



WEST VIRGINIA

Break the Cycle

Empowering Youth to End
Domestic Violence

www.breakthecycle.org

www.thesafespace.org

888.988.TEEN

askanything@breakthecycle.org

Each state has different requirements for getting a civil domestic violence protection order. Because it makes protection orders difficult for teens to obtain, West Virginia's grade for protecting teen victims of domestic and dating violence is a C.

Do I Qualify for a Protection Order in West Virginia?

Type of Relationship

In order to qualify for a protection order, the abuser must be someone:

- You are dating or used to date (includes sexual and intimate partners)¹
- You live with or used to live with²
- You have a child with³
- You are married to or used to be married to⁴
- In your family, including parents, stepparents, in-laws, siblings, half and step siblings, stepchildren, aunts, uncles, nephew, nieces, cousins, or grandparents⁵

Type of Abuse⁶

A judge may issue you a protection order when your abuser has:

- Physically abused you
- Attempted to physically abuse you
- Sexually abused or sexually assaulted you
- Harassed you
- Recklessly endangered you
- Sexually harassed you
- Unlawfully held you against your will
- Psychologically abused you

Age

If you are 18 or older, you can get a protection order on your own, without an adult's involvement. If you are a minor, a family member or household member of the minor victim may file for you.⁷

How Do I Get a Protection Order?

If you want a protection order, you can go to court to file for a temporary protection order. A judge can give you a temporary order that day and will schedule a full hearing within 10 days of issuing the temporary order.⁸ After the hearing, a judge can give you a permanent protection order which lasts for 90 to 180 days.⁹ A 90 day permanent protection order is renewable for an additional 90 days.¹⁰

What Can I Ask for in a Protection Order?

You may ask the court for the following in a protection order:

- Abuser must stay away from you, your school and work¹¹
- Abuser must not abuse, harass, stalk, threaten, intimidate, verbally harass, or contact you through telephone¹²
- Child custody and visitation¹³
- Child and spousal support¹⁴
- Money for damages caused by the abuser¹⁵
- Temporary and/or exclusive use of the property¹⁶
- Counseling for abuser¹⁷

How Much Will It Cost?

It is free.¹⁸

You have the right to a safe and healthy relationship...
free from violence and free from fear.

¹ W. Va. Code Ann. §48-27-204(3), (4) (2007).

² *Id.* §48-27-204(2), (5).

³ *Id.* §48-27-204 (6).

⁴ *Id.* §48-27-204 (1).

⁵ *Id.* §48-27-204.

⁶ *Id.* §48-27-202.

⁷ *Id.* §48-27-305(2).

⁸ *Id.* §48-27-403(d).

⁹ *Id.* §48-27-505

¹⁰ *Id.* §48-27-505(a), (b).

¹¹ *Id.* §48-27-503(2), (7).

¹² *Id.* §§48-27-502(a); 503(7), (9).

¹³ *Id.* §48-27-503(3)-(4).

¹⁴ *Id.* §48-27-503(5), (6).

¹⁵ *Id.*

¹⁶ *Id.* §48-27-503(2).

¹⁷ *Id.* §48-27-503(7).

¹⁸ *Id.* §§48-27-308, 403(b).

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