

## How can a Protective Order help prevent further violence?

All orders can state:

- No contact from the respondent;
- No further acts of violence, force or threat;
- Other conditions the court deems necessary to protect you and/or your family members.

## What do I need to know about Protective Orders?

All Protective Orders require enforcement. Protective orders can only be enforced if the order has been served on the respondent. (This means that the respondent has received a copy of the order and knows that there is an order issued against him or her). Once a protective order has been issued and served, it is entered into a law enforcement data base called VCIN (Virginia Criminal Information Network). Information about the order is available to law enforcement. Entry into the VCIN also prohibits the respondent from legally purchasing a firearm where a background check is required. Once the order is no longer in effect, it will be removed from VCIN. It is the respondent's responsibility not to violate the terms of the protective order. A violation of certain terms in the order is a criminal offense. Any act of violence is a criminal violation. Call the police immediately to report a criminal violation of a protective order.

## Protective Orders for Teen Dating Violence

If you are under the age of 18 and experiencing acts of violence, force or threat from a dating partner or someone else you know, you and your parents/guardian may request a protective order to help keep you safe. In Virginia, there are limits to what you can do without involving your parents or guardian unless you are an 'emancipated minor' (see below). You may request an Emergency Protective Order without a parent or legal guardian. A law enforcement officer may also request an emergency protective order on your behalf without a parent or legal guardian. These requests are made through the local magistrate's office. However, an emergency protective order only lasts for 72 hours and it is important to have a safety plan in place before you request a protective order.

### What is an 'emancipated minor'?

An 'emancipated minor' is an individual under the age of 18 who a court has determined:

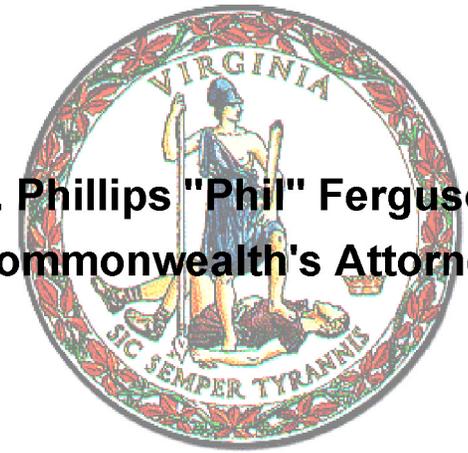
- is or has been a party to a valid marriage;
- is on active duty with any of the armed forces of the United States of America; or
- is willingly living separate and apart from his/her parents or guardian, and is capable of supporting himself or herself.



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# PROTECTIVE ORDERS IN VIRGINIA

*An Information Guide  
for  
The Citizens of Suffolk*



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## What is a Protective Order?

A protective order is a legal document issued by a court to help you protect yourself, your children and other family or household members from someone who is hurting you or causing you fear. A protective order can help to set clear limits with the person causing you harm and send a strong message that his/her behavior is wrong. A protective order is a civil legal remedy for individuals experiencing acts and/or threats of violence. Protective orders are designed to prevent future violence or threats and can also provide a wide range of options to help protect you and/or your family. You can request one even if criminal charges haven't been filed.

## Who is eligible to ask for a Protective Order?

In order to be eligible for a protective order, you must have been subjected to an act or threat of violence that results in bodily injury or places you in reasonable fear of death, sexual assault or bodily injury.

## What does a Protective Order cost?

This is a free service provided for your protection.

## The three types of Protective Orders are:

### "Emergency" Protective Orders:

This order is usually requested by a law enforcement officer (the police) if an arrest has been made, or if the officer believes there is a probability of further abuse. This order can only be issued by a Magistrate or a Judge and lasts only a short time (up to 72 hours or until court meets). A victim of abuse can also make an emergency request for this order at the magistrate's office even if an arrest hasn't happened.

### "Preliminary" Protective Orders:

This order is issued only by a Judge when danger for further abuse exists but there isn't enough time for a full hearing with both parties. A Preliminary Protective Order generally only lasts 15 days. A Preliminary Order can be extended if the abuser/respondent can't be served.

### "Permanent" Protective Orders:

An order that can be issued for up to two years. These orders are issued if there is enough evidence of an act or threat of violence and both parties are present at court. Then a judge decides whether or not to issue an order. Permanent protective orders can also be extended for an additional two years if the petitioner requests such an extension and a judge finds there is a need for extended protection. There is no limit on the number of extensions that can be granted.

## Where to Request a Protective Order

In Virginia, where you request a protective order depends on the type of relationship you have (or have had) with the person who is threatening or harming you. If your relationship with this person meets Virginia's legal definition of a family or household member (see below), you may be eligible for a "Family Abuse Protective Order" and your request should be made with the Juvenile and Domestic Relations District Court. All other requests for protective orders start with the General District Court. If either the petitioner (the person asking for the protective order) or the respondent (the person who is committing acts of violence or threatening behavior) is under the age of 18, the request should begin with the Juvenile and Domestic Relations Court.

## Who is a family or household member?

To be eligible for a Family Abuse Protective Order, the person who is abusing you must be:

- your spouse (husband or wife)
- your former spouse
- someone that you have a child in common with
- someone you live with or used to live with as a boyfriend or girlfriend, in the past year
- It could also be another family member such as your parents, grandparents, children, brother or sister whether or not you live together. In some cases it could be your in-laws that you live with.