

# UNDERSTANDING PROTECTIVE ORDERS IN

**RICHMOND, VA**

Developed by the  
**I-CAN! Accessibility Project**  
Updated 2013

# Understanding Protective Orders in Richmond, VA 2013

Developed by the

**I-CAN! Accessibility Project**

a collaboration between

**Partnership for People with Disabilities,**

a university center for excellence at Virginia Commonwealth University,

and the

**School of Social Work**

at Virginia Commonwealth University

**I-CAN! Accessibility Project Staff**

Jacqueline Robinson, Project Coordinator

Liz Cramer, Project Co-Director

Molly Dellinger-Wray, Project Co-Director

**With assistance from the Virginia Poverty Law Center's**

Susheela Varky, Staff Attorney

**Illustration Provided by:**

Toliver Roebuck

**Graphic Design Provided by:**

Michael Brock

**Spanish translation provided by:**

Latinos en Virginia

**Braille translation provided by:**

Resources for Independent Living, Inc.

**Special thanks to Advisory Board Members:**

Paul Beverly, Jo Beth Devore, Marcia Guardino,  
Katherine Lawson, Valerie Luther, & Kyanna Perkins

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# This booklet is not intended to provide legal advice and is not a court document.

If you do not understand the information in this booklet, it is important that you contact a lawyer who can help you. If you do not know how to find a lawyer, contact one of these agencies for help:

- Richmond Victim Witness Services Program (804) 646-7665
- Virginia State Bar's Lawyer Referral System (804) 775-0500, TDD line: (804) 775-0502
- Central Virginia Legal Aid Society (804) 648-1012
- Virginia Poverty Law Center (804) 782-9430, Extension 33

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Opinions or points of view expressed do not necessarily represent those of the Department of Criminal Justice Services.

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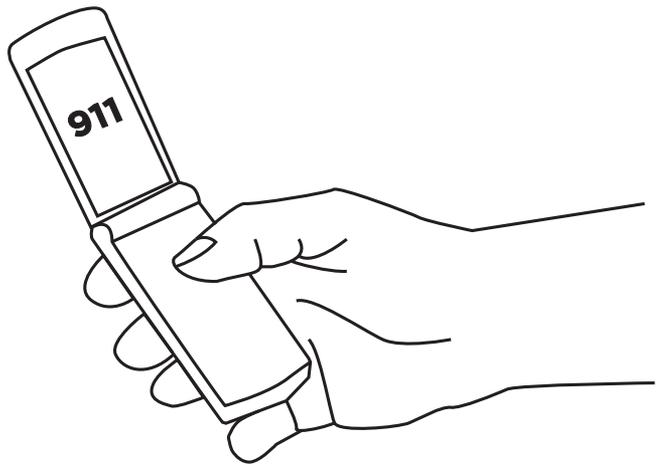
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# Are You Feeling Hurt or Threatened By Someone?

If someone is hurting you, or you feel like someone is trying to hurt you, there is help available. You have a legal right to live in peace and safety. If you are afraid that the person will hurt you, you can ask the court for a protective order. The judge will decide if you receive the protective order. This booklet was created to help people understand protective orders, and the resources that we provide are designed to help survivors who are men and women. Sometimes a protective order is not the best way to protect you from the person who is hurting you. To find out if a protective order is the best option for you, read this booklet and/or talk to a lawyer. If you still have questions, call the numbers listed under “Helpful Resources” (see page 23).

## What is the first thing you should do?

If someone is hurting you or is threatening to hurt you, there are many different things you can do to get help. One thing you can do is call the police (911). If you feel threatened by another person and feel it is safe to do so, you can leave. If you don't have any friends or relatives you can stay with, you can ask to go to a safe shelter. For some people, leaving is the best option, but for others it is not. To talk with someone who can help you, call the Virginia Family Violence and Sexual Assault Hotline at (800) 838-8238 (v/tty) or visit their website at <http://www.vsdvalliance.org>.



# Protective Orders

## What is a protective order and how can it help you?

A protective order is a piece of paper that has been signed by a judge that tells the person who is hurting you or threatening to hurt you that he or she is not allowed to do that anymore. It may say that there should be no contact with you. **No contact** means that the person cannot see you or communicate with you in any way (even through someone else). The judge may say that there should be **No further abuse**, which means that the person who is hurting you or threatening to hurt you may not do that anymore.

There are two types of protective orders. The type of protective order you can get depends on your relationship with the person who is hurting you or threatening to hurt you. The two types of protective orders are:

**Family Abuse Protective Orders** and **Non-Family Abuse Protective Orders**.

If you think you want a protective order to help you, you will need to get paperwork ready before you ask for a protective order. If you want help, contact the YWCA at (804) 643-0888 or the Virginia Sexual and Domestic Violence Action Alliance at (800) 838-8238 (v/tty) or visit their website at <http://www.vsdvalliance.org>.



# I-CAN! Virginia

I-CAN! Virginia is a free service and a convenient online tool that helps you complete the forms you need to ask the judge for a protective order. You can use I-CAN! Virginia for **both** Family Abuse and Non-Family Abuse Protective Orders. I-CAN! Virginia is available in English and Spanish. It does not matter what county you live in, as long as you live in Virginia, you can use the I-CAN! Virginia program to ask the judge for a protective order.

When you start the program you will be asked questions about your situation. Do not be afraid to answer these questions, and remember providing details about your situation will help you! Your answers will be added to forms that you can print and take to the court. It can take about 30 minutes or longer to answer all of the questions.

**To use the I-CAN! Virginia program go to:**

- [www.ican.courts.state.va.us](http://www.ican.courts.state.va.us)
- Click on the link that says “**Click Here** to Begin Your I-CAN! Virginia Session”

Please note that these forms are **not** sent to the court, **you have to bring them to the court** to ask for a protective order. (So, if you change your mind and decide that you do not want to take the forms to court to ask for a protective order, nothing happens with your I-CAN! Virginia information or forms.)

You can find out what court you need to bring the forms to by looking at the top of the form that you printed out...

- If the form says Juvenile and Domestic Relations district court, you should take the forms to the **Court Service Unit** of the court named on the forms.
- If the form says General District Court, you should take the forms to the **Clerk’s Office** of the General District Court.



# What Type of Protective Order is Right For You?

## Family Abuse Protective Orders

You can ask for a Family Abuse Protective Order when the person who is hurting you or threatening to hurt you **is** a Family or Household member.

Who can you get protection from under a Family Abuse Protective Order?

- Someone you have a child with, even if you do not live with the other parent now;
- Your husband or wife, even if you do not live together now;
- Your former husband or wife, even if you do not live together now;
- Your parents or stepparents, even if you do not live with them now;
- Your brothers, sisters, step-brothers, step-sisters, half-brothers, half-sisters, even if they do not live with you now;
- Your grandparents and grandchildren, even if they do not live with you now;
- Your children and stepchildren, even if they do not live with you now;
- Your spouse's family (mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law), but only **if** they live with you now;
- A boyfriend or girlfriend who lived with you within the past 12 months, even if you do not live together now;
- Any children of that boyfriend or girlfriend who lived with you within the past 12 months, as long as those children live with you now.

# What Type of Protective Order is Right For You?

## How can you ask for a Family Abuse Protective Order?

To ask for a Family Abuse Protective Order, you will need to fill out some forms. The Intake Officer at the Juvenile and Domestic Relations District Court Services Unit will help you to fill out the necessary paperwork to ask for a Family Abuse Protective Order.

If you have access to the Internet (either at home or somewhere safe), you can fill out these forms online using the I-CAN! Virginia program. Forms completed through I-CAN Virginia are **not** automatically or electronically sent to the court or anywhere else. Once you print out the forms, you can take them to the Juvenile and Domestic Relations District Court. When you get there, **you may have to fill out the same forms again with** the Court Services Unit Intake Officer.

If you cannot get access to the Internet, you can go to the Juvenile and Domestic Relations District Intake Office at the Court Services Unit and ask for help to fill out the forms to ask for a Family Abuse Protective Order.

## Where do you go to ask for a Family Abuse Protective Order?

To ask for a Family Abuse Protective Order in the City of Richmond, you must go to the Juvenile and Domestic Relations District Court Services Unit Intake Office. In Richmond, Virginia, it is located at: **1600 Oliver Hill Way, Richmond, Virginia 23219. If you live outside of Richmond, you will have to go to your local Juvenile and Domestic Relations Court.**



# What Type of Protective Order is Right For You?

## What if the Person who is Hurting or Threatening You is not your Family or Household Member?

Then, you have to ask for a Non-Family Abuse Protective Order. You can ask for a Non-Family Abuse Protective Order when the person who is hurting you or threatening to hurt you **is not** your Family or Household Member.

Who can you get protection from under a Non-Family Abuse Protective Order?

- Your caregiver;
- Your neighbor;
- Someone who is threatening to hurt you or someone who is hurting you even if you do not know him or her;
- Someone who is contacting or trying to contact you when you do not want them to;
- Your co-worker;
- Your friend;
- Your boyfriend or girlfriend who you don't have a child with or you have not lived with within the past 12 months;
- Anyone who is hurting you or threatening to hurt you.

# What Type of Protective Order is Right For You?

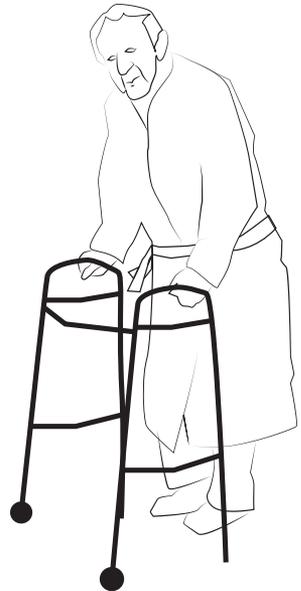
## How do you ask for a Non-Family Abuse Protective Order?

To ask for a Non-Family Abuse Protective Order, you will need to fill out some forms. If you have access to the internet (either at home or somewhere safe), you can fill out these forms online using the I-CAN! Virginia program. Forms completed through I-CAN! Virginia are **not** automatically or electronically sent to a court or anywhere else. Once you print out the forms, you can take them with you to the Clerk's Office of the General District Court. When you get there, you may ask the Clerk to file the I-CAN! documents so you can ask the judge for a Non-Family Abuse Protective Order. If you do not have a computer or access to the Internet, you should try to get some help from someone safe who has a computer.

Please note that you need to get the forms ready before you ask for a Non-Family Abuse Protective Order. There will not be anyone available to help you fill out the paperwork at the court. You have to use the I-CAN! Virginia program or hire an attorney to ask the judge for a Non-Family Abuse Protective Order.

## Once you have the forms ready, where do you go to ask for a Non-Family Abuse Protective Order?

For a Non-Family Abuse Protective Order in the City of Richmond, you must go to the Clerk's Office of the General District Court. In Richmond, Virginia, this court is located at **200 East Grace Street, Richmond, Virginia 23220. If you live outside of Richmond, you will have to go to your local Clerk's Office of the General District Court.**



# What if...?

## What if the court is closed on the day you need a protective order?

In Richmond, you can request an Emergency Protective Order for Family and Non-Family Abuse at the Magistrate's Office located at: **200 West Grace Street, Richmond, Virginia 23220.**

## What if you are under 18?

If you are under 18, you can be protected from the person who is hurting or threatening to hurt you. You can file for a Family Abuse Protective Order or a Non-Family Abuse Protective Order. To find out more information, you should go to the Juvenile and Domestic Relations Court Services Unit Intake Office to get help. In Richmond, Virginia, this court is located at: **1600 Oliver Hill Way, Richmond, Virginia 23219.**

## What if you want a protective order against a same-sex partner?

In Richmond, you can ask for a protective order against a same-sex partner. Same-sex couples are generally seen in the Juvenile and Domestic Relations District Court. In Richmond, this court is located at: **1600 Oliver Hill Way, Richmond, Virginia 23219.** If you are not in Richmond, you may be seen in the General District Court.

The type of protective order (whether it is a Family Abuse Protective Order or a Non-Family Abuse Protective Order) you can ask for depends on how they do things in your local area. It may also depend on the type of relationship that you say you have with your same-sex partner. For example, if you do not want someone to know you are in a sexual relationship with someone who is the same sex as you, you do not have to tell the judge that you are in a sexual relationship with your same-sex partner. If you **do not say that you are in a sexual relationship** with your same-sex partner, you may be seen in the General District Court. If you **do say that you have a sexual relationship** with your same-sex partner, you may be seen in the Juvenile and Domestic Relations District Court

# How long does a protective order last?

In Virginia, protective orders give you protection for different amounts of time. Once you have a Family Abuse Protective Order or a Non-Family Abuse Protective Order, the paperwork will say for how long the protective order can protect you. You are only protected from the person who is hurting you or threatening to hurt you for the amount of time stated on your protective order. You need to be sure that **you know** when your protective order ends. If you do not know when the protective order ends, **be sure to ask** someone at the court. There are three different types of protective orders that last for different amounts of time; they are known as **Emergency Protective Orders**, **Preliminary Protective Orders**, and **Protective Orders**. Sometimes, they call the last one “full” Protective Orders. Asking for one type does not mean you are asking for all three. **You must ask separately for each one of the protective orders.** If you need help understanding anything that happens at the courthouse, you may ask for help at the Richmond Victim Witness Services Program (804) 646-7665, which is located in the John Marshall Court Building at: **400 North Ninth Street, Richmond, VA 23219.**

## Emergency Protective Orders

You can get an Emergency Protective Order 24 hours a day; 7 days a week. If you need a protective order right away during a time when either the Juvenile and Domestic Relations District Court or the General District Court is not open, such as at night, on a weekend, or a holiday, you should ask for an Emergency Protective Order. Since there are no judges available when the court is closed, the court has officers called magistrates. The magistrate will ask you to swear that the information you are saying is true, and decide if you should receive an Emergency Protective Order. If you or someone else called the police, and they came in response to your call, the police officer may ask the magistrate for an Emergency Protective Order to protect you.

# How long does a protective order last?

The Emergency Protective Order lasts only 3 days, but may last a little longer if the third day is a day when the court is closed. If you do not know when your Emergency Protective Order runs out, be sure to ask a police officer or the magistrate. To get an Emergency Protective Order, go to the magistrate's office at: **200 West Grace Street, Richmond, Virginia 23220**. The magistrate's office is located in the Richmond Police Headquarters Building on the first floor.

Emergency Protective Orders last for 3 business days. If the third day falls during a time when the Juvenile & Domestic Relations District Court or General District Court is closed, then the Emergency Protective Order is extended until the end of the next business day that the Juvenile and Domestic Relations District Court or General District Court is open.



# How long does a protective order last?

## Preliminary Protective Orders

The Preliminary Protective Order usually lasts only 15 days, or until the date of your “full” Protective Order hearing. Asking for and getting the Preliminary Protective Order is often the first step before you can ask for a protective order that lasts up to 2 years, which is sometimes called a “full” Protective Order. If you come to court for the “full” Protective Order hearing and the person who hurt you or was threatening to hurt you is not there because he or she was not served with all of the papers, your Preliminary Protective Order may sometimes be extended for up to 6 months. (When someone is “served” with papers, that means a police officer gave him or her the following: a notice of when the “full” Protective Order hearing is scheduled, what you said the person who is hurting you or threatening to hurt you did to you, and a copy of the Preliminary Protective Order you received from the judge.)

A Preliminary Protective Order can be issued either before or after the court gives the abuser notice and a chance for a hearing. A Preliminary Protective Order is good for 15 days and may be extended for up to 6 months if the reason the abuser has not shown up for the protective order hearing is that the court officer has not been able to serve the abuser with the Preliminary Protective Order and notice of the hearing for the “full” Protective Order.

# How long does a protective order last?

## “Full” Protective Order

This Protective Order lasts for 2 years or until the judge says that it will expire. This type of order is **not** permanent! If you still want your protective order to be effective after your protective order expires, you will have to ask the court to extend your 2 year protective order before it expires. You can do this by going to the court and writing a request for a hearing. There will be a hearing where the judge will decide whether or not to extend the “full” Protective Order another two years.

The court may issue a “full” Protective Order after giving the abuser advance notice and a chance to participate in a hearing. A “full” Protective Order is good for up to 2 years and can only be extended if you request another hearing before it expires.



# Going To The Courthouse...

## You must have:

- A picture identification of yourself, such as a driver's license, work identification tag, or military identification;
- Your birth date (you do not need your birth certificate);
- The name and address of the person who hurt you;
- Information about what the person who hurt you or is threatening to hurt you looks like: height, weight, eye color, hair color, tattoos, or birthmarks.

## If you can, and it is safe to do so, bring this information about the person who hurt you to court with you:

- A picture of the person;
- The address of the place where he/she works or visits often;
- The kind of car the person drives and the license plate number;
- The phone number of the person;
- Any information about drugs or weapons that the person may own.

## Bringing these can be helpful:

- Any pictures, police reports, and/or hospital records from when the person hurt you or threatened to hurt you;
- If you have children that you would like protected, bring their birth certificates and social security numbers;
- Any threatening letters or notes you might have received from the person.

# Going To The Courthouse...

## What happens in the courthouse?

Everyone that goes to the court house must go through a screening done by a sheriff's deputy. The sheriff's deputy at the door will look through any cases, purses, or bags that you bring with you. You must also pass through a metal detector. There is no smoking at the courthouse.

## How to dress:

Everyone who goes to court needs to dress in a respectful and appropriate manner, as if you were going for a job interview. This means you should:

- Cover your stomach and midriff;
- Keep your back and arms covered up by wearing a shirt with sleeves and a back;
- Wear skirts and shorts that are not shorter than your fingertips when you stand with your arms held straight down at your side;
- Keep your head uncovered unless it is part of your religion or a medical condition to cover your head;
- Wear shoes and keep them on at all times;
- Keep your underwear inside your pants;
- Tuck your shirt into your pants;
- Avoid wearing clothing with swear words or obscene pictures on it.

# Going To The Courthouse...

## What is not allowed in the courthouse?

There are some things that are not allowed in the courthouse. If you bring them in, the sheriff's deputy will make you take them outside the building. They will not watch them for you until you leave. Do not bring the following items into the courthouse:

### 1. Electronic Devices including:

- Cell phones;
- Radios, iPods, or MP3 players;
- Tape recorders;
- DVD players or CD players;
- Video games;
- Pagers/Beepers;
- Laptop computers;
- Palm Pilots.



**Note:** If you need an electronic device because you have a disability you must contact the courthouse **before you go there** and let them know what items you need to bring because of your disability.

### 2. Any weapon or anything that could be used as a weapon, such as:

- Guns;
- Knives;
- Scissors;
- Knitting needles.

### 3. Snacks and drinks.

# Going To The Courthouse...

## What should you expect when you go to court?

You should be prepared to spend a few hours at the courthouse meeting with the Court Services Unit Intake Officer at the Juvenile and Domestic Relations Court, or the Clerk's Office at the General District Court, while waiting for your case to be called before the judge. The judge will ask you some questions about why you would like a protective order and will decide whether or not to give you one. It is very important to listen to the judge's questions and don't interrupt the judge. You should always tell the truth to a judge. Tell the judge as much information as you can about how the person has hurt you or threatened to hurt you, including:

- The date;
- The time;
- The place where it happened;
- How the person hurt you;
- If there were any weapons used;
- If your children were there when the person hurt you;
- If you fear that the person will hurt you or threaten to hurt you again and WHY.

## What if you have a special situation because you are a person who has a disability?

It is very important for the judge to understand how the person abused you, hurt you, or threatened to hurt you. **You do not have to be afraid or embarrassed to tell the judge anything.** If the person who hurt you or threatened to hurt you took away something you need, broke something you need, or did not let you do something that you have a right to do, it is important to tell the judge so he or she can write very specific warnings in your protective order. It is important that you tell the judge exactly how the person hurt you, especially if it has something to do with your disability.

# Going To The Courthouse...

## **Are there sign language interpreters or other accommodations available at the courthouse?**

You must call ahead to make special arrangements with the courthouse to have a sign language interpreter available or to bring a service animal. The Richmond Juvenile and Domestic Relations District Court Services Unit phone number is: (804) 646-2900. The Richmond General District Court's phone number is: (804) 646-6461. There is no TTY at the courthouse.

## **What if the person who hurt you or threatened to hurt you does not come to the hearing?**

If there is a hearing for your protective order, you must show up to court. You must be there whether or not the person who hurt you or threatened to hurt you shows up. As long as the papers have been served on the person who hurt you or threatened to hurt you, you may still have the hearing, even if the other person does not show up. It is up to the judge to make the decision of whether you get a protective order or not.

## **What if your request for a protective order is turned down?**

If you do not feel safe returning home, you should find another place to stay. If you cannot stay with a friend or relative, contact the Virginia Sexual and Domestic Violence Action Alliance or the Richmond YWCA.

**For Emergency Shelter Assistance:**  
**Virginia Sexual and Domestic Violence Action Alliance**  
**(800) 838-8238 v/tty**  
**Richmond YWCA (804) 643-0888**

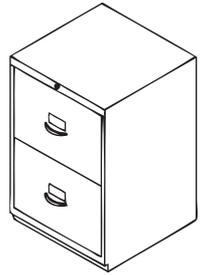
# After You Receive Your Protective Order...

## Where do you keep your protective order?

You will be given two copies of the protective order. Keep one copy with you **at all times**, and put the other one in a very safe place that the person who is hurting you or threatening to hurt you cannot get to. Think about some places that the person who is hurting you or threatening to hurt you would never look.

## Suggestions of safe places where you could keep a copy of your protective order:

- Somewhere that is locked, that you only have the key to; like a safe, file cabinet, or a glove box;
- Under a mattress;
- In the bottom of a cereal box;
- At a safe family member or friend's house.



## Will you be protected as soon as you get a protective order?

No. A sheriff's deputy or someone from the court must serve the person who is hurting you or threatening to hurt you with a copy of the protective order. Until that person has the papers in his or her hands, your protective order is not good.

## What if you change your mind after you get a protective order?

It is okay to change your mind, but you need to be sure to let the court know so they do not schedule court time for you. Before the date of your hearing, come into the court building and go to the Clerk's office. Tell the Clerk that you want to file a motion to dismiss the case. After you have done this, you will no longer have a hearing for any type of protective order.

# After You Receive Your Protective Order...

## What if you want to change something that is written on your protective order?

If you want to change part of your protective order, you will need to go back to the Clerk's office at the court and ask to make changes on your order. You do not have to start the whole process over again to make changes. Tell the Clerk that you want to file a motion to amend your protective order, and ask for the appropriate forms.

## How do you know if the person who you want protection from has been served with the protective order?

You can call the Richmond Sheriff's office at (804) 646-2972 and ask if the person who hurt you or is threatening to hurt you has been served so that you will know if the protective order has taken effect. The paperwork is filed under the name of the person who hurt you, not your name. You may be asked for your case number. It is on the upper right-hand corner of your copy of the protective order.

## What if the person who you want protection from does not obey the order?

It is against the law to disobey a protective order. If you tell the police that the person is disobeying the protective order, the police may arrest that person.

## What if the person comes to your home or workplace?

Wherever you are, if the person comes near you, you should call the police and tell them that you have a protective order against that person. Make sure that you keep one copy of your protective order with you **at all times**.

## How do you find out more about child support, custody, and visitation for your children?

Contact a lawyer to find out the legal details about children, child support, custody, or visitation.

# Helpful Resources for Family and Non-Family Protective Orders

Agency Name	Website	Phone
Richmond Juvenile and Domestic Relations District Court Services Unit	<a href="http://www.courts.state.va.us/courts/jdr/richmond/home.html">www.courts.state.va.us/courts/jdr/richmond/home.html</a>	(804) 646-2900
Richmond General District Court	<a href="http://www.courts.state.va.us/courts/gd/Richmond-Civil/home.html">www.courts.state.va.us/courts/gd/Richmond-Civil/home.html</a>	(804) 646-6461
Richmond Sheriff's Office	<a href="http://www.richmondgov.com/Sheriff/index.aspx">www.richmondgov.com/Sheriff/index.aspx</a>	(804) 646-2972
Richmond Magistrate's Office	<a href="http://www.courts.state.va.us/courtadmin/aoc/djs/programs/mag/home.html">www.courts.state.va.us/courtadmin/aoc/djs/programs/mag/home.html</a>	(804) 646-6689
Richmond Police Department	<a href="http://www.richmondgov.com/police">www.richmondgov.com/police</a>	<u>Emergency:</u> 911 <u>Non-emergency:</u> (804) 646-5100 <u>General:</u> (804) 646-5100
Richmond Victim Witness Services Program	---	(804) 646-7665
Richmond YWCA - Shelter	<a href="http://www.ywcarichmond.org">www.ywcarichmond.org</a>	(804) 643-0888
Virginia Sexual and Domestic Violence Action Alliance	<a href="http://www.vsdvalliance.org">www.vsdvalliance.org</a>	(800) 838-8238, (v/tty)
Virginia Poverty Law Center	<a href="http://www.vplc.org">www.vplc.org</a>	(804) 782-9430, Extension 33
Virginia Association for Centers for Independent Living	<a href="http://www.vacil.org">www.vacil.org</a>	(540) 342-1231, (v/tty)
Central Virginia Legal Aid Society	<a href="http://www.cvlas.org">www.cvlas.org</a>	(804) 648-1012
I-CAN! Virginia	<a href="http://www.ican.courts.state.va.us">www.ican.courts.state.va.us</a>	---
Richmond Behavioral Health Authority	<a href="http://www.rbha.org">www.rbha.org</a>	(804) 819-4000

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Virginia Commonwealth University

# UNDERSTANDING PROTECTIVE ORDERS IN RICHMOND, VA

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