

Richmond General District Court, Criminal Division-Northside Protective Order Filing Information

New protective order legislation, effective July 1, 2011, renamed “protective orders for stalking” as “protective orders” and expanded the class of persons eligible to obtain a protective order. The legislation enlarged the types of conduct that permit the issuance of a protective order to include any act involving violence, force or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault or bodily injury.

1. What are protective orders?

Protective Orders are legal documents issued by a judge or a magistrate with the intent to protect the health and safety of someone who has been injured or threatened by another person. In Virginia there are three kinds of protective orders that are intended to protect you and others:

- **Emergency Protective Order (EPO)**--generally lasts only 72 hours and are usually issued by a magistrate but may be issued by a judge.
- **Preliminary Protective Order (PPO)**-is temporary protection that lasts 15 days or until a full hearing. PPO's may be extended up to 6 months for service on the respondent.
- **Permanent Protective Order-(PO)** is a full protective order that can last up to two years and is issued by the court after a full hearing where both parties are before the judge.

If you are under 18 years of age, this filing information does not apply to you. Go to the Virginia's Judicial System website at: www.courts.state.va.us and click on “Online Services,” then, “Assistance with Protective Orders (I-CAN!)”. You can also call the Juvenile Domestic and Relations court at (804) 646-2942 with questions. The Richmond General District Courts opens at 8:00 am. If you have questions in regards to stalking, serious bodily injury or sexual assault matters, call (804) 646-6677 for the Richmond Marsh at Manchester Court (South Richmond) or (804)646-6631 for the Richmond John Marshall (North Richmond).

If you are in immediate danger, please call 911. If this is a non-emergency question, please call the police information desk at (804) 646-6716 or the Magistrate's Office at (804) 646-6678.

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2. Where is the Magistrate's Office located?

The Richmond Magistrate's office is located at The Richmond Justice Center at 1701 Fairfield Way on the first floor.

If you feel you are in immediate danger, call 911 for police assistance.

3. Where are the Court Houses located?

The Richmond Criminal Courts at Manchester located at:
920 Hull Street
Richmond, Virginia 23224
(804) 646-6677

Or

The Richmond John Marshall Courts Building located at
400 N. 9th Street
Richmond, VA 23219
(804)646-6431

4. Is there anyone else I can talk to if I have questions or I am in fear of the person committing these acts?

Yes, the Richmond Commonwealth's Attorney office has a Victim/Witness division located on the first floor in the New Manchester Courthouse at:

920 Hull Street
Richmond, Virginia 23224
(804) 646-6677 or (804) 646-8990

or

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The John Marshall Courthouse located at:
400 N. 9th Street- 2nd floor
Richmond, VA 23219

Or simply call the Commonwealth's Attorney's office at (804) 646-3500.

There is also the Virginia Family Violence & Sexual Assault Hotline: 1-800-838-8238
open 24 hours a day.

5. If I file for a warrant with the Magistrate's Office, can I ask for an Emergency Protective Order?

Yes, this usually is done by the magistrate and is in effect for 72 hours.

6. What do I do after obtaining an Emergency Protective Order?

The Supreme Court of Virginia has an online program, I-CAN! Virginia, that can help you prepare the paperwork required to file for a Preliminary Protective Order. I-CAN! Virginia is accessible from the homepage of the Supreme Court of Virginia's website at: <http://www.courts.state.va.us/> Under the Online Services heading, click on "Assistance with Protective Orders." You can also do a keyword search using "Assistance with Protective Orders" from the homepage of <http://www.courts.state.va.us>. I-CAN! Virginia can be accessed from any computer that has Internet access and functions best with Internet Explorer.

You must fill out the forms necessary to petition the court for a preliminary protective order. Upon request, the clerk's office for the Richmond General District Court will provide you with the correct forms to complete.

You may complete your petition for a Preliminary Protective Order, through the Supreme Court of Virginia's online forms completion program, I-CAN! Virginia. Follow the instructions. I-CAN! Virginia is a computer program that asks the questions necessary to complete the correct protective order court form. Bring the completed forms to the Clerk's Office.

If you are unable to use the I-CAN Virginia program or do not understand how to fill out a Petition for a Preliminary Protective Order after the EPO (Emergency Protective Order) has expired; go to the one of the Richmond General District Courts listed above and ask for help. The court personnel will be happy to assist you, **but we are not able to give legal advice.** We will then ask you to have a seat in court and when the judge calls your name you may approach the bench and inform the judge why you would like a Preliminary Protective Order. The Judge will hear the evidence and make a determination whether to grant the Protective Order or not.

If the petition is granted please go back to the clerk's office where the Preliminary Protective Order will be prepared, entered, and served on the respondent and petitioner with a new court date for a full hearing on a Permanent Protective Order.

7. Is there a filing fee?

No fee is required.

8. What should I bring to Court with me?

The Court will need a full description of events that led you to seek a protective order. This information must be provided under oath. If you used the I-CAN! Virginia online system, bring the Affidavit (written statement describing the events) with you. You will need this same information for the full Hearing (where both parties are before the judge) that will be scheduled if a Preliminary Order is issued. At the full hearing (where both parties are before the judge) the judge will inquire about the events that led to you seek a protective order.

The court will also need the name and full address of the person from whom you are seeking protection. A full and complete address of the person is required, including apartment number or unit number. This information is also needed to send to the Virginia State Police for filing if the Protective Order is ordered and issued.

Finally, you will need to bring copies of any prior or existing protective orders you have in your possession, even if it is from another state or Virginia jurisdiction.

9. Other important information you should bring with you:

Law enforcement will need as much identifying and contact information as possible about the person from whom you are seeking protection. This information is essential as law enforcement must be able to find this person for the Protective Order to take effect.

PLEASE PROVIDE:

Respondent's Name, Address, home phone, cell phone number.

Name of workplace, work phone, work address, directions to workplace.

Race, sex, date of birth, height, weight, eye color, hair color, social security number.

Other (such as tattoos, scars), Description of vehicle driven by this person.

Where can the alleged abuser be found after 5 P.M. today and directions if possible.

Other places frequented by this person (such as friends' homes, relatives' homes, bars, restaurants): Give directions if possible.

Please use as a check list.

| | Yes | No |
|--|-----|----|
| Do you have a picture of this person that can be copied? | | |
| Is this person in jail? Name of jail: | | |
| Does this person own or carry firearms? | | |
| Does this person have a concealed weapons permit? | | |
| Does this person have a history of drug or alcohol abuse ? | | |
| Does this person have a history of mental illness? | | |
| Is this person currently on medication for mental illness? | | |
| Would you consider this person a threat to law enforcement officers? | | |

10. WHAT should I NOT bring with me?

All persons entering the courthouse will be searched by passing through metal detectors and x-ray machines. This search will include any bags you are carrying and anything in your pockets. Weapons such as guns, ammunition, any items resembling a

gun or ammo, handcuff key, all knives, razor blades, pepper spray, mace, studded belts and tools are prohibited inside the courthouse. Mobile phones must be left secured with the Sheriff unless pre-approved by the court. If you have any additional questions, you may contact the Richmond Sheriff's office by calling (804) 646-5300.

11. Who should I bring with me to court?

In order for the judge to issue a Preliminary Protective Order, you will need to appear before the judge to state the basis for your petition for a Preliminary Protective Order or a Protective Order. The clerk can issue subpoenas for any witnesses that may be helpful to your case. Please provide the clerk's office with the full name and address of any witnesses relevant to your case. It is not necessary to bring witnesses for an initial request of a preliminary protective order.

You are discouraged from bringing young children with you to court. If you must bring them, bring an adult to supervise the children.

12. Where do I go after passing through the security checkpoint at the front of the Courthouse?

Go directly to the Clerk's office.

13. How early can I arrive to file a petition for a Preliminary Protective order or a Protective Order?

The Court opens at 8:00 AM and closes at 4:00 PM. It is suggested you get to the courthouse as early as possible as there are other cases scheduled Monday through Friday. In order to complete the paperwork and have the petition reviewed by the judge, please arrive at the courthouse by 2:00 PM. If you arrive at one of the courts and there is no Judge available, you may be asked to go to the other court location or back to the magistrate's office.

14. How long should I expect to spend at the Courthouse in order to file the petition for a Preliminary Protective order or a Protective Order and have the petition heard the same day?

You should expect to spend at least a few hours. You should arrive at the courthouse as early as 8:00 am and go directly to the Clerk's office that will assist you in preparing an affidavit describing the abusive event(s) and answer questions about the court process. At that time, we can also assist you by contacting the Victim/Witness office with the Commonwealth's Attorney's office between the hours of 8:00am to 4:00pm.

15. What should I do if I feel I am in immediate danger?

If you feel you are in immediate danger, call 911 for law enforcement assistance.

16. What do I do if an Emergency Protective Order that was issued expires before I am able to have a petition for the Preliminary Protective Order filed and heard?

You may first contact the police department at (804) 646-6716 and have the officer make the request for an extension. Alternatively, you may go to the Magistrate's office and testify under oath as to why you were unable to petition for the Preliminary Protective Order and why a protective order is still necessary. You will be asked to fill out a written statement (affidavit). If you have any questions, please call the Magistrate's office at (804) 646-6689.

17. How do I contact the Magistrate's Office for more information?

Magistrates are available 24 hours a day, seven days a week. There are two magistrates on duty at all times.

Located at: 1701 Fairfield Way
Richmond, Virginia 23223
(804) 646-6689

18. What should I do if I do not understand or speak English well?

The court cannot guarantee any interpreter will be present to assist you, but we can utilize the Language Line, which is a telephone interpreting service. The Language Line will assist you in completing your paperwork and help explain the court process. You

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are welcome to bring a family member or friend to accompany you that speaks English to assist you in the process.

For assistance in the courtroom, contact the Clerk's Office at (804) 646-6677 as soon as your hearing is scheduled. The court has a Spanish interpreter available every day. For other languages, the court will have to make arrangements or use a Language Line interpreter.

I-CAN! Virginia is also available in Spanish. Just follow the prompts when you begin the program at: <https://www.vacourtformhelp.courts.state.va.us/>

19. What if I have a physical disability or do not speak English?

Please call the court ahead of time so the court can facilitate you in your various needs.

20. Do I need a lawyer to file for a Preliminary Protective Order?

You do not need a lawyer to file a preliminary protective order. The Commonwealth's Attorney's office, victim/witness office or the Clerk's office can assist you in preparing the paper work, but cannot provide legal advice. In these kinds of cases, the Victim/Witness program can assist you with the court process, but cannot give legal advice. If you would like to hire a lawyer to represent you at your hearing where both parties are before the judge, you may do so.

21. What should I do if I am the person named as a "respondent" in a Protective Order? (A "respondent" is the person from whom you want protection.)

You will receive a copy of the order from the Sheriff or local law enforcement. Read the order carefully. Strict compliance with the order will avoid additional problems that can result in criminal penalties.

You may ask the court to dismiss or change the terms of the order. ONLY A JUDGE may dismiss or change the terms.

The order will have a date and time for a hearing. Arrive at the courthouse at least 30 minutes ahead to allow time for parking, to get through the metal detectors and to find the courtroom where your hearing will be held. You or your lawyer will tell your side of the case at the hearing. If you have been served with a Petition, it is very important that you appear in court on the date provided on the Protective Order. If you wish to have your side of the story heard, it is important to appear. Otherwise, the court may enter the Protective Order without hearing from you.

22. What should I do at the full hearing (where both parties are before the judge) as the respondent?

When your name is called go to the front of the courtroom. Only you and/or your attorney, if you hired one, can speak for you. The judge will ask you questions. Listen carefully, answer them completely, tell the truth and speak slowly. The other person's lawyer may ask you questions. If you have any questions or do not understand something, ask the judge BEFORE you leave the courtroom.

23. When does a Protective Order take effect?

A law enforcement officer will serve the Protective Order to the person from whom you want protection. A protective order is not valid until that person gets a copy. This is called "personal service". At the full hearing, where both parties are present and go before the judge, the order will be given to both of you at the end of the hearing. DO NOT LEAVE THE COURTHOUSE without a copy of the order.

24. How will I know when the Protective Order is served on the person from whom I want protection

Preliminary Protective Orders or Protective Orders are usually served on the respondent at the time of their arrest. If you are not aware of their arrest and their arraignment, you may come to the clerk's office and proceed to have the Preliminary Protective Order or Protective Order issued which will be given to local law enforcement to be served on the respondent.

25. What should I do with the order?

Once you have a copy of the order, keep the order in a safe place. You should carry a copy of the order with you at all times. You will have to show it to the police or the Court
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if there is a violation. Also, give a copy to anyone else who is protected by the order, and leave copies anywhere that the other person is not allowed to go (your work, school, daycare, etc.).

26. What should I do if the protective order is violated?

If your protective order is violated, you should immediately call 911 and tell law enforcement that you have a protective order, and the abuser is violating it. You should also notify victim/witness, in the Commonwealth's Attorney's office and/or the court.

27. How do I find a lawyer to help me?

If you choose to have an attorney represent you, you may hire your own. If you can not afford an attorney to help you, you may contact Legal Aid and ask for assistance.

If you are the victim of domestic violence, you may qualify for free legal services. For more information, contact:

- Central Virginia Legal Aid Society, Inc. – (804) 648-1012, ext. 6047
- Hunton & Williams Women's Advocacy Project – (804) 775-2248
- Carrico Center for Pro Bono Service, University of Richmond School of Law – (804) 955-4010

If you receive a recording, please leave a message with your name, a phone number where you can be safely reached, and the date of your hearing.

Other places you may be able to find a lawyer to help you:

- Virginia Lawyer Referral Service - 800-552-7977

28. What should I wear to Court?

You should dress in a respectful and appropriate manner. Dressing neatly with no revealing clothing, shows respect for the Court. The Court recognizes occasionally there are emergency situations when this is not possible.

29. Where else can I find help?

Safe Harbor Shelter; <http://www.safeharborshelter.com/>

(804) 287-7877 (emergency shelter)

(804) 249-9470 (office)

Provides emergency shelter, hospital accompaniment, and court advocacy

YWCA of Richmond; <http://www.ywcarichmond.org/>

(804) 643-0888 (24-hour hotline)

Provides temporary and emergency shelter

Virginia Sexual and Domestic Violence Action Alliance; <http://www.vsdvalliance.org>

5008 Monument Avenue, Suite A

Richmond, VA 23230

(800) 838-8238 (24-hour crisis hotline)

(804) 337-0335 (office)

Provides resources on domestic violence crisis centers in Virginia, safety planning, legal options, resources in Spanish, etc.

This information sheet is not intended as legal advice. Contact a licensed attorney to provide you with any legal advice you may need.