

What Happens if I Violate the Order?

If you violate the terms of a *family abuse protective order* that (1) prohibit further acts of family abuse or criminal offenses that result in injury to person or property; (2) prohibit contact by the respondent with the petitioner or his or her household or family members; or (3) prohibit the respondent from going or remaining upon land, buildings, or premises, such as the residence, it is a Class I Misdemeanor, punishable by up to one year in jail and/or up to a \$2,500 fine. Va. Code § 16.1-253.2.

If you violate **any term** of a *protective order issued in a matter involving an act of violence, force, or threat*, it is a Class I Misdemeanor, punishable by up to one year in jail and/or up to a \$2,500 fine. Va. Code § 18.2-60.4.

If you violate the protective order, you also could be charged with other crimes such as trespassing, breaking and entering, and stalking.

A second or subsequent violation of a protective order may cause you to be subject to specific and enhanced punishments.

If you are convicted of violating a protective order, the court will issue another protective order against you that can last for up to two years, in addition to any other penalty allowed under the law.

Are There Other Restrictions?

Yes. Virginia law prohibits you from purchasing or transporting a firearm while the protective order is in effect. You also must immediately surrender your concealed weapons permit to the court that entered the protective order. A violation of this law is a Class I Misdemeanor, punishable by up to one year in jail and/or up to a \$2,500 fine. Va. Code § 18.2-308.1:4.

In addition, federal law prohibits you from possessing any firearm or ammunition while you are subject to a qualifying protective order. A violation of the federal law is punishable by up to ten years in prison. 18 U.S.C. § 922(g)(8).

For more information about federal firearms prohibitions, or to determine whether you can lawfully possess a firearm, contact the Bureau of Alcohol, Tobacco and Firearms at 1-800-800-3855, or www.atf.gov.

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WHAT YOU SHOULD KNOW ABOUT PROTECTIVE ORDERS

A Guide to Ensure Compliance with the Law



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You have been given this brochure because a judge or magistrate has issued a protective order to protect the health and safety of the petitioner (the person who requested the order) and his or her family or household member(s) in matters involving family abuse or an act of violence, force, or threat as defined by Virginia law.

The purpose of this brochure is to provide you with the information that will help you comply with the protective order. If you strictly follow the terms of the protective order, you can avoid additional problems that may result in criminal penalties.

What is a Protective Order?

A protective order is an order issued by a judge or magistrate to prevent further acts of family abuse or acts of violence, force, or threat against a person or his or her family or household members.

The person who asks for the protective order is called the **petitioner**. The person to whom the order is addressed and who must comply with its terms is called the **respondent**.

A protective order details what you, the respondent, must do and what you must not do while the order is in effect.

If you have questions about the terms of the order or consequences for violations, talk to an attorney. For an attorney referral, contact the Virginia Lawyer Referral Service, at (804) 775-0808, or toll-free (800) 552-7977.

I Did Not Go to Court - How Can I Be Subject to a Protective Order?

There are two types of protective orders that may be issued without the presence of the respondent. They are **Emergency Protective Orders** and **Preliminary Protective Orders**. These protective orders are temporary and are issued when it is necessary to protect the health and safety of others immediately after an incident or before a full hearing. Emergency Protective Orders usually last for three days, or until the next day the Court is in session. Preliminary Protective Orders typically last for up to 15 days, or until the full hearing.

A **Final Protective Order** is issued only after a full hearing where the respondent is given the opportunity to present his or her own evidence. A Final Protective Order can last for up to two years, but may be extended for another two year period if requested by the petitioner.

How Can I Change the Protective Order?

Only a judge can dismiss a protective order or change the terms of a protective order. Either party can request to have the terms changed.

Do not ask or pressure the petitioner to ask the court to dismiss or change a protective order. **Do not** ask another person to pressure the petitioner for you. If you do, you will be in violation of the protective order.

It is better that you ask the court to dismiss or change the protective order yourself.

What Should I Do?

YOU are the person responsible for complying with the protective order. Only **YOU** will be held responsible if any terms are violated.

If the protective order states that you must have **NO CONTACT** with the petitioner or the petitioner's family or household members:

- ◆ **DO NOT** go near the petitioner or anyone listed in the protective order, even if the petitioner asks you, unless an exception is listed in the protective order.
- ◆ **DO NOT** call, text, e-mail, fax, or mail anything to the petitioner or anyone protected by the protective order.
- ◆ **DO NOT** send messages through friends, family, co-workers, neighbors, or anyone else.
- ◆ **DO NOT** drive around the petitioner's residence, workplace, or regular "hang out."
- ◆ **DO NOT** try to reconcile or "make up" while the protective order is in effect, even if the petitioner asks you.
- ◆ **DO NOT** accept or respond to any phone calls, texts, e-mails, faxes or mail from the petitioner.

If the protective order says that the petitioner has been granted possession of the residence, you must immediately leave and stay away from the residence. **DO NOT** go to the residence during the time the order is in effect.