

EMERGENCY PROTECTIVE ORDER - FAMILY ABUSE

Using This Form

1. Copies
 - a. Original - to judge or magistrate authorizing order for verification purposes if authorized electronically, then to juvenile and domestic relations district court. Otherwise to the juvenile and domestic relations district court.
 - b. First copy - to respondent.
 - c. Second copy - to alleged victim of family abuse.
 - d. Third copy - The law enforcement officer files this copy with the written report required by Virginia § 19.2-81.3 C. (See subparagraph E of § 16.1-253.4.)
2. Prepared by the magistrate or judge if the alleged victim of family abuse or law enforcement officer requests the order in person. If a law enforcement officer requests the form electronically, the officer prepares the form and the magistrate or judge will verify later.
3. Attachments - If the alleged victim of family abuse or law enforcement officer requests the order in person at the same time as presenting evidence in a probable cause hearing in a warrantless arrest situation, the magistrate will attach the documents relating to the criminal offense to this form.
4. Preparation details
 - a. If a law enforcement officer requests this order by electronic means, the officer will complete data elements 1 through 21. If the alleged victim of family abuse or law enforcement officer petitions in person before the judge or magistrate, that person completes data elements 7 through 11.
 - b. After serving the order, the officer completes the service of process portion, including the description of the respondent. If the judicial officer authorized the order electronically, the law enforcement officer must return it to the judge or magistrate who authorized it. Once the officer delivers the order to the judicial officer who authorized it, the judicial officer will review the order for accuracy and will sign the verification section at elements 23 and 24. The certified order must be filed with the clerk of the juvenile and domestic relations district court within five days of issuance of the order.
 - c. The address and telephone number of the allegedly stalked person should not be entered in the service box on the reverse of this form. This information is to be kept confidential. District court form DC-621, NONDISCLOSURE ADDENDUM, should be used to collect this information.
 - d. The officer who executes the order completes the reverse of the form.

EMERGENCY PROTECTIVE ORDER — FAMILY ABUSE

Court Case No. : **1**

Commonwealth of Virginia Va. Code § 16.1-253.4

..... **2** Juvenile and Domestic Relations District Court

..... **3** v.
PETITIONER/ALLEGEDLY ABUSED PERSON

..... **4**
RESPONDENT

REQUEST FOR EMERGENCY PROTECTIVE ORDER

..... **5**
ADDRESS

I, the undersigned, assert under oath the following:

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
		SSN		6					

..... **7**

Therefore, I respectfully request the [] issuance **8** [] extension of an emergency protective order. In the case of a request for extension, I certify that the person in need of protection is physically or mentally incapable of filing a petition pursuant to Virginia Code §§ 16.1-253.1 or 16.1-279.1.

..... **9**
LAW ENFORCEMENT OFFICER'S NAME, BADGE, CODE NO. AND AGENCY

..... **10**
[] PETITIONER/ALLEGEDLY ABUSED PERSON [] LAW ENFORCEMENT OFFICER

..... **11**
DATE

Subscribed and sworn to before me this day [] in person **12** [] by electronic communication (If oath taken by electronic communication, print or type name of judge or Magistrate taking oath.)

..... **13**
DATE

..... **14**
[] JUDGE [] MAGISTRATE

EMERGENCY PROTECTIVE ORDER

Based on the above assertion and other evidence, I find that (if checked below):

[] A warrant for a violation of § 18.2-57.2 has been issued and there is probable danger of further acts of family abuse against **15** by the Respondent; or
FAMILY OR HOUSEHOLD MEMBER

[] Reasonable grounds exist to believe that Respondent has committed family abuse and there is probable danger of a further such offense against by the Respondent.
FAMILY OR HOUSEHOLD MEMBER

Therefore, it is ORDERED that the request is hereby [] denied [] granted and it is ORDERED that the Respondent shall observe the following conditions: **16**

- [] the Respondent shall refrain from committing acts of family abuse against the above-named family and household members and against any other family or household member.
- [] grant to, the family or household member, possession **17** of the premises, located at occupied by the parties to the exclusion of the Respondent; however, no such grant of possession shall effect title to any real or personal property.
- [] the Respondent shall have no further contact of any type with except as follows:
[] no exceptions

RESPONDENT — SEE WARNINGS ON REVERSE.

This Order is issued on **18** at **19** and expires on **20** at **21**
DATE TIME DATE TIME

(Print or type name of judge or magistrate if oral order is reduced to writing by the law enforcement officer.)

..... **22**
[] JUDGE [] MAGISTRATE

VERIFICATION

I have verified this Order.
..... **23**
DATE

..... **24**
[] JUDGE [] MAGISTRATE

EMERGENCY PROTECTIVE ORDER - FAMILY ABUSE

Data Elements, *front*

1. For clerk's use only. Insert court case number.
2. Insert the name of the court.
3. Insert the name of the alleged victim of family abuse.
4. Insert the name of the alleged abuser.
5. Address of the alleged abuser.
6. Insert the personal data of the alleged abuser if known.
7. The person requesting the order inserts the facts that provide the basis of the order.
8. Check appropriate box if issuance or extension is requested by a law enforcement officer.
9. If a law enforcement officer requests the order, the officer inserts his or her name, badge number or code, and agency.
10. Signature of person requesting order. Check the appropriate block.
11. Insert date of the request for the order.
12. Check whether the request for the order was made in person or by electronic means.
13. Insert the date that the person providing the information swore to facts.
14. Signature of judge or magistrate. If judge or magistrate issues the order by electronic means, the law enforcement officer prints the name of the judicial officer instead.
15. Check appropriate block for basis of issuance of the order.
16. Check whether the request is granted or denied.
17. Check appropriate block(s) for conditions imposed as part of the order, including whether the judicial officer orders that possession of the premises occupied by the parties be given to the alleged victim of family abuse to the exclusion of the Respondent, and whether the judicial officer orders restrictions on whom the Respondent may contact.
18. Insert the date on which the judicial officer authorizes the order.
19. Insert the time at which the judicial officer authorizes the order
20. Insert date on which the order expires.
21. Insert time at which the order expires.
22. Signature of judicial officer who authorizes the order. Check appropriate box. If the order is issued by electronic means, the law enforcement officer prints the name of the judicial officer here.
23. Insert the date on which the judicial officer verifies the order. Complete only if the judicial officer has issued the order by electronic means.
24. Signature of judge or magistrate. Complete only if the judicial officer has issued the order by electronic means.

RETURNS: Each person was served according to law, as indicated below, unless not found.

RESPONDENT:	
NAME	1
ADDRESS	2
<input type="checkbox"/> PERSONAL SERVICE	TELEPHONE NUMBER:
<input type="checkbox"/> NOT FOUND	3
SERVING OFFICER	
for	7
DATE AND TIME	
8	
Respondent's Description (for VCIN entry):	
RACE	SEX
DOB:	9
HGT	WGT
EYES	HAIR
SSN	
Relationship to Petitioner/Plaintiff	
Distinguishing features.....	

PETITIONER: (See form DC-621, NON-DISCLOSURE ADDENDUM)	
NAME	10
<input type="checkbox"/> PERSONAL SERVICE	
<input type="checkbox"/> NOT FOUND	
SERVING OFFICER	
for	14
DATE AND TIME	
15	
<input type="checkbox"/> Copy delivered to	
16	
By	17
	TITLE
	18
	SIGNATURE
19	
DATE	

WARNING TO RESPONDENT: PURSUANT TO § 18.2-308.1:4, YOU SHALL NOT PURCHASE OR TRANSPORT ANY FIREARM WHILE THIS ORDER IS IN EFFECT. IF YOU HAVE A CONCEALED HANDGUN PERMIT, YOU MUST IMMEDIATELY SURRENDER THAT PERMIT TO THE COURT ISSUING THIS ORDER. IF YOU VIOLATE THE CONDITIONS OF THIS ORDER, YOU MAY BE SENTENCED TO JAIL AND/OR ORDERED TO PAY A FINE. THIS ORDER WILL BE ENTERED ON THE VIRGINIA CRIMINAL INFORMATION NETWORK. YOU MAY AT ANY TIME FILE A MOTION WITH THE COURT REQUESTING A HEARING TO DISSOLVE OR MODIFY THIS ORDER.

EMERGENCY PROTECTIVE ORDER - FAMILY ABUSE

Data Elements, *reverse*

1. Respondent's name.
2. Respondent's address.
3. Respondent's telephone number.
4. Check this box if respondent receives personal service.
5. Check this box if respondent is not found.
6. Signature of serving officer.
7. Name of sheriff if served by deputy sheriff.
8. Date and time order served on respondent or of return.
9. Respondent's description for entry into VCIN.
10. Name of petitioner.
11. Check this box if petitioner receives personal service.
12. Check this box if service attempted on the petitioner but petitioner is not found.
13. Signature of serving officer.
14. Name of sheriff if served by deputy sheriff.
15. Date and time of service or return.
16. Check this box if, instead of service of the order, the order is delivered to the petitioner or a family or household member. Insert name of person to whom copy of the order is given.
17. Title of individual giving copy of order to petitioner.
18. Signature of individual giving copy of order to petitioner.
19. Date of delivery.

WARNING TO RESPONDENT: PURSUANT TO § 18.2-308.1:4, YOU SHALL NOT PURCHASE OR TRANSPORT ANY FIREARM WHILE THIS ORDER IS IN EFFECT. IF YOU HAVE A CONCEALED HANDGUN PERMIT, YOU MUST IMMEDIATELY SURRENDER THAT PERMIT TO THE COURT ISSUING THIS ORDER. IF YOU VIOLATE THE CONDITIONS OF THIS ORDER, YOU MAY BE SENTENCED TO JAIL AND/OR ORDERED TO PAY A FINE. THIS ORDER WILL BE ENTERED ON THE VIRGINIA CRIMINAL INFORMATION NETWORK. YOU MAY AT ANY TIME FILE A MOTION WITH THE COURT REQUESTING A HEARING TO DISSOLVE OR MODIFY THIS ORDER.

DEFINITION OF TERMS USED IN THIS ORDER

“Family or household member” means (i) the person’s spouse, whether or not he or she resides in the same home with the person, (ii) the person’s former spouse, whether or not he or she resides in the same home with the person, (iii) the person’s parents, stepparents, children, stepchildren, brothers and sisters, grandparents and grandchildren regardless of whether such persons reside in the same home with the person, (iv) the person’s mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, or (v) any individual who has a child in common with the defendant, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous twelve (12) months, cohabitated with the person, and any children of either of them residing in the same home with the person.

A “law-enforcement officer” means any full-time or part-time employee of a police department or sheriff’s office which is part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of this Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff’s office.

“Family abuse” means any act involving violence, force, or threat including, but not limited to any forceful detention, which results in bodily injury or places one in reasonable apprehension of bodily injury and which is committed by a person against such person’s family or household member.