

You are not alone. There are hundreds of victims in our area who live in fear of violence. There are also victims who have been battered in the past and have been able to change their lives. These individuals know about the pain of being battered and how hard it can be to change their lives.

If you think that violence in your life might go away if you ignore it, you should know that once violence starts in a relationship it almost always gets worse. Don't take the chance that violence will not happen again.

You have options.

HOW CAN I PROTECT MYSELF?

You can do several things:

- You can call 911.
- You can go to a shelter. Many YWCA's are a resource for shelters.
- You can ask a judge or a magistrate for an emergency, 72-hour protective order. A protective order would forbid your abuser from coming into contact with you.

If you know your abuser is about to become violent, call 911. If you have no warning, then call 911 as soon as the violence begins, or send a child to tell a neighbor to call.

Try to avoid serious injury and plan to leave as soon as possible, before the physical violence begins or gets worse. Many times the abuse is followed by a period of quiet and when things are normal the abuser promises to never abuse you again. This will be a time you do not have to fear immediate violence and have time to plan.

WHAT SHOULD I DO FIRST?

If you can leave, do so. Go stay some place where you will be safe. If you have no other safe place to stay, you may want to consider contacting your closest YWCA for where to go. The locations of most shelters are kept confidential.

SHOULD I TAKE ANYTHING WHEN I LEAVE?

The most important items to take are the papers you will need to carry out your business, to apply for welfare benefits, or to take legal action. If it is possible, when you leave you should take:

- Your children, unless this would put your children in danger;
- Your birth certificates, Social Security Cards, marriage certificates, green card, passports, leases, deeds, check books, proof of income, bills, etc.; and
- Proof of your abuser's income, such as pay stubs, tax returns, etc.; and
- If possible, your personal property – clothing, car title, things you and the abuser bought together – and all of the children's property. If you cannot take all of your or the children's property, try to at least take any irreplaceable items.

All of this information can be used by the court to determine support obligations. If you cannot take the property, you may be able to get it later by filing a Warrant in Detinue. You should talk to an attorney to do this.

DOES THE LAW PROTECT ME?

Yes. The law protects you from physical abuse and violent threats. But you have to start the process. If your abuser threatens you or hits you, you should start criminal action as soon as possible by getting a criminal warrant at the Magistrate's office for your locality. Criminal warrants are issued based on the facts and how they are presented. The Magistrate will consider how soon after the violence you asked for a criminal warrant, witnesses, and previous criminal warrants issued and dropped. If a Magistrate refuses to issue a criminal warrant, you should talk to an attorney.

WHAT HAPPENS AFTER I GET THE CRIMINAL WARRANT?

After a judge signs the criminal warrant, the police will arrest the abuser. If the abuser is not drunk or threatening, the police will release the abuser that day. If the abuser is drunk or threatening, the police will hold the abuser overnight and a judge will set a bond which the abuser must pay to get out of jail.

In most cases, a judge in the Juvenile and Domestic Relations Court (J&DR) will hear the case. At the hearing, the judge will listen to both parties and their witnesses and then make a decision.

WHAT IS A PROTECTIVE ORDER?

To protect yourself and your family you can get a protective order. A protective order, sometimes called a restraining order, will prohibit the abuser from being in contact

with you and your family. It will prohibit harassment, abuse and threats.

To get a protective order, you need to file a petition with the Intake Worker at J&DR Court. This can be done without an attorney and without a filing fee. Protective orders are available against these people:

- Your spouse or former spouse.
- Your parents, stepparents, children, stepchildren, brothers, sisters, grandparents, and grandchildren.
- If they live in your home, your father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.
- The other parent of your child.
- Anyone who lives in your home.
- Anyone who has lived in your home in the last year.

You can also get an emergency, 72-hour protective order from the Magistrate when the J&DR Court is closed.

The J&DR Court has the power to issue an order to remove your abuser from a home or to order your abuser to provide housing for you and your children. If such an order is entered, it will generally be accompanied by a protective order or preliminary protective order. The court may order the abuser to attend counseling sessions.

In order to obtain a protective order, you normally need to establish recent physical violence toward you. You should also tell of any past physical abuse and threats, whether you believe the abuse will continue

or reoccur in the future, and the effect of violence on the children.

VIOLATION OF A PROTECTIVE ORDER

Violation of a protective order may subject the abuser to a jail sentence. If the abuser violated the order, call the police.

If you have taken out a criminal warrant in General District Court and the abuser commits the same or similar offense, contact the Commonwealth Attorney's Office immediately.

If you have taken out a criminal warrant in J&DR Court and the charge is taken "under advisement" you should contact the J&DR Court. Tell them he is in contempt of the J&DR Court that issued the protective order, tell them of the violation, and ask that the judge hold a hearing on the violation.

THIS INFORMATION IS NOT LEGAL ADVICE.

Legal advice is dependent upon the specific circumstances of each situation. Therefore, the information contained in this pamphlet cannot replace the advice of competent legal counsel.

Free Legal information by Web and Phone:

www.vlas.org and

1-866-LegalAid (534-5243)



DOMESTIC VIOLENCE

This pamphlet contains general information about your rights. Consult a lawyer if you have specific questions. If you cannot afford a lawyer, contact:

Virginia Legal Aid Society

Offices in Danville, Farmville,

Lynchburg and Suffolk

1-866-534-5243

www.vlas.org

www.valegalaid.org

VLAS is a nonprofit organization providing free legal advice and representation to low income or elderly persons in Central, Southside and Western Tidewater Virginia.

THIS INFORMATION IS NOT LEGAL ADVICE
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