" or "in so far as possible" are found in several standards and commentaries.

Representing children, however, is also different from other forms of litigation. The importance of the dispositional process and the potential for court proceedings to affect the very nature of a family provide the basis for these distinctions. The long-term consequences to the child client make the role of a Guardian *ad litem* (GAL) as crucial at the dispositional stage as at any other phase of the case. These consequences demand full attention to the formulation and articulation of well-supported arguments and appropriate recommendations, as well as critical evaluation of plans proposed by others.

The GAL acts as an attorney and not a witness, which means that he or she should not be cross-examined and, more importantly, should not testify. The GAL

¹ "Child protection cases" includes cases where a public or private child welfare agency is involved and concern children who are the subject of any of the following petitions: child abuse or neglect; child at-risk for abuse or neglect; approval of an entrustment agreement or for relief of custody; foster care review; permanency planning and termination of parental rights.

should rely primarily on opening statements, presentation of evidence and closing arguments to present the salient information the GAL feels the court needs to make its decisions.

The implicit set of checks and balances operative in non-juvenile cases is generally not likely to work for children. In a civil action involving adults, the successful party knows when a judgment is paid or a court order is implemented. In proceedings involving children this may not be so; the child may be too young to understand or monitor orders, or the legal proceedings may be too complex for the child to understand. Thus, these standards incorporate provisions regarding communication with the child, the implementation of orders and appeals.

Attorneys who serve as GALs are subject to the Rules of Professional Conduct promulgated by the Virginia State Bar as they would be in any other case, except when the special duties of a GAL conflict with such rules. For example, an attorney would follow the general conflict rule (1.7) to determine if there would be a possible conflict of interest if the attorney served as GAL. But unlike the Rules for Professional Conduct as they apply to confidentiality, there may be times when attorneys serving as a GAL must, in furtherance of their role as GAL, disclose information provided by the child to the court. A GAL appointed to represent siblings should be alert to potential conflicts and, when appropriate, request that the court appoint a separate GAL for each child.

The role and responsibility of the GAL is to represent, as an attorney, the child's best interests before the court. The GAL is a full and active participant in the proceedings who independently investigates, assesses and advocates for the child's best interests. Decision-making power resides with the court.

Standards Governing Performance

In fulfilling the duties of a Guardian *ad litem* (GAL), an attorney shall:

A. Meet face-to-face and interview the child.

COMMENT: The first duty of the GAL is to establish a relationship with the child client, as an attorney would with any client. This interview should be conducted face-to-face at a time and place that allows the GAL to observe the child and ascertain: the child's wishes, the safety and adequacy of the child's current placement, and the need for further testing, evaluation or interim judicial relief. Such interviews are best conducted on a date prior to the first court appearance and at a location other than the courthouse. It is important to meet with the child in a private setting, such as the GAL's office, the child's home, school or placement, away from the litigants so that the child can talk openly.

There should be sufficient time between the interview and court appearances for the GAL to fully analyze the information gleaned, take appropriate actions and formulate meaningful arguments and recommendations.

The content and direction of the interview should take into account the child's age, maturity and potential stress created by the circumstances of the case and prior interviews, especially in cases involving allegations of sexual or other abuse. In such cases, GALs should rely upon videotapes of forensic interviews or attend interviews of the child conducted by trained experts rather than conducting their own independent investigation and interviewing the child about the facts of their alleged victimization.

As appropriate, children should be encouraged to articulate their concerns and views. In custody and visitation cases, care should be taken so that the child never feels compelled to state a preference or choose between parents or placements.

In juvenile delinquency, child in need of supervision, child in need of services, and status offense cases, the GAL should exercise caution when talking

to the child about the circumstances of the offense and advise the child about the limitations on confidentiality that may apply.

Young children present a challenge, but the age and verbal ability of the child do not abrogate the responsibility to meet face-to-face with the child. In meetings with young children, and with children with limited language abilities or those with disabilities, the GAL will rely much more heavily on observation. Conducting such meetings at the child's home or placement allows the GAL to observe the surroundings and the child's interactions with others, as well as to interview the child's caretaker.

If the child expresses wishes that are contrary to the GAL's assessment of the child's interests and welfare, the GAL is obligated to inform the court of these wishes. If appropriate, the GAL should request that an attorney be appointed to serve as counsel for the child. If the child is uncooperative or appears to have been influenced by a parent or custodian, the GAL should inform the court of these circumstances.

B. Conduct an independent investigation in order to ascertain the facts of the case.

COMMENT: The GAL shall review any and all relevant records, which may include court, social service, medical, mental health, and school records. The GAL should attach a copy of the Supreme Court of Virginia's Form DC-514, ORDER FOR APPOINTMENT OF GUARDIAN AD LITEM, to any written request for records since it delineates the statutory authority for access to records.

The GAL shall interview the parties to the dispute and any other persons with relevant knowledge of the child and the facts that gave rise to the allegations. Such other persons would include, for example, the child's parents, current caretaker including foster parents, an assigned Court-Appointed Special Advocate (CASA) worker, social worker, child care provider, clergy, neighbors, relatives, school personnel, and health and mental health providers. When the child is young, there is a greater need to seek independent sources of information

and obtain verification of salient facts. Such interviews are best conducted on a date prior to the court appearances and at a location other than the courthouse.

GALs should communicate their role and responsibilities clearly to the parents and/or other party's attorneys including the GAL's legal status in the proceeding and responsibility to participate fully to protect the child's interests and express the child's wishes.

In juvenile delinquency, child in need of supervision, child in need of services, and status offense cases, the GAL should contact the child's defense attorney.

There should be sufficient time between the interview and court appearances for the GAL to fully analyze the information gleaned, take appropriate actions such as issuing subpoenas, filing motions for temporary or protective relief or appointment of an independent expert to evaluate the child, and formulate a meaningful strategy.

If the home environment is at issue, the GAL should visit the child's home and any proposed alternative placement.

GALs should independently evaluate all allegations of child abuse or neglect, or of risk to the child's safety or welfare, including but not limited to physical or mental abuse, sexual abuse, lack of supervision, educational neglect, and exposure of the child to domestic violence or substance abuse, regardless of whether such abuse or neglect or risk is identified in the parties' pleadings.

C. Advise the child, in terms the child can understand, of the nature of all proceedings, the child's rights, the role and responsibilities of the GAL, the court process and the possible consequences of the legal action.

COMMENT: The GAL shall make every effort to ensure that the child understands, by using language appropriate to the child's age and verbal abilities, the nature of the proceedings, the consequences which may result, the possibility of future modifications, the attorney's responsibilities as a GAL, and how to contact the GAL. If the child has significant emotional problems, the

GAL should consult with a mental health specialist or the child's therapist in order to determine the best manner to present this information.

In juvenile delinquency, child in need of supervision, child in need of services, and status offense cases, the GAL should explain how the GAL's role and responsibilities differ from that of the child's defense attorney and advise the child about the limitations on confidentiality that may apply.

The GAL must inform the child that there may be circumstances when confidentiality will apply to communication between the child and GAL, and circumstances when it may not. The GAL may use information received from the child to further the child's best interest. For example, the GAL may learn from the child that a custodian is taking illegal drugs and may use that information to request that the court order drug testing of the custodian.

The GAL should keep the child apprised of any developments in the case and actions of the court or parties involved. The GAL shall maintain meaningful contact with the child throughout the term of the case to monitor the child's welfare and the parties' compliance with court orders.

D. Participate, as appropriate, in pre-trial conferences, mediation and negotiations.

COMMENT: The GAL should be involved, as appropriate, in all pre-trial conferences and negotiations including phone calls, formal or informal conferences and mediation. Additionally, the GAL should take any action necessary to attempt to resolve the case in the least adversarial manner possible; however, a GAL should clarify, when necessary, that he or she is not acting as a mediator.

The GAL's role in such meetings is to represent and advocate for the best interests of the child. A GAL who participates in mediation is bound by the confidentiality rules governing mediation as found in § 8.01-576.10 of the *Code of Virginia*. As a general rule, the GAL should encourage settlements. In exceptional cases where the GAL reasonably believes that a proposed settlement would be contrary to the welfare of the child, the GAL should first discuss these

concerns with the parties and their counsel. If these concerns are not addressed, the GAL should bring the facts that led to the concerns about the settlement to the court's attention by filing a motion to vacate the agreement in accordance with § 8.01-576.12 of the *Code of Virginia*. Any proposed settlement which is deleterious to the child should be opposed despite the agreement of the other parties.

E. Ensure the child's attendance at all proceedings where the child's attendance would be appropriate and/or mandated.

COMMENT: In so far as possible, the GAL should assure the meaningful participation of the child in all phases of the proceedings which would include attendance at appropriate court hearings.

The GAL should consult the child, caretaker, therapist and any other relevant individuals to determine the appropriateness of the child's attendance at a hearing. A decision to exclude the child from a hearing should be based on a particularized determination. In making this determination, the GAL should consider the age, maturity and desires of the child; the purpose of the hearing; the advice of those consulted; and the potential risk of trauma to the child evoked by such attendance.

In cases when the child has the right to attend hearings, the GAL should ensure that the child is informed of that right. As appropriate, the child should be provided sufficient information about such hearings to make an informed decision about whether to attend.

F. Appear in Court on the dates and times scheduled for hearings prepared to fully and vigorously represent the child's interests.

COMMENT: As in any case, the GAL is expected to act as an advocate for the client child. This demands attendance at all hearings with the intention of presenting a well formulated position based on the facts. This position should be supported by the GAL's independent investigation, and through the

development of a theory and strategy for the case. The GAL should prepare, present and cross-examine witnesses, offer exhibits, and provide independent evidence as necessary. Although the child's position may overlap positions of other parties such as the parents, the GAL should be prepared to participate fully in every hearing and not merely defer to or endorse the positions of other parties. The GAL acts as an advocate and uses every attorney skill appropriate to further a result favorable to the child's best interest. The GAL should never engage in ex parte communications with the court or submit written material to the court without promptly delivering a copy to the other parties and their counsel.

G. Prepare the child to testify, when necessary and appropriate, in accord with the child's interest and welfare.

COMMENT: The GAL should determine whether to call the child as a witness based on consideration of the child's need or desire to testify, developmental and verbal capabilities of the child and the child's ability to withstand cross-examination. For some children testifying is therapeutic and empowering, while for others it may be very traumatic. The GAL must determine the possible benefits and repercussions of testifying and the necessity of the child's direct testimony. The GAL shall consult a mental health specialist or therapist working with the child, if there is one, to assist in evaluating whether testifying will cause trauma to the child. Consideration should also be given to the availability of other evidence or hearsay exceptions that may substitute for direct testimony.

If the child does not wish to testify or would, in the GAL's opinion, be harmed by being forced to testify, the GAL should seek an agreement of the parties not to call the child as a witness or utilize other remedies such as an order from the court to limit the scope or circumstances of the testimony.

If the child is compelled to testify, the GAL should seek to minimize the adverse consequences by seeking appropriate accommodations as allowed by law, such as testimony taken by closed circuit television in accord with § 63.2-

1521 of the *Code of Virginia* or an “in camera” interview of the child in the judge’s chambers. The GAL should prepare the child for “in camera” interviews or testimony by explaining the nature and purpose of the proceeding and the use or disclosure that may be made of the information that the child provides during the proceeding.

In juvenile delinquency, child in need of supervision, child in need of services, and status offense cases, the child’s defense attorney will take responsibility for preparing the child to testify when necessary.

H. Provide the court sufficient information including specific recommendations for court action based on the findings of the interviews and independent investigation.

COMMENT: The GAL is obligated to assure that all facts relevant to the case, available dispositional remedies and possible court orders are presented to the court. The GAL’s arguments to the court should address every appropriate aspect of the litigation including: analysis of any allegations of abuse, neglect or risk; analysis of factors to be considered in a determination related to custody and visitation; placement of the child; services to be made available to the child and family; dispositional alternatives for the child or parents in juvenile delinquency, child in need of supervision, child in need of services, status offense cases and custody and visitation arrangements; and any other orders the GAL deems to be in the child’s interest. Recommendations for placements outside the home should take into consideration the availability and appropriateness of placement with relatives or friends, parental visitation and keeping a sibling group together.

The GAL’s arguments should contain, but not be limited to, an analysis of and comment on plans presented by other parties such as the Department of Social Services, court services staff, or as a result of mediation.

In certain circumstances, a summary of the GAL’s findings with recommendations and the basis for those recommendations may be presented to

the court. Such circumstances include the dispositional phase of a case involving both an adjudicatory and dispositional phase or, at the request of the court, in a custody/visitation case. This summary may be written or oral. If written, copies of the summary should be provided to the other parties and their counsel at least five days prior to the hearing unless otherwise directed by the court.

In foster care placement, permanency planning, foster care review proceedings, and mediated agreements, the GAL should be aware of the proposed plans, should consult with the child about the proposal, and explore any alternatives the GAL believes are more appropriate. If the GAL disagrees with such plans, the court should be advised of this disagreement supported by evidence or information gleaned from the GAL's independent investigation.

I. Communicate, coordinate and maintain a professional working relationship in so far as possible with all parties without sacrificing independence.

COMMENT: Whenever it is appropriate to the child's needs and consistent with the direction of the court, the GAL should attend all meetings or hearings involving legal, educational and therapeutic issues specifically related to the case. These would include meetings of the Family Assessment and Planning Team, Individualized Education Plan (IEP) meetings, school disciplinary or other educational meetings, and foster care placement and review meetings. The GAL can present the child's perspective, gather information necessary to proper representation, and potentially achieve a negotiated settlement of all or some issues of the case at such meetings.

The GAL should contact any CASA volunteer assigned to the case and coordinate all aspects of the investigation with the CASA volunteer. Such volunteers can offer significant information and assistance to the GAL.

The GAL should contact the attorneys for the other parties to the case as soon as possible and at least seventy-two hours prior to any hearing. Counsel for other parties to the case may have information not included in any of the available records and can provide their respective clients' perspectives.

Appropriate communication should be maintained between the GAL and all agencies and professionals involved in the case.

J. File appropriate petitions, motions, pleadings, briefs, and appeals on behalf of the child and ensure the child is represented by a GAL in any appeal involving the case.

COMMENT: The GAL should make appropriate motions, including motions *in limine* and evidentiary objections, to advance the child's best interest in court and during other proceedings. When necessary, the GAL should file briefs in support of legal issues. The GAL should file a show cause against a party who is not following a court order or a motion under § 16.1-278 to compel an agency to provide services if it is not doing so as ordered.

If the GAL believes the court's determination is contrary to the child's interest or welfare, after considering the wishes of the child, a notice of appeal should be filed and measures taken to assure that the appeal is perfected expeditiously. The GAL should file any appropriate pleadings on behalf of the child, including responses to pleadings of other parties.

The GAL should also ensure that the child has representation in any appeal related to the case regardless of who files the appeal. During an appeal process initiated by another party, the GAL for a child may file a brief and participate fully at oral argument.

If the GAL feels he or she lacks the necessary experience or expertise to handle an appeal, the GAL should notify the court and seek to be replaced.

K. Advise the child, in terms the child can understand, of the court's decision and its consequences for the child and others in the child's life.

COMMENT: The GAL should review all orders to ensure they conform to the court's verbal orders and statutorily required findings and notices. The GAL should discuss all such orders and their consequences with the child. The child is entitled to understand what the court has done and what that means to the

child. The GAL should explain whether the order may be modified or whether the actions of the parties may affect how the order is carried out. For example, an order may permit an agency to return the child to the parents if certain goals are accomplished.

The American Bar Association Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases, approved by the American Bar Association House of Delegates, February 5, 1996; American Bar Association Family Law Section Standards of Practice for Lawyers Representing Children in Custody Cases, Committee final draft approved April 24, 2003, and approved by the Section Council on May 2, 2003; The New York State Bar Association Committee on Children and the Law: Law Guardian Representation Standards, Volume II, Custody Cases, November 1999; Representing Children: Standards for Attorneys and Guardians Ad Litem in Custody and Visitation Proceedings, American Bar Association Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases (NACC Revised Version), National Association of Counsel for Children, February 1996; American Academy of Matrimonial Lawyers, 1995; and Richmond Juvenile and Domestic Relations District Court Guardian Ad Litem Standards were heavily relied upon in the development of these standards.

Effective Date: September 1, 2003

Roanoke Valley Child Welfare Statistics

2016 Validated Child Protective Service Referrals

- Roanoke City: 888
- Roanoke County/Salem: 600

2016 Child Fatalities

- Roanoke City: 5
- Roanoke County/Salem: 1

Children who entered foster care in 2016

- Roanoke City: 168 (150 entered care pursuant to a court order in an abuse/neglect case)
- Roanoke County/Salem: 46 (38 entered care pursuant to a court order in an abuse/neglect case)

Children in foster care as of 3/10/2017

- Roanoke City: 294
- Roanoke County/Salem: 90

Become a CASA Volunteer

"The volunteers' mission is to protect the needs and well-being of children in the foster care system. I didn't expect the kids would impact me as much, if not more, than I impact them."

- Henry Scholz, CASA Volunteer since 2005

Today, approximately 780,000 children in the U.S. are caught up in the court and child welfare maze because they are unable to live safely at home.

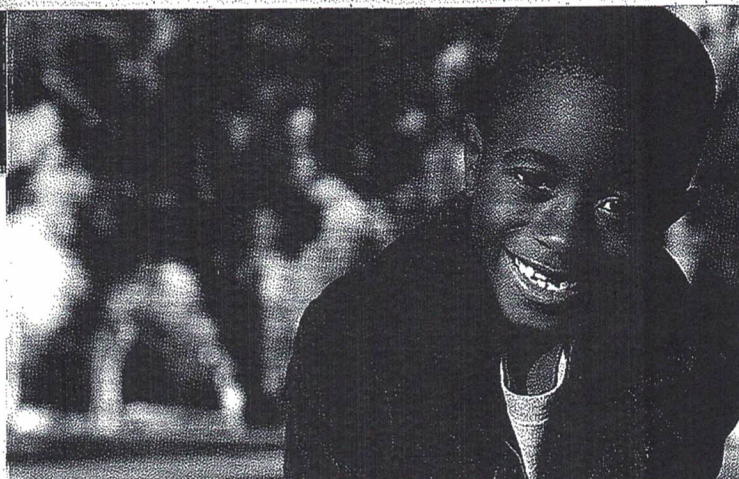
Imagine what it would be like to lose your parents, not because of something you did, but because they can't – or won't – take care of you.

Now, into these children's lives come dozens of strangers: police, foster parents, therapists, social workers, judges, lawyers, and more. Hopefully, one of these strangers is a CASA Volunteer.

CASA Volunteers are appointed by judges to watch over and advocate for abused and neglected children. They are empowered to make a lifelong difference in the lives of these children. They stay with each case until it is closed, and the child is placed in a safe, permanent home.

CASA Volunteers are everyday people just like you. People who want to make a difference and give back to their community in a special way.

Be the difference in a child's life. For more information, contact Holly Peters at 540.344.3579 ext. 22 or email holly.peters@roact.org.



The Role of a CASA Volunteer

You don't have to be a lawyer or social worker to qualify; **you just have to be an adult willing to stand up for an abused and neglected child.** As a CASA Volunteer, you receive official training from professionals in the field to get you familiar with the court and child welfare systems and other important aspects of cases including child development, interviewing techniques, and cultural competency. You are then qualified to be court appointed by a judge.

First and foremost, we need dedicated, committed men and women who care about children and are willing to confidently stand up for them and make a difference in their lives. Ideally, we would like you to take on one or two cases a year, but if your time doesn't allow, there are other ways to help. Contact us to find alternative ways to get involved.



How do you qualify to be a CASA?

- Willing to commit for at least 18 months
- Able to interview a variety of sources and remain objective in your recommendations
- Effectively communicate orally or in writing
- Pass a background check
- Must be at least 25 years old

Take the first step to learn more.
By requesting information, you
are under no obligation.

Name

E-mail Address

Mailing Address

City/State/Zip

Home Phone

Work Phone

Cell Phone

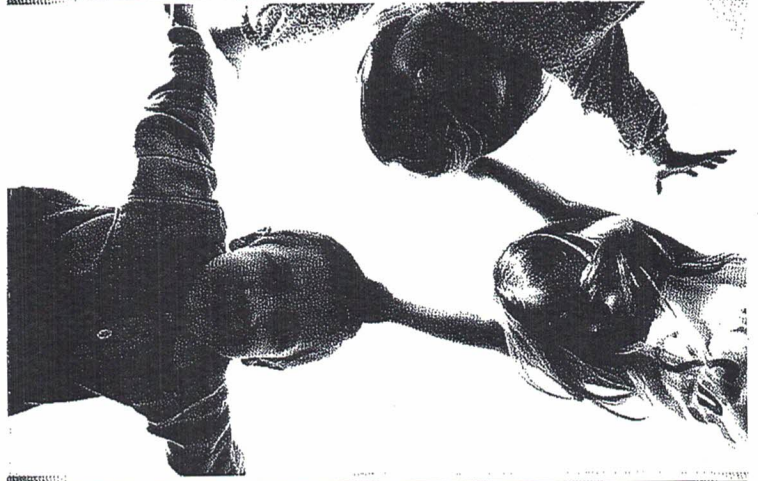
Best day and time to contact you?



childrens TRUST
ROANOKE VALLEY

phone: 540.344.3579 ext. 22 | fax: 540.344.3520
holly.peters@roact.org

Become a CASA Volunteer



*"I cannot think of anything
more noble, humble, and
selfless than the work these
volunteers do."*

— Honorable Philip Trompeter, Retired Judge
Roanoke County Juvenile and Domestic
Relations Court



CASA

Court Appointed Special Advocates
FOR CHILDREN

ROANOKE VALLEY



YOU AND THE LAW

A Look inside Your Juvenile and Domestic Relations Courts

Survey - March 28, 2017

1. How did you learn about ***You and the Law: A Look inside Your Juvenile and Domestic Relations Court?***

- I attended in previous years and watched the RBA/RLF web site for updates on this year's program
- I am on the email list for ***You and the Law*** notifications
- Family or friends
- Organization I belong to: _____
- Roanoke Times Other Newspaper
- Facebook Neighbor App Television – which station _____
- Other: _____

2. What topics would you like to hear about in upcoming ***You and the Law*** sessions?

3. What time of year is the best time to present ***You and the Law?***

- Spring Fall Winter Doesn't matter

4. What time of day is the best time to present ***You and the Law?***

- Afternoon Evening Doesn't matter

5. I would like to receive emails about future programs. (Note: your email address will be used **only** for this purpose and will not be shared.) Please **PRINT**:

Name _____ Email _____

5. Additional comments (use the back of this form if necessary):
