

## Protective Orders are Free

There is no charge for petitioning for a protective order, filing copies of a protective order, or having the order served on the stalker.

## Do I Need Legal Representation for a Stalking Protective Order?

You do not need an attorney to file for a Stalking Protective Order. However, there are often free legal services available for low-income victims who would like to obtain a protective order. Local Legal Aid offices assist victims in obtaining protective orders. To find out more about the services available in your area, please contact the toll-free **Statewide Domestic Violence Hotline at 1-800-838-8238**.

## Do I Have to Press Charges to Get a Stalking Protective Order?

A Stalking Protective Order may only be issued after a judge or magistrate has issued a warrant for stalking on the stalker. If the stalker violates a protective order, he or she can be sent to jail.

## Is a Stalking Protective Order from Another State Valid in Virginia? If I go to Another State Will my Virginia Stalking Protective Order be Valid in that State?

The answer to both questions is yes. Federal Law requires states to enforce each other's protective orders. To prevent confusion or delay in enforcing the order by law enforcement, you can register a certified copy of your order with the General District Court in the city or county where you will be visiting or residing.

## How to Make Sure Stalking Protective Orders Work for You

- Follow all the conditions and terms stated in your Protective Order.
- Go to all the scheduled hearings
- Report any violations of the protective order to law enforcement immediately
- Carry a copy of the protective order with you at all times and show it to law enforcement if it is violated.
- Avoid deliberate contact with the stalker.
- Develop a safety plan with your domestic violence or sexual assault service agency or victim/witness program.

## Summary

Protective Orders are a valuable tool that victims of stalking can use to help protect them from harm. However, victims of stalking should also develop their own personal safety plans. If you have questions about your options or need help, please call the **toll-free Statewide Domestic Violence Hotline at 1-800-838-8238**.

If you would like to get copies of "Stalking: A Guide for Victims," "An Informational Guide for Victims of Domestic Violence in Virginia: Understanding the Legal Process," and/or "Protective Orders: A Guide for Victims of Domestic Violence," please contact the Virginia Department of Criminal Justice Services Crime Victims Services Section at (804) 786-4000.

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Prepared by

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Victims Services Section

This brochure is intended to provide information regarding protective orders for victims of stalking. It contains only general information. The situation for each individual is different, and there are many exceptions. Protective Orders can provide you with legal protection, but they cannot necessarily protect you from a bullet or a knife. To protect yourself from a violent act, you should develop and follow a safety plan. It is important to get further information from your domestic violence service agency, victim/witness program, sexual assault service agency, and/or discuss your situation with the Juvenile and Domestic Relations Intake Officer in your area. To obtain their contact information, please contact the **toll free Statewide Domestic Violence Hotline at 1-800-838-8238**.

### What is a Protective Order?

It is a legal order issued by a magistrate or the judge to protect one person from physical abuse or threatening behavior by another. A protective order is issued in cases of stalking and domestic violence to protect the health and safety of an abused person and his/her family or household members.

### What is Stalking?

Stalking involves any person who, on more than one occasion, engages in conduct directed at another person with the intent to place, or with the knowledge that the conduct places, that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that person's family or household members.

Unlike Family Abuse Protective Orders, the stalker **DOES NOT** have to be a family or household member for you to be eligible for a stalking protective order.

*If you are a victim of stalking, please also refer to the brochure, "Stalking: A Guide for Victims."*

### What is Domestic Violence?

Domestic violence is called family abuse in the Virginia Code (Virginia law). "Family abuse" means any act involving violence, force, or threat, including, but not limited to, any forcible detention, which results in bodily injury or places a person in reasonable fear of bodily injury. To be considered a victim of domestic violence, or family abuse, the abuser must be the victim's family or household member.

*If you are a victim of domestic violence, please refer to the following brochures: "Protective Orders: A Guide for Victims of Domestic Violence" and "An Informational Guide for Domestic Violence Victims in Virginia: Understanding the Legal Process," for further information.*

### The Three Different Types of Stalking Protective Orders

- \* Emergency Protective Order--Stalking
- \* Preliminary Protective Order--Stalking
- \* Final Protective Order--Stalking

### Emergency Protective Order--Stalking (EPO)

**What can an EPO do?**

An EPO may: (1) legally order the stalker to stop the abusive or threatening behavior; (2) prohibit the stalker from contacting you at home, at work, by phone, or by e-mail; and/or (3) provide other relief necessary for your protection.

**What do I have to do?**

You must obtain a warrant for the stalker's arrest and an EPO as soon as possible after you have been stalked. **You are not eligible for a Stalking EPO until a warrant has been obtained.**

**Where do I get one?**

You can ask a law enforcement officer (police or sheriff) or a magistrate for a warrant and an EPO. A magistrate is an officer of the court that can issue protective orders and warrants. Law enforcement officers can call a magistrate or a judge for a warrant and an EPO if they believe that stalking has occurred and will probably occur in the near future. You can also request an EPO, in person at the Office of the Magistrate or the General District Court Clerk's Office in the locality in which the stalking occurred. If the EPO is granted, you will be given a copy of the order. A law enforcement officer will give the stalker a copy of the protective order so that the stalker is aware of the conditions, and the order will **then** be considered "in effect."

**How long does it last?**

An EPO lasts for **72 hours** or until the next scheduled court day, whichever is later. If you want your protective order to continue, you should go to the Intake Office of the General District Court Clerk's Office and petition for a Preliminary Protective Order **before** the EPO expires.

### Preliminary Protective Order--Stalking (PPO)

**What can a PPO do for me?**

A PPO may: (1) legally order the stalker to stop abusive or threatening behavior; (2) prohibit the stalker from contacting you at home, at work, by phone, or by e-mail; and/or (3) provide other relief necessary for your protection.

**What do I have to do?**

You must obtain a stalking warrant against the stalker to obtain a PPO. You must also obtain a PPO within a short time after you have been stalked. You do not have to have an EPO to get a PPO. The stalker does not have to be at the hearing.

**Where do I get one?**

To ask (petition) for a PPO, go to the General District Court Clerk's Office in the locality in which the stalking occurred. A judge will decide if the Preliminary Protective Order will be granted, based on your sworn statement.

**How long does it last?**

The PPO lasts for **up to 15 days**. At the PPO hearing, a date for a hearing on the final Protective Order is set.

### Protective Order--Stalking (PO)

**What can a PO do for me?**

A final PO may: (1) legally order the stalker to stop abusive or threatening behavior; (2) prohibit the stalker from contacting you at home, at work, by phone, or by e-mail; and/or (3) provide other relief necessary for your protection.

**What do I have to do?**

You must attend the final Protective Order hearing, which is scheduled at the time of your Preliminary Protective Order hearing. The judge will issue a subpoena for the stalker to be at the PO hearing. Both you and the stalker will be asked to describe what happened.

**Where do I get one?**

The PO hearing will be located at the General District Court in the locality in which the stalking occurred.

**How long does it last?**

A Protective Order may last **up to two years**.