

# **DVS1001W: Understanding Domestic Violence Webinar HANDOUTS**



VIRGINIA DEPARTMENT OF  
SOCIAL SERVICES

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## **DEFINITIONS**

**DOMESTIC VIOLENCE:** A pattern of abusive behaviors used by one individual, intended to exert power and control over another individual in the context of an intimate relationship.

**INTIMATE PARTNER VIOLENCE:** Physical, sexual, or psychological harm by a current or former partner or spouse

**PROTECTIVE ORDER:** A civil court order intended to protect the health and safety of the petitioner and family or household members of the petitioner. See § 16.1-279.1 of the Code of Virginia for protective orders in cases of family abuse; § 16.1-253.4 for emergency protective orders; and § 16.1-253.1 for preliminary protective orders in cases of family abuse.

**SAFETY PLAN:** A plan developed with DV victims to increase safety for both the individual and children. The safety plan addresses both immediate and long-term safety threats to both DV victims and their children and takes into consideration the specific pattern of abuse, DV perpetrators' tactics, and the protective factors of DV victims, children and community.

**SCREENING:** A brief, routine process designed to identify indicators, or “red flags,” for the presence of DV issues that reflect an individual’s need for safety planning and for alternative types of services that may include the involvement of a local DVP. Screening may include a brief interview or the use of self-report instruments.

**VICTIM/SURVIVOR:** The intimate partner at whom the DV perpetrator’s pattern of abusive and coercive behavior is directed.

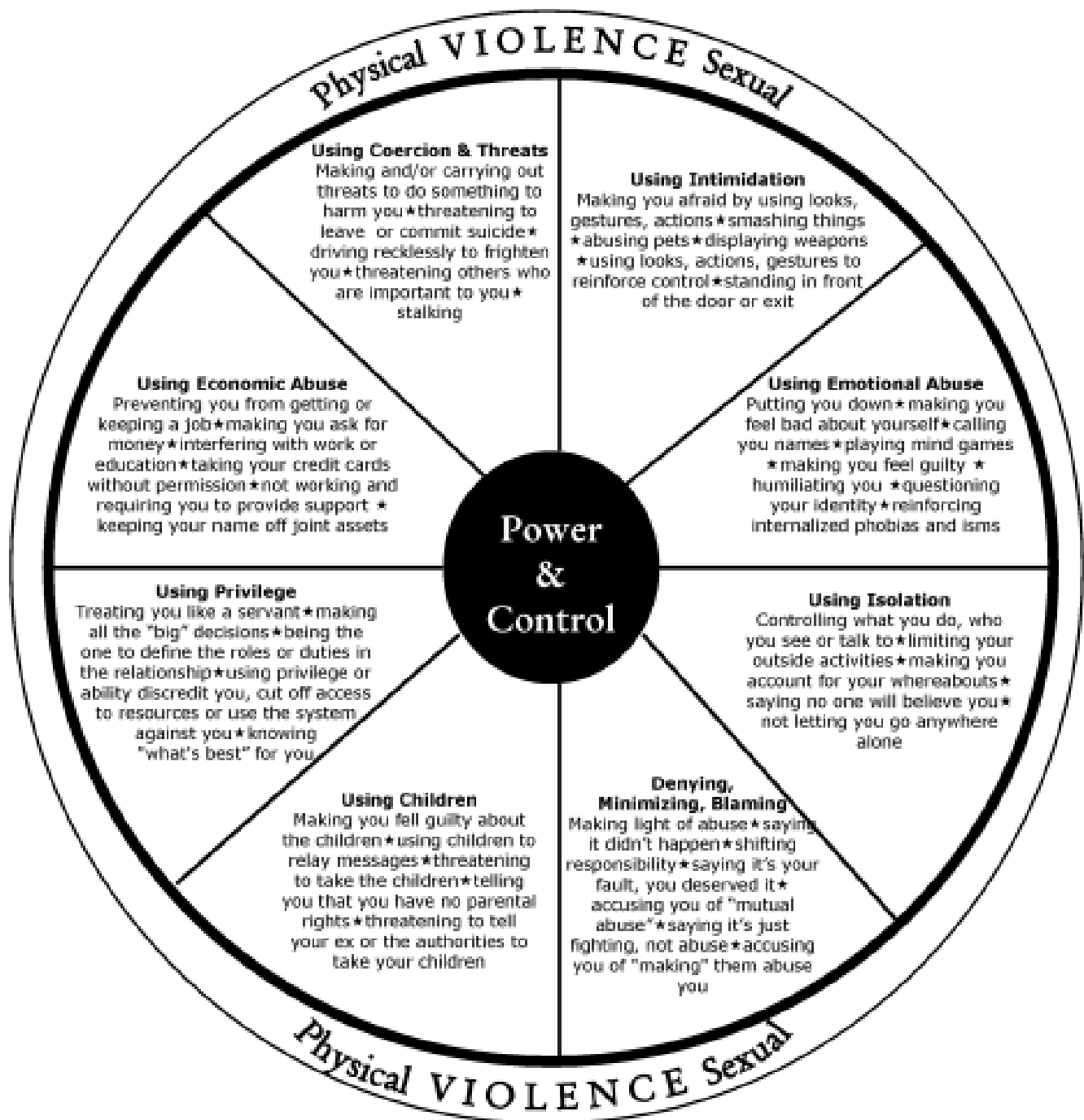
**CONTINUUM EXERCISE**

**\*With your group, reorganize this list from least to most harmful actions\***

- |                                     |  |
|-------------------------------------|--|
| 1. Refusal to help clean the house  | 19. Acts as a interpreter with law enforcement |
| 2. Name-calling                     | 20. Punched in the arm                         |
| 3. Isolated from family             | 21. Threatens with weapons                     |
| 4. Threatens to smash wheel chair   | 22. Stabbed                                    |
| 5. Silent treatment                 | 23. Destroys photo album                       |
| 6. Calls at work 10 times a day     | 24. Controls money                             |
| 7. Thrown down the stairs           | 25. Sexist jokes                               |
| 8. Black Eye/Facial Bruises or Cuts | 26. Cuts up clothes                            |
| 9. Slapped                          | 27. Mind games/gaslight treatment              |
| 10. Kicked                          | 28. "The look"                                 |
| 11. Suicide                         | 29. Controlling access to phone and internet   |
| 12. Rape                            | 30. Sharing intimate photos                    |
| 13. Murder                          | 31. Stalking                                   |
| 14. Threatens to hurt children      | 32. Threatening deportation                    |
| 15. Harms pets                      | 33. Threatening to "out" partner               |
| 16. Being treated like a servant    | 34. Withholding medication                     |
| 17. Isolated from friends           |  |
| 18. Destroys important papers       |  |

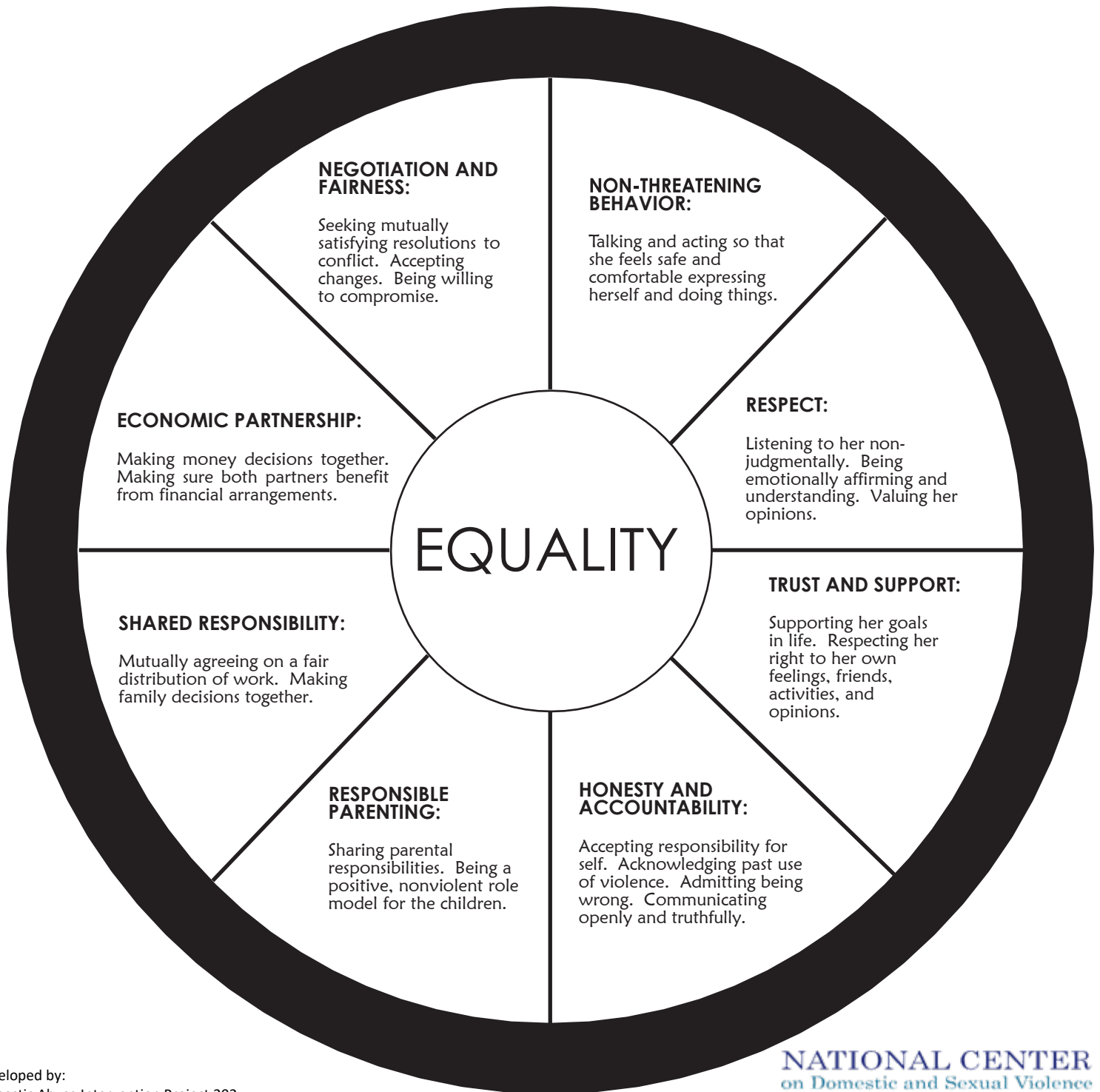
## POWER AND CONTROL WHEEL

# Power and Control Wheel



*Adapted from the Domestic Abuse Intervention Project  
Duluth, Minnesota*

## EQUALITY WHEEL



Developed by:  
Domestic Abuse Intervention Project 202  
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Produced and distributed by:

**NATIONAL CENTER**  
on Domestic and Sexual Violence  
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## PROTECTIVE ORDERS (§ 19.2-152.8 through 152.10)

### **Emergency Protective Orders: (§ 19.2-152.8)**

Any judge of a circuit court, general district court, juvenile and domestic relations district court or magistrate may issue a written or oral ex parte emergency protective order pursuant to this section in order to protect the health or safety of any person. See district court form DC-382, EMERGENCY PROTECTIVE ORDER. An emergency protective order should be issued when a law-enforcement officer or an alleged victim asserts under oath to a judge or magistrate that such person is being or has been subjected to an act of violence, force or threat and on that assertion or other evidence the judge or magistrate finds that (i) there is probable danger of a further such act being committed by the respondent against the alleged victim or (ii) a petition or warrant for the arrest of the respondent has been issued for any criminal offense resulting from the commission of an act of violence, force or threat. The protective order can impose one or more of the following conditions: 1. Prohibiting acts of violence, force, or threat or criminal offenses resulting in injury to person or property; 2. Prohibiting such contacts by the respondent with the alleged victim or the alleged victim's family or household members, including prohibiting the respondent from being in the physical presence (includes (i) intentionally maintaining direct visual contact with the petitioner or (ii) unreasonably being within 100 feet from the petitioner's residence or place of employment) of the alleged victim or the alleged victim's family or household members, as the judge or magistrate deems necessary to protect the safety of such persons; 3. Such other conditions as the judge or magistrate deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the respondent; and 4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500. A law enforcement officer may request an emergency protective order orally, in person or by electronic means. Virginia Code § 16.1-264 provides that a law-enforcement officer may affect service of an emergency protective order by personally serving the respondent with a notification of the issuance of the order. The notice, district court form DC-373 Notice of Issuance of Emergency Protective Order, must contain the necessary information and the requirements of the emergency protective order. The officer making service shall enter or cause to be entered the information into the Virginia Criminal Information Network (VCIN) and make due return to the court. Upon issuance of an emergency protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

### **Preliminary Protective Orders and Protective Orders: (§ 19.2-152.9 & § 19.2-152.10)**

If the person involved comes within the jurisdiction of the juvenile court, a district court form DC-383, PETITION FOR PROTECTIVE ORDER may be filed. If the party

seeking protection is a juvenile, the case should be styled as “\_\_\_\_\_, a minor, by his/her next friend, \_\_\_\_\_ v. \_\_\_\_\_” (E.g. “Suzy Q Smith, a minor, by her next friend, Steve Smith v. Bobby Brown”). The juvenile's name should appear first, followed by an indication that it is being filed by a next friend, then followed by the next friend's name. The names of the parents of any minor (petitioner by next friend or respondent), need to be provided, along with addresses, by the intake office, as notice to the parents is required. The information for service may be provided on the DC-511 or another addendum. Upon the filing of a petition alleging that (i) the petitioner is or has been, within a reasonable period of time, subjected to an act of violence, force or threat, or (ii) a petition or warrant has been issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act of violence, force or threat, the court may issue a preliminary protective order against the alleged perpetrator in order to protect the health and safety of the petitioner or any family or household member of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the petition is supported by an affidavit or sworn testimony before the judge or intake officer. If an ex parte order is issued without an affidavit or a completed form as prescribed by subsection D of § 19.2-152.8 being presented, the court, in its order, shall state the basis upon which the order was entered, including a summary of the allegations made and the court's findings.

Immediate and present danger of any act of violence, force or threat or evidence sufficient to establish probable cause that an act of violence, force or threat has recently occurred shall constitute good cause. This order is entered using district court form DC-384, PRELIMINARY PROTECTIVE ORDER. It is essential that these tasks be undertaken promptly so that there will be no lapse in the protection to be afforded the petitioner. At a full hearing on the petition, the court may issue a protective order pursuant to § 19.2- 152.10 if the court finds that the petitioner has proven the allegation that the petitioner is or has been, within a reasonable period of time, subjected to an act of violence, force or threat by a preponderance of the evidence. This order is entered using district court form DC-385, PROTECTIVE ORDER. A protective order may be issued for a specified period of time, with a maximum of two years, subject to the following exception: upon conviction for an act of violence as defined in § 19.2-297.1 and upon the request of the victim or of the attorney for the Commonwealth on behalf of the victim, the court may issue a protective order to the victim pursuant to this chapter to protect the health and safety of the victim for any reasonable period of time, including up to the lifetime of the defendant, that the court deems necessary to protect the health and safety of the victim. Upon a conviction for violation of a protective order issued pursuant to this exception, the court that issued the original protective order may extend the protective order as the court deems necessary to protect the health and safety of the victim. Either party may at any time file a written motion with the court requesting a hearing to dissolve or modify the order. Proceedings to modify or dissolve a protective order shall be given precedence on the docket of the court. Upon petitioner's motion to dissolve the protective order, a dissolution order may be issued ex parte by the court

with or without a hearing. If an ex parte hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

Upon issuance of a preliminary protective order or protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases. An appeal of a protective order issued pursuant to this section shall be given expedited review by the Court of Appeals. Note: If the court is closed pursuant to §§ 16.1-69.35 or 17.1-207 and the closure prevents the hearing from being held within such time period, in which case the hearing shall be held on the next day not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. If such court is closed pursuant to §§ 16.1-69.35 or 17.1-207, the preliminary protective order shall remain in full force and effect until it is dissolved by such court, until another preliminary protective order is entered or until a protective order is entered. A criminal conviction of stalking/sexual battery pursuant to Va. Code § 18.2-60.3 will REQUIRE the court to issue an order prohibiting contact between the defendant and the victim, victim's family, or household member.

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**Reference:** Office of the Executive Secretary. (2020, July). *Juvenile & Domestic Relations District Court Manual*. Chapter 8 - Protective Orders. Retrieved from <https://www.vacourts.gov/courts/jdr/resources/manuals/jdrman/chapter08.pdf>.



	<b>EMERGENCY</b> <b>(Va. Code 16.1-253.4)</b> <b>&amp;</b> <b>(Va. Code 19.2-152.8)</b>	<b>PRELIMINARY</b> <b>(Va. Code 16.1-253.1)</b> <b>&amp;</b> <b>(Va. Code 19.2-152.9)</b>	<b>“PERMANENT”</b> <b>(Va. Code 16.1-279.1)</b> <b>&amp;</b> <b>(Va. Code 19.2-152.10)</b>
<b>Who can request it?</b>	Law enforcement officer or victim	Victim	Victim
<b>Who is a “law-enforcement officer” for these purposes?</b>	Full-time or part-time employee of a police department or sheriff’s office which is part of or administered by the Commonwealth or a political subdivision thereof and who is responsible for prevention, detection and enforcement. Certain auxiliary officers are included, as well as any special conservator of the peace who meets the certification requirements for a law-enforcement officer as set forth in § 15.2-1706. Part time means compensated officers who are not full-time as defined by the employer.	N/A	N/A
<b>What is the purpose of the order, according to the Virginia Code?</b>	To protect the health or safety of any person.	To protect the health and safety of the petitioner or any family, or household member of the petitioner.	To protect the health and safety of the petitioner or any family or household member of the petitioner.
<b>Who can issue it?</b>	Judge or magistrate	Judge	Judge
<b>Where to petition for it?</b>	Magistrate, J&DR Court, General District Court or Circuit Court	J&DR Court, General District Court or Circuit Court	J&DR Court, General District or Circuit Court
<b>Is there a time limit?</b>		File -within a reasonable period of Time.	Issued after a hearing held 15 days after issuance of preliminary protective order.

	<b>EMERGENCY</b> <b>(Va. Code 16.1-253.4)</b>	<b>PRELIMINARY</b> <b>(Va. Code 16.1-253.1)</b>	<b>“PERMANENT”</b> <b>(Va. Code 16.1-279.1)</b>
<b>If victim left premises to avoid danger, can victim still get the order?</b>	Yes	Yes	Yes
<b>How is it requested?</b>	If by victim, in person; OR if by law enforcement officer, orally, in person or by electronic means	By victim in person and by written petition.	By victim in person and by written petition.
<b>Can it be issued without a hearing (ex parte)?</b>  <b>On what grounds is it issued?</b>	Yes; issued when law-enforcement officer or victim asserts under oath to judge or magistrate, and on that assertion or other evidence the judge or magistrate finds: (i) a warrant for criminal assault and battery against a family or household member (18.2-57.2) has been issued and there is probable danger of further acts of family abuse against a family or household member by the respondent; or (ii) reasonable grounds exist to believe that respondent has committed family abuse and there is probable danger of a further such offense by respondent against a family or household member.	Yes; upon good cause shown when the petition is supported by an affidavit or sworn testimony before the judge or intake officer. Immediate and present danger of family abuse, or evidence sufficient to establish probable cause that family abuse has recently occurred, shall constitute good cause. The order must specify a date for a full hearing, to be held within 15 days of issuance or preliminary order.  If an ex parte order is issued without an affidavit or a completed form as prescribed by subsection D of § 16.1-253.4 being presented, the court, in its order, shall state the basis upon which the order was entered, including a summary of the allegations made and the court's findings.	No; must be full hearing. Issued if court finds petitioner has proven allegation of family abuse by a preponderance of the evidence.

	<b>EMERGENCY</b> <b>(Va. Code 16.1-253.4)</b>	<b>PRELIMINARY</b> <b>(Va. Code 16.1-253.1)</b>	<b>“PERMANENT”</b> <b>(Va. Code 16.1-279.1)</b>
<b>What can you ask for?</b>	Prohibit acts of abuse; prohibit contact with family or household members; grant possession of premises to family or household member and exclude the respondent (does not affect title to property); grant possession of any companion animal if the petitioner meets the definition of owner of the animal.	Prohibit acts or abuse; prohibit contacts between the parties; prohibit contacts with victim; grant petitioner possession of premises and exclude respondent (does not affect title to property); grant petitioner temporary possession of jointly owned motor vehicle or petitioner’s own motor vehicle and exclude respondent (does not affect title); or require respondent to provide suitable alternative housing for victim and any other family or household member, where appropriate; any other relief necessary for the protection of the petitioner and family or household members of the petitioner.	Prohibit acts of abuse; prohibit contacts by respondent with petitioner or family or household members of the petitioner as court deems necessary; grant petitioner possession of residence and exclude respondent (does not affect title to property); grant petitioner temporary possession of jointly owned motor vehicle or petitioner’s own motor vehicle and exclude respondent (does not affect title); require respondent to provide suitable alternative housing for victim and any other family or household member; order respondent to participate in treatment, counseling or other programs; or any other relief necessary for the protection of the petitioner and family or household members of the petitioner, including a provision for temporary child custody or visitation; temporary support for any children of petitioner that respondent has duty to support.

<b>How long lasting?</b>	72 hours after issuance; but if that would be when court is not in session, EPO shall be extended until 5pm of next business day that J&DR court is in session; also, law-enforcement can seek <i>further</i> extension (of the same duration) on behalf of incapacitated person.	Up to 15 days; however, on respondent's motion and for good cause shown, the court may continue the hearing; the order shall remain in effect until the hearing.	Up to 2 years. Victim can file to extend it an additional 2 years before the order expires. There is no limit on the number of extensions that can be granted. Can be issued for any reasonable period of time pursuant to § 19.2-152.10(c) to protect the health and safety of the victim. (Va. Code 19.2-152.10)
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	<b>EMERGENCY</b> <b>(Va. Code 16.1-253.4)</b>	<b>PRELIMINARY</b> <b>(Va. Code 16.1-253.1)</b>	<b>"PERMANENT"</b> <b>(Va. Code 16.1-279.1)</b>
<b>Must the order be in writing?</b>	Can be oral or written. If it is issued orally, it must be reduced to writing on an approved, preprinted form by the law enforcement officer or by the magistrate. Must include a statement of grounds for the order asserted by officer or victim.	Yes	
<b>Is evidence of wrongdoing?</b>	No	Only if hearing held	Yes
<b>Enforcement out of state?</b>	No	If notice and hearing	Yes
<b>Who gets copies of order?</b>	Respondent is served with a copy; victim is supposed to get a copy (but to be sure, she should ask); one copy is filed with officer's written report; original is verified and filed with clerk or J&DR Court within 5 business days of the issuance of the order; the primary law enforcement agency responsible for service and entry of protective orders	Respondent served; victim, but only if she asks; attested copy filed with local police department or sheriff's office.	A copy is to be served on respondent and copy provided to petitioner as soon as possible. Attested copy filed with local police department or sheriff's office.

<b>When is it effective?</b>	When alleged abuser is personally served.	When alleged abuser is personally served.	Immediately if respondent and/or attorney is present; otherwise, most judges re-issue preliminary order and schedule new hearing.
<b>When is it entered into the Virginia Criminal Information Network</b>	Information is entered into VCIN upon receipt of the order by the local law-enforcement agency for service on respondent. Court may do so electronically where feasible and practical. After service, agency enters date and time of service into VCIN.	Information is entered into VCIN upon receipt of the order by the local law-enforcement agency for service on respondent. Court may do so electronically where feasible and practical. After service, agency enters date and time of service into VCIN.	The name of the person subject to the order, and any other appropriate information required by the Department of State Police, shall be entered by local police department or sheriffs office into VCIN on the date of receipt of attested copy of the order from the J&DR court clerk.

	<b>EMERGENCY (Va. Code 16.1-253.4)</b>	<b>PRELIMINARY (Va. Code 16.1-253.1)</b>	<b>“PERMANENT” (Va. Code 16.1-279.1)</b>
<b>What are respondent’s rights?</b>	Can at any time file a motion to request a hearing to dissolve or modify the order. That hearing is to be given preference on the court docket.	Either party can at any time file a motion to request a hearing to dissolve or modifying the order. That hearing is to be given preference on the court docket.	<p>Either party can at any time file a written motion to request a hearing to dissolve or modify the order. That proceeding is to be given preference on the court docket.</p> <p>Respondent also has the right to be notified of the permanent protective order hearing and has the right to be present to defend himself/herself at the hearing.</p>

<p><b>What are the consequences for violation of no-abuse or no-contact provisions of the order?</b></p>	<p>Violator of -no contact/no trespass provision is guilty of a Class 1 misdemeanor. If respondent commits an assault and battery against a protected party, resulting in serious injury, or furtively enters the home of any protected party while the party is present, or enters and remains in the home of the protected party until the party arrives, is guilty of a Class 6 felony.</p> <p>A violation of a protective order shall constitute contempt of court.</p>	<p>Violator of -no contact/no trespass provision is guilty of a Class 1 misdemeanor. If respondent commits an assault and battery against a protected party, resulting in serious injury, or furtively enters the home of any protected party while the party is present, or enters and remains in the home of the protected party until the party arrives, is guilty of a Class 6 felony.</p> <p>Violation is also contempt of court. Va. Code 16.1-253.1</p>	<p>Any person who violates any provision of a protective order issued pursuant to §§ <a href="#">16.1-253</a>, <a href="#">16.1-253.1</a>, <a href="#">16.1-253.4</a>, <a href="#">16.1-278.14</a>, <a href="#">16.1-279.1</a> or subsection B of § <a href="#">20-103</a>, which prohibits such person from going or remaining upon land, buildings or premises or from further acts of family abuse, or which prohibits contacts between the respondent and the respondent's family or household member as the court deems appropriate is guilty of a Class 1 misdemeanor. Any person convicted of a 2<sup>nd</sup> offense of violating a protective order, when the offense is committed within 5 years of the prior conviction <u>and</u> when either the instant or prior offense was based on an act or threat of violence, must serve a mandatory minimum term of confinement of 60 days.</p> <p>If the respondent commits an assault and battery upon any party protected by the protective order, resulting in serious bodily injury to the party, he is guilty of a Class 6 felony. Any person who violates such a protective order by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty provided by law.</p> <p>Violation is also contempt of court. Va. Code 16.1-279.1</p>
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## **CASE STUDY – ONYA AND JASON**

Onya and Jason were high school sweethearts. When they graduated high school, they went to the same college. Jason proposed their last year of college, and they were married shortly after graduation. Although Jason had a pretty bad temper, he had never been violent towards Onya. After the wedding, everything changed.

Onya desperately wanted to have a child, and although Jason wasn't quite ready, he agreed. It began with Jason telling her she was fat and that she was gaining too much weight during her pregnancy. Onya didn't feel very good about herself, and often would not want to have sex when Jason initiated it, and he would get angry. On several occasions, he forced her to have sex with him. This was not the same person Onya married, but she couldn't imagine her life without him. So she tried so hard to make Jason happy by not going against his word.

But things just kept getting worse, and one day -he lost it. He pushed her down the stairs in the heat of an argument. Onya was 7 months pregnant. Jason called 911 and said she had tripped and fallen down the stairs. She almost lost the baby. Jason was so upset; he apologized profusely and swore he would never lay a hand on her again. Things were good for a while. Their son was born and Jason was great with him.

Once the baby started crawling and walking and was getting into things, though, Jason's violent behavior returned. He would yell at Onya for letting the baby get into everything. He would spank their baby on these occasions. If Onya questioned his actions, Jason would get angry. Jason became very distant.

One day, Jason came home drunk and began to argue with Onya about the bills and the fact that she was staying at home to take care of the baby. When she tried to convince him that it was his idea that she stay at home, he began to beat her with his fists. He punched her in the ribs, chest, and back several times. Out of frustration and to defend her baby, she grabbed the umbrella stroller and swung it at Jason's head, hitting him and knocking him out.

The neighbors heard the ruckus and called the police. This was the first time any of the neighbors had called the police, even though they knew of the violence in the relationship. The police arrive while Jason is waking up. The EMTs are called to the scene to provide emergency treatment to Jason. The police interrogated both Onya and Jason. Fearing for the child's safety, they called child protective services to the scene.

**Discussion Questions:**

1. Who was the predominant aggressor?
2. Should Jason be arrested? Why or why not?
3. What are the ramifications for the family if Jason is arrested?
4. Should Onya be arrested? Why or why not?
5. What are the ramifications for the family if Onya is arrested?
6. What should child protective services do in this situation?
7. Should Onya get a protective order? How does she go about getting it?
8. What would be some drawbacks of getting the protective order?