

Domestic Violence and Protective Orders

Domestic violence is when you or someone in your household is abused.

Domestic violence can be physical, emotional or verbal. **The abuser may:**

- **Hit, slap, choke, kick, bite or push you.**
- **Threaten** to hurt you or your family.
- **Use or threaten to use** a weapon.
- **Control** where you go and what you do.
- **Insult you** or call you names.
- **Torture** your pet.
- **Destroy** your property.
- **Force** you to have sex or kinds of sex that you don't want to have.
- Won't let you work or **complains** about your working.
- **Control** the family finances and accounts.
- Won't share family financial information with you.
- Won't let you or others in your home get health care when needed.

3 Kinds of Protective Orders

In Virginia, there are 3 kinds of Protective Orders that can protect you from domestic violence:

1. **Emergency Protective Order**
2. **Preliminary Protective Order**
3. **Protective Order**

You do **not** need a lawyer to ask for a Protective Order. You can fill out the papers on your own. Asking for a protective order is **free**.

Emergency Protective Order

You or any law enforcement officer can ask for an Emergency Protective Order (EPO) if:



- There is enough evidence that the abuser attacked you and is likely to abuse you or another household member again, or
- There is a warrant out against the abuser for assault and battery and the abuser is likely to abuse again.

An EPO can order the abuser to:

- NOT abuse anyone in your home, and
- NOT contact you (and/or other people in your home).

The EPO can also give you an exclusive right to *stay* in the home. (An EPO does not let you *own* the home.)

How long do Emergency Protective Orders (EPO) last?

EPOs last 3 days. They end at 11:59 p.m. on the 3rd day after they are issued. If the 3rd day is not a day the Juvenile and Domestic Relations District Court (J&DR Court) is open, the EPO lasts until 11:59 p.m. on the next court day.

Can I ask for protection for more than 3 days?

Yes. But you must ask for a *Preliminary Protective Order*. (If you asked for an EPO, you already got the form to ask for a Preliminary Protective Order.)



If you are in danger now...

Call: **911**

Or call Virginia's Family
Violence/Sexual Assault Hotline
(toll-free 24-hour) – **800-838-8238**

Preliminary Protective Order

To ask the court for a Preliminary Protective Order (PPO), you must:

- Fill out a **Petition for a Preliminary Protective Order**, and
- File it at your local J&DR Court.
- Bring your EPO, if you have one.



What information do I have to put in my Petition?

You must give a sworn statement that:

- There has been domestic abuse recently, or
- There is an immediate danger that domestic abuse will occur.

You must also include:

- The abuser's physical address, and
- A full description of the abuse that made you decide to ask for the protective order.

When does the PPO start protecting me?

The PPO starts once the abuser is personally served a copy of the PPO.

Call law enforcement and ask if the order was served.

How long will the PPO last?

The PPO will last until the date of your next court hearing, which is usually within **15 days** after you filed your PPO Petition. If the abuser does not go to the hearing because she or he was not served, the judge can extend the PPO for up to 6 months.

A PPO can order the abuser to:

- NOT abuse anyone in your home
- NOT contact you (and/or other people in your home)
- Provide suitable alternative housing for you, (and/or other people in your home)

The PPO can also give you an exclusive right to:

- Stay at (but not own) the home, and/or
- Use or keep (but not own) a motor vehicle with joint title.

Protective Order

After the PPO is issued, you will have another hearing in J&DR Court where you and the abuser will each have a chance to speak to the court and present evidence.

What kinds of orders can the judge put into the PO?

The judge can order the abuser to:

- NOT abuse anyone in your home,
- NOT contact you (and/or other people in your home)
- Provide suitable alternative housing for you (and/or other people in your home).



The judge can also make orders that give you exclusive rights to:

- Stay at (but not own) the home, and/or
- Use or keep (but not own) a motor vehicle with joint title.

Can the judge make other orders?

Yes. The court can order the abuser to:

- Keep up the registration, insurance, and taxes on your vehicle(s).
- Go to treatment, counseling, or other program.
- Give exclusive use of a cell phone (or other e-device), and not stop service on it before the contract ends.
- Not use any cell phone or other e-device to try to find you.
- The court can make any other order needed to protect you and people who live in your home.



The court can also order you or the abuser to pay court costs and attorney's fees.

Can the judge make custody, visitation, and child support orders?

Yes. The court can make *temporary* orders for custody, visitation, and child support for the children under 18 you have with the abuser.

When does my protective order start?

A protective order starts when your abuser is officially given a copy of the protective order.



How long can a Protective Order last?

A protective order can last for up to 2 years.

If your order has not expired yet, you can ask the court to extend it for up to 2 more years. There is no limit on how many extensions you can get.

Some Permanent Protective Orders can last longer than two (2) years, as long as the Petitioner was a victim of a violent felony.

Can I change the Protective Order?

Yes. You – or the abuser – can ask the court at any time to change (modify) the order. The person wanting the change must file court forms asking for the change.

Can the abuser ask the court to end the Protective Order?

Yes. You – or the abuser – can ask the court at any time to end (dissolve) the protective order.

What if the judge does not give me a Protective Order?

Sometimes, the court does not give the Protective Order you asked for. If this happens, you can ask a higher court to consider your request for the Protective Order.

Important! You only have **10 court days** to do this. Ask the court clerk how to appeal to Circuit Court.

Common Questions ?

Can I take the children when I leave the abuser?

Taking your children with you is not kidnapping. Both parents have legal rights to their children. You are free to take them unless there is a court order that says something different. And it will be easier for you to get a custody order if the children are already with you.

What if my children do not want to leave?

Sometimes after being in an abusive relationship for a long time, victims may depend on their children to make decisions. Remember – you are the parent. You must make the decisions. Your children may be unhappy for a while. But think of the long-term effects they will have from watching and listening to domestic violence. Your children may have more problems later because of the abuse.

What if I am worried about my safety even if I have a Protective Order?

It's a good idea to contact law enforcement to let them know about your concerns. Keep a certified copy of your Protective Order (PO) with you always. But remember: all law enforcement officers have electronic access to your order. That's because the court registers all POs, including Emergency and Preliminary POs, in Virginia's Criminal Information Network on the same day the court makes the order. The court also sends all POs directly to the primary local law enforcement agency. That means if you need to report a violation of the PO, law enforcement will have *immediate* access to the PO.

TIP! It's a good idea to give your employer and your children's school and daycare a copy of your PO.

What if I leave or get locked out but need to get my belongings?

If you can't get into your home, and the police will not assist you to get your belongings, you may need to ask the court for a special order called a "Warrant in Detinue." This will let you pick up property that belongs to **you alone** – *not* marital property. To get this kind of order, you must bring a complete list of your belongings to the General District Court Clerk's office, file paperwork, and pay a filing fee. If the court approves your request, the abuser must return your property and repay the filing fee.

Can I end my lease early so I can move to a safer place?

Yes. If you are a victim of family abuse, sexual abuse, or other criminal sexual assault, you may end your rental agreement early even if your lease does not say so. State law says you can end your lease early if you have:

- A current "permanent" protective order (that lasts up to 2 years), or
- An order convicting the abuser of family abuse, sexual abuse, or other criminal sexual assault.

You must give your landlord at least 30 days' written notice and include a copy of the protective order or conviction order. The conviction order can be used to end the lease in effect at the time of the conviction, and one new lease after that.

What if the abuser disobeys the order?

Notify law enforcement. They can arrest the person, and file new criminal charges.

What if the abuser comes to my house or workplace?

Call law enforcement. Tell them you have a protective order against the person. Explain that the person is violating the order.

What if my protective order has a “no contact” order?

No contact means the other person cannot contact you directly or indirectly unless he or she uses the contact methods the court allows.

What if I must sometimes contact the other person?

Tell the judge at the hearing.

If I go to another state, will my protective order protect me in that state?

Yes. Federal law says all U.S. states must enforce other state’s valid protective orders. Contact your new state’s local court for more information.

Can I get help to fill out the court forms?

Yes. Get online help at: www.courts.state.va.us. Click *Programs*, then *Domestic Violence Programs and Services*.

Or use I-CAN! at:

www.vacourtformhelp.courts.state.va.us

I-CAN! is a free web service that helps you fill out your forms in English or Spanish. After filling out the forms, print them and take them to your local court.

Can I keep my address private?

Yes. The Virginia’s Attorney General’s Office has a service that helps victims of domestic violence, stalking, sexual violence, and human trafficking. The *Address Confidentiality Program* (ACP for short) lets victims keep their new address private by giving its participants a P.O. Box number where they can receive mail and packages. Any first class mail sent to a participant’s P.O. Box is forwarded to the participant’s actual address by ACP. ACP keeps participant addresses confidential, and the victims’ actual locations private.

ACP also accepts service of legal papers for ACP participants. ACP notifies victims right away if any legal papers are served.

How to Apply to ACP: Apply through your local domestic violence program. To find your local program, call: Virginia’s Family Violence/Sexual Assault Hotline: **800-838-8238** (open 24/7)

Domestic Violence Safety Tips

If you do not feel ready to leave an abuser, do these things to make yourself and your family safer.

In an emergency

- Stay away from the kitchen (the abuser can find weapons there, such as knives).
- Stay away from bathrooms, closets, or small spaces where the abuser can trap you.
- Get to a room with a door or window to escape.
- Get to a room with a phone to call for help; lock the abuser outside if you can.
- Call **911** right away for help.
- Think about a neighbor or friend you can run to for help.
- If a police officer comes, stay calm; tell him/her what happened; get his/her name and badge number.
- Get medical help if you are hurt.
- Take pictures of bruises or injuries.
- Call a domestic violence program or shelter.

To protect yourself at home

- Learn where to get help, and memorize phone numbers you may need in an emergency and if you don't have your phone (such as family and friends).
- Keep a phone in a room you can lock from the inside. Try to keep a cell phone with you at all times.
- If the abuser has moved out, change the locks on your doors and get locks on the windows.
- Plan an escape route out of your home, and teach it to your children.
- Think about where you could go if you need to escape.
- Pack a bag with important things you would need if you had to escape. Put it in a safe place, or give it to a friend or relative you trust. Include cash, car keys, and important things, like court papers, passports, birth certificates, medical records, medicines, and immigration papers.
- Get an unlisted phone number.

- Block Caller ID.
- Use voice mail to screen your calls.
- Take a self-defense course.

Teach your children...

- Not to get in the middle of a fight, even if they want to help
- How to get to safety, call 911, and give your address & phone number to the police
- Who to call for help
- Who to tell at school if they see the abuser
- To stay out of the kitchen

Make school safer

Give the children's school or daycare center a copy of your court order and a photo of the abuser. Tell them not to let your children leave with the abuser without talking to you first. Use a password so they can be sure it is you on the phone.

Make sure the school knows not to give your address or phone number to ANYONE.

Protect yourself outside the home.

- Change your travel habits.
- Get rides with different people or use different transportation.
- Shop and bank in a different place.
- Cancel any bank accounts or credit cards you shared with the abuser; open new accounts at a different bank.
- Keep your court order and emergency numbers with you always.
- Keep a cell phone with you always. Program it to **911** (or other emergency numbers, such as the local sheriff's phone number).

Be safer at work

- Keep a copy of your court order at work.
- Give the security desk and others at work a photo of the abuser.
- Ask a security guard to walk you to your car or bus.
- Tell your supervisor and request a workspace that would make it hard for the abuser to find you.
- Don't go to lunch alone.
- Save any voicemails and emails the abuser sends you at work.
- Ask your employer to help you find resources in your community.

Where to go to be safe

- Police – call **911**
- Local domestic violence or sexual assault programs
- Department of Social Services
- Homeless shelters
- Churches in your community
- Victim-Witness Program
- Virginia Family Violence/Sexual Assault Hotline (toll-free 24/7) – **800-838-8238**

If you call 911...

If you, a neighbor, or someone in the home calls 911, the police **must**:

- Respond to your call.
- Arrest the abuser if there is enough evidence that the abuser attacked you.
- Write a report about what happened, and give you a copy of the report summary.

If the police think you are still in danger, they **must** also ask for an *Emergency Protective Order* (EPO, for short).

Free legal information:



Online: www.vlas.org

Tel.: 866-LegIAid (534-5243)