

Roanoke City General District Court, Civil Division 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.

Note: The new legislation also removed the requirement that an arrest warrant be issued as a prerequisite to the issuance of a protective order. Now, a protective order may be issued when a petitioner has been subjected to an act of violence, force or threat **OR** an arrest warrant has been issued.

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 last only 72 hours and are usually issued by a magistrate but may be issued by a judge.
- **Preliminary Protective Order (PPO)**--is temporary protection, which lasts up to 15 days or until a full hearing and requires that you file a petition with the court. PPO's may be extended up to 6 months to obtain service.
- **Permanent Protective Order**--a full protective order can be issued for up to two years where both parties have notice and the opportunity to be heard as it is not necessary for the respondent to appear.

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.vacourts.gov and click on "Online Services," then, "Assistance with Protective Orders (I-CAN!)". You can also call the Court Service Unit - Juvenile Intake Office at (540) 853-1338 with questions. The Roanoke Juvenile Court opens at 8:00 am. If you are 18 years of age or older and you have questions in regards to serious bodily injury or sexual assault matters, call (540) 853-2361.

If you are in immediate danger, please call 911. If this is a non-emergency questions please call the police information desk at (540) 853-2212 or the Magistrate's Office at (540) 853-2247.

2. Where is the Magistrate's Office located and how do I contact the Magistrate's Office?

The Roanoke City Magistrate's office is located at 324 W Campbell Ave (Adjacent to Roanoke City Jail)

Google map link to 324 Campbell Avenue, SW:

http://maps.google.com/maps?f=q&source=s_q&hl=en&geocode=&q=324+Campbell+Ave+SW+Roanoke+VA&ll=37.0625,95.677068&sspn=31.28862,78.310547&ie=UTF8&hq=&hnear=324+Campbell+Ave+SW,+Roanoke,+Virginia+24016&z=16

To Zoom in or out:

- Click on the up or down arrow in the upper left corner

To Navigate closer to the location of choice:

- Click and drag your mouse on the map

For Driving Directions:

- Under the address text box click on Get Directions
- Type your address or starting point in the empty text box
- Click the "Get Directions" button

You may also go to the Magistrate's Office located at 324 W Campbell Ave Roanoke Virginia to obtain an Emergency Protective Order. Emergency Orders generally last 72 hours. But if you need longer protection, you **must** petition the Court for a Preliminary Protective Order.

The Magistrate's Office is located in the Roanoke City Jail on the first floor. Phone Number (540) 853-2247. The Magistrate's Office is open 24 hours a day, 7 days a week. To petition for an Emergency Protective Order you must appear in person. Parking is available on the street and in the Campbell Parking Garage located diagonally across the street from the Roanoke City Sheriff's Office. The Magistrate's phone number is (540) 853-2247.

The Magistrates Office is served by a number of bus routes with bus stops located on Campbell Avenue across the street from the Roanoke City Jail and at the corner of Church Avenue and 5th Street. Detailed information on specific bus service and fees can be found at the Valley Metro web site at: <http://www.valleymetro.com/>

3. Where is the Court located and what taxi service is available to the Courthouse?

The Roanoke City General District Court is located in the Roanoke City Courthouse at:

315 W Church Ave
2nd Floor Room 219
Roanoke, Virginia 24016
(540) 853-2364

There are several taxi services located listed in the Yellow Pages, including:

- Yellow Cab at (540) 345-7711
- Reid Taxi at (540) 389-5555

4. What are the driving directions to the Roanoke City General District Court?

From route 220:

- Take Exit 6 (Elm Avenue) and proceed up the exit ramp in the left lane
- Turn left, and get into the right lane
- At the second light (Jefferson Street), turn right
- At the third light, go left (Church Ave)
- At the second light (Third Street) is the courthouse

From I-581:

- Take Exit 6 (Elm Avenue) and turn right
- Stay in the right lane
- At the second light (Jefferson Street) turn right
- At the third light, go left (Church Avenue)
- At the second light (Third Street) is the courthouse

From Franklin Road:

- Proceeding north, cross Elm Avenue (Hwy 24) and Day Avenue
- Turn left on Third Street
- Proceed two blocks and you will see the courthouse on your left

From Williamson Road:

- Proceeding south, go past the Civic Center and turn right on Elm Avenue
- Stay in the right lane
- At the second light (Jefferson Street), turn right
- At the third light, go left (Church Avenue)
- At the second light (Third Street) is the courthouse

5. Where can I park at the Courthouse or Commonwealth Attorney’s Office?

Parking is available in the parking lot beside the courthouse and in front of the courthouse located at 315 W Church Ave. Also, the Premier Parking lot in front of the courthouse has parking spaces for \$3.00 - \$7.00.

6. What should I wear to Court?

All persons entering any courtroom must dress and act in a respectful and appropriate manner indicative of the dignity of court proceedings. Each court determines appropriate dress and action for that court. Please be aware that some courts do not permit: short tops, tank tops, hats, headbands or kerchiefs (except for religious or medical needs) excessive and inappropriate body exposure, sunglasses (except for medical needs) bare feet, flip flops, slippers, clothing with wording or pictures that is obscene, offensive or vulgar, exposed underwear, chewing gum, tobacco, drinks, or food.

7. 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 Roanoke City Commonwealth’s attorney’s office has a Victim/Witness division located on the second floor in the Roanoke City Courthouse at:

315 W Church Avenue
Roanoke, Virginia 24016
(540) 853-2626
Monday-Friday 8:00AM-5:00PM

Yes, the Roanoke City Police Department Criminal Investigation Unit located on the third floor in the Roanoke City Police Department at:

348 Campbell Avenue 3rd Floor
Roanoke, Virginia 24016
(540) 853-5959 Monday-Friday 8:00AM-5:00PM Closed on Municipal Holidays

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

8. 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.

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

If you need continued protection due to any act involving violence, force or threat that results in bodily injury or places you in fear of death, sexual assault or bodily injury, after your emergency protective order expires, you may petition the court for a preliminary protective order. A preliminary protective order (PPO) is temporary protection, which lasts 15 days or until a full hearing and requires that you file a petition with the court. PPO's may be extended up to 6 months.

You must fill out the forms necessary to petition the court for a preliminary protective order. Upon request, the clerk's office for the Roanoke City General District Court, located at 315 W Church Ave 2nd FL, Room 219 Roanoke, VA will provide you with the correct forms to complete.

Additionally, the Supreme Court of Virginia has a new online program, I-CAN! Virginia, that can help you prepare the paperwork required to file for a Preliminary Protective Order. I-CAN! Virginia is a free internet-based service that provides assistance with preparing preliminary protective order petition forms. **This service is provided to the public as a convenience and you are not required to visit the site prior to coming to the clerk's office to request a preliminary protective order.**

You may complete your petition for a Preliminary Protection 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. You would then bring the completed forms to the Clerk's Office.

I-CAN! Virginia is accessible from the Virginia's Judicial System Web site at: <http://www.courts.state.va.us/> From either the Online Services or Programs heading, click on "Assistance with Protective Orders (I-CAN!)." 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. A direct link to I-CAN! Virginia can be found at: <http://www.vacourtformhelp.courts.state.va.us/>

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 Roanoke City General District Court 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 issue 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.

10. Is there a filing fee?

No fee is required.

11. 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. 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 seeking 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.

12. 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?		

13. 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. All photographic and sound recording

devices including still cameras, video cameras, sound recording machines and cell phones are prohibited inside the courthouse. Advise courthouse security if any of the above listed items are needed as evidence in your case. If you have any additional questions, you may contact the Roanoke City Sheriff's office by calling (540) 853-2580.

14. 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. You are not required to bring witnesses at that point in time. However, you should bring the names and complete street addresses for any witnesses (people who actually saw the event) with you.

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

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

Go directly to the Civil Clerk's office, which is located on the 2nd floor in room 219. If you have any questions ask the Deputy Sheriff.

16. 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 between 8:00A.M.-3:30P.M. If you arrive after 3:30 P.M. you may be asked to return the following day.

17. 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 Civil Clerk's office for answers to your questions about the court process.

18. 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.

19. 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 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 (540) 853-2247.

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

Magistrates are available 24 hours a day, seven days a week.

Located at: 324 W Campbell Ave (Adjacent to Roanoke City Jail)
Roanoke, Virginia
(540) 853-2247

21. 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. You 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 (540) 853-2364 as soon as your hearing is scheduled. The court has a Spanish interpreter available on some days. 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/>

22. What if I have a physical disability?

In front of the Courthouse there is a ramp available and a button you may push for the door to open for you. Also, on the west side of the building there is a button you may push for the door to open for you. If possible please bring someone with you.

For a sign language interpreter, please call ahead at (540) 853-2364 so we can make special arrangements to have a sign language interpreter available.

23. 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.

24. 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 served the order by local law enforcement. Read the order carefully. Strict compliance with the order will avoid additional problems that can result in criminal penalties.

If you wish to have your side of the story heard, it is important to appear in court. Otherwise, the court may enter the protective order without hearing from you. 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 do not respond, you are telling the court that you are not arguing against the Petition.

You will need to have the Protective Order with you and/or have read the Order very carefully.

25. 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. DO NOT interrupt the judge, lawyers, or the other person. If you have any questions or do not understand something, ask the judge BEFORE you leave the courtroom.

26. When does a Protective Order take effect?

A law enforcement officer will serve (give the Order directly) 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.

27. How will I know when the Protective Order is served on the person from whom I want protection? ("Served" means the order is delivered and given in person to the person named in the document. A sheriff or other law enforcement officer serves protective orders.)

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. Also, you may contact the Roanoke City Police Dept at (540) 853-2211, 24 hours a day to determine if service has been made.

28. 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 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.).

29. 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.

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

Virginia State bar Association Lawyer has a statewide referral Service; 1-800-552-7977. Their website is: www.vsb.org

Legal Aid Society of Roanoke Valley may be of assistance in civil cases (would include protective orders BUT NOT a criminal case) for those who meet income eligibility requirements. They may be reached at (540) 344-2088 and are located at 132 Campbell Avenue, SW, Suite 200, Roanoke Virginia.

31. Where else can I find help?

Rescue Mission Ministries

www.rescuemission.net/category/emergency_shelter

402 4th Street Southwest

Roanoke, VA 24013

(540) 343-7227

Hours of operation: Everyday; 24 hours, 7 days a week

Family Shelter, Women's Shelter, Men's Shelter, and a Respite Care Shelter.

Offers a safe environment for people in crisis. In addition to a warm bed and three meals per day, there is medical attention, legal assistance, and clothing assistance available. Also provides legal services to guests.

Total Action For Progress

www.tapintohope.org

302 2nd Street

Roanoke, VA 24011

(540) 283-4800 Main Number

(540) 283-4813 Domestic Violence

(540) 580-0775 24 Hour Crisis Assistance

Hours of operation: Monday-Friday 8:00AM-4:30PM

Victims are provided referrals to safe housing, to mental health and other human services.

Arch Services (Trust House and Bethany Hall)

Archservices.org

404 Elm Avenue SW

Roanoke, VA 24016

(540) 344-8060 Trust House

(540) 343-4261 Bethany Hall

Hours of operation: Everyday; 24 hours, 7 days a week

A shelter for homeless veterans, families and individuals. Operates from two homes in Old Southwest Roanoke. Assist up to 27 people each evening. Single residents live 3-4 to a bedroom. Families are housed in their own rooms. Residents share kitchens, baths, living room, laundry and lounge areas. Residents are responsible for their own cooking. Residents may visit our food pantry if they need assistance with groceries. Residents complete daily chores to maintain the house in addition to caring for their own living space. Offers an in-house library and computers with internet access. Provides weekly Life Skills training, the option to attend a sober living group and multiple other activities.

Virginia Sexual and Domestic Violence Action Alliance;

www.vsdvalliance.org

5008 Monument Avenue, Suite A

Richmond, VA 23230

(800) 838-8238 (24-hour crisis hotline) (804) 377-0335 (office)

Hours of operation: Everyday; 24 hours, 7 days a week

Provides resources on domestic violence crisis centers in Virginia, safety planning, legal options, resources in Spanish, etc. Offers crisis intervention and support; information over the phone and through the mail; referrals to community rape crisis centers, sexual and domestic violence programs, shelter and other local resources; technical assistance to allied professionals working with survivors.

Salvation Army/Turning Point;

(540) 345-0400

Hours of operation: Everyday; 24 hours, 7 days a week

Family Promise of Greater Roanoke;

www.familypromiseroanoke.org

37 East Clay Street

Salem VA 24153

(540) 444-7374

Hours of operation: M-F 8:30AM-5:00PM

Network of 28 congregations and over 1,000 volunteers who provide temporary housing and meals for families with children. Provides full-time case management to assist families in addressing and overcoming causes of homelessness and creating goals of employment housing, education in their return to independence.

32. What are the related Virginia Code sections?

§8.01-42.3 Civil action for stalking

§18.2-60.3 Stalking; penalty

§18.2-60.4 Violation of protective orders; penalty

§18.2-119 Trespass after having been forbidden to do so; penalties

§18.2-308 Personal protection; carrying concealed weapons; when lawful to carry

§18.2-308.1:4 Purchase or transportation of firearm by persons subject to protective orders: penalty

§19.2-11.01 Crime victim's and witness rights

§19.2-11.2 Crime victims' right to nondisclosure of certain information; exceptions: testimonial privilege

§19.2-152.8 Emergency protective orders authorized

§19.2-152.9 Preliminary protective orders

§19.2-152.10 Protective order

§19.2-368.2 Definitions

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