

## Appendix C - Appeals

### Traffic and Criminals Appeals

A person convicted of a misdemeanor in district court may appeal the conviction to the circuit court within ten calendar days of the conviction date. [Va. Code § 16.1-132](#). The ten-day period begins to run on the day following the conviction. If the tenth day falls on Saturday, Sunday or legal holiday or any day on which the clerk’s office is closed as authorized by statute, the appeal may be noted on the next day that the clerk’s office is authorized to be open. See [Va. Code § 1-210](#). The appeal may be noted by the defendant or his attorney.

Two exceptions to this ten-day limitation apply. First, it does not apply to pre-trial appeals of bail decisions pursuant to [Va. Code § 19.2-124](#). Second, if a defendant prepays the fine and costs on a prepayable misdemeanor and then advises the court of a desire to “appeal” prior to the return date (date of court appearance on summons), the request should be treated as a request to withdraw the guilty plea and is tried as if there had been no prepayment.

Because the appeal process for traffic cases is the same as for criminal cases, the following procedures should be followed for both.

STEP	DESCRIPTION
1	<p>Determine if written notice of the appeal has been received within the time allowed. Use DC-580, NOTICE OF APPEAL - CRIMINAL unless another writing is used. The appeal may be noted by delivery of the written notice in person to the clerk’s office, or by mail, or by facsimile machine. The writing may be signed by either the defendant or their attorney.</p> <p><b>COMMENTS:</b> Only the circuit court has the authority to determine its own jurisdiction over a given matter appealed from district court. Therefore, if a person attempts to file an appeal late and insists upon it being filed after notification that it has been more than ten days after the conviction; the appeal should nonetheless be accepted and sent to circuit court.</p>
2	<p>Attach notice of appeal to the case papers, enter the appeal date on the CMS H/D update screen.</p>
3	<p>If the defendant is returned to jail, prepare DC-356, DISPOSITION NOTICE adding the fact that appeal is noted and terms of recognizance or bond as set by the judge.</p> <p><b>COMMENTS:</b> The Code of Virginia does not require the posting of a bond in order to appeal a criminal or traffic case. However, the judge may require security on bail for jailable offenses as a condition for being free on bail while the appeal is pending. Bonds should be “Bond with Surety” or “Deposit of Money” and not personal or certified check. <a href="#">Va. Code § 16.1-108</a>.</p>

STEP	DESCRIPTION
4	<p>If the defendant is to be released pending the trial on the appeal in circuit court, require the defendant to execute a written promise to appear (recognizance) in circuit court unless the judge allows continuation of the pre-existing bail. A written promise to appear is contained in DC-580, NOTICE OF APPEAL - CRIMINAL. If the Judge sets additional bail terms or a DC-580, NOTICE OF APPEAL - CRIMINAL was not used, then use DC-330, RECOGNIZANCE.</p> <p><b>COMMENTS:</b> The written promise to appear (recognizance) must be signed by the defendant, and if any, sureties. For a DC-580, NOTICE OF APPEAL - CRIMINAL to function as a recognizance, it must be signed by the defendant. Set trial date or docket call date in circuit court based on local agreed-upon written policies.</p>
5	<p>Receipt cash bond under account code 502.</p> <p><b>COMMENTS:</b> If court is closed, such surety as set by the judge may be taken by a magistrate</p>
6	<p>Remove the OWED amounts on the FAS individual account if set up.</p> <p><b>COMMENTS:</b> All court costs are to be assessed on the case papers in a finding of guilt, even if the case is appealed in Court. This will ensure that Circuit Court will charge all necessary costs and fines.</p>
7	<p>If previously paid, issue a refund check for fines and costs to the defendant, or "received of". Refer to DISTRICT COURT FINANCIAL ACCOUNTING SYSTEM (FAS) USER'S GUIDE, disbursement section for procedures to issue the check.</p> <p><b>COMMENTS:</b> APL will appear in the action code field on the individual account once an appeal date is entered into CMS.</p>
8	<p>Send all case papers, pleadings and evidence along with the DC-580, NOTICE OF APPEAL - CRIMINAL and if applicable any appeal bond required and posted, together with the DC-25, CIRCUIT COURT CASE TRANSMITTAL AND FEES REMITTANCE SHEET or the automated Cases Appealed/Transferred/Certified Report.</p> <p><b>Comments:</b> Retain copies of the case papers for your case file according to local policy.</p>

### Appeal of Bail Prior to Trial

If an appeal on the judge's bail decision is taken prior to trial, the same appeal provisions described above will apply except as noted in the following procedures:

STEP	DESCRIPTION
1	The defendant should complete the DC-580, NOTICE OF APPEAL - CRIMINAL.

STEP	DESCRIPTION
	<b>COMMENTS:</b> There is no maximum ten-day appeal period on bail decisions.
<b>2</b>	<p>If the defendant is returned to jail use a DC-355, ORDER FOR CONTINUED CUSTODY. If the defendant’s bond is revoked, use the DC-352, COMMITMENT ORDER to hold the defendant in custody while the appeal is being decided in circuit court.</p> <p>If the defendant’s bond is increased, the court issues the DC-352, COMMITMENT ORDER. The defendant may post bond pending the appeal in Circuit Court.</p>
<b>3</b>	<p>Make a certified copy of the underlying case records; send certified copies to circuit court with the original DC-580, NOTICE OF APPEAL - CRIMINAL.</p> <p><b>COMMENTS:</b> The court should not send the original underlying criminal case papers to circuit court.</p> <p>The court granting or denying such bail may, upon appeal thereof, and for good cause shown, stay execution of such order for so long as reasonably practicable for the party to obtain an expedited hearing before the next higher court. No such stay may be granted after any person who has been granted bail has been released from custody on such bail. <a href="#">Va. Code § 19.2-124.</a></p> <p>The court ordering any increase in the amount of bond, ordering new or additional sureties, or revoking such bail may also stay execution of such order.</p>

**Withdrawal of Appeal**

Any person convicted in a juvenile and domestic relations district court, or a court of limited jurisdiction of an offense not felonious may, at any time before the appeal is heard, withdraw an appeal which has been noted, pay the fine and costs to such court, and serve any sentence which has been imposed.

A person withdrawing an appeal shall give written notice of withdrawal to the court and counsel for the prosecution prior to the hearing date of the appeal. If the appeal is withdrawn more than ten days after conviction, the circuit court shall forthwith enter an order affirming the judgment of the lower court and the clerk shall tax the costs as provided by statute. Fines and costs shall be collected by the circuit court, and all papers shall be retained in the circuit court clerk’s office.

Where the withdrawal is within ten days after conviction, no additional costs shall be charged, and the judgment of the lower court shall be imposed without further action of the circuit court. [Va. Code § 16.1-133.](#)

STEP	DESCRIPTION
<b>1</b>	Remove the appeal date from CMS. Verify that disposition information has been entered on the H/U screen.

STEP	DESCRIPTION
2	Re-enter the fines and costs owed onto the individual account in FAS.

**Forms**

- DC-25      CIRCUIT COURT CASE TRANSMITTAL AND FEES REMITTANCE SHEET
- DC-330     RECOGNIZANCE
- DC-356     DISPOSITION NOTICE
- DC-580     NOTICE OF APPEAL - CRIMINAL

**References**

- [Va. Code § 1-210](#)      Statutory authorization governing the time frame to note an appeal.
- [Va. Code § 16.1-132](#)    Statutory authorization to note an appeal.
- [Va. Code § 16.1-133](#)    Withdrawal of appeal.
- [Va. Code § 19.2-124](#)    Statutory authorization for pre-trial appeals of bail decisions.

**Civil and Criminal Contempt in Child Support and Bifurcated Appeals**

Civil and criminal contempt may be appealed without appealing the support arrearage and without posting a bond for the arrearage.

See Virginia Supreme Court of Appeals opinions in *Forte v. Dep’t of Soc. Servs., Div. of Child Support Enforcement*, 65 Va. App. 1 (2015) and *Zedan v. Westheim*, 62 Va. App. 39 (2013).

**Appeal Bonds – Civil Support**

Appeal bonds are paid when an appeal is filed in a support case only in particular circumstances. An arrearage bond is required upon the appeal of any order that establishes an arrearage or suspends payment of support during the appeal. An appearance bond and or accrual bond may be required upon the appeal of a conviction for failure to support or of a finding of civil contempt involving failure to support.

**Arrearage Bond-When Mandatory**

Total arrearage amount owed by respondent. The actual bond amount will be determined by the Judge and will vary by local practice. An arrearage bond is a bond on the appeal of any order that establishes an arrearage or suspends payment of support during the pendency of the appeal. **On civil appeal cases, this amount has to be paid before the appeal can be transmitted to or heard in the circuit court.** The respondent has thirty days from the date of judgment in the JDR court to post the bond. Once the appeal is

noted the respondent shall be released from jail unless the judge orders the respondent held in jail until the bond is posted.

**Accrual Bond**

The amount of support that will be owed from the date of the hearing in the JDR court until the appeal is heard in circuit court. The actual bond amount will be determined by the Judge and will vary by local practice. An accrual bond is set at the Judge’s discretion on the appeal of a conviction for failure to support or on the appeal of a finding of civil or criminal contempt involving failure to support. The respondent has thirty days from the date of judgment in JDR court to post the bond. Once the appeal is noted the respondent shall be released from jail unless the judge orders the respondent held in jail until the bond is posted.

**Appearance Bond**

An amount ordered with or without surety by the JDR court to ensure the appellant’s appearance in the circuit court. An appearance bond is set at the judge’s discretion on the appeal of a conviction for failure to support or on the appeal of a finding of civil or criminal contempt involving failure to support. If the judge sets a secure appearance bond the respondent must remain in jail until the bond is posted.

**Withdrawal of Appeal in Civil Cases**

[Va. Code § 16.1-106.1](#)

A party who has appealed a final judgment or order rendered by a general district court or a juvenile and domestic relations district court in a civil case may seek to withdraw that appeal at any time. If the appeal has not been perfected by posting a required appeal bond or paying required costs, or within ten days after entry of the judgment or order when no appeal bond or costs are required to perfect the appeal, the appeal may be withdrawn by filing in the district court that entered the judgment or order and serving, in person or by first-class mail, on all parties or their counsel a written notice of intent to withdraw the appeal. When the appeal is withdrawn in the district court, the judgment or order of the district court shall have the same effect as if no appeal had been noted.

**Clerk’s Procedures - No Bond Required on Appeal**

The following procedures are recommended when **no bonds are required on appeal**, such as in an original support petition where no arrearage is established or adjudicated and payment of support is not suspended during the pendency of the appeal.

STEP	DESCRIPTION
1	Complete DC-602, NOTICE OF APPEAL - SUPPORT PROCEEDINGS.

STEP	DESCRIPTION
	<b>COMMENTS:</b> Copy form to: appellant, appellee (by mail), attorneys (if involved), <a href="#">Division of Child Support Enforcement</a> (if involved) and <a href="#">Department of Social Services</a> (if involved).
2	Update the case in CMS as appealed.
3	Copy appealed case papers to retain in Juvenile Court file, according to local policy.
4	Forward case papers to Circuit Court with the report of JDR Cases Appealed/ Transferred/Certified.

**Clerk’s Procedures - Bond Required on Appeal by the Respondent in Civil Support Proceedings**

The following are recommended procedures when **bond is required upon appeal by the respondent in civil support proceedings**. This would include any civil support proceeding that establishes an arrearage or suspends payment of support during the pendency of the appeal and/or on a finding of civil contempt for nonpayment of support.

STEP	DESCRIPTION
1	Judge determines bond(s) required for appeal.
2	Respondent comes to clerk’s office from courtroom or is brought from the jail to the clerk’s office to sign the DC-602, NOTICE OF APPEAL - SUPPORT PROCEEDINGS.  If respondent is incarcerated, prepare DC-356, DISPOSITION NOTICE adding the fact that appeal is noted and terms of recognizance or bond as set by the judge.  If the respondent is <u>only appealing the finding of contempt</u> , the case papers may be forwarded to circuit court once the 10-day appeal period has expired. If the respondent is incarcerated, the judge may require a secure appearance bond for release. If the judge requires this bond, please see Step 3.  <b>COMMENTS:</b> The money shall be transmitted in cash, by check of the court, surety bond, bank check, or by draft from the escrow account of the appealing party’s attorney to the clerk of the court to which the appeal is taken. Appearance bonds may be posted in cash, certified check or bondsman. If the judge sets an unsecured bond, complete the DC-330, RECOGNIZANCE at the time respondent notes support appeal. If the judge sets a secure appearance bond, the respondent cannot be released from jail until posting that bond even if he has posted the arrearage and/or accrual bonds.

STEP	DESCRIPTION
3	<p>If respondent posts the secure appearance bond with the clerk’s office, complete the DC-330, <i>RECOGNIZANCE</i> at the time that bond is posted.</p> <p><b>COMMENTS:</b> See DC-330, <i>RECOGNIZANCE</i> in the <i>DISTRICT COURT FORMS MANUAL</i> for verbiage required for conditions of release if appeal and/or accrual bonds have not yet been posted.</p>
4	<p>Flag case for administrative review in CMS for thirty days from hearing date (not appeal date) to allow time for the appellant to post bond(s).</p>
5	<p>Complete a separate DC-460, <a href="#">Civil Appeal Bond</a> form for the appeal and accrual bonds when posted.</p>
6	<p>Receipt bond using account code 509.</p>
7	<p>If arrearage bond posted within thirty days, copy appealed case papers to retain in juvenile case file.</p> <p><b>COMMENTS:</b> If arrearage bond is posted and the accrual and/or appearance bond is not, the case is still transmitted to the circuit court.</p>
8	<p>If arrearage bond is posted, forward original case papers to circuit court. If arrearage bond is <b>not posted</b>, issue order DC-570 indicating appeal not perfected. The arrearage bond must be paid before the appeal can be transmitted to the circuit court.</p> <p><b>COMMENTS:</b> Issue check for bond(s) to be forwarded to circuit court along with case papers.</p> <p>If the circuit court remands the case back to Juvenile &amp; Domestic Relations District Court, stating the bond is set for an insufficient amount, the district court shall enter an order notifying and requiring the respondent to cure the defective bond. Once the order is entered and served, the respondent will have an additional thirty days from the date of service to correct the bond.</p> <p>Copy form to: appellant, appellee (by mail), attorneys (if involved), <a href="#">Department of Child Support Enforcement</a> (if involved), <a href="#">Department of Social Services</a> (if involved). The appeal of both the adjudication and establishment of arrearage and civil contempt die even if the respondent has posted the accrual and/or appearance bonds.</p>
9	<p>If contempt and the respondent was released upon noting of appeal but failed to post arrearage bond issue DC-483, <i>CAPIAS: ATTACHMENT OF THE BODY (CIVIL)</i>. The capias is issued as a sub-action case of the support contempt case for which the respondent has been sentenced.</p> <p><b>COMMENTS:</b> The code section used for the civil capias should be determined by the judge.</p>

STEP	DESCRIPTION
10	Issue order refunding accrual and/or cash appearance bonds if posted upon respondent’s remand to jail.  <b>COMMENTS:</b> Issue refund check(s) to person who posted accrual and/or cash appearance bonds.

**Time Constraints**

Appeal must be noted within ten days of hearing date. Cases involving appeal bonds must be perfected within thirty days of hearing date.

**Forms**

- DC-330 RECOGNIZANCE
- DC-356 DISPOSITION NOTICE
- DC-460 [CIVIL APPEAL BOND](#)
- DC-483 CAPIAS: ATTACHMENT OF THE BODY (CIVIL)
- DC-570 ORDER
- DC-602 NOTICE OF APPEAL - SUPPORT PROCEEDINGS

**References**

- [Va. Code § 16.1-296 \(H\)](#) Requirement of appeal bond in cases where arrearage has been established
  - [Va. Code § 16.1-298](#) Notice and/or pendency of appeal shall not suspend any support order.
- Attorney General Opinion to the Honorable J. Dean Lewis, dated 4/11/02 (01-108)  
*An appellant is unable to separately appeal jail sentence and amount of arrears in a civil contempt proceeding. An appellant is required to post an appeal bond in cases where arrearage has been established to perfect support appeal.*

**Appeal Bonds – Criminal Support**

**Clerk’s Procedures – No Bond Required on Appeal**

The following procedures are recommended when no bonds are required on appeal, such as in an original criminal non-support petition where no arrearage is established or adjudicated and payment of support is not suspended during the pendency of the appeal and no appearance and/or accrual bond is set by the Judge.

STEP	DESCRIPTION
1	Complete DC-602, NOTICE OF APPEAL - SUPPORT PROCEEDINGS



STEP	DESCRIPTION
	<b>COMMENTS:</b> Copy form to: appellant, appellee (by mail), attorneys (if involved), <a href="#">Division of Child Support Enforcement</a> (if involved) and <a href="#">Department of Social Services</a> (if involved).
2	Update the case in CMS as appealed.
3	Copy appealed case papers to retain in Juvenile Court file.
4	Forward case papers to Circuit Court.

**Clerk’s Procedures – Bond Required**

The following are recommended procedures when **bond is required** upon the appeal by the respondent of a conviction for failure to support or on criminal contempt involving failure to support.

STEP	DESCRIPTION
1	Judge determines bond(s) required for appeal.
2	<p>Respondent comes to clerk’s office from courtroom or is brought from the jail to the clerk’s office to sign the DC-602, NOTICE OF APPEAL - SUPPORT PROCEEDINGS.</p> <p>If respondent is incarcerated, prepare DC-356, DISPOSITION NOTICE adding the fact that appeal is noted and terms of recognizance or bond as set by the judge.</p> <p><b>COMMENTS:</b> Appearance bonds may be posted in cash, certified check or bondsman. If the Judge sets a bond, the money shall be transmitted in cash, by check of the court, surety bond, bank check, or by draft from the escrow account of the appealing party’s attorney to the clerk of the court to which the appeal is taken. If unsecured bond, complete DC-330, RECOGNIZANCE at the time respondent notes support appeal. If the judge sets a secure appearance bond, the respondent cannot be released from jail until posting that bond even if he has posted the arrearage and/or accrual bonds.</p> <p>If respondent posts the secure appearance bond with the clerk’s office, complete the DC-330, RECOGNIZANCE at the time that bond is posted. See DC-330, RECOGNIZANCE in the DISTRICT COURT FORMS MANUAL for verbiage required for conditions of release if appeal and/or accrual bonds have not yet been posted.</p>
3	Flag case for administrative review in CMS for thirty days from hearing date (not appeal date) to allow time for the appellant to post bond(s).
4	Complete a separate DC-460, <a href="#">Civil Appeal Bond</a> form for the arrearage and accrual bonds when posted.

STEP	DESCRIPTION
5	Receipt bond using account code 509.
6	Forward original case papers to circuit court. NOTE: If arrearage bond is not posted within 30 days, do not forward the case papers to circuit court.
7	If bond not posted and respondent was released from jail upon noting of the appeal, issue DC-483, CAPIAS: ATTACHMENT OF THE BODY (CIVIL) for respondent’s arrest for failing to abide by conditions of release.

**Time Constraints**

Appeal must be noted within ten days of hearing date. Cases involving appeal bonds must be perfected within thirty days of hearing date.

**Forms**

- DC-330 Recognizance
- DC-356 Disposition notice
- DC-460 [Civil Appeal Bond](#)
- DC-483 Capias: Attachment of the Body (Civil)
- DC-570 Order
- DC-602 Notice of Appeal - Support Proceedings

**References**

- [Va. Code § 16.1-296 \(H\)](#) Requirement of arrearage bond in cases where arrearage has been established
- [Va. Code § 16.1-298](#) Notice and/or pendency of appeal shall not suspend any support order.

**Delinquency Appeals**

Any final order or conviction of the juvenile and domestic relations court affecting the rights or interests of any person coming within its jurisdiction or any order entered under [Va. Code § 16.1-292 \(E\)](#) may be appealed to the circuit court within ten days of entry of the conviction. [Va. Code § 16.1-296](#).

**Clerk’s Procedures**

STEP	DESCRIPTION
1	The juvenile or attorney for the juvenile notes the appeal completing DC-580, NOTICE OF APPEAL - CRIMINAL.

STEP	DESCRIPTION
	<b>COMMENTS:</b> The appeal must be noted within ten days of the conviction/disposition. No costs, taxes or fees are assessed on appeals in delinquency cases. Local practice will determine the date and time these cases are set in the circuit court.
2	Update the Case Management System with the date of appeal in the APPLD field.
3	The clerk completes the DC-575, Confidential Materials - Juvenile Case Appeal/ Transfer Transmittal.
4	If the juvenile is being held in detention and the Judge orders the release of the juvenile pending the appeal, the clerk completes the DC-330, RECOGNIZANCE and the DC-539, Release Order.
5	The clerk attaches the original case papers to the DC-580, NOTICE OF APPEAL - CRIMINAL.  <b>COMMENTS:</b> Depending on local practice the court may retain copies of all pertinent filings such as petition, reports, etc.
6	After ten days from the conviction/disposition date the clerk transfers the case papers to the circuit court.  <b>COMMENTS:</b> If the appeal is withdrawn, ensure the APPLD date is removed from the Case Management System and the final conviction/disposition information has been recorded.

The judgment or order of the juvenile court is suspended pending the appeal.

**Forms**

- DC-330 RECOGNIZANCE
- DC-539 RELEASE ORDER
- DC-575 CONFIDENTIAL MATERIALS - JUVENILE CASE APPEAL/TRANSFER TRANSMITTAL.
- DC-580 NOTICE OF APPEAL - CRIMINAL

**References**

- [Va. Code § 16.1-278.8](#) Delinquent juveniles.
- [Va. Code § 16.1-292 \(E\)](#) Violation of court order by any person.
- [Va. Code § 16.1-296](#) Jurisdiction of appeals; procedure.
- [Va. Code § 16.1-298](#) Effect of petition for or pendency of appeal; bail.
- [Va. Code § 16.1-302](#) Dockets, indices and order books; when hearings and records private; right to public hearing; presence of juvenile in court.
- [Va. Code § 16.1-307](#) Circuit court records regarding juveniles.

### Custody/Visitation Relief of Custody Appeals

Any final order of the juvenile and domestic relations court regarding custody and/or visitation may be appealed to the circuit court within ten days of final judgment or order of the court. [Va. Code § 16.1-296](#). The appellant may appeal either the custody or visitation or both. If Guardian *ad Litem* fees are assessed against parties by court order, the assessment order does not go to circuit court with the appeal. The juvenile court collects the fees assessed for the Guardian *ad Litem*.

#### Clerk’s Procedures

STEP	DESCRIPTION
1	<p>The respondent, petitioner or attorney for either party notes the appeal completing DC-581, NOTICE OF APPEAL-JUVENILE CIVIL APPEALS.</p> <p><b>COMMENTS:</b> The appeal must be noted within ten days of the final judgment or order of the court. <a href="#">Va. Code § 16.1-296.2</a>. Local practice will determine the date and time these cases are set in the circuit court.</p>
2	<p>Update the Case Management System with the date of appeal in the <b>APPLD</b> field.</p>
3	<p>Collect the writ tax and service fees applicable to the local jurisdiction.</p> <p><b>NOTE:</b> Fees are not collected on the appeal of an amendment to the original court order.</p> <p><b>COMMENTS:</b> Appellate fees are required for perfection of appeal within ten days of the final judgment or order of the Court however, if the appellant fails to pay the fees or pays them late and is adamant that the appeal go forward, transmit the documents to the Circuit Court for the Circuit Court to rule on the jurisdictional issue regarding perfection of the appeal.</p> <p>Appellate fees are receipted by the JDR Court under account code 509 and disbursed by check to the Circuit Court Clerk.</p> <p>Depending on local Circuit Court and local ordinance, appellate costs vary. The JDR Clerk should request in writing the required writ tax fees from the Circuit Court Clerk.</p> <p>Writ tax and other applicable costs shall be assessed only once for all custody and visitation petitions simultaneously appealed by a single appellant.</p>

OR

STEP	DESCRIPTION
1	<p>Appellant must complete the CC-1414, <a href="#">Petition for Proceeding in Civil Case without Payment of Fees or Costs</a>.</p> <p><b>COMMENTS:</b> If the party appealing the case was granted exemption from filing fees when initiating the petition, the CC-1414, <a href="#">Petition for Proceeding in Civil Case without Payment of Fees or Costs</a> must be completed for the waiver of writ tax fees. The Circuit Court Judge determines whether or not the writ tax and costs need to be paid.</p>
2	<p>The clerk completes the DC-575, CONFIDENTIAL MATERIALS - JUVENILE CASE APPEAL/TRANSFER TRANSMITTAL and DC-25, CIRCUIT COURT CASE TRANSMITTAL AND FEES REMITTANCE SHEET.</p>
3	<p>The clerk attaches the original case papers to the DC-581, NOTICE OF APPEAL - JUVENILE CIVIL APPEALS and submits them to the Circuit Court.</p> <p><b>COMMENTS:</b> Depending on local practice the court may retain copies of all pertinent filings such as petition, reports, etc.</p>

The judgment or order of the juvenile court remains in effect until changed or annulled by the Circuit Court.

At the time of the initiation of the petition if filing fees are required then writ tax fees are required unless a waiver is requested.

**Forms**

- DC-25      CIRCUIT COURT CASE TRANSMITTAL AND FEES REMITTANCE SHEET
- DC-575    CONFIDENTIAL MATERIALS - JUVENILE CASE APPEAL/TRANSFER TRANSMITTAL
- DC-581    NOTICE OF APPEAL - JUVENILE CIVIL APPEALS.
- DC-606    [AFFIDAVIT IN SUPPORT OF APPLICATION FOR PROCEEDING IN CUSTODY OR VISITATION CASE WITHOUT PAYMENT OF FILING FEES.](#)
- CC-1414   [PETITION FOR PROCEEDING IN CIVIL CASE WITHOUT PAYMENT OF FEES OR COSTS](#)

**References**

- [Va. Code § 16.1-69.48:5](#)      Fees for services of juvenile and domestic relations district court judges and clerks in certain civil cases.
- [Va. Code § 16.1-296](#)            Jurisdiction of appeals; procedure.
- [Va. Code § 16.1-296.2](#)        Appeals of certain custody and visitation proceedings.
- [Va. Code § 17.1-606](#)            Persons allowed services without fees or costs

## Protective Orders

The respondent, petitioner or attorney for either party notes the appeal completing the DC-475, NOTICE OF APPEAL-CIVIL. The appeal must be noted within 10 days from the final order. The district court clerk shall contact the circuit court to determine whether the appeal will be heard on a date scheduled by the district court clerk with the circuit court clerk, or on the next docket call date, or a date set for district court appeals. The appeal is sent to circuit court immediately. No bonds or writ tax fees are required in appealing protective orders. The protective order remains in full force and effect until changed by the circuit court.

## Appeals Matrix

Please refer to the [Appeals Matrix](#) located in the Quick Reference Materials Section of the Judicial Services web page for the most up-to-date information