

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 someone who has been injured or threatened by a family or household member.

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

- Emergency Protective Order (may expire at the end of the third day following issuance unless extended)
- Preliminary Protective Order (last 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? Look on the order for the date and time it expires. If you need longer protection, you **must** ask the Court for a Preliminary Protective Order.

How do I get a Preliminary Protective Order? You must fill out court forms and file them with a local Court Service Unit. The Court Service Unit will review your forms. Then, you might go into a courtroom and a judge will ask you questions and then decide if s/he will give you a Preliminary Protective Order.

How much does it cost to file for a Protective Order? Nothing.

What should I bring with me? The name and address (the place where s/he can be found, not a PO box) of the person from whom you are seeking protection and a **full** description of the event that led you to seek a protective order. Bring your copy of the Emergency Protective Order as well.

How long should I expect to spend at court? You should expect to spend a few hours at court filling out paper work and having your petition reviewed, generally at least 2 hours.

How long does a Preliminary Order last? If the judge gives you the 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 Order.

What if I don't go to the full hearing? If you do not go to the full hearing the Preliminary Protective Order ends in 15 days or 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 do protective orders take effect? A law enforcement officer or court official must give the protective order to the person you want protection from. A protective order is not valid until that person gets a copy. This is called "personal service."

Give law enforcement information about how to find the person. (Address, phone number, place of work, photograph, etc.)

How do I know if the person against whom the order was issued has been served? Call law enforcement and ask if the person has been served.

What if the person against whom the order was entered does not obey the order? Notify law enforcement; they can arrest the person and file criminal charges.

What if the person comes to my house or workplace? 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 new court forms.

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? Tell the judge 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 each others' valid protective orders. Contact the nearest court in that State for more information.

Other Resources:

If you have access to the Internet you can go to www.courts.state.va.us, click Programs, then Family Abuse Protective Orders for help with the forms.

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

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

For legal help, call:
Virginia Poverty Law Center
1-804-782-9430
State Bar's Lawyer Referral System
1-800-552-7977

You may also hire an attorney to represent you.

For information on how court works, call:
Virginia Department of Criminal Justice
Services, Victim Services Section
1-888-887-3418