

How to Obtain a Protective Order

Emergency Protective Order (72 hours)

May be obtained by a police officer or by a victim from a magistrate.

Preliminary Protective Order (15 days)

May be obtained by a victim from the Juvenile & Domestic (J&D) Relations Court. A petition must first be filed through the J&D Court Intake Office. The petitioner then appears before a judge. The protective order specialist assists in this process.

Permanent Protective Order (up to 2 years)

Once a preliminary protective order is granted, a permanent protective order hearing date is set. Both parties are present at this hearing and may have legal representation and witnesses. A no-cost attorney for the petitioner can often be obtained through the protective order specialist*

**If one is available.*

Protective orders are not in effect until both parties have been served. To confirm service of a protective order, please call civil process.

Protective Order Criteria may include one or more of the following:

- > Family or household member
- > Lived together within the past 12 months
- > Spouse or previous spouse
- > Child in common

GRTC BUS shuttle number 18 services Henrico's Government Center.

For emergency services or shelter, please call Safe Harbor at 287-7877
or YWCA at 643-0888.

What you can ask for when petitioning for a Protective Order

You can ask the judge to forbid your abuser from committing any further acts of abuse against you.

You can ask the judge to forbid the abuser from having any contact with you. If you feel that it is necessary to maintain contact with your abuser for limited purposes, (*for example, to arrange visits with your children or to deal with essential business matters*) you can ask the judge to forbid all contact with you except for specific, limited purposes such as those mentioned above.

You can ask the judge to forbid the abuser from having any contact with other members of your family or household.

You can ask the judge to do either of the following:

- A. You can ask the judge to forbid the abuser from living in your current mutual home. In legal terms, this is known as granting you “exclusive possession of the home.” You and your family could stay in the home and your abuser would not be allowed to stay there. You would be able to remain in the home as long as the protective order is in effect *even* if your name is not on the lease or mortgage. In order to stay longer, you would need to make a request in a separation agreement or divorce settlement.

OR

- B. If you do not want to remain in your current home, you can ask the judge to order your abuser to pay you a specified amount each month so that you can live somewhere else. In legal terms, this is known as ordering the abuser to provide you “suitable alternative housing.” In order to request this, you should be prepared to request a specific amount per month at the hearing and show why you need that much for housing.

You can ask the judge to allow you to use a car that is jointly owned by you and your abuser. The judge can also order your abuser not to use the car. In legal terms, this is known as “exclusive possession of a motor vehicle.” You will be able to use the vehicle only during the time the protective order is in effect. The protective order will not change who has the right to the car once the protective order has expired. If you request this, you should be prepared to show at the hearing why you need the car more than your abuser.

You can ask the judge to order your abuser to participate in treatment or counseling. (*For example, batterer intervention programs, anger management, or substance abuse programs*).

If Your Protective Order is Violated

If your protective order is violated, call your local police department **RIGHT AWAY**, and ask that a report be made. Do not wait several hours or until the next day. The police will be able to make an arrest quicker if they know about the violation as soon as possible.

The protective order will say what your abuser is not allowed to do (i.e. come to your home or work, call you at home or work, etc.) If any of these things are done, there has been a violation of the protective order. A violation of a protective order is a Class 1 misdemeanor. Other charges may be added such as contempt of court (not doing what the judge said to do.)

Always keep a copy of your protective order with you, and give a copy to your employer. Also, try to always have your own identification with you at all times.

If the violation happens in another town from where it was given, you can still call the police in the location where you are. Show your protective order to the police and explain how the protective order was violated.

If your protective order was issued from a state other than Virginia, the courts in Virginia will honor the protective order. Take a copy to the police station where you are staying in Virginia so it will be on record. Always keep a copy with you. This will help police officers to enforce it more quickly if there is a violation.

If the violation was in person, try to give a description of what your abuser was wearing, the type of car, license plate, and direction of travel when he/she left the scene.

If the violation was over the phone, give the time of the call, where the call was made from, if you know (number from the caller ID), tell what was said, and record the call if you are able. If someone was with you when the call came in, or if a receptionist took the call for you, ask the person to be a witness for you.