

What are the Types of Protective Orders?

Emergency Protective Orders (EPO)

- Effective for **72 hours**. If the Juvenile and Domestic Relations Court is not in session when the protective order is due to expire, it stays in effect until 5:00pm on the next business day that the court is in session.
- Can be **pursued by a magistrate or the police officer** who responds to the call.
- Prohibits further acts of abuse.
- Prohibits contact with victim's family or household members. Ask that specific members be named on the order.
- Allows victim to temporarily remain in the home without the abuser for as long as the order is in effect.

Preliminary Protective Orders (PPO)

- Effective for **15 days**.
- Can be pursued by filing a **Family Abuse Petition** at the **Juvenile and Domestic Relations Court Service Unit**. An intake worker will determine if a family abuse petition can be filed.
- If a Family Abuse Petition is filed, a PPO may be requested.
- A hearing with the judge of the Juvenile and Domestic Relations Court will be set for a **Permanent Protective Order** (see below) within the 15-day period that the preliminary protective order is in effect.
- Bring pictures, witnesses, and any copies of police records and medical documents with you.

You may ask the judge:

- To prohibit further acts of abuse.
- To prohibit contact between the victim and the abuser (this means there is no contact by the victim or the abuser to the other person); Also to prohibit contact between other family or household members. Ask that specific members be named on the order.

- To allow victim to temporarily remain in the home without the abuser for as long as the order is in effect, or may order the abuser to provide a suitable housing alternative for the victim and other household members.

- To give victim sole temporary custody of a vehicle that is jointly owned for as long as the order is in effect.

Permanent Protective Orders

- Effective for **up to 2 years**.
- Can be obtained only through a full hearing with the judge in the Juvenile and Domestic Relations Court.

You may ask the judge:

- To prohibit further acts of abuse.
- To prohibit contact between the victim and the abuser (this means there is no contact by the victim or the abuser to the other person). Also prohibits contact between other family or household members. Ask that specific members be named on the order.
- To allow victim to temporarily remain in the home without the abuser for as long as the order is in effect, or to order the abuser to provide a suitable housing alternative for the victim and other household members.
- To order temporary custody, support and/or temporary visitation.
- To give the victim sole temporary custody of a vehicle that is jointly owned for as long as the order is in effect.
- To order the abuser to participate in treatment, counseling, batterers intervention or other program.
- To order any other relief necessary.

Remember: Bring pictures, witnesses, and any copies of police records and medical documents with you to the full hearing. A protective order is **not a guarantee of safety**. **Report violations** of the order to law enforcement. The protective order is not in effect until it has been served on the abuser. Keep in contact with law enforcement to find out when the order has been served. **Keep a copy with you at all times.**

What are my options if I have children?

If you have children and you are petitioning for a protective order, consider the following questions and be prepared to explain to the judge...

- Have your children witnessed the abuse? If so, what have they seen?
- Even if they haven't seen the abuse occur, did they hear it, or could they have heard it?
- Has your partner ever abused your children? If so, tell what happened.

The judge may establish **temporary custody** and **temporary visitation** (if any) and include it on your **protective order**.

Can I get a Protective Order for Stalking?

An **Emergency Protective Order** may be issued by a **magistrate** if there is probable cause that a **stalking offense** has occurred and an **arrest warrant** has been issued. The **Preliminary Protective Order** and the **Permanent Protective Order** may be pursued through the same process as that of protective orders for family abuse, described earlier in this brochure.

What if my Protective Order was issued by a court in another area?

Protective orders are given full faith and credit under federal law. This means that your protective order is valid (held true) in Loudoun County. Although it is not required, you may choose to file a copy of your protective order with local law enforcement. Remember to keep a copy with you at all times.

If you are traveling in another part of the state and require assistance from the local domestic violence program in that area, call the VA Family Violence and Sexual Assault Hotline at:
1-800-838-8238.

You Are Not Alone



THIS BROCHURE CONTAINS IMPORTANT INFORMATION AND PHONE NUMBERS FOR ANYONE WHO HAS EXPERIENCED ABUSE.

IF YOU ARE IN DANGER, DIAL 911.

RESPONDING OFFICER'S NAME:

CASE NUMBER:

SERVICES AVAILABLE FOR ALL LOUDOUN COUNTY CITIZENS:

Counseling, therapy, support groups, food assistance, housing, safe housing, free legal assistance, justice, protection, safety planning, transportation, shelter for animals living with abuse, parenting education and support, employment counseling, supportive programs for children & teens, substance abuse counseling, conferences and educational workshops, information and referral...

MANY SERVICES ARE OFFERED AT FREE OR REDUCED COST

Important Phone Numbers

LOUDOUN COUNTY SHERIFF'S OFFICE
911 Emergency 703-777-0445 Non-Emergency

LEESBURG POLICE
911 Emergency 703-771-4500 Non-Emergency

MIDDLEBURG POLICE
911 Emergency 540-687-6633 Non-Emergency

PURCELLVILLE POLICE
911 Emergency 540-338-7422 Non-Emergency

FIRE/AMBULANCE
911 Emergency 703-777-0333 Non-Emergency

MAGISTRATE (bond/release info. & emergency protective orders) 703-0383/703-777-0384

EMERGENCY HOUSING FOR VICTIMS OF ABUSE
24-Hour Hotline: 703-777-6552

FREE LEGAL ASSISTANCE FOR ABUSED WOMEN
703-771-3397

CHILD ABUSE AND NEGLECT
703-777-0353

COMMONWEALTH'S ATTORNEY'S OFFICE
(prosecutors of criminal charges) 703-777-0242

VICTIM WITNESS OFFICE
(support & information) 703-777-0417

MENTAL HEALTH
703-777- 0320 Emergency Services
703-771-5100 Non-Emergency Services

COURT SERVICES UNIT (Family Abuse Petitions, preliminary protective orders & child support/custody)
703-777-0303

DOMESTIC VIOLENCE PROBATION OFFICER
703-777-0207

ANIMAL CARE & CONTROL (emergency shelter for pets from abusive homes) 703-777-0406

SOCIAL SERVICES (food, housing, employment, transportation) 703-777-0353

AMERICAN RED CROSS (basic needs and crisis assistance) 703-771-7171

FREE CRISIS COUNSELING FOR ABUSE (individual and group support for domestic and sexual abuse, parenting education & support) 703-777-6552

What is Domestic Violence/Family Abuse?

Family abuse, also called domestic violence, is a **pattern of controlling behaviors** used by one individual to **control or exert power** over another individual in the context of an intimate relationship. The **legal definition** is: any act involving **force**, or **threat**, including and forceful **detention**, which results in **physical injury or places one in reasonable apprehension of serious bodily injury** and which is committed by a person against such person's family or household member (Va. Code § 16.1-228). For example, the abuser may be a friend, relative, current or former spouse, boyfriend or girlfriend. The abuse may be **emotional, sexual, physical or verbal**.

What is a Protective Order (Va. Code § 16.1-279.1)?

A **Juvenile and Domestic Relations Court Judge** issues an **Order of Protection** to help keep a victim of family abuse safe from further acts of violence. A permanent protective order will only be issued after a full hearing before the **Juvenile and Domestic Relations Court**.

Who is eligible to seek a Protective Order?

If a family or household member is abusing you, you can seek a protective order.

A "**Family or Household Member**" is defined as: (Va. Code §16.1-228)

- 1) the person's spouse whether or not he or she resides in the same house with the person;
- 2) the person's former spouse, whether or not he or she resides in the same home with the person;

- 3) the person's parents, stepparents, children, stepchildren, brothers, sisters, grandparents and grandchildren regardless of whether such persons reside in the same home with the person;
- 4) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law and sisters-in-law, who reside in the same home with the person;
- 5) any individual who has a child in common with the person whether or not the person and that individual have been married or have resided together at any time;
- 6) Any individual who cohabits or who, within the previous twelve months, cohabited with the person, and any children of either of them then residing in the same home with the person.

The abuser **may or may not be arrested or charged** with a crime if you get a Protective Order. A possible charge may be for assault (threat of harm) and/or battery (causing physical harm). If there is an arrest, jail time is often suspended or minimal for a first offense.

Other Considerations:

- The abuser may be charged with a crime if he/she violates the Protective Order.
- There is no cost for getting a protective order. It is not necessary to hire an attorney, however, you may decide to do this if the other party has an attorney.
- A protective order is only effective if it has been served on the abuser. Stay in touch with local law enforcement to find out when the protective order has been served

For more information on Loudoun D.A.R.T., a collaborative response to ending domestic violence in your community, please call 703-737-8234



Domestic Abuse Response Team

What are the Types of Protective Orders and How Do I Pursue One?

An **Emergency Protective Order** may be requested through the Magistrate's Office (703-777-0383/0384) or by a police officer responding to violence in your home. The Magistrate will, using the legal definition of family abuse, determine if there is probable cause to issue an **EPO**. An EPO does not require the swearing out of a warrant.

A **Preliminary Protective Order** may be requested through the **Juvenile Court Services Unit** at the Loudoun County Courthouse in Leesburg (703-777-0303). This is done through the filing of a **Family Abuse Petition**.

A **Permanent Protective Order** hearing will be scheduled by the court once you obtain a Preliminary Protective Order. It is extremely helpful to have an attorney provide you with advice and/or represent you at this hearing. There are **FREE** legal services available. Call 703-771-3397 for more information.

This brochure contains much information to learn and to understand. It is normal to feel confused and overwhelmed. When you have any questions about the information provided here, please call:

Victim/Witness at 703-777-0417 or
LCSJ Hotline (24 hour) 703-777-6552.

And Remember, no matter what happens, **you do not deserve abuse.**

This project was supported by Grant No. 2004-WE-AX-0035 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.