

## **Darrell M. Harding** **Attorney at Law, PLC**

With more than twenty years of experience we know that not every case is the same and provide each case with the personalized individual attention it deserves. Our firm is committed to providing our clients with skillful and professional representation. We provide our clients personalized attention and service. Our firm understands that family issues involving divorce and/or children can be emotionally and physically stressful. We are here to help guide you through the legal system and will take you through the process one step at a time.



**Darrell M. Harding** graduated with honors with a Bachelor of Science in Psychology from Brigham Young University in 1984. He also graduated at the top of his class with his Juris Doctor Degree from J. Reuben Clark Law School, Brigham Young University, in 1988. He served as Legal and Political Chairman over the Civil Law Division from 1987-1988, Negotiator Forum Vice President in 1988 and served on the Law Review. For over 25 years he has focused exclusively on family law to best serve individuals like you.

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## Protective Orders

### **DID YOU KNOW:**

**You do not have to press  
criminal charges to receive a  
protective order**

**Read on to better  
analyze your case.**



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## WHAT ARE PROTECTIVE ORDERS

Protective Orders are legal orders issued by a magistrate or a judge to protect one person from physical abuse or threatening behavior by another. Protective Orders are issued in cases of domestic violence and stalking. You do not have to press criminal charges to get a protective order. Protective orders are a civil order, and not the same as pressing criminal charges. However, if the abuser violates the protective order, he or she can be sent to jail.

## WHAT IS DOMESTIC VIOLENCE

Domestic Violence is called "Family Abuse" in the Virginia Code, 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 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.

## TYPES OF PROTECTIVE ORDERS

### 1. Emergency protective orders (EPO)

These are issued by a magistrate to prohibit the abuser from committing abusive or threatening behavior to the victim, prohibit the abuser from having contact with the victim, and ordering the abuser to leave the home. Emergency Protective Orders last for 72 hours.

### 2. Preliminary Protective Orders (PPO)

These orders are issued by a judge at the Juvenile and Domestic Relations Court of the city where you reside or where the abuse occurred. You do not have to have an Emergency Protective Order to get a PPO. The abuser does not have to be present at the hearing. These orders may:

- Order the abuser to stop abusive or threatening behavior
- Prohibit the abuser from contacting you at work, home, or by phone
- Order the abusive person to leave the home you share
- Grant temporary possession of the home or car to you
- Grant temporary custody and visitation of the children

The PPO lasts for up to 15 days. At the PPO hearing, a date for a hearing on the Final Protective Order is set. The order becomes valid after it is served on the abuser

### 3. Protective Orders (PO)

This order can be granted by a judge after testimony is taken by both parties. The final PO may:

- Order the abuser to stop abusive or threatening behavior.
- Prohibit the abuser from contacting you at work, home, or by phone.
- Order the abusive person to leave the home you share.
- Grant temporary possession of the home or car to you.
- Grant temporary custody and visitation of the children.
- Require the abuser to go to treatment or counseling.

The Final PO may last for up to two years.

## After you obtain a Protective Order.

- Follow all the conditions stated in your protective order.
- 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.
- Don't initiate or respond to any contact with the abuser while the Protective order is in effect.
- Keep and preserve all evidence of the abuse, including: photos of injuries, photos of bruises, photos of torn clothing, photos of damage to surroundings, threatening emails, threatening text messages, and names and phone numbers of any witnesses.
- Keep and preserve proof of any other violation of an existing protective order.

NOTE: Remember that for all protective orders you must be in fear for your life and safety, and have sufficient facts to support that fear.

If you feel threatened, contact our [Virginia Beach family lawyers](#) to discuss the matter