

Protective Orders in Virginia

All the Information You Need To Know

This handout is intended to provide summary information regarding family abuse and intimate partner violence abuse that ultimately leads to a need for obtaining a protective order. This is for informational purposes only, it is NOT legal advice.

What is a Protective Order?

It is a legal order issued by a magistrate or judge to protect the health and safety of an abused person and his/her family or household members. The person filling for the protective order is called the “petitioner” and the person the protective order is filed against is the “respondent.”

Who is Eligible to ask for a Protective Order?

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

Is a Protective Order right for you?

Each situation is different. Protective orders can provide you with legal protection, but they cannot necessarily protect you from violence. In order to help protect yourself from a violent act, you can contact your court advocate at Response to assist you in figuring out what you need to do to stay safe and to develop a safety plan.



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How To Make Sure Your Protective Order Works:

- Follow all the conditions and terms stated in the P.O.
- Go to all scheduled hearings
- Report any Violations of the P.O. to Law Enforcement Immediately
- Carry a copy of the P.O. with you at all times
- Avoid contact with the abuser
- Develop a safety plan with your court advocate

Types of Protective Orders

1. Emergency Protective Order: An Emergency Protective Order may be issued by a law enforcement officer and/or magistrate. These Emergency Protective Orders typically last up to 72 hours.
2. Preliminary Protective Order: A Preliminary Protective Order may be issued by a judge. Preliminary Protective Orders typically last 15 days or until a full hearing.
3. Protective Order: A Protective Order completely processed and issued by a judge may last up to 2 years.

Where do I go to obtain a Protective Order?

Well, it simply depends. The type of relationship you have (or had) with the person who is harming or threatening you determines where you can request a protective order. If that person is a family or household member, you can request a family abuse protective order through your local intake office at the Juvenile and Domestic Relations District Court. You can also request a family abuse protective order via the Juvenile and Domestic Relations District Court if either the petitioner (person requesting the protective order) or the respondent (person committing acts of violence or threatening behavior) is under the age of 18.

All other requests for protective orders that do not meet the definition of family or household member are made through the General District Court.

You can obtain an Emergency Protective Order at a magistrate's office. Three of those local offices are as follows:

- 1) RSW Regional Jail: 6601 Winchester Road, Front Royal, VA 22630 – Open 24/7
- 2) Winchester Magistrate: 141 Fort Collier Road, Winchester, VA 22603 – Open 24/7
- 3) Harrisonburg Magistrate: 25 South Liberty Street, Harrisonburg, VA 22801 – Open 24/7

Is there other options to obtain a Protective Order?

Yes, you may contact your local magistrate's office and they will be able to motion a protective order for you if they feel that it is necessary.

Protective Order Costs?

There is no charge for petitioning for a protective order, filling copies of a protective order, or having the order served on the respondent. The entire process is free.

Do I need Legal Representation to file for a Protective order?

No. You do not need an attorney to file for a protective order. However, there are often free legal services available for low income victims who would like to obtain a protective order. For more information, please contact your local court advocate at Response.

Do I have to press charges to get a Protective Order?

No. A protective order is a civil order, and is not the same as pressing criminal charges. You may press criminal charges against the abuser, in addition to petitioning for a protective order, but you do not have to press charges in order to get a protective order.