



Accessing Court for Family Law Issues during the COVID-19 Crisis

(updated April 2, 2020)

Currently the courts are only open for emergency cases. Cases that are not considered emergencies will be continued (rescheduled). Many courts are holding telephone or video hearings. Local courts may have their own policies. Please contact your local court through <http://courts.state.va.us/> to see what their policy is.

What court cases are considered emergencies?

1. Emergency Criminal Matters (such as arraignments, bail reviews, certain other matters where the defendant is in jail). If you are a victim or a witness in a criminal case that has not been heard yet, the Commonwealth Attorney's Office should get in contact with you regarding new court dates for these hearings. You may want to contact the Victim/Witness Advocates in the Commonwealth Attorney's Office to make sure they have your current contact information (phone numbers, emails, street address)
2. Protective Orders
 - *Emergency Protective Orders (EPO)*. If someone has physically injured you on purpose, you or the police may ask a Magistrate for an EPO. EPOs usually last up to 72 hours. Check the expiration date: if you believe you will need more protection after your EPO expires, ask the Magistrate what to do.
 - *Preliminary Protective Orders (PPO)*. If the person who injured you on purpose is your spouse/ex-spouse, boyfriend/girlfriend who lived in the same house with you during the past 12 months, a family member, or the other parent of your child, you may ask the judge of your local Juvenile and Domestic Relations (JDR) Court for a PPO. First, you must contact your local Court Services Unit (CSU), <http://www.djj.virginia.gov/pages/community/court-service-units.htm>, to fill out paperwork. Ask your CSU if you may use the I-CAN! Program, <https://www.vacourtformhelp.courts.state.va.us/>, to complete paperwork for your PPO from JDR court or if you must make other arrangements. If the person who injured you on purpose is NOT your spouse/ex-spouse, boyfriend/girlfriend who lived in the same house with you during the past 12 months, a family member, or the other parent of your child, you must ask the judge of your local General District Court (GDC) for a PPO. You may use the I-CAN! Program, <https://www.vacourtformhelp.courts.state.va.us/>, to complete paperwork for your PPO from GDC. You must print out your documents and file them with the Clerk of your local GDC. If a judge gives you a PPO, it will last up to 15 days or up to the day the "full" Protective Order (PO) hearing is scheduled.
 - *"Full" or up-to-2-year Protective Orders (PO)*. At this hearing, you and the person who injured you on purpose will have a chance to explain to the judge what happened and why you should get a "full" or up-to-2-year PO.

3. Child Protective Orders or Emergency Child Custody

- If you believe your child's life or health is in immediate danger due to the actions of the other parent or someone in the child's household, you may file a petition for a Child Protective Order. You may also check to see if your local court will hear Emergency Child Custody petitions or will consider a change in your custody order because you believe your child is in immediate danger. A court may order a parent to take protective measures to prevent the child from getting sick. **Remember that judges still determine what they consider an emergency.**

If you're needing assistance related to domestic violence, custody, child protective services, separation and divorce:

- Call Southwest Virginia Legal Aid Society at 1-888-201-2772.
- Visit: <https://www.swvlegalaid.org/familylaw> for more information.
- Visit www.valegalaid.org for legal information for more information related to domestic violence, custody, child protective services, separation and divorce and to locate the legal aid office that serves your area in Virginia.

This is general legal information, not legal advice about a specific case. If you have questions or want advice about your individual case, please contact legal aid at the phone number listed above.