

the J&DR Court is closed.

The J&DR Court has the power to issue an order to remove your abuser from a home or to order your abuser to provide housing for you and your children. If such an order is entered, it will generally be accompanied by a protective order or preliminary protective order. The court may order the abuser to attend counseling sessions.

In order to obtain a protective order, you normally need to establish recent physical violence toward you. You should also tell of any past physical abuse and threats, whether you believe the abuse will continue or reoccur in the future, and the effect of the violence on the children of your marriage.

VIOLATION OF A PROTECTIVE ORDER

Violation of the protective order may subject the abuser to a jail sentence. If the abuser violated the order, call the police.

If you have taken out a criminal warrant in General district Court and the abuser commits the same or similar offense, contact the Commonwealth Attorney's Office immediately.

If you have taken out a criminal warrant in J&DR Court and the charge is taken "under advisement" you should contact the J&DR Court, he is in contempt of the J&DR Court that issued the protective order, tell them of the violation and ask that the judge hold a hearing on the violation.

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YOUR RIGHTS AS A VICTIM OF DOMESTIC VIOLENCE

This pamphlet contains general information about your rights. Consult a lawyer if you have specific questions.

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CVLAS is a non-profit organization providing free legal advice, and representation to low income or elderly people in Central Virginia. Contact us Mon. - Thurs. 9-12 to see if you qualify for services.

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You are not alone. There are hundreds of women in our area who live in fear of violence. There are also women who have been battered in the past and have been able to change their lives. These women know about the pain of being battered and how hard it can be to change their lives.

If you think that violence in your life might go away if you ignore it, you should know that once violence starts in a relationship it almost always gets worse. Don't take the chance that violence will not happen again.

You have options.

HOW CAN I PROTECT MYSELF?

You can do several things:

- You can call 911.
- You can go to a shelter. The YWCA has 2 shelters in the Richmond area which can be reached at 643-0888.
- You can ask a judge for an emergency, 24-hour protective order. A protective order would prevent him from coming into contact with you.

If you know he is about to become violent, call 911. If you have no warning, then call 911 as soon as the violence begins or send a child to tell a neighbor to call.

Try to avoid serious injury and plan to leave as soon as possible, before the physical violence begins and/or gets worse. Many times the abuse is followed by a period of quite and when things are normal the abuser promises to never abuse you again. This will be a time you do not have to fear immediate violence and have time to plan.

WHAT SHOULD I DO FIRST?

If you can leave, do so. Go stay some place where you will be safe. If you have no other safe place to stay, you may want to consider contacting the YWCA Women's Victim Advocacy Program, located at 6 North 5th Street, Richmond, VA 23219 (643-0888). The YWCA has 2 area shelters in which the victims of domestic violence are housed. The locations of the shelters are kept confidential.

SHOULD I TAKE ANYTHING WHEN I LEAVE?

The most important items to take are the papers you will need to carry out your business, to apply for welfare benefits, or to take legal action. If it is possible, when you leave you should take:

1. your children.
2. your birth certificate, Social Security Cards, marriage certificates, leases, deeds, check books, proof of income, bills, etc;
3. proof of your husbands or the children's father's income such as pay stubs, tax returns, etc; and
4. your personal property – clothing, car title, things you and the abuser bought together – and the children's property.

All of this information can be used by the court to determine support obligations. If you cannot take the property, you may be able to get it later by filing a Warrant in Detinue. You should talk to an attorney to do this.

DOES THE LAW PROTECT ME?

Yes. The law protects you from physical abuse and violent threats. But you have to start the process. If he threatens you or hits you, you should start criminal action as soon as possible by getting a warrant at the Magis-

trate's office for your locality. Warrants are issued based on the facts and how they are presented. The Magistrate will consider how soon after the violence you asked for a warrant, witnesses, and previous warrants issued and dropped. If a Magistrate refuses to issue a warrant, you should talk to an attorney.

WHAT HAPPENS AFTER I GET THE CRIMINAL WARRANT?

After a judge signs the warrant, the police will arrest the abuser. If the abuser is not drunk or threatening, the police will release him that day. If he is drunk or threatening, the police will hold him overnight, and a judge will set a bond which the abuser must pay to get out of jail.

In most cases, a judge in the Juvenile and Domestic Relations District Court (J&DR) will hear the case. At the hearing, the judge will listen to both parties and their witnesses. The Judge will then make a decision.

WHAT IS A PROTECTIVE ORDER?

To protect yourself and your family you can get a protective order. A protective order, sometimes called a restraining order, will prohibit the abuser from being in contact with you and your family. It will prohibit harassment, abuse and threats.

To get a protective order, you need to file a petition with the Intake Worker at J&DR Court. This can be done without an attorney. Protective orders are available against a husband, ex-husband, boyfriend with whom you have a child with and/or live with within the past 12 months.

You can also get an emergency, 24 hour protective order from the Magistrate when