



From the Desk of



Staff Judge Advocate

Obtaining a Restraining Order in the Virgin Islands as a Victim of Domestic Violence

What is a restraining order?

A Restraining Order is a court order intended to protect an individual from further harm from someone who has hurt them; to keep the abuser away, or to stop harassing behavior, or keep the abuser from the scene of the violence, which may include the protected individual's home, place of work, or apartment. It is a civil order and it does not give the abuser a criminal record.

Are there different types of restraining orders?

There are two types of restraining orders: temporary and permanent.

A Temporary Restraining Order (TRO) protects you from the time that you request it until the time of the hearing, which occurs within ten (10) days of filing a complaint, provided the defendant has received notice of the proceedings.

Whereas, a Permanent Restraining Order (PRO) is obtained through a hearing, because your abuser must have an opportunity to self-defend, and it protects you for a period of two (2) years.

What does a Restraining Order do?

If you are a victim of domestic violence, a judge can sign an Order of Protection that requires the abuser to obey the Order and is very specific as far as what the abuser can and can't do.

- The abuser can be ordered not to have any contact with you, in person or

by phone, at home, work, or almost anywhere you ask the court to put in the order. The order against contact may also protect other people in your family.

- The court can order the abuser to leave the house or apartment that you and the abuser share; even if it is in the abuser's name. The judge can order the police to escort the abuser to remove personal items from the residence, or shared place of business, so that you are protected by the police during any necessary contact.

- The court can grant you custody of your minor children and can also order the abuser to pay child support and support for you. The abuser may also be granted visitation with the child/children under certain conditions. If the children are in danger of abuse, you should let the judge know why you think so.

- The court may also order the abuser to pay for costs that resulted from the abuse, for example; household bills that are due right away, medical/dental treatment, moving expenses, loss of earnings. The judge can also make the abuser pay your attorney's fees, and can make the abuser pay damages to you or other people that helped you or got hurt by the abuser.

- The judge may order the abuser to receive professional domestic violence counseling, or tell the abuser to get evaluated, or to go to Alcoholics Anonymous or Narcotics Anonymous. You can agree to go to counseling if you want to (or to a free program like AA or a domestic violence program), but the judge should only make it an order for the abuser.

- The judge has the power under the law to order anything else that will help to protect you, as long as you agree to it.

How to get a TRO:

Go to the Family Division of the Superior Court and request a TRO. (It is always a good idea to take someone with you. If you need assistance, call the Women's Coalition (STX), Men's Coalition (STX), the Family Resource Center (STT), Men Terminating Violence (STT) or the Safety Zone (STJ).)

Explain to the Family Law Clerk why you need protection and you will be given a form to fill out requesting an order of protection. **(Be as thorough as possible.)**

The judge will review your request and if it is felt that you need an order of protection, a TRO and a hearing date will be given.

Keep a copy of the TRO with you at **all** times. If the abuser violates the restraining order, call the police **immediately**. Violation of a TRO is a crime!!

How to prepare for the Permanent Restraining Order hearing:

1. Call the Women's Coalition, the Men's Coalition, the Family Resource Center, the Safety Zone, or Legal Services to help answer any questions you may have.
2. Gather any and all evidence of abuse such as Police reports, hospital records, photographs of injuries, ripped clothing, and damaged property.
3. Try to get any person who witnessed the abuse to attend the hearing.
4. Write down a thorough description of the abuse and what you would like the judge to do about it. (Your written notes can be used when you testify in court.)
5. Arrive at least fifteen (15) minutes prior to the scheduled hearing time. (You may bring someone of legal age with you for support.)
6. If your abuser owns a firearm, it is important that you notify the judge. When you ask the judge for a restraining order, you may request that your abuser not be allowed to possess, purchase, or receive a firearm.
7. Requesting a protection order is the best step that you can take to ensure your safety if you are a victim of domestic violence.

Any violation of any portion of any current protection order is a crime.

You are not alone - call these numbers for assistance:

Women's Coalition, St. Croix: 773-9272 - (24/7)

Men's Coalition, St. Croix: 778-2161

Family Resource Center, St. Thomas: 776-7867 - (24/7)

St. John Community Crisis Center: 690-7233 - (24/7)

Men Terminating Violence, St. Thomas: 776-3966