

Understanding
Family Abuse Protective Orders
in Richmond, Virginia

2008

Developed by the

I-CAN! Accessibility Project



VCU

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

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*A university center for excellence at
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And the

School of Social Work

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Table of Contents

What is the first thing that I should do?	1
What is Family Abuse?	1
How can a Family Abuse Protective Order help me?	2
Will I be protected as soon as I get a Family Abuse Order of Protection?	2
How do I know if the person who I want protection from has been served with the protective order?	2
What are the 3 types of protective orders?	2
Can I get a Family Abuse Protective Order against a same sex Partner?	4
How do I get started to get a Family Abuse Protective Order?	4
What should I expect when I go to courthouse?	5
What if I have a special situation because I am a person with a disability?	5
Are there sign language interpreters at the court?	5
What should I bring to court?	5
What is not allowed at the courthouse?	6
How should I dress to go to court?	7
If my request for a protective order is turned down, what should I do?	7
What if I change my mind after the Preliminary Protective Order and do not want to get a Permanent Protective Order?	7
What if the person who hurt me does not come to the hearing?	7
What if the person who I want protection from does not obey the order?	7
What if the person comes to my home or workplace?	8
What if I want to change something that is written on my protective order?	8
How do I find out more about child support, custody and visitation with my kids?	8
Helpful telephone numbers	9

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

- **Richmond Victim Witness Services 804/646-7665**
- **Virginia State Bar's Lawyer Referral System 800/552-7977**
- **Central Virginia Legal Aid Society 804/648-1012**

If you are hurt by someone in your family or someone who lives with you it is *not your fault*. You have a legal right to live in peace and safety. If you are afraid that the person will hurt you again, you can ask the court for a Family Abuse Protective Order. The judge will decide if you receive the Family Abuse Protective Order.

What is the first thing that I should do?

If you can, you should leave. If you don't have any friends or relatives who you can stay with, you can ask to go to a safe shelter for people who have been hurt by their husbands or wives or boyfriends or girlfriends. Call the Virginia Family Violence and Sexual Assault Hot Line at 800-838-8238 or visit their web site: <http://www.vsdvalliance.org> to speak to someone who will be able to help you.

What is Family Abuse?

Family abuse happens if someone who is related to you in a particular way is hurting you, or you are afraid that they are going to hurt you. You may ask for a Family Abuse Protective Order if the person who hurt you is:

- Your husband or wife even if you do not live together
- Your former husband or wife even if you do not live together
- The other parent of your child
- Your parents or stepparents even if they do not live in the same house that you do
- Your brothers, sisters, half-brothers, half-sisters
- Your grandparents and grandchildren even if they do not live in the same house that you do
- Your spouse's family (mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law) if they live in the same house that you do
- A boyfriend or girlfriend with whom you have been in a long-term sexual relationship with and lived with within the past 12 months, even if you do not live together.
- Any children of the boyfriend or girlfriend with whom you have been in a long term sexual relationship and who lived with you within the past 12 months as long as those children lived with you when you were involved with that boyfriend or girlfriend.

Family abuse is any act or threat committed by a person against his/her family or household member that results in bodily injury or that places the family or household member in reasonable fear of bodily injury.

How can a Family Abuse Protective Order Help Me?

A Family Abuse Protective Order is a piece of paper that has been signed by a judge that tells the person who is hurting you that he or she is not allowed to do it 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. Or, the judge may say that you may still see the person, but that there should be *no further abuse*, which means that he or she may not continue to hurt you in the way that he or she did before.

You will have to plan ahead to get the paperwork ready before you ask for a Family Abuse Protective Order. If you think that you need help, contact the YWCA at 804/643-0888 or the Virginia Sexual and Domestic Violence Action Alliance at 800/838-8238 v/tty.

A Family Abuse Order of Protection:

- may help you if a family member is hurting you
- is a legal document signed by a judge or magistrate
- may say that there should be no contact between you and the abuser
- may say that there should be no further abuse from the abuser
- requires some planning ahead

Will I be protected as soon as I get a Family Abuse Order of Protection?

No. A sheriff's deputy or someone from the court must give a copy of the protective order to the person who hurt you. Until that person has the papers in his/her hands, your protective order is not good. When the court gives papers to someone, it means that these papers have been *served* on that person.

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

You can call the Richmond Sheriff's office at 804/646-4464 and ask if the person who hurt you has been served papers so that you know that 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 are the 3 types of protective orders?

In Virginia, there are 3 kinds of Family Abuse Protective Orders. Each one lasts a different amount of time. You need to be sure that you know when your protective order runs out. If you do not know how long it is good for, be sure to ask someone at the court. Asking for one type of protective

order does not mean that 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 Victim/Witness Assistance Program (804/646-7665), which is located in the Commonwealth Attorney's Office at the courthouse.

1. Emergency Protective Orders

If you need a Family Abuse Protective Order right away during a time when the court is not open, such as at night or on a weekend or 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 that you are saying is true and decide if you should receive an Emergency Protective Order. The Emergency Protective Order lasts only 3 days (72 hours), 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 Order lasts 72 hours. (If the 72nd hour falls during a time when the Juvenile & Domestic Relations Court is closed for business, such as evenings, weekends, or holidays, the Emergency Protective Order expires at 5:00 PM of the next day the Juvenile and Domestic Relations Court is open for business.)

2. Preliminary Protective Orders

This protective order usually lasts only 15 days, or until the date of your Protective Order hearing. This is the first step in obtaining a protective order that lasts up to 2 years. If the person who hurt you was not served with notice of the Protective Order hearing, the Preliminary Protective Order may be extended to 6 months.

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 Protective Order.

3. Permanent Protective Order

Although it is sometimes called a permanent protective order, it is *not* permanent! This protective order lasts for 2 years or until the judge says that it will run out.

The court may issue a full protective order after giving the abuser advance notice and a chance to participate in a hearing. A Protective Order is good for up to 2 years.

Can I get a Family Abuse Protective Order against a same sex partner?

Not necessarily. It depends upon the local practice in your area. If you live in an area where someone else has successfully gotten a Family Abuse Protective Order in Juvenile and Domestic Relations Court, you have a chance of getting one. But, you still have to have been in a long-term sexual relationship with the person who hurt you and have lived with him or her within the past 12 months.

How do I get started to get a Family Abuse Protective Order?

To get a protective order, you need to have some forms filled out. You can practice completing the forms by going to the I-CAN! web site. To get there, go to:

- <http://www.courts.state.va.us>
- Next, click on the link that says "Programs and Services"
- At the bottom of that page, click on the link that says, "Assistance with Family Abuse Protective Orders"
- Click on the link that says "I-CAN!"

You can fill out the forms online, but the information will *not* go to the court or anywhere else. They are just for practice so that you can become familiar with the words and papers used. Once you print out the forms, you can take them with you to the Richmond Juvenile and Domestic Relations Court. When you get there, you will have to fill out the same forms again with the Intake/Registration officer.

Take all of the information that you need to the
Oliver Hill Courts Building
1600 Oliver Hill Way
Richmond, Virginia 23219

If the court is closed, you can request an Emergency Protective Order at
200 West Grace Street
Richmond, Virginia 23220

What should I expect when I go to court?

You should be prepared to spend a few hours at the courthouse meeting with the Intake/Registration officer and 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 decide if you will get one. It is very important to listen to the judge's questions and not interrupt. 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 including:

- The date
- The time
- The place where it happened
- How the person hurt you
- If there were any weapons used
- If your kids were there when the person hurt you

What if I have a special situation because I am a person with a disability?

It is very important for the judge to understand how the person hurt you. You do not have to be afraid or embarrassed to tell the judge anything. The judge will decide if you get a protective order. If the person who hurt you took away something that you need, broke something that you need, or did not let you do something, it is important to tell the judge so that 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.

Are there sign language interpreters at the courthouse?

You must call ahead and make special arrangements with the courthouse to have a sign language interpreter available. The court's number is 804/646-2942. There is no TTY at the courthouse.

What should I bring to court?

You must have:

- A picture identification of yourself, like a driver's license, work identification tag, or military identification
- Your own social security number
- Your birth date
- The name, address, and birth date of the person who hurt you
- Information about what he or she looks like, height, weight, eye color, hair color, any tattoos or birthmarks

If you can, you should bring this information about the person who hurt 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
- The social security number of the person
- Any information about drugs or weapons that the person may own

And don't forget:

- Any pictures, police reports, hospital records from when the person hurt you
- If you have children that you would like covered in your order of protection, bring their birth certificates and social security numbers

What is not allowed in the courthouse?

When you go into the courthouse, you will go through a screening that is done by a sheriff's deputy. Everyone who comes in the building has to go through the screening. The deputy at the door will look through any cases, purses or bags that you bring with you. You will have to walk through a metal detector.

These things 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 these items into the courthouse:

1. Electronic Devices including:
 - Cell phones
 - Radios
 - Tape recorders
 - DVD players
 - CD players
 - Video games
 - iPods or MP3 players
 - Pagers
 - Laptop computers
 - Palm Pilots
 - Beepers
2. Any weapon or anything that could be used as a weapon such as:
 - Guns
 - Knives
 - Scissors
 - Knitting needles
3. Snacks and drinks.

There is no smoking inside the courthouse.

How should I dress to go to court?

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 that 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 your arms are held straight while standing
- Keep your head uncovered unless it is part of your religion or a medical condition
- 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

If my request for a protective order is turned down, what should I do?

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.

Virginia Sexual and Domestic Violence Action Alliance **800/838-8238 v/tty**
Richmond YWCA **804/643-0888**
Family Violence Prevention Program **804/646-7183**

What if I change my mind after the Preliminary Protective Order, and do not want to get a Protective Order?

It is okay to change your mind, but you need to be sure to let the court know so that 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 any type of protective order.

What if the person who hurt me does not come to the hearing?

As long as the papers have been served on the person who 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 that decision.

What if the person who I 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 has violated the protective order, the police can arrest that person.

What if the person comes to my home or workplace?

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. 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.

What if I want to change something that is written on my 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.

How do I find out more about child support, custody and visitation with my kids?

Contact a lawyer to find out the legal details about children.

Helpful Telephone Numbers

Richmond Juvenile and Domestic Relations Court	804/646-2900
Richmond Sheriff's Office	804/646-4464
Magistrate's Office	804/646-6689
Richmond Police Department Non-emergency number	804/646-5100
Richmond Victim/Witness Assistance Program	804/646-7665
Richmond YWCA	804/643-0888
Virginia Sexual and Domestic Violence Action Alliance	800/838-8238

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