

PROTECTIVE ORDERS IN VIRGINIA

JUVENILE & DOMESTIC RELATIONS DISTRICT COURTS

1. What are protective orders?

Protective Orders are legal documents issued by a judge or a magistrate with the intent to protect the health and safety of someone who has been injured or threatened by another person. In Virginia, there are three kinds of protective orders that are intended to protect you and others:

- Emergency Protective Order (EPO)--generally last only 72 hours and are usually issued by a magistrate but may be issued by a judge.
- Preliminary Protective Order (PPO)--is temporary protection, which lasts up to 15 days or until a full hearing and requires that you file a petition with the court. PPOs may be extended up to 6 months to obtain service.
- Permanent Protective Order--a full protective order can be issued for up to two years where both parties have notice and the opportunity to be heard.

Note: Only a judge may dismiss or change the terms of a Protective Order.

2. What type of protective order can I file in the Juvenile & Domestic Relations District Court?

➤ **Protective Order – Family Abuse**

In Virginia, the definition of a “family or household member” is defined in Virginia Code § 16.1-288 - (i) the person’s spouse, whether or not such spouse resides in the same home with the person; (ii) the person’s former spouse, whether or not such person resides in the same home with the person; (iii) the person’s parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren regardless of whether such persons reside in the same home with the person; (iv) the person’s mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person; (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time; (vi) any individual who cohabits or who, within the previous twelve (12) months, cohabitated with the person, and any children of either of them residing in the same home with the person; (vii) an individual who is a legal custodian of a juvenile, or (viii) the person’s intimate partner.

➤ **Protective Order – Non-Family Abuse**

This is defined as an act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. This includes situations where a person is subjected to abuse by someone other than a family member, such as a friend or acquaintance.

Note: There is no fee to file a Protective Order.

3. What should I do if an Emergency Protective Order that was issued expires before I am able to have a petition for the Family Abuse Protective Order filed and reviewed?

(Emergency Protective Orders are most often issued by magistrates and may last only 72 hours) You may go to the Magistrate's Office and ask for a new Emergency Protective Order. You will have to provide information to the magistrate to justify a new order. Click on the [map](#) to view the magistrates in a particular region. Locate which region you are located in, click the region, then click the link under the map for magistrates Offices Contact Information (By District) – PDF.

4. How do I file for a protective order in a Juvenile & Domestic Relations District Court?

All petitions for protective orders must be processed by the Court Service Unit. Please click on the following link to find a Court Service Unit in your area: [Court Service Unit](#)
Pick your district using the map and then click on the link for that district. This will show you the district and branch offices and their contact information and address where you can file your petition for a protective order.

Visit I-Can! Virginia at <https://ican.vacourts.gov>, where you can use [I-CAN! Virginia](#) to complete and print the forms needed for you to file for a protective order. I-CAN! Virginia is a free online program that provides assistance with the preparation of court forms required to file for a protective order. I-CAN! Virginia is also available in Spanish. **Upon completing the forms on I-Can! Virginia, you must print the forms**, take them to your Court Service Unit for processing. After the Court Service Unit has processed your paperwork for a protective order, you will need to deliver those to the Juvenile & Domestic Relations District Court Clerk's Office in your locality.

5. What is the address to the courthouse in my locality?

You can use the following link to find the court and contact information in your locality: [District Courts in Virginia](#)
Use the Google maps link for driving directions to courthouse: [Google Maps Driving Directions](#)

6. What should I do if I do not understand or speak English well?

For assistance in the courtroom, contact the Clerk's Office as soon as your hearing is scheduled. The court may have staff interpreters available to assist you. The court may have to schedule an interpreter to appear at your hearing(s) or use a Language Line interpreter. If you need language assistance when you visit the Court Service Unit to file your paperwork for a protective order, contact the Court Service Unit in your locality.

7. What if I have a physical disability?

If possible, please bring someone with you for assistance. You can also advise the courthouse security officers and request assistance. For a sign language interpreter, please call ahead to the Clerk's Office in your locality so arrangements can be made to have a sign language interpreter available.

8. What should I bring with me to file for a protective order at the Court Service Unit?

You must have:

- A full description of the event that led you to seek a protective order. If you used the I-CAN! Virginia system, bring all printed paperwork and the Affidavit with you.

- The name and full physical address of the person from whom you are seeking protection. A full and complete address of the person is required – including apartment number, unit number, or lot number – NOT a PO Box.

Other important information you should bring with you:

- Any photographs, medical records related to the event that led to the petition for a protective order or anything else you think will help prove your case.
- The names and full addresses of anyone who witnessed the event. You may file a Request for Witness Subpoena for the full hearing at the clerk's office.
- As much identifying and contact information as possible about the person from whom you are seeking protection. This information is essential because the Sheriff must be able to find this person for the Preliminary Protective Order to take effect.

Please provide:

- Name, nicknames, aliases;
- date of birth;
- home, work, cell phone and pager numbers;
- addresses for home, work, friends, relatives, and places frequented;
- age, height, weight, eye color, hair color, distinguishing marks;
- social security number;
- tendencies toward violence;
- ownership or possession of weapons, especially firearms; and
- recent photograph of that person.
- A copy of an Emergency Protective Order if one was issued.
- Identifying information of any family or household members for whom you may be seeking protection.

9. What should I NOT bring with me to the courthouse for the hearing?

You should not bring any weapons such as guns and knives inside the courthouse. You should not bring cell phones, cameras (including cell phones with cameras), video cameras, photographic, recording or similar equipment. Advise courthouse security if the above listed items are needed as evidence in your case. You are discouraged from bringing young children with you to the courthouse. If you must bring them to court, bring an adult to supervise the children.

10. Do I need a lawyer to file for a Protective Order?

You do not need a lawyer to file for a preliminary protective order. The Court Service Unit Intake Officer will provide assistance to help you complete the necessary paperwork and will provide basic information about preparing for your court hearing. The Court Service Unit, however, cannot give you legal advice. You may want to hire a lawyer to represent you at your full hearing (where both parties are before the judge), especially if the person from whom you want protection will have a lawyer.

11. What should I do if I am the person named as a “respondent” in a Family Abuse Protective Order?

(A “respondent” is the person against whom the order is issued) You will receive a copy of the order from the Sheriff or other law enforcement agency. Read the order carefully. Strict compliance with the order will avoid additional problems that can result in criminal penalties.

You may ask the court to dismiss or change the terms of the order. **ONLY a judge may dismiss or change the terms.** The order will have a date and time for a hearing. Arrive at the Courthouse at least 30 minutes ahead to allow time for parking. You or your lawyer may tell your side of the case at the full hearing.

12. What should I do at the full hearing (where both parties are before the judge)?

Be on time for the hearing and have a seat in the designated waiting area for the Juvenile & Domestic Relations District Court. Your name will be called when it is time for your case to be heard. Only you or your lawyer, if you hired one, can speak for you. The judge will ask you questions. Listen carefully, answer them completely, tell the truth, and speak slowly. The person from whom you want protection or that person's lawyer may ask you questions. DO NOT interrupt the judge, lawyers, or the person from whom you are seeking protection. If you have any questions or do not understand something, ask the judge BEFORE you leave the courtroom.

13. How do I know that the preliminary or final protective order has been served on the other party?

You can contact the Sheriff's Office in your locality by finding the contact information on the [Virginia Sheriff's Directory](#). You can also access [Virginia VINE Protective Orders \(VPO\)](#) which provides free notifications about preliminary and permanent (final) protective orders, including when they have been served and expiration updates. To register, you must have your PO number, the city/county of issuance, and the name of the respondent. Registration is confidential.

14. What should I do if the judge does not issue a Protective Order?

You can file an appeal in the clerk's office within 10 days of the hearing.

15. How can I find a lawyer to help me?

You can contact VALegalAid.org to see if you qualify for legal aid services. You can also contact the Virginia Lawyer Referral Service (VLRS) which assists the public with referrals to practicing members of the Virginia State Bar. From the metro Richmond area call 804-775-0808. From other areas statewide, call 800-552-7977 or visit the [website](#). You can also hire your own lawyer.

16. How can I find a Victim/Witness Advocate in my area?

The [Virginia Victim Assistance Directory](#) has a directory, maintained by the Office of the Attorney General of Virginia, of all Virginia domestic and sexual violence crisis centers by locality.

17. What should I do with the order?

Once you have a copy of the order, keep the order in a safe place. You should always carry a copy of the order with you. You will have to show it to the police, or the court if there is a violation. Make several photocopies of the order as soon as possible and keep the original order in a safe place. You may want to give a copy of the order to your employer, school, children's school, daycare provider, and anyone else named in or protected by the order.

Hope Cards for final protective orders:

18. What is a Hope Card?

It is a laminated card, similar in size and shape to a credit card. It contains essential information about a civil protective order in a durable, easy to read format. Hope Cards are free, and each protected party listed on the protective order is eligible to receive one. Your final protective order must be issued for 12 months or longer to apply for and receive a Hope Card.

19. How do you obtain a Hope Card?

Protective orders at all levels of court are eligible for a Hope Card. An application can be obtained from the clerk's office from the court where the protective order was issued and returned there for processing. Visit the DVPS division of the [Virginia's Judiciary Website](#) where you will find the [Hope Card Application](#) in English with a [Spanish template](#), and Frequently Asked Questions about hope cards in [English](#) and [Spanish](#).

20. What should I do if the protective order is violated?

If your protective order is violated, you should immediately call 911 and tell the officers that you have a protective order, and the respondent is violating it.

21. What if I need to move or travel after my protective order is issued?

If you move or travel within the state or anywhere else in the country including U.S. territories and Indian tribal lands, your final protective order will still be valid and enforceable. If you are thinking about moving or traveling you may want to contact the National Center on Full Faith and Credit at 1-800-903-0111 for more information. PLEASE notify the clerk's office if you move or change addresses.

22. How do I ask the court to dissolve (end) or modify (change) my protective order?

You would need to file the following forms with the clerk's office of the court that issued your protective order:

[Motion to Amend \(DC-630\)](#)

[Affidavit-Default Judgment Servicemembers Civil Relief Act \(DC-418\)](#)

[Non-Disclosure Addendum \(DC-621\)](#).

The court will have you and the other party served with notice of the hearing date. At the hearing you can ask the judge what changes you want made to your existing protective order. It is at the discretion of the court whether to grant or deny your request.

23. What if my protective order will expire soon and I want to have the order extended?

Before your protective order expires, you would need to file the following forms with the clerk's office of the court that issued your protective order:

[Motion to Amend \(DC-630\)](#)

[Affidavit-Default Judgment Servicemembers Civil Relief Act \(DC-418\)](#)

[Non-Disclosure Addendum \(DC-621\)](#).

If there isn't sufficient time to have the other party served before your protective order expires, the court may enter a Preliminary Protective Order (PPO) and schedule a full hearing within 15 days of issuing the PPO. If there is sufficient time before your protective order expires to have the other party served, the court may have you and the other party served with notice of the full hearing. At the hearing you can ask the judge to consider

extending your protective order. It is at the discretion of the court whether to grant or deny your request.

ALERT:

- **If you are in immediate danger, call 911.**
- **Be aware that having a Protective Order does not guarantee your safety. It is critical that you take extra safety precautions BEFORE and AFTER an order is issued.**
- **DO NOT leave the Courthouse without a copy of the order, if issued.**

This information is not intended as legal advice. Contact a licensed attorney to provide you with any legal advice you may need.

Helpful links regarding protective orders:

[What You Need to Know About Protective Orders](#) - An information sheet that explains the different types of protective orders and answers frequently asked questions regarding how to prepare for a hearing and what to expect. Also available in the following languages:

[Spanish](#), [Korean](#), and [Vietnamese](#)

[Protective Orders in Virginia – A Guide for Victims](#) - A brochure, produced by the Virginia Department of Criminal Justice Services, that provides summary information regarding family abuse and non-family abuse protective orders.

[Virginia Judicial System Court Self-Help: Protective Orders](#) – Provides an overview of Protective Orders in Virginia and links to resources.

[Domestic and Sexual Violence Crisis Centers by Locality](#) - A directory, maintained by the Office of the Attorney General of Virginia, of all Virginia domestic and sexual violence crisis centers by locality.

Federal and State Firearms Law: Domestic Violence Offender Gun Ban – [English](#) and [Spanish](#)

[Virginia Victim Notification Program \(VINE\)](#) - The [Virginia VINE System](#) is a service through which victims of crime can use the telephone or Internet to search for information regarding the custody status of their offender and to register to receive telephone and e-mail notification when the offender's custody status changes.

[Virginia VINE Protective Order \(VPO\)](#) - provides free notifications about preliminary and permanent (final) protective orders, including when they have been served and expiration updates. To register, you must have your PO number, the city/county of issuance, and the name of the respondent. Registration is confidential.

[Address Confidentiality Program](#) - A confidential mail-forwarding service, managed by the Office of the Attorney General of Virginia, for victims of domestic violence, stalking, sexual violence, and human trafficking who have recently relocated.

Other agencies:

- Virginia Child Protective Services Hotline to report suspected child abuse or neglect – 1-800-552-7096.
- Virginia Adult Protective Services Hotline to report suspected abuse or neglect of an elderly or disabled adult – 1-800-832-3858.
- Virginia Sexual and Domestic Violence Action Alliance for information on domestic violence and sexual assault victim services – 1118 W. Main St., Richmond, VA 23220 – [Virginia Sexual & Domestic Violence Action Alliance](#)
- Alcoholics Anonymous; www.aa.org
- Al-Anon; www.va-al-anon.org
- Find the Sheriff in your locality using the [Virginia Sheriff's Directory](#)
- Deaf & Hard of Hearing – use VA Relay Service; Dial 711
- Non-English Speaking – use Interpretalk; 1-800-305-9673
- Find your local Department of Social Services using the [VDSS Directory](#).
- Find your local Community Service Boards by using the [CSB/BHA Directory](#)
- [Virginia Victim Assistance Directory](#)
- ADA Compliance - [Americans with Disabilities Act \(ADA\) | Virginia Court System](#)