

What You Need to Know About Protective Orders

What are Protective Orders? They are legal documents issued by a judge or magistrate to protect the health and safety of a person who is alleged to be a victim of *any act involving violence, force or threat that results in bodily injury or places that person in fear of death, sexual assault or bodily injury.*

In Virginia, there are 3 kinds of Protective Orders that can protect you and others in your family or home:

- Emergency Protective Order (expires at the end of the third day following issuance or the next day court is in session, whichever is later)
- Preliminary Protective Order (lasts 15 days or until a full hearing)
- Protective Order (may last up to 2 years)

How will I know when the Emergency Protective Order ends? You should look on the order for the date and time it expires. If you need protection for a longer period of time, you *must* ask the court for a Preliminary Protective Order.

Where do I go to request a Preliminary Protective Order? If the person from whom you want protection is a family or household member or a juvenile, or if you are a juvenile, you should go to the juvenile and domestic relations district court. Otherwise, you should go to the general district court.

How do I get a Preliminary Protective Order? You must fill out court forms. If this matter will be in the juvenile and domestic relations district court, you file the forms with the Court Services Unit. If it will be in the general district court, you file the forms in the general district court clerk's office. You then may go into a courtroom where a judge may ask you questions to decide whether to give you a Preliminary Protective Order.

How much does it cost to file for a Protective Order?
There is no cost.

What should I bring with me? You should bring the name, address and identifying information of the person from whom you are seeking protection and a *full* description of the event that led you to seek a protective order. The address should be the place where the person can be found and not a P.O. box. You should also bring your copy of the Emergency Protective Order and information about the warrant or petition alleging an act of violence, force or threat, if either was issued.

How long should I expect to spend at court? You should allow at least two hours to complete your paperwork and file it with the court.

How long does a Preliminary Protective Order last?
If the judge gives you a Preliminary Protective Order, it will last 15 days or until the full hearing. The full hearing is when both you and the other person get to present evidence before the court. The judge will tell you when the full hearing is, and it will be written on the Preliminary Protective Order.

What if I do not go to the full hearing? If you do not go to the full hearing, the Preliminary Protective Order ends on the date of the hearing.

What if I believe the other person is not coming to the hearing? You should go to court on that day anyway and ask the court for a Protective Order.

When does the Protective Order take effect? A Protective Order is not effective until the person is "personally served." To be served, a law enforcement officer or court official must give the Protective Order to the person from whom you want protection. You should give law enforcement information about how to find the person. (Address, phone number, place of work, photograph, etc.)

How will I know if the person against whom the order was issued has been served? You can call law enforcement and ask if the person has been served.

What if the person against whom the order was issued does not obey the order? You should tell law enforcement. The person can be arrested and criminal charges filed.

What if the person comes to my house or work place?
You should call law enforcement and tell them you have a Protective Order against the person.

What if I need to change part of the Protective Order?
You *must* fill out and file forms with the court.

What is a "no contact" provision in a Protective Order?
No contact means the other person cannot contact you directly or indirectly except as authorized by the court.

What if I must sometimes contact the other person?
You should tell the judge that at the hearing.

If I go to another state, will my Protective Order be valid in that state? Federal law requires all states to enforce protective orders issued by other states. You should contact the nearest court in that state for more information.

This information is provided as general information only and is not legal advice.

To make a safety plan, call:
Virginia Family Violence and Sexual Assault Hotline
1-800-838-8238 (v/tty)

For additional information on how court works, call:
Virginia Department of Criminal Justice Services, Crime Victim Assistance INFO-LINE
1-888-887-3418

For legal help, call:
Legal Aid Hotline
1-866-LEGLAID (1-866-534-5243)
Virginia Poverty Law Center (Family & Sexual Violence) 1-800-868-8752
Virginia State Bar Lawyer Referral Service 1-800-552-7977
You may also hire an attorney to represent you.

For assistance filling out protective order petition forms online:
You can go to www.courts.state.va.us, click Online Services, then Assistance with Protective Orders (I-CAN!).