

Roanoke County Juvenile and Domestic Relations District Court Family Abuse Protective Order Filing Information

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

- **Emergency Protective Orders (EPO)**– generally last only 72 hours and are usually issued by a magistrate. *If you have an EPO and want further protection you should go to the Court Service Unit as soon as possible and well before the expiration of the EPO.*
- **Preliminary Protective Orders** – last 15 days or until a full hearing and require that you file a petition at court.
- **Permanent Protective Orders** – last up to 2 years and are issued by the court after a full hearing where both parties are before the judge.

ALERTS:

- You must first go to the Court Service Unit Intake Office for the 23rd Judicial District to file for a Family Abuse Protective Order located at 400 East Main Street directly across the street from the Courthouse.
- You must file with the Court Service Unit between **8:15 AM** and **3:00 PM** to appear before the court on the same day. If you arrive after 3:00 PM you may file the petition but it will be reviewed by the court the next day the court is in session. *(A petition is a formal written request asking the court to do something)*

1. Where is the Court Service Unit for the 23rd Judicial District Intake Office located?

The Court Service Unit Intake Office is located directly across the street from the Courthouse at:

400 East Main Street
Salem, Virginia 24153

Telephone number: 540-387- 6123

Google map link to 400 East Main Street, Salem:

http://maps.google.com/maps?sourceid=navclient&ie=UTF8&rlz=1T4ADBR_enUS294US297&q=400+East+Main+Street%2c+Salem%2c+Virginia

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2. Where is the Court located?

The Roanoke County Juvenile and Domestic Relations District Court is located at:

305 East Main Street
Salem, Virginia 24153-4347
Telephone number: 540-387-6156

Entrance to the Juvenile and Domestic Relations District Court is labeled on the front door of the complex off of Main Street. You will go through scanner and proceed to the second floor waiting area for court or come to the window on the first floor for filing motions.

Google map link to 305 East Main Street, Salem:

http://maps.google.com/maps?sourceid=navclient&ie=UTF8&rlz=1T4ADBR_enUS294US297&q=400+East+Main+Street%2c+Salem%2c+Virginia

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3. What are walking directions from the Court Service Unit to the Courthouse?

The Courthouse is located directly across the street from the Court Service Unit on Main Street.

4. What are the driving directions to Roanoke County Court Service Unit and Juvenile and Domestic Relations District Court?

From the North:

- I-81 South to Exit 140
- Proceed off exit ramp and continue right under bridge
- Courthouse complex is approximately 1 mile on the right
- Parking is behind Quick Way Market on the left in the designated County Parking Lot
- Roanoke County Courthouse is across street in front of Quick Way.

From the East:

- Route 460 West turns into Main Street in Salem
- At intersection of Main and Thompson-Memorial Highway turn right

- Turn right behind Quick Way Market and park in public parking lot
- Roanoke County Courthouse is across street in front of Quick Way.

From the South:

- I-81 North to Exit 140
- Proceed off exit ramp and turn right onto Thompson-Memorial Highway
- Courthouse is approximately 1 mile on the right
- Parking is behind Quick Way Market in designated County Parking Lot
- Roanoke County Courthouse is across street in front of Quick Way.

From the West:

- Route 311 South to Thompson Memorial Highway
- Turn right at first traffic light
- Courthouse is approximately 2 miles on the right
- Parking is behind Quick Way Market on the left in designated County Parking Lot
- Roanoke County Courthouse is across street in front of Quick Way.

5. Where can I park at the Court Service Unit and Courthouse?

Handicap parking spaces are available in the parking lot adjacent to the Court House. There is some public parking in the middle section of the same parking lot that are labeled, but the majority of Courthouse parking is across the street in the gravel lot behind Quick Way, which is located at the intersection of West Main Street and Thompson Memorial Drive.

6. What bus transportation is available to the Courthouse and at what cost?

Valley Metro can be reached for their schedule at 982-2222 and the fee for riding is \$1.50 one way.

7. What taxi service is available to the Courthouse?

There are several taxi services listed in the Yellow Pages, including:

- Liberty Cab at 540-344-1776
- Quality Cab at 540-265-0467
- Yellow Cab at 540-345-7711
- Salem Taxi at 540-389-5555

All of these cabs charge the same fee, which is \$3.15 plus \$2.10 for each mile transported.

8. What other assistance is there for transportation?

When transportation is needed to and from a hearing, you may contact the local victim witness coordinator who is located in the Roanoke County Commonwealth Attorney's Office at 540-387-6174. If you are enrolled with TAP Women's Resource, TAP may be of assistance for transportation by calling 540-345-6781. Also, the Turning Point Shelter may be able to assist by calling 540-345-0400.

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

If you do not understand or speak English well you should advise the intake officer at the Court Service Unit when filing the initial petition. The Court Service Unit will in turn notify the Clerk's office and they will arrange for an interpreter to be present at the hearing.

I-CAN! Virginia is available in Spanish. I-CAN! Virginia is a free online program that helps a person complete the forms necessary to ask the court for a protective order. Go to: <https://www.vacourtformhelp.courts.state.va.us/> and follow the prompts. For additional information about I-CAN! Virginia and how it works, go to: <http://www.ican.courts.state.va.us> and click on the I-CAN! Virginia Frequently Asked Questions link.

10. What should I do if I need help because of a physical challenge?

If you are physically challenged, you may notify the Clerk's Office at 387-6156 as soon as you file your petition. The Clerk's Office will arrange to have a Bailiff available to help when you arrive at the Court House.

11. Is there a fee for filing for a Family Abuse Protective Order?

There is no fee for filing a petition for a Family Abuse Protective Order.

12. What should I wear to Court?

Appropriate dress is required for the Court Hearing for all parties. No shorts, no halter-tops or tank tops or low cut tops; no flip-flop shoes; no t-shirts; no hats, no torn pants, no blue jeans. Shirttails must be tucked in before entering the Court Room.

13. What should I bring with me?

- You must have:
 - A full description of the event that led you to seek a protective order. If you used the I-CAN system, bring the Affidavit with you. **YOU WILL NEED THIS SAME INFORMATION FOR THE FULL HEARING (where both**

parties are before the judge) that will be scheduled if a Preliminary Order is issued. You will be asked to testify at the full hearing (where both parties are before the judge) about the event that made you want to seek protection.

- ◆ The name and **full 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, not a PO Box.
- ◆ Any prior or existing protective orders you have in your possession, even if from another state or Virginia jurisdiction.
- Other important information you should bring with you:
 - ◆ **Any photographs, medical records related to the event that led to the petition for a Family Abuse Protective Order or anything else you think will help prove your case;**
 - ◆ The names and full addresses of anyone who witnessed the event,
 - ◆ 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 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; and
 - ◆ If possible, birth certificates and social security numbers for children for whom you may be seeking protection.

14. What should I NOT bring with me?

All persons entering a county courthouse will be searched and all bags and other items will be passed through an x-ray machine. Weapons such as guns and any knives are prohibited inside the courthouse. No cell phones at all are allowed in the courthouse. If you have one when you check in, you will be asked to

leave your phone in your car. The bailiffs will not hold them for you while you are in court. Cameras (including cell phones with cameras), video cameras, photographic, recording or similar equipment is prohibited inside the courthouse. Advise security if the above listed items are needed as evidence in your case.

15. Who should I bring with me to court?

You need only bring yourself to file for a Family Abuse Protective Order. Do bring the names and complete addresses for any witnesses (people who actually saw the event) with you.

You are discouraged from bringing young children with you to court. If you must bring them to court, bring an adult to supervise the children.

16. What days can I file for a Family Abuse Protective Order at Roanoke County Court Service Unit and Juvenile and Domestic Relations District Court?

The Court Service Unit and Juvenile and Domestic Relations District Court are open Monday through Friday except for holidays or inclement weather. In case of bad weather, call the Court Service Unit at 387-6123 or the Clerk's Office at 387-6156 and listen to the recording. Also, any inclement weather closings will be announced on the local radio and television stations.

17. How early can I arrive to file for a Family Abuse Protective Order?

The Court Service Unit Intake Office opens at 8:15 am Monday through Friday for filings.

18. How late can I arrive to file for a Family Abuse Protective Order and have the petition reviewed the same day?

You must appear at the Court Service Unit before 3:00 PM Monday through Friday in order to have the petition reviewed and a Protective Order issued the same day. *(A petition is a formal written request asking the court to do something.)*

19. How long should I expect to spend at the Court Service Unit and Courthouse in order to file the petition for a Family Abuse Protective Order and have the petition heard the same day?

You should expect to spend a few hours. You will meet with an intake officer who will interview you, assist in preparing an affidavit (*written statement*) describing the abusive event and answer questions about the court process. When you have

finished your interview with the Court Service Unit, you will be given your paper work in an envelope and directed to the Juvenile and Domestic Relations District Court Clerk's Office located in the Courthouse directly across the street. You must give the paperwork to the Court Clerk who will provide it to the judge for review. You should remain at the Clerk's Office and if the Preliminary Protective Order is issued, the Clerk will give you a copy of the order.

20. Where should I go after passing through the security check at the door of the Courthouse?

The elevator to the 2nd floor where the Court Room is located is immediately to your right after passing through the security check.

21. How do I contact the Court Service Unit and Court for more information?

Roanoke County Court Service Unit can be reached at **540-387- 6123**
The Clerk's Office at the Juvenile and Domestic Relations District Court can be reached at: **540-387- 6160**. The TTY number is 711.

22. What should I do if I feel I am in immediate danger?

If you feel you are in immediate danger call 911 for law enforcement assistance.

You can also call the 24 HOUR Child Abuse and Adult Abuse Hotline for information about safety planning and local resources during the daytime from 8:00 AM to 5:00 pm at 540-387-6040; Nights and Weekends at 561-8036 or toll-free at 1-800-552-7096.

23. What 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 should make every effort to get to the Court Service Unit before the Emergency Protective Order expires. The Court Service Unit can be reached at 540-387-6123.

In rare circumstances you may petition the Magistrate for a new Emergency Protective Order. You will have to testify under oath as to why another Emergency Protective Order is necessary. You will be asked to fill out a written affidavit (statement). Based on the information you provide, the magistrate may or may not issue another Emergency Protective Order.

In any case, if you feel you need further protection you should file a petition for a Family Abuse Protective Order with the Court Service Unit and attend all scheduled hearings.

24. How do I contact the Magistrate's Office for more information?

Magistrates are available in Roanoke County from 7:00 Am until 4:00 PM (except for the lunch period 11:00 AM until 12:00 N) seven days a week. The Roanoke County Magistrates' Office can be reached at 540-387-6092. At all other times, Magistrates are available in the City of Roanoke at 540-853-2247.

You may also contact the Chief Magistrate for Roanoke County for more information.
Edith E. Edwards-Talbot, Chief Magistrate
23rd Judicial District, Region 2
Phone: 540.853.1210
eedwards-talbot@courts.state.va.us

The Roanoke County Magistrates' Office is located in the Courthouse complex at 305 East Main Street, Salem, Virginia.

Google map link to 305 East Main Street, Salem:

http://maps.google.com/maps?sourceid=navclient&ie=UTF8&rlz=1T4ADBR_enUS294US297&q=400+East+Main+Street%2c+Salem%2c+Virginia

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Roanoke City Magistrates' Office is located at 324 Campbell Avenue, SW, Roanoke VA

Google map link to 324 Campbell Avenue, SW:

http://maps.google.com/maps?f=q&source=s_q&hl=en&geocode=&q=324+Campbell+Ave+SW+Roanoke+VA&sl=37.0625,95.677068&ssp=31.28862,78.310547&ie=UTF8&hq=&hnear=324+Campbell+Ave+SW,+Roanoke,+Virginia+24016&z=16

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25. Do I need a lawyer to file for a Family Abuse 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 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 (See question 27).

26. 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 be served with a copy of the order by the Police Department. 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 hearing.

The location of the court and other information about the court’s policies are contained in this document under separate questions.

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

Virginia State Bar Association Lawyer has a statewide referral Service; 800-552-7977. Their website is: www.vsb.org.

Legal Aid Society of the Roanoke Valley may be of assistance in civil cases (would include protective orders BUT NOT a criminal case) for those who meet income eligibility requirements. They may be reached at 540-344-2088 and are located at 132 Campbell Avenue, SW, Suite 200, Roanoke VA.

28. How will I know when the Protective Order is served on the person from whom I want protection?

Contact the Roanoke County Police Department at their non-emergency number 540-562-3265.

29. Where else can I get help?

The Turning Point Shelter is a secure shelter for abused women. They are located at 815 Salem Avenue, Roanoke, Virginia 24016 and their phone number is 345-0400.

I-CAN! Virginia is a free online program that helps a person complete the forms necessary to ask the court for a protective order. It is available in English and Spanish for family abuse protective orders as well as non-family abuse protective orders. It is available on Virginia's Judicial System website at: <http://www.ican.courts.state.va.us>

30. Where can I get access to the Internet?

The Roanoke Valley Public Libraries have internet service available to the public. The Library's headquarters is located at 3131 Electric Road, Roanoke, VA and can be reached by calling 772-7507. Their hours are Monday through Thursday from 9:00 AM to 9:00 PM; Fridays from 9:00 AM to 6:00 PM and on Sunday from 1:00 pm to 5:00 PM during times schools are open. The other Library branches are open the same hours Monday through Thursday, but close at 5:00 pm on Fridays and are closed on Sundays.

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

When your name is called go into the courtroom. 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.

32. What should I do if the Judge does not issue a Protective Order?

You can file an appeal with the clerk's office on the first floor of the Courthouse within 10 days of the hearing. You may also want to contact some of the other services available to citizens in Roanoke County.

33. When does a Protective Order take effect?

A Police Officer, Deputy Sheriff or court official must give the Protective Order to the person from whom you want protection. A Protective order is not valid until that

person gets a copy. This is called “personal service.” At the full hearing (where both parties are before the judge) the order may be given to both you and the other person in the courtroom. If not, you may be directed to go to the clerk’s office on the first floor of the Courthouse to get a copy of the order. **DO NOT LEAVE THE COURTHOUSE** without a copy of the order.

34. What should I do with the order?

Once you have a copy of the order, keep the order in a safe place. You should carry a copy of the order with you at all times. You will have to show it to the police or the Court if there is a violation. If you cannot read the order or do not understand it, call the Clerk’s office at 540-387-6156 or return to the Clerk’s Office for help.

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.

35. 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 abuser is violating it. You should also notify your attorney and/or the court.

36. 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 protective order will still be valid and good. 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 of the court in writing to Roanoke County Juvenile & Domestic Relations District Court, 305 East Main Street, Salem, Virginia 24153 if you move or have a change of address.