

A purple awareness ribbon is centered on a black background. The ribbon is a stylized loop with two long tails hanging down. The text "Victim to Victor" is overlaid on the center of the ribbon.

Victim to Victor

## **Introduction**

This booklet has been prepared by the Legal Aid Society of the Roanoke Valley (LASRV) for people affected by domestic violence. In the United States millions of adults experience domestic violence annually.

The communities LASRV serves: Salem and Roanoke cities; Roanoke, Craig, Franklin, Botetourt and Bedford counties, are not exempt from violence. This booklet identifies domestic violence and responses to it including forming safety plans and finding shelter, explains protective orders, directs the reader on how to apply for public benefits, discusses child custody, support and divorce and addresses aspects of domestic violence unique to the LGBTQ community.

The Legal Aid Society of Roanoke Valley offers legal advice and counsel free of charge to eligible victims of domestic violence.

**Apply by calling**  
**Blue Ridge Legal Services**  
**(540)344-2080**  
**or online at:** [www.lasrv.org](http://www.lasrv.org)

## What is Domestic Violence?

Domestic violence is a pattern of abusive behaviors used by a partner in an intimate relationship to maintain power and control over the other person. Abusive behaviors can be emotional, physical, and/or financial taking form in verbal threats, physical assault, sexual violence, and economic exploitation or deprivation.

Different forms of domestic violence/abuse might be used at any time in the same intimate relationship. These behaviors are tactics to trap someone in a relationship by arousing fear to prevent the other person from doing as they wish or forcing them to behave in ways they do not want to.



## What are the Warning Signs of Domestic Violence?

It is important to recognize the signs before serious problems occur.

Signs of an abusive relationship include a partner who:

- Isolates the victim from family, friends, or social outlets by discouraging victims from having contact with other people.
- Controls their partner's telephone, car, and access to money.
- Uses excessively jealous and possessive behaviors to intimidate and control their victim.
- Insults, demeans, shames and uses put-downs toward the partner, and looks or acts in ways to scare them and prevent the victim from making their own decisions.
- Destroys property in front of the partner.
- Threatens the partner, the partner's family, or friends with physical harm or death.
- Physically harms the victim, children or pets.
- Pressures their partner to perform uncomfortable sexual acts.



## What Can A Victim Of Domestic Violence Do To Help Themselves:

- If you recognize the warning signs of domestic violence in your relationship with a domestic partner contact one or more of the resources for victims of domestic violence listed in the resources section of this booklet. There is someone to talk to and refer you to local services.
- Become familiar with what a safety plan is and make one. **A SAFETY PLAN IS NOT A PIECE OF PAPER:** It is an action plan formed by victims of domestic violence to allow a safe, organized escape from domestic violence and abuse. Start to plan now for an escape whether it happens in an emergency or after a carefully arranged period of time.
- Use the resources in this pamphlet to contact a local domestic violence program for tips on developing an effective safety plan which is specific to individual situations.
- Use the resources in this booklet to contact a local domestic violence program for information on where you can find shelter or safe-housing and what to expect.

- If being alone with the abuser is dangerous, avoid being alone with that person and stay out of rooms where there are weapons such as guns or knives.

**Develop a list of telephone numbers of family, friends, doctors, shelters, etc.**

- Gather important family documents such as birth certificates, passports, account passwords, prescriptions, social security cards, protective orders, children's school records, medical records, bank account information, tax returns and any other important materials and place them with a trusted friend or family member.
- Put aside emergency money.
- Hide an extra set of car keys.
- Gather sets of clothes and shoes for yourself and your children and place them with a trusted friend or family member. Be sure to add a special toy for younger children.

*"You can recognize survivors of abuse by their courage.*

*When silence is so very inviting, they step forward and share their truth so others know they aren't alone."*

*Jeanne McElvaney*

## **The Intersections of DV and LGBTQ Relationships**

- Abusive partners in LGBTQ relationships use all the same tactics to gain power and control as abusive partners in heterosexual relationships — physical, sexual or emotional abuse, financial control, isolation and more.
- Abusive partners in LGBTQ relationships also reinforce their tactics that maintain power and control with societal factors that compound the difficulties a survivor faces in leaving or getting safe in an LGBTQ relationship.

## **Unique Elements of Abuse in the LGBTQ Community**

- “Outing” a partner’s sexual orientation or gender identity. Abusive partners in LGBTQ relationships may threaten to ‘out’ victims to family members, employers, community members and others.
- Saying that no one will help the victim because s/he is lesbian, gay, bisexual, or transgender, or that for this reason, the partner “deserves” the abuse.
- Justifying the abuse with the notion that a partner is not “really” lesbian, gay, bisexual or transgender (i.e. the victim may once have had/may still have relationships, or express a gender

identity, inconsistent with the abuser's definitions of these terms). This can be used both as a tool in verbal and emotional abuse as well as to further isolate a victim from the community.

- Monopolizing and controlling support resources. Abusive partners in LGBTQ relationships may manipulate their partner's friends and family to gain their sympathy and trust in order to prevent them from aiding the victim. This problem is especially damaging where there may be limited resources and social outlets for abused members of the LGBTQ community.
- Characterizing the violence as mutual and even consensual, or as an expression of masculinity or some other "desirable" trait.

### **Resources for LGBTQ Victims and Survivors of Domestic Violence**

- Everyone, including members of the LGBTQ community, deserves to live a life free from abuse.
- If you recognize the warning signs of domestic violence in your LGBTQ relationship contact one or more of the resources for victims of domestic violence listed in the resources section of this booklet.

*"Each time a woman stands up for herself without knowing it possibly, without claiming it, she stands up for all women."*

*— Maya Angelou*



## Domestic Violence Protective Orders

### What are Protective Orders?

Protective Orders are issued by the court to protect the health and safety of a person who is alleged to be a victim of any act involving violence, force or threat that results in bodily injury or places that person in fear of death, sexual assault or bodily injury.

### How does Virginia law treat Domestic Violence?

Under Virginia law domestic violence is treated as family abuse. "Family abuse" means any act involving violence, force, or threat, that results in bodily injury which creates a reasonable fear of death, sexual assault, or bodily injury. Such acts can include, but are not limited to, forceful detention, stalking, or criminal sexual assault. **To be considered a victim of family abuse, the abuser MUST be the victim's family or household member.**

### Who are Considered Family or Household Members?

"Family or household members" include: spouse or ex-spouse, whether or not they live together; parents, children, stepparents, stepchildren, siblings, grandparents, and grandchildren, whether or not they live together; in-laws, who live in the same home; cohabitants and

those who have cohabitated in the past year and their children; and persons who have a child in common, whether or not they live together. You are eligible for a Family Abuse Protective Order ONLY when a family or household member has committed domestic violence against you.

### **What is Stalking?**

A stalker is anyone who, on more than one occasion, engages in conduct with the intent to place the victim in fear, or with the knowledge that the victim is placed in fear of death, sexual assault, or bodily injury to the victim or the victim's family/household member.

*"The biggest challenge is to convince a woman that it's not her fault. My daughter is 25; my stepdaughter is 22. As a mother, I want them to know that if a boyfriend is abusive, you cannot ignore it? - 'Oh, he's been drinking,' or 'He had a bad day.' There is no excuse for a man hitting a woman. Ever."*

*~ Debbie Stabenow*

## The Three Types of Family Abuse Protective Orders

- Emergency Protective Order
- Preliminary Protective Order
- Protective Order

### Emergency Protective Order (EPO)

#### What can an EPO do?

An EPO may: (1) order the abuser to stop the abusive or threatening behavior; (2) prohibit the abuser from contacting you at home, at work, or by phone; (3) grant you exclusive possession of the home you share with him or her; (4) provide other relief necessary for your protection.

#### What do I have to do?

You must seek an EPO as soon as possible after an act of family abuse such as assault or threat to your life.

#### Where do I get one?

Law enforcement officers can call a magistrate or a judge to seek an EPO for you if they believe that domestic violence has occurred. A victim of family abuse may obtain a Protective Order (PO) from the magistrate or by filing a petition with the Intake Office of the Court Service Unit in the locality in which the abuse occurred or where either party resides. If the EPO is granted, you will be given a copy of the order. Protective orders do not take effect until law enforcement makes personal service

of the order on the alleged abuser. You may call law enforcement to ask if the person has been served.

### **How long does it last?**

An EPO lasts until 11:59 p.m. on the third day after it was issued or until the next scheduled court day, whichever is later. If you want your Protective Order to continue, you must go to the Intake Office of the Juvenile and Domestic Relations Court and petition for a Preliminary Protective Order before the EPO expires.

### **Preliminary Protective Order (PPO)**

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

A PPO may: (1) order the abuser to stop abusive or threatening behavior; (2) prohibit the abuser from contacting you and/or other family members at home, at work, or by phone; (3) grant exclusive possession, but not title, of the home and/or jointly owned car to you; (4) stop the abuser from terminating any necessary utilities or, where appropriate, ordering restoration of necessary utilities; (5) grant exclusive use and possession of a cell number and device; (6) require the abuser to provide suitable alternative housing including ordering the payment of deposits to connect or restore utility services in the alternative housing; (7) grant possession of any companion animal; and/or (8) provide other relief necessary for your protection.

## **What do I have to do?**

You must obtain a PPO within a short time after you have been assaulted or threatened. You do not have to have an EPO to get a PPO. The abuser does not have to be at the hearing.

## **Where do I get one?**

A victim of family abuse may obtain a PPO by filing a petition with the Intake Office of the Court Service Unit in the locality where the abuse occurred or where either party resides. A judge will decide if the Preliminary Protective Order will be granted, based on your sworn statement. Protective orders do not take effect until law enforcement makes personal service of the order on the alleged abuser. You may call law enforcement to ask if the person has been served.

## **How long does it last?**

The PPO lasts for up to 15 days, or until the hearing date if the hearing cannot be held within that time. At the PPO hearing, a date for a hearing on the final Protective Order is set.

## **Protective Order (PO), also known as a Permanent Protective Order.**

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

A final PO may include the same conditions found in a PPO and may also grant temporary custody and visitation of children; require the abuser to go to treatment or counseling; and/or 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 subpoena the abuser to appear at the PO hearing. Both you and the abuser will be asked to describe what happened.

### **Where do I get one?**

The PO hearing will be held at the Juvenile and Domestic Relations Court in the locality that issued the order.

### **How long does it last?**

A Protective Order may last up to two years. Prior to the expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the order. There is no legal limit to the number of times an order can be extended.

### **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 abuser.

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

No. You do not need an attorney to file for a protective order. Some Virginia Legal Aid agencies offer free representation to eligible victims facing a protective order hearing. Many area domestic violence service agencies offer court advocates to assist victims in obtaining protective orders. All local Juvenile and Domestic Relations District Courts have court services units to assist victims in obtaining protective orders.

To find out more about the services available in your area, please call the toll free Statewide Domestic Violence Hotline at 1-800-838-8238.

## **Will the abuser be arrested if I get a protective order?**

Protective orders are issued by the civil court to prohibit the abuser from having contact with the person or persons alleged to have been abused. Whether an abuser faces a criminal warrant, criminal charges, or a criminal court case is not up to the victim of domestic violence. Criminal charges are tried by the Commonwealth's Attorney – you may be subpoenaed as a witness in these cases.

## **Is a Protective Order from Another State Valid in Virginia? If I go to Another State, Will my Virginia 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 Juvenile and Domestic Relations Court in the city or county where you will be visiting or residing.

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

- Follow all the conditions and terms stated in your protective order. Go to all the scheduled hearings.
- Always have the protective order with you and show it to law enforcement if it is violated.
- Avoid deliberate contact with the abuser unless expressly allowed by the protective order..
- Develop a safety plan with your domestic violence service agency and/or victim/witness program.

## **What if the abuser violates the protective order?**

Violations of protective orders result in criminal charges ranging from misdemeanor to felony depending on the frequency and nature of the violation. It is important to report any violations of the protective order to law



enforcement immediately.

## Summary

Family Abuse Protective Orders are a valuable tool, which victims of domestic violence can use to help protect them from abuse. It is important for victims of domestic violence to 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.

*“Leaving an abusive partner is a very difficult thing to do. It frequently feels like you are failing, or destroying your family, or not trying to work things out, or not giving your partner a second chance.”*

*Blaine Nelson*



## Public Benefits

When domestic violence threatens someone's financial stability they should investigate what public benefits are available to them.

CommonHelp is the Commonwealth of Virginia's self-service online application portal for many Virginia social services assistance programs. This is where you can find out what assistance you might be eligible for and submit a single application saving you time and effort. You can also use CommonHelp to Check Your Benefits, Report Household Changes, or Renew Your Benefits

Using CommonHelp, you will be able to submit a single application to apply for assistance from multiple Department of Social Services (DSS) programs such as:

- TANF – Temporary Assistance for Needy Families
- SNAP – Supplemental Nutrition Assistance Program
- HCC – Health Care Coverage
- Medicaid
- EA – Energy Assistance
- Child Care – Assistance for Child Care services

<https://www.commonhelp.virginia.gov/>

*"I want to tell people that family violence happens to anybody, no matter how nice your house is, no matter how intelligent you are." ~ Rosie Batty*

### **Child Custody and Support**

When domestic violence causes children's parents to separate it is advisable for a parent seeking custody of the children to file a custody petition with the intake office in the Juvenile and Domestic Relations Court where the children have been living for the last six months or more. Child and spousal support petitions may be filed at the same time.

During a protective order hearing where you and your abuser have children in common the court is likely to make some provision for the children to have contact with their other parent. Why? Because Virginia law presumes both parents are the natural and proper custodians for their children and unless custody is decided by a court both parents have an equal right to their children.

The court's custody order will determine with whom the minor children live, who cares for the children, and each parent's role in the day-to-day decisions about the children's lives. Good communication between the parties is a key factor necessary for shared custody considerations. When the parties cannot effectively communicate because of domestic violence, courts will often award custody to just one parent.

In child custody determinations judges are required to look at statutory factors based on the "best interests" of the child. Probably the most important factor is the role you have played as the child's primary caretaker in the child's upbringing and the role that you will play in the future upbringing of the child.

A court may give sole custody to one party, or joint custody to both parties. Typically, one party is given primary physical custody of the children when joint custody is awarded. Certain "red-flags", such as drug and alcohol abuse or evidence of domestic violence between the parents, may influence the judge's decision. Before or during the custody hearing the judge may appoint a lawyer called a guardian ad litem (GAL) to represent the children in the case and make custody recommendations to the court based

on the GAL's investigation of the circumstances. The appointment of a GAL can be especially helpful in cases where domestic violence causes custody disputes.

You may file a court petition for child support. Alternatively, you may have your child support case handled by the Division of Child Support Enforcement (DCSE). The Division of Child Support Enforcement (DCSE) is a part of the Department of Social Services. DCSE works in partnership with the Federal Office of Child Support Enforcement and other State agencies. The actions of DCSE are based on federal and state law. The primary goal of DCSE is to work with parents and guardians to help establish and receive financial and medical support for the benefit of the children.

*"Many survivors insist they're not courageous: 'If I were courageous I would have stopped the abuse.' 'If I were courageous, I wouldn't be scared'...Most of us have it mixed up. You don't start with courage and then face fear. You become courageous because you face your fear." ~ Laura Davies*

DCSE tries to establish support by administrative decision, instead of going to court, and will do most of the work for you. They will also be with you in court on support if necessary. Because DCSE has lots of cases, the delay can be a problem – but but delays are common with courts.

DCSE is empowered by the state to direct the non-custodial parent to pay support and is authorized to enforce the support obligation through a variety of mechanisms including locating the absent parent, establishing paternity, obtaining an order of support, asking an employer to withhold wages for payment of support, etc.

To learn what DCSE can do for you and apply for services visit <https://mychildsupport.dss.virginia.gov/>.

In considering a spousal support petition the judge's decision will be based on you and your spouse's income, daycare expense, healthcare expense, and other factors.



*"The question, 'Why does she stay?' is code for some people for, 'It's her fault for staying,' as if [domestic violence] victims intentionally choose to fall in love with men intent upon destroying us." ~ Leslie Morgan Steiner*

### **Divorce in Virginia**

Virginia's circuit courts recognize two types of divorce filings, fault and no-fault.

Fault grounds for divorce include desertion, adultery, and cruelty amounting to constructive desertion. A fault-based divorce can be procedurally difficult and generally requires the assistance of an attorney.

In contrast, a no-fault, or uncontested divorce, is less procedurally difficult and requires you to prove comparatively little:

- You and your spouse must have been separated for at least a year; or
- If you and your spouse do not have any minor children together, have been separated for at least six months, AND you have both signed a Separation Agreement. Generally,

people hire an attorney to help them with the Separation Agreement. It is possible to file your own uncontested divorce successfully without a lawyer. This is particularly significant for people with low incomes. Virginia's legal aid lawyers have developed an interactive website for use by Virginians who cannot afford to hire an attorney to help them.

The website can be used to learn whether someone's circumstances are appropriate for filing their own uncontested divorce; it collects and organizes information on pleadings that can be printed and filed as a divorce action in a Virginia circuit court; and provides a step-by-step guide to the process. To access this and more information related to divorce, separation, support, etc. visit <https://www.valegalaid.org/divorce>.



Domestic violence causes far more pain than the visible marks of bruises and scars. It is devastating to be abused by someone that you love and think loves you in return. It is estimated that approximately 3 million incidents of domestic violence are reported each year in the United States.

- Dianne Feinstein



"Please know that you can get out and it will not always be an easy road, and it will be lonely at times. But it only gets better, life is too beautiful to live it trapped and abused and hiding under the shame of it all." — Overcoming the Stigma of Intimate Partner Abuse

## RESOURCES

**\*\*IMMEDIATE DANGER: 9-1-1\*\***

Council of Community Services  
Information and Referral service  
Call: 2-1-1

Bedford Domestic Violence Services  
Support, Education, and Advocacy:  
(540) 587-0970  
Toll Free: 1-877-656-1984

Franklin County Family Resource Center  
Support, Education, and Advocacy:  
(540) 483-5088  
24-hour hotline: (540) 483-1234

TAP (Total Action for Progress)  
Domestic Violence Services  
Support, Education, and Advocacy:  
(540) 283-4813  
24-hour hotline: (540) 580-0775

Turning Point Domestic Abuse Shelter:  
(540) 345-0400

SARA Roanoke (Sexual Assault Response &  
Awareness) Support, Education, and Advocacy:  
(540) 345-7273  
24-hour hotline: (540) 981-9352

Virginia Statewide Domestic Abuse Hotline  
Toll Free: 1-800-838-8238

National Domestic Abuse Hotline  
Toll Free: 1-800-799-SAFE (7233)

National Sexual Assault Hotline  
Toll Free: 1-800-656-HOPE (4673)

National Human Trafficking Hotline  
Toll Free: 1-800-373-7888

# LEGAL AID SOCIETY of Roanoke Valley



ACCESS TO JUSTICE

IMMEDIATE DANGER RESOURCES

## **The Legal Aid Society of Roanoke Valley**

132 Campbell Ave. SW, Suite 200  
Roanoke, VA 24011  
(540) 344-2087; fax (540) 342-3064  
[www.lasrv.org](http://www.lasrv.org)

This booklet has been prepared for general information purposes only. The information in this booklet is not legal advice. Legal advice is dependent upon the specific circumstances of each situation.

The Legal Aid Society of Roanoke Valley is a 501(c)3 non-profit organization EIN 54-0856327. Contributions are tax exempt to the extent of the IRS laws and can be mailed to 132 Campbell Ave SW, Suite 200, Roanoke, VA 24011. Financial information is available by request and is posted on Guidestar.

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