

What is Domestic Violence/ Family Abuse in Virginia?



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Defined in Domestic Violence Civil Laws

Virginia Code §§ 16.1-228; 38.2-508(7)

"Family abuse" means any act involving violence, force, or threat including, but not limited to, any forceful detention, which results in bodily injury or places one in reasonable apprehension of bodily injury and which is committed by a person against such person's family or household member.

The term "domestic violence" means the occurrence of one or more of the following acts by a current or former family or household member, as defined in § 16.1-228:

- Attempting to cause or causing or threatening another person physical harm, severe emotional distress, psychological trauma, rape, or sexual assault
- Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority, under circumstances that place the person in reasonable fear of bodily injury or physical harm
- Subjecting another person to false imprisonment
- Attempting to cause or causing damage to property so as to intimidate or attempt to control the behavior of another person

Persons Included in the Definition

Virginia Code § 16.1-228

"Family or household member" means:

- The person's spouse, whether or not he or she resides in the same home with the person
- The person's former spouse, whether or not he or she resides in the same home with the person
- The person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents, and grandchildren regardless of whether such persons reside in the same home with the person
- The person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law, and sisters-in-law who reside in the same home with the person
- Any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time
- Any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person

Persons who are the victims of domestic violence and/or family abuse can obtain protective orders from a magistrate or the Juvenile and Domestic Relations District Court. Depending on the nature of the case, criminal statutes also may come into play.

Additional Resources

[Family Law Website](#)

[Family Law Blog](#)