



VIRGINIA

Each state has different requirements for getting a civil domestic violence protective order. Because it severely impedes teen victims' access to domestic violence protective orders, Virginia's grade for protecting teen victims of dating and domestic violence is an F.

Do I Qualify for a Protective Order in Virginia?

Type of Relationship

In order to qualify for a protective order, the abuser must be someone:

- You live with or have lived with in last 12 months¹
- You have a child with²
- You are married to or used to be married to³
- In your family, including relatives, parents, step-parent, step-children, grandparents, grandchildren, and step/full siblings⁴
- Who is you are related to by marriage and who lives in your home⁵

Type of Abuse⁶

A judge is allowed to give you a protective order when your abuser has:

- Physically abused you
- Attempted to physically abuse you
- Threatened to physically abuse you

Age

If you are over 18, you can file for a protective order yourself, without an adult's involvement. If you are under 18, the law does not say who can file for you. It will be up to the individual courts and judges whether you can get a protective order without your parent's permission. Check with a local domestic violence organization to see how your local courts handle minors who want protective orders.

How Do I Get a Protective Order?

If your situation is urgent, you can get an emergency protective order from the police at any time. Emergency orders last for 72 hours or until 5:00 p.m. the next day when the court is open.⁷ Whether or not you have an emergency order, you can go to court to file for a temporary protective order. A judge can give you a temporary order that day and will schedule a full hearing within 15 day to 30 days.⁸ After the hearing, a judge can give you a permanent protective order which lasts up to 2 years.⁹

What Can I Ask for in a Protective Order?

You may ask the court for the following in a protective order:

- Abuser must not abuse or contact you or your family or household members¹⁰
- Temporary or exclusive use of the home or provide alternate housing¹¹
- Possession and use of the car¹²
- Temporary child custody and visitation¹³
- Temporary child support¹⁴
- Attorneys fees¹⁵
- Counseling for abuser¹⁶

How Much Will It Cost?

It is free.¹⁷

You have the right to a safe and healthy relationship...
free from violence and free from fear.

-
- ¹ Va. Code Ann. §16.1-228 (vi) (2006).
² *Id.* §16.1-228(v)
³ *Id.* §16.1-228(i), (ii). .
⁴ *Id.* §16.1-228(iii), (iv).
⁵ *Id.*
⁶ *Id.* §1101(1).
⁷ *Id.* §16.1-253.4(c).
⁸ *Id.* §16.1-253.1(B)
⁹ *Id.*
¹⁰ *Id.* §16.1-279.1(A)(2)
¹¹ *Id.* §§16.1-279.1(A)(6), 16.1-253.1(a)(4); 16.1-253.4(B)(3).
¹² *Id.* §16.1-279.1(A)(5).
¹³ *Id.* §16.1-279.1(A)(8).
¹⁴ *Id.* §16.1-279.1(A1).
¹⁵ *Id.* §16.1-279.1(D).
¹⁶ *Id.* §16.1-279.1(A)(7).
¹⁷ *Id.* §16.1-279.1(I).

You have the right to a safe and healthy relationship..
free from violence and free from fear.