

HOW TO EXTEND A PO FOR MORE THAN TWO YEARS

Family Abuse Protective Orders in Virginia can last up to two years, and at midnight on the expiration date listed on the order, it will stop being an active valid order. This means it will be deleted from the Criminal Information System and no longer show up in police records.

Even after two years, there are some situations when a protective order is still necessary to keep Petitioner and protected family members safe. In Virginia, petitioners can extend or renew their PO for up to an additional two years at a time, with no limit on the number of extensions.

Should You File to Extend Your PO?

Some petitioners may benefit from having the PO for more time, but it may not be the right choice for others. Consult with an advocate or attorney for help making the decision.

How to Extend a PO

Before the original PO expires, Petitioner should file a Motion to Extend with the same court that issued the original PO. In Fairfax J&DR Court, file it as either a Wednesday Motion or, if the order is going to expire soon, ask the clerk's office to set it as an emergency motion. ***CHECK WITH JUDGES***

The Motion should explain:

- When the original PO was issued and when it expires;
- Which court issued the original PO;
- What happened that led to the original PO;
 - Was it something particularly dangerous? Let the judge know.
- What has happened lately that shows you still need a PO;
 - Has Respondent said or done something recently that makes you afraid that something bad will happen if you don't have a PO?
- What you want the new, extended Protective Order to say and how long you would like that one to last.

Just like the original Petition for Protective Order had to be personally served on Respondent, the Motion to Extend will also have to be personally served. [LINK TO SERVICE] If Petitioner doesn't know where to find Respondent, they should file the motion several weeks before your PO expires so that the court will have more time to try to locate and serve Respondent.

If Respondent can't be served before the old order expires, the court can enter a temporary Preliminary Protective Order (PPO) for up to 15 days to cover that time between when the old order expired, and the new hearing is held. However, that order is not enforceable until it is personally served on Respondent. If, at the extension hearing, Respondent has not been served, the court can schedule a new hearing and extend the PPO to the new date. If Respondent was served, the extension hearing can be continued by request of either Petitioner or Respondent – this is different from the original PO hearing. Respondent can continue the hearing to a new date for a good reason; Petitioner must convince the judge that the continuance is going truly necessary.

At the extension hearing, Petitioner must explain to the judge what happened that led to the original PO and why they need the order to stay in place. There does not need to be a new act of family abuse or violence force or threat. However, there will need to be some evidence to convince the judge that a protective order is necessary to keep Petitioner safe.