

Ensuring Effectiveness of Protective Orders in Virginia: Community Assessment Tool

	Actions	Strength	Challenge	Priority	Notes
Civil/Legal Services Attorneys					
1	Victims with limited financial resources have access to free and/or affordable civil legal representation in connection with protective order hearings.				
2	Formalized pro bono legal services are available to all victims in connection with protective order hearings.				
3	Legal services are available to qualifying victims, including those with limited English proficiency, advanced age, cultural barriers, or disabilities.				
4	Civil attorneys follow the American Bar Association's (ABA) Standards of Practice for Lawyers Representing Victims of Domestic Violence, Sexual Assault and Stalking in Civil Protection Order Cases.				
5	Civil attorneys receive training on the dynamics of domestic violence, safety planning, lethality assessment, and updates on current laws.				
6	Civil attorneys routinely ask the court to address custody, visitation, and child support issues through the protective order process, if requested to do so by victims.				
7	Civil attorneys work closely with, or refer victims to, victim advocates to assist clients with safety planning.				
8	Civil attorneys explain court procedures thoroughly to ensure clients understand the protective order process and what to expect in court.				
9	Civil attorneys work with clients, advocates, law enforcement, and court security personnel to ensure client safety before, during, and after protective order hearings.				
10	Civil attorneys routinely inform the court of the respondent's access to or possession of firearms or concealed weapons permit.				
11	Civil attorneys routinely seek enforcement of protective orders through the contempt process for violations of economic or custody provisions.				
12	Civil/legal aid attorneys participate in the local coordinated community response team.				

Ensuring Effectiveness of Protective Orders in Virginia: Community Assessment Tool

	Actions	Strength	Challenge	Priority	Notes
Commonwealth's Attorney's Office					
13	The Commonwealth Attorney's Office routinely prosecutes criminal violations of protective orders.				
14	The Commonwealth Attorney's Office, utilizing their broad discretion, carefully assesses each domestic violence case to ensure that they do not prosecute "victims" of domestic violence.				
15	The Commonwealth Attorney's Office makes information on protective orders readily available for victims who are pursuing criminal charges.				
16	The Commonwealth Attorney's Office prosecutes violations of protective orders that comply with federal full faith and credit requirements.				
17	The Commonwealth Attorney's Office utilizes evidence-based prosecution where appropriate.				
18	The Commonwealth Attorney's Office regularly provides training to law enforcement on issues relevant to effective evidence collection in domestic violence cases.				
19	All local prosecutors receive annual training on: <ul style="list-style-type: none"> • Protective Orders/Criminal provisions • Dynamics of domestic/family violence • Federal and State Firearms provisions of protective orders • Prosecution of violations of protective orders 				
20	The Commonwealth Attorney's Office has and maintains a relationship with the corresponding Federal Alcohol, Tobacco and Firearms personnel and/or U.S. Attorney's Office in order to cooperate on prosecuting violations of federal firearms prohibitions.				
21	The Commonwealth Attorney's Office regularly prosecutes violations of state firearms laws and routinely inquires about, and where appropriate, pursues investigations of perpetrators' access to firearms.				

Ensuring Effectiveness of Protective Orders in Virginia: Community Assessment Tool

	Actions	Strength	Challenge	Priority	Notes
Community Corrections and Batterer Intervention Programs					
22	Local community-based probation services agencies routinely provide evaluation and assessment services to determine a respondent's education and/or treatment needs and to communicate those needs to the court.				
23	Local community-based probation services agencies monitor the respondent's completion of education, treatment, and/or counseling programs ordered by the court, including Batterer Intervention Programs, and have a formalized mechanism for informing the court of the respondent's completion of such programs.				
24	A mechanism exists for monitoring the respondent's compliance with education, treatment, and/or counseling programs ordered by the court in protective order proceedings.				
25	There are Certified Batterer Intervention Programs available in the community.				
26	Local Batterer Intervention Programs routinely communicate with the court and local community-based probation services agencies regarding the respondents' completion of a court-ordered Batterer Intervention Program.				
27	Local programs exist to meet the needs of female respondents.				
28	Local programs exist to meet the needs of youth offenders.				
29	Local Batterer Intervention Programs provide services to respondents with Limited English Proficiency (LEP).				
30	Local community-based probation services professionals routinely receive training on the dynamics of domestic violence, safety planning, lethality assessment, predominant aggressor, and updates on current laws.				

Ensuring Effectiveness of Protective Orders in Virginia: Community Assessment Tool

	Actions	Strength	Challenge	Priority	Notes
Community Practice and Prevention					
31	City and county government officials have committed resources to community efforts to address domestic and sexual violence in the community.				
32	There is an established Fatality Review Team that regularly reviews domestic and family violence fatalities and makes prevention recommendations to the appropriate city or county leadership. (See VA Code §32.1-283.3)				
33	There are representatives from City or County Government represented on the CCR Team.				
34	City and county government are regularly apprised of the local domestic/sexual violence statistics and see DV/SV as an issue that is relevant to their work.				
35	There is a Coordinated Community DV/SV Prevention Initiative in the community.				
36	Local Primary, Middle and High Schools have education programs on dating, domestic and sexual violence.				

Ensuring Effectiveness of Protective Orders in Virginia: Community Assessment Tool

	Actions	Strength	Challenge	Priority	Notes
Coordinated Community Response (CCR) Teams					
37	There is an active DV/SV CCR Team that meets at least quarterly.				
38	The Team has a defined purpose related to reviewing and enhancing local policy and procedure.				
39	Team participants know the purpose of the Team and have a shared vision.				
40	The Team has a structure that includes shared responsibility for convening meetings, agendas development and meeting facilitation.				
41	The Team structure includes defining responsibility for recording group decisions, directions and recommendations for changes in local policy and procedure.				
42	The Team annually reviews the overall system of DV/SV response for capacity to work with unserved, underserved or newly identified populations in need of services.				
43	<p>The Team is made up of the following representatives at a minimum:</p> <ul style="list-style-type: none"> • Commonwealth Attorney's Office • Community Corrections • Defense Bar • Health Care Providers/Public Health • Juvenile & Domestic Relations Court Clerk • Juvenile & Domestic Relations Courts Judge • Juvenile & Domestic Relations Intake • Legal Aid • Local Batterers Intervention Program • Local Community Services Board/ Mental Health • Local Department of Social Services • Local Domestic Violence/Sexual Violence Agency • Local law enforcement • Magistrate • Military Representatives • Representatives from local government • Representatives of underserved populations • State Police Representative • Victim/Witness Office 				

Ensuring Effectiveness of Protective Orders in Virginia: Community Assessment Tool

Actions	Strength	Challenge	Priority	Notes
Court Safety				
44				
45				
46				
47				
48				
49				

Ensuring Effectiveness of Protective Orders in Virginia: Community Assessment Tool

	Actions	Strength	Challenge	Priority	Notes
Domestic/Sexual Violence Agency					
50	There is an Accredited Domestic/Sexual Violence Agency available to victims and their children within a reasonable distance to the center of the local jurisdiction. (To view Accreditation Criteria go to www.vsdvalliance.org)				
51	Members of the CCR are informed about the range of services offered by the local Domestic/Sexual Violence Agency.				
52	The contact information for the Domestic/Sexual Violence Agency is well publicized throughout the community.				
53	The Domestic/Sexual Violence Agency provides court advocacy and court accompaniment services for victims both in the community and those who utilize and receive shelter services.				
54	The Domestic/Sexual Violence Agency Advocates assist victims in obtaining and having their protective orders enforced in ways that prioritize victim safety, restoration and autonomy.				
55	The DV CCR Team is made aware of the shelter turn away rate for the Domestic Violence Agency annually.				
56	The Domestic/Sexual Violence Agency Confidentiality Policy complies with §63.2-104.1 (Confidentiality of records of persons receiving domestic and sexual violence services)				
57	Members of the DV CCR Team are aware of the Domestic Violence Agency Confidentiality Policy and respect the confidentiality of persons served by the agency.				
58	Where applicable, the Domestic/Sexual Violence Agency has received training on Virginia's Address Confidentiality Program (§2.2-515.2) and provides this information to persons receiving services.				
59	If they are separate programs, the Domestic Violence Agency and the Sexual Assault Crisis Center routinely provide cross training for their staff on protective orders and have a strong collaborative relationship.				
60	The Domestic/Sexual Violence Agency provides ongoing community education programs about protective orders and widely distributes information about obtaining protective orders.				
61	The Domestic/Sexual Violence Agency regularly works with community systems (i.e. law-enforcement, courts, C.A.'s) to address victim safety issues and to promote victim safety when policies and procedures conflict with best practice.				

Ensuring Effectiveness of Protective Orders in Virginia: Community Assessment Tool

	Actions	Strength	Challenge	Priority	Notes
Juvenile and Domestic Relations District Court - Intake					
62	The Juvenile and Domestic Relations District Court has a process for petitioning for a protective order. There is also a clear process for petitioning when the courts are closed.				
63	There is no fee for filing a petition for a protective order.				
64	The Courts utilize the I-CAN! Program, Virginia's online forms completion system.				
65	Court Service Intake personnel receive annual training that includes: <ul style="list-style-type: none"> • Dynamics of domestic/family violence • Definition of family abuse • Danger assessment • Overview of the Virginia statute that requires intake officers to provide a person seeking a protective order a written explanation of the conditions, procedures and time limits applicable to the issuance of protective orders. Va. Code §16.1-260. 				
66	Intake Officers routinely provide a person seeking a protective order with a written explanation of the conditions, procedures and time limits applicable to the issuance of protective orders. §16.1-260.				
67	Intake Officers routinely provide a person seeking a protective order with information on how to contact the local domestic violence program.				
68	Intake Officers routinely accept petitions for protective orders when family abuse has occurred. These petitions contain as much descriptive biographical data as possible, including name, date of birth and social security numbers for all parties on the petition.				
69	Intake Officers accept family abuse protective order petitions where the petitioner and the respondent are intimate partners of the same sex and are cohabitating or have recently cohabited.				
70	The courts have a current list of qualified spoken language and sign language interpreters and utilize translators and interpreters when appropriate or requested.				

Ensuring Effectiveness of Protective Orders in Virginia: Community Assessment Tool

	Actions	Strength	Challenge	Priority	Notes
District Court Clerks' Offices (Juvenile and Domestic Relations District Court and General District Court)					
71	The District Court Clerks' Offices have a procedure on time sensitive entry of protective orders into the court interface with VCIN. This entry is completed forthwith (immediately) and in no case later than the close of business on the day of issuance of the protective order.				
72	The District Court Clerks' Offices have a procedure to ensure that all information, including identifying information, is completed on the protective order and all information is entered accurately into the court interface to be submitted to VCIN.				
73	The District Court Clerks' Offices remit copies of the orders to the primary law enforcement agency responsible for entry into VCIN, upon entry into the CMS and before the end of the business day.				
74	The District Court Clerks' Offices have a procedure in place to verify proper entry of all available information on the respondent.				
75	Preliminary Protective Order hearings routinely take precedence on the court docket. If not, there is a procedure that ensures they are heard the same day as the petition is filed.				
76	Information on how to modify a protective order is readily available to petitioners and respondents and modifications of orders take precedence on the court docket.				
77	The District Court Clerks' Offices have a process for certifying foreign protective orders.				
78	The District Court Clerks' Offices annually inform the Team members of the process for certifying foreign protective orders and provides information in writing on what the process entails.				

Ensuring Effectiveness of Protective Orders in Virginia: Community Assessment Tool

	Actions	Strength	Challenge	Priority	Notes
Judges					
79	Judges receive annual training on: <ul style="list-style-type: none"> • Dynamics of domestic/family violence • Assessing for risks • Impact of post traumatic stress • Impact of domestic/family violence on children • Importance of protective orders that includes training on how to write an effective order, impact of mutual protective orders, availability of community resources • Update on any changes to Protective Orders in the Virginia Code • Federal and State Firearms prohibitions related to protective orders • Stalking 				
80	Judges routinely make clear to respondent the firearms restrictions (both federal and state) related to protective orders. 18 U.S.C. § 922(g)(8) and VA Code §18.2-308.1:4.				
81	Judges routinely issue protective orders that are clear, comprehensive, and tailored to the specific safety needs of the individual petitioner.				
82	Judges routinely address custody and visitation matters (when appropriate) in protective orders in a specific and detailed manner.				
83	Judges routinely ensure that persons (respondents) with concealed handgun permits are required to surrender their permits for the duration of the protective order.				
84	Judges routinely make clear to respondent that he/she is responsible for ensuring that the protective order is not violated and that a no abuse/no contact violation is a criminal offense.				
85	Judges clearly explain to all parties that a protective order can be modified only by the court.				
86	Judges routinely display a courteous and respectful manner with both the petitioner and the respondent and ensure that the courts provide a safe and welcoming environment for individuals seeking protection.				
87	Judges do not issue mutual orders of protection without a petition, notice and an opportunity for a full hearing on any charges of family abuse.				

Ensuring Effectiveness of Protective Orders in Virginia: Community Assessment Tool

	Actions	Strength	Challenge	Priority	Notes
Law Enforcement Policy and Procedure					
88	The Law Enforcement agency has a written policy on responding to domestic and family violence pursuant to Virginia Code §9.1-1300 and sexual violence pursuant to Virginia Code §9.1-1301.				
89	This policy is updated by law enforcement and presented to the DV/SV CCR Team annually for review.				
90	The policy includes but is not limited to: <ul style="list-style-type: none"> • Arrest without a warrant and pro-arrest for assault and battery of a family or household member; • Arrest without a warrant and pro-arrest for violation of a no abuse, no contact order (protective order); • Standards for completion and filing of a required incident report with the department, including the details of any special circumstances which would dictate a course of action other than arrest; • Provisions for providing the alleged victim with information on community and legal resources available in the community; • Provisions for making a summary report available to the victim; • Standards for determining the predominant physical aggressor; • The department's policy on providing transportation to the allegedly abused person; • The department's policy on domestic violence incidents involving law enforcement officers; and • The department's policy on the handling of cases involving repeat offenders of family abuse or domestic violence. 				
91	Law enforcement agency policy includes guidelines for service of protective orders across jurisdictional lines and across state lines. Those protection orders on file for service receive highest priority for service.				
92	Law enforcement agency policy includes a procedure for providing information on community and legal resources to persons with Limited English Proficiency (LEP).				
93	Law enforcement policy includes a requirement for officers to provide a protected person with the form to file for a preliminary protective order if the officer has requested an Emergency Protective Order. Va. Code §16.1-253.4.				

Ensuring Effectiveness of Protective Orders in Virginia: Community Assessment Tool

	Actions	Strength	Challenge	Priority	Notes
	Law Enforcement Continued				
94	Law enforcement policy includes guidelines on seizure of weapons/firearms when there is a protective order in place or family abuse conviction. The policy includes a set timeframe for seizure; storage procedures; and a process for returning the weapons.				
95	Law enforcement officers are trained at least annually on the policy. The trainer has the most current information on new laws and best practices.				
96	The annual law enforcement training includes identification of probable danger of future acts of family abuse.				
97	The annual law enforcement training includes identification of the predominant aggressor in domestic violence.				
98	Law enforcement agency enters protective order information into VCIN upon receipt of the information from the courts and supportive documentation for VCIN entry is filed according to the respondent's last name.				
99	Law enforcement agency (or a designated agency such as Victim/Witness) notifies the petitioner if there is a delay in service of the order or if the order cannot be served.				

Ensuring Effectiveness of Protective Orders in Virginia: Community Assessment Tool

	Actions	Strength	Challenge	Priority	Notes
Magistrates					
100	Magistrates receive annual training on: <ul style="list-style-type: none"> • Dynamics of domestic/family violence • Identification of probable danger of future acts of violence/danger assessments • Definition of family abuse (§16.1-228) • Procedures required in issuing emergency protective orders pursuant to §16.1-253.4 regarding provision of information provided to protected persons • Standards for the determination of the predominant aggressor 				
101	The magistrates have a procedure for when the alleged victim requesting an emergency protective order has Limited English Proficiency (LEP).				
102	The magistrate provides the alleged victim with information on how to contact the local domestic violence program and legal referral sources. Va. Code §16.1-253.4.				
103	The magistrate provides the alleged victim with information on how to petition for a preliminary protective order/protective order.				
104	When an emergency order is issued, the magistrate provides the protected person or the law enforcement officer seeking the Emergency Protective Order with the form for use in filing a petition for a preliminary protective order. Va. Code §16.1-253.4.				
105	The magistrate collects and documents all descriptive biographical information for the respondent, petitioner and protected parties and enters the information into E-Magistrate system and /or provides to law enforcement for entry into VCIN.				
106	The magistrate is utilizing Virginia's E-Magistrate System for all warrants (misdemeanor and felony) and orders of protection.				