



## WEST VIRGINIA

Each state has different requirements for getting a civil domestic violence protective order. Because it makes protective orders difficult for teens to obtain, West Virginia's grade for protecting teen victims of domestic and dating violence is a C.

### Do I Qualify for a Protective Order in West Virginia?

#### Type of Relationship

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

- You are dating or used to date (includes sexual and intimate partners)<sup>1</sup>
- You live with or used to live with<sup>2</sup>
- You have a child with<sup>3</sup>
- You are married to or used to be married to<sup>4</sup>
- In your family, including parents, stepparents, in-laws, siblings, half and step siblings, stepchildren, aunts, uncles, nephew, nieces, cousins, or grandparents<sup>5</sup>

#### Type of Abuse<sup>6</sup>

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

- Physically abused you
- Attempted to physically abuse you
- Sexually abused or sexually assaulted you
- Harassed you
- Recklessly endangered you
- Sexually harassed you
- Unlawfully held you against your will
- Psychologically abused you

#### Age

If you are 18 or older, you can get a protective order on your own, without an adult's involvement. If you are a minor, a family member or household member of the minor victim may file for you.<sup>7</sup>

### How Do I Get a Protective Order?

If you want a protective 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 10 days of issuing the temporary order.<sup>8</sup> After the hearing, a judge can give you a permanent protective order which lasts for 90 to 180 days.<sup>9</sup> A 90 day permanent protective order is renewable for an additional 90 days.<sup>10</sup>

### What Can I Ask for in a Protective Order?

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

- Abuser must stay away from you, your school and work<sup>11</sup>
- Abuser must not abuse, harass, stalk, threaten, intimidate, verbally harass, or contact you through telephone<sup>12</sup>
- Child custody and visitation<sup>13</sup>
- Child and spousal support<sup>14</sup>
- Money for damages caused by the abuser<sup>15</sup>
- Temporary and/or exclusive use of the property<sup>16</sup>
- Counseling for abuser<sup>17</sup>

### How Much Will It Cost?

It is free.<sup>18</sup>

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

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<sup>1</sup> W. Va. Code Ann. §48-27-204(3), (4) (2007).

<sup>2</sup> *Id.* §48-27-204(2), (5).

<sup>3</sup> *Id.* §48-27-204 (6).

<sup>4</sup> *Id.* §48-27-204 (1).

<sup>5</sup> *Id.* §48-27-204.

<sup>6</sup> *Id.* §48-27-202.

<sup>7</sup> *Id.* §48-27-305(2).

<sup>8</sup> *Id.* §48-27-403(d).

<sup>9</sup> *Id.* §48-27-505

<sup>10</sup> *Id.* §48-27-505(a), (b).

<sup>11</sup> *Id.* §48-27-503(2), (7).

<sup>12</sup> *Id.* §§48-27-502(a); 503(7), (9).

<sup>13</sup> *Id.* §48-27-503(3)-(4).

<sup>14</sup> *Id.* §48-27-503(5), (6).

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* §48-27-503(2).

<sup>17</sup> *Id.* §48-27-503(7).

<sup>18</sup> *Id.* §§48-27-308, 403(b).

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