

## What is spouse or family abuse?

Spouse abuse or family abuse is any act or threat that results in injury or reasonable fear of injury caused by a family or household member. This includes anyone who lives in your home or the parent of your child.

## If I'm being abused, what can I do?

If you are being abused, you can seek a protective order. There are three types of protective orders.

-An **Emergency Protective Order (EPO)** can be issued right away by a police officer, or by a judge. An EPO is good for up to 72 hours.

-A **Preliminary Protective Order (PPO)** is good for up to 15 days and can be issued after the court gives the abuser notice of a hearing and a chance for a trial hearing.

-A **Permanent Protective Order (PO)** may be granted, after a trial hearing, for up to 2 years.

-You may also bring **criminal charges** against your abuser.

## How do I get a protective order immediately?

There are two possible ways to get an Emergency Protective Order.

1. Go to the Court Service Unit of the **Juvenile and Domestic Relations (J&DR) Court** in the county where the abuse took place. You can do this on your own and without a filing fee. Try to go within 72 hours of the abuse.

2. If an arrest has been made, an EPO can be issued by the **police** WITHOUT notice to the abuser IF there is reason to believe that the abuse has occurred and probable danger of more abuse.

## What does an Emergency Protective Order do?

An EPO can:

- forbid further acts of family abuse
- forbid further contact with family or household members
- give you temporary possession of your home
- forbid the abuser from coming to your home

Look at the EPO to see the date and time that it expires. **If you need protection for a longer period of time, you must ask the court for a PPO before the EPO ends.** Normally a protective order **MUST** be served (legally delivered) on the abuser before it becomes effective.

## What if the abuser violates the protective order?

-Immediately **notify the J&DR court** by filing a motion for a show cause summons. The court will issue a show cause summons. At the show cause hearing, you should tell the Judge what happened. If the Judge decides that the protective order was violated, the abuser may be fined and/or put in jail for contempt of court.

-You may also **notify the Commonwealth Attorney's office** because this is a criminal event.

-If the abuser commits any act of violence, **call 911** and the person can be arrested and criminal charges filed.

**NOTE: IF YOU THINK YOU ARE IN DANGER RIGHT NOW, DO NOT RELY ON AN ORDER to protect you. Go to a family member or friend's home—preferably one where your abuser will not find you—or you can find a shelter by calling the **Virginia Family Violence and Sexual Assault Hotline** at 1-800-838-8238 and they can help you make a safety plan.**

**This brochure is intended for information purposes only and is NOT a suitable substitute for legal advice from a certified attorney.**

If you have a specific question, please consult Legal Aid Works<sup>SM</sup> at:

500 Lafayette Boulevard  
Suite 100  
Fredericksburg, VA 22401  
Telephone: (540) 371-1105  
Fax: (540) 371-1114  
[www.LegalAidWorks.org](http://www.LegalAidWorks.org)



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