

**Definition of a Protective Order:** A protective order, elsewhere called a restraining order, can direct another person to stop abusing you and to stay away from you if you have suffered abuse.

## What You Must Show to Receive a Protective Order

To receive a protective order, you must have recently suffered from an act of family abuse.

Family abuse is defined as *any act involving (1) violence, (2) force, or (3) threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member.* See § 16.1-228.

Examples of **violence** and **force** include: hitting, kicking, strangling, pushing, stalking, etc. Examples of **threats** include threat to kill and threats to harm you. The court will not consider a threat to take your children away. Threats do NOT include insults.

To receive a protective order, your abuser must be a family or household member:

- Spouse/former spouse
- Siblings (brothers, sisters, half-brothers, and half-sisters)
- Parents (stepparents included)
- Grandparents
- Grandchildren
- Mother-in-law, Father-in-law, Son-in-law, Daughter-in-law, Brother-in-law, Sister-in-law who lives in the same home as you
- Anyone who you were in a romantic relationship with and lived with in the past 12 months

If your abuser is not on the list above, you may be able to file for a protective order in the General District Court. See the last section below, titled **General District Court**.

To receive a protective order, you must show the court that you continue to be afraid of your abuser and that the protective order will be necessary to keep you safer.

## Types of Protective Orders

### Emergency Protective Order

When the police respond to a call for help with family abuse, the police may assist you in receiving an EPO. You can also go to the magistrate yourself and ask for an EPO. An EPO lasts for 72 hours. If you receive an EPO and would like a longer protective order, you will need to file a petition with the court.

### Preliminary Protective Order

After filing a petition at the court house, you may receive a temporary protective order, which lasts for up to 15 days. Regardless of whether you receive the preliminary order, at the end of approximately 15 days you will have a court date where your abuser will be present and you can ask for a two-year protective order.

### Two-year Protective Order

After a trial or based on an agreement between you and the abuser, the judge may enter a protective order that lasts for up to two years.

## How to Get a Protective Order

If you are in a life-threatening, dangerous, or emergency situation, call 911.

- If you want a 72-hour EPO or to bring a separate criminal charge against your abuser, contact the magistrate.

Address: 10520 Judicial Drive, Fairfax, VA 22030  
(next to the Adult Detention Center)

Telephone: 703-246-2178

Hours: 24 hours per day, 7 days per week

- If you would like the court to give you a preliminary or two-year protective order, schedule an appointment with Domestic Relations Intake. **Make your appointment as soon as possible.**

Address: Fairfax County Courthouse, 4110 Chain Bridge Rd., Fairfax, VA 22030, Second Floor

Telephone: 703-246-3040

Hours: 8 a.m. - 4:30 p.m., Monday through Friday

You will need to fill out paperwork when you arrive at the courthouse for your appointment. You can fill this paperwork out before by using a program called I-CAN! [www.vacourtformhelp.courts.state.va.us](http://www.vacourtformhelp.courts.state.va.us)

- If you want to talk to an advocate about your options and resources, contact the Domestic Violence Action Center (DVAC).

Address: 4000 Chain Bridge Road, Suite 2702

Telephone: 703-246-4573

Hours: 8 a.m. - 4 p.m., Monday through Friday

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## Protections That May Be Included In A Protective Order

A protective order can tell your abuser to do the following:

- Stop abusing you
- Stay away from you
- Have limited or no contact with you
- Stay away from and have no contact with your family members
- Stay out of the home where you are living
- Not turn off your utilities
- Give you use of a car that is titled in your name or both of your names
- Pay for you to live in different home that is similar to your current home
- Participate in a drug, alcohol, or batterer intervention program
- Give you temporary child custody
- Visit your children on a certain schedule or have supervised visitation
- Pay you child support

## You have a Protective Order. Now What?

- Keep a copy of your protective order with you at all times. You may wish to leave a copy with your employer and other places you visit regularly.

- If your children are included on your protective order, make sure you give a copy to their school and daycare providers.
- Call the police if your abuser violates the protective order. If your abuser violates the protective order, it may be a crime, and your abuser may go to jail or pay a fine.

## Civil Protective Order Versus Criminal Case

Sometimes, you may have two cases going on at the same time:

- Your **civil case** for the protective order
- A **criminal case**.

In the **civil case**, you are asking for a protective order against your abuser. Here, you bring the case against your abuser and ask that the judge make your abuser stay away from you. The judge may give you a protective order if you have stronger evidence than your abuser, even if you have only slightly more convincing evidence.

In the **criminal case**, the government is asking that your abuser be punished because your abuser committed a crime. The government brings the case against your abuser, and you are the government's witness. In a criminal trial, the judge may find the abuser guilty if there is no reasonable doubt that the abuser committed the crime.

## General District Court

If your abuser is not on the list of family or household members, you may still be able to file for a protective order in the General District Court. This is a different court than the Juvenile and Domestic Relations Court.

To receive a protective order in General District Court, you will need to show that an act of abuse happened. In this court, an act of abuse is *any act involving*:

1. *Violence.*
2. *Force.*
3. *Threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.* See § 19.2-152.7:1.

In General District Court, you can ask the court for only three things:

1. That your abuser stop abusing you.
2. That your abuser stay away from and not contact you.
3. For anything else that court thinks is necessary. See § 19.2-152.10.

To file for a protective order in General District Court, go to the clerk's office for the General District Court.

Address: Fairfax County Courthouse, 4110 Chain Bridge Road, Fairfax, VA 22030, Second Floor

Telephone: 703-691-7320; Press 4 and then 1.

Hours: 8 a.m. - 4 p.m., Monday through Friday