

How to File for a Protection Order

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- ❖ **If you are currently experiencing** domestic violence, harassment, stalking, or sexual assault, get help from your local domestic violence shelter or sexual assault center. Shelters provide safety planning, temporary shelter, legal advocacy, counseling, and other services. To find the program nearest you, call the **National Domestic Violence Hotline** at 1.800.799.7233 or the **National Sexual Assault Hotline** at 1.800.656.4673.
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Can I file for a protection order?

Yes, if both of these statements are true:

- ✓ You live or recently lived in Washington State.
- ✓ You are currently experiencing or have recently experienced domestic violence, harassment, stalking, or sexual assault, or you are seeking protection for a vulnerable adult.

What are in these instructions?

Part 1 explains the process of getting a protection order.

Part 2 explains how to fill out the Petition form.

Part 1. The Protection Order Process

How do I ask the court for a protection order?

You must fill out and file the **Petition for Protection Order**, form PO 001. It covers protection from domestic violence, stalking, harassment, and sexual assault, and protection for a vulnerable adult. It lets you ask for a temporary protection order that starts right away, and a full protection order that can last a year or longer, if approved by a judge.

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- ❖ Either a judge or a court commissioner could read your petition. We use “judge” to refer to both.
 - ❖ Some counties may offer online forms or ways to ask for a protection order online. Ask the court clerk for availability.
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What other forms will I need?

- ✓ **Law Enforcement and Confidential Information**, form PO 003 - This form does not go into the public court file and is not given to the restrained person. Law enforcement needs this form to find and identify the restrained person when serving them documents and enforcing your order.
- ✓ If you want immediate protection, fill out the **Temporary Protection Order and Hearing Notice**, form PO 030. Follow the instructions for that form.
- ✓ If you want the restrained person to surrender firearms and other dangerous weapons or be prohibited from buying them, fill out Attachment E: Firearms Identification, and the **Order to Surrender and Prohibit Weapons**, form WS 001.

Can I get help filling out these forms?

Ask the court clerk about local victim services organizations with advocates who can help you fill out the forms.

Who can I protect?

If you are an adult (age 18 or older), you can protect:

- ✓ Yourself.
- ✓ Children under age 18 (minor children) if you are their parent, legal guardian, or custodian.
- ✓ Another adult if they qualify as a “vulnerable adult” or cannot otherwise file for themselves because of age, disability, health, or inaccessibility.

For domestic violence, you can also protect

- ✓ Minor children in your family or household (even if you are not the parent, legal guardian, or custodian).
- ✓ Vulnerable adults in your family or household.

If you are age 15 – 17, you can protect

- ✓ Yourself.
- ✓ Minor children in your family or household if the minor chooses you to file on their behalf. You must be capable of pursuing what the minor says they want or need out of the case (their “stated interest”).

If you are under age 15, someone must file for you.

What if I am filing to protect a vulnerable adult?

You must fill out the forms listed above plus an extra form: **Notice to the Vulnerable Adult**, form PO 029. You can get that form at <https://www.courts.wa.gov/forms/> or ask the court clerk.

What protection can I ask for?

The petition lists many types of protections in section 11. Choose everything you believe will best protect you and/or anyone else you are petitioning for.

What if the restrained person has firearms or other weapons?

You can ask the court to order the restrained person to surrender their weapons. Fill out section **O. Surrender Weapons**, and the court will decide whether to grant your request. If you request firearm surrender, you also need to fill out Attachment E: **Firearm Identification Worksheet**, and file it with your completed petition. Also bring the **Order to Surrender and Prohibit Weapons**, forms WS 001, for the judge to finish filling out and sign.

❖ **Safety Alert!** If you have concerns about firearms, you can ask the court to order the restrained person to surrender weapons at the time the judge issues the temporary order. You can also contact law enforcement where the restrained person lives to let them know you want to be contacted if any firearms are about to be released back to the restrained person.

What happens after I file the petition?

Your completed petition will be:

- ✓ Filed as a public court record to start a civil court case.
- ✓ Served on the person from whom you need protection. (We call this person the “restrained person”.)

The court will use the information to decide:

- ✓ If the court has authority (jurisdiction) over you and the restrained person.
- ✓ If the restrained person’s behavior meets the legal definition of domestic violence, sexual assault, stalking, or harassment. Definitions are in the petition on Attachment A.
- ✓ For vulnerable adults, if the behavior meets the legal definition of abandonment, abuse, financial exploitation or neglect. Definitions are in the petition on Attachment B.
- ✓ For domestic violence, if the relationship between you and restrained person meets the legal definition of intimate partner, family, or household member. If it does not, the judge may give you a different type of protection order.
- ✓ What type of protections (restraints) to order, if any.

What if I need protection right now?

You can use the Petition form to ask for immediate protection. On the form, you must explain how you or someone else may be seriously harmed if you do not get protection now, before the restrained person gets notice.

You should file your petition along with any other written statements, printed photos, or documents that help prove what you are saying is true. This is called “supporting evidence”. It is helpful, but not required.

A judge will read your petition and any supporting evidence the same day you file, or the next working court day if you file later in the day or when the court is closed.

If the judge decides that serious immediate harm or irreparable injury could occur, the judge may issue a temporary order to start right away. The temporary order will last until the court has a full hearing within 14 days. Even if the judge does not grant a temporary order, the judge will still set a hearing for a full order if you meet the legal requirements.

You must go to the full hearing. The restrained person must be notified about the full hearing and has a right to go to the hearing.

❖ **If the judge decides you do not meet the legal requirements,** they will not schedule a hearing. You will not get a protection order. You will have 14 days to edit (amend) your petition with more information and ask the judge to review it again.

Your temporary order is in effect from the moment the judge signs it. **But** the police can only enforce the order if there is proof the restrained person was served with a copy of the order.

How will the restrained person find out about the order?

The restrained person should be served as soon as possible. They must be served at least 5 court days before the hearing. They must be served with:

- ✓ your petition
- ✓ temporary order and notice of hearing
- ✓ order to surrender weapons issued without notice (if the judge ordered this)
- ✓ supporting evidence (if you filed any)

Does anyone else need to be served?

If the restrained person is under age 18, their parents or legal guardians must also be served.

If you are filing on behalf of a vulnerable adult, you must also have the notice, petition, and any temporary order and order to surrender weapons served on the vulnerable adult at least 5 court days before the full hearing. If the vulnerable adult has a legal guardian or conservator, that person must also be served.

Who will serve the order, and how will they do it?

Your temporary order will say who should serve the order. A law enforcement agency must hand deliver (personally serve) the order if any of these are true:

- ✓ the judge ordered weapons surrender
- ✓ the judge ordered transfer of child custody
- ✓ you and the restrained person live together and the judge ordered the restrained person to leave the home
- ✓ the restrained person is in jail or prison

Vulnerable Adult Exception! Personal service is required if you are filing to protect someone else who is a vulnerable adult. They have the right to know that you are filing on their behalf. This personal service does **not** have to be done by law enforcement.

In other cases, the restrained person may be served electronically or personally by any of these:

- ✓ a law enforcement agency in the county or town where the restrained person lives or works (they will serve for free)
- ✓ a hired professional process server (this costs money)
- ✓ an adult (age 18 or over) who is not a party to the protection order case

For more information on how to serve, including electronically, see the **Instructions for Proof of Service**, POi 004.

If law enforcement will be serving, the clerk's office will send them a service packet with copies of all the documents to be served. Law enforcement will use the information you put in the **Law Enforcement and Confidential Information** form to find and serve the restrained person. Law Enforcement will send proof of service to the court clerk.

If the order says the **protected person shall make private arrangements** for service, the clerk's office will give you the service packet. You must find a process server or another adult to serve the packet on the restrained person.

❖ **Service Tip!** Ask the clerk for a copy of the service packet to keep on hand. If law enforcement is called in an emergency, you can give the service packet to the officer on the scene to serve the restrained person at that time. This is sometimes called a "911 service packet."

How can I prove the restrained person was served?

Whoever serves the restrained person must fill out written proof of service (also called a “return of service” or “affidavit of service”). They can use form PO 004, **Proof of Service**. They may give you the completed proof of service form for you to file with the court clerk, or they can file it themselves.

Proof of service must be filed with the court clerk before or at the full hearing. If it is not, the hearing cannot go forward.

How do I know if the Temporary Order was served?

You can register your protection order with WA Protective Order Service. This free, automated service lets you know when an order has been served. Call 1-877-242-4055 or visit www.registervpo.com to learn more.

If you know the restrained person has not been served, but you still want or need the temporary order, you must appear for the hearing and ask for an extension (a continuance) of the temporary order.

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- ❖ **Safety Alert!** Even if you have a temporary protection order, you must continue to take steps for you and your children to remain safe – especially around the time the order is served.

 - ❖ **A note about firearms:** If the court has issued an Order to Surrender and Prohibit Weapons, the restrained person is required to immediately surrender their firearms to law enforcement when they are served. If that does not occur for some reason, **this could increase your level of risk**. A domestic violence or other advocate can help you do safety planning around this issue. You may call 911 to report if you believe the restrained person still has weapons.
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How do I get a Protection Order?

After you file your petition, there are at least two steps in court.

- ✓ **Step 1: Petition and Temporary Order.** A judge will review your petition and any supporting evidence to see if you meet the requirements for any type of protection order. You may have to appear at the temporary order hearing. This should happen the same day you file, or the next working court day if you file later in the day or when the court is closed. If you meet the legal requirements, the judge will schedule a full hearing. The judge may also issue a temporary order.

- ✓ **Step 2: Full Hearing.** At the full hearing, the judge will decide whether to issue a final Protection Order. Usually a final Protection Order lasts for at least a year. You can ask for a shorter or longer order, based on your needs, in the petition.

How do I get ready for the full hearing?

- ✓ **Make some notes to yourself** about the main points to make when it is your turn to talk at the full hearing. You may have no more than 5 minutes to speak. You can refer to what you wrote in the Petition.
- ✓ **If your hearing is in person, get to the courthouse early.** You can request to attend the hearing remotely. If possible, do not bring your children. Check in advance to see if your court has policies on bringing the children to the hearing.
- ✓ **If your hearing is by phone or video,** make sure you know how you will join the hearing. If you aren't sure, contact your court to ask. Test everything ahead of time if you can. Check how to mute and unmute your phone or audio.

I cannot make it to the full hearing. What happens if I just don't show up?

If you do not appear at your full hearing, the judge will dismiss your temporary order. If you know in advance that you cannot make the full hearing, contact the court clerk to see about rescheduling.

Will the restrained person be at the full hearing?

The restrained person can but is not required to go to the full hearing. If the restrained person does not show up, but was properly served at least 5 court days before the full hearing, the judge can go ahead without the restrained person.

If the case is ready for the full hearing, the judge will review the record, let the parties speak, hear from other witnesses if necessary and material, and then make a decision.

What if the restrained person was not served in time?

If the restrained person has not been served 5 court days in advance of your full hearing, you must still go to the hearing if you want the temporary protection order extended to allow time for service. **Even if the respondent didn't receive 5 court days' notice but was served with the order, you may contact the police to enforce the order if there are any violations.**

Can I have witnesses testify at the full hearing to help my case?

Witnesses do not usually testify at protection order hearings. Witnesses can file a declaration form describing what they saw or heard. Use form PO 018 **Declaration** to make sure it is in the proper format.

You must file witness declarations and any other documents you want the judge to consider with the court clerk and have the restrained person served with a copy before the hearing date. If the restrained person does not get these copies in advance, the court may reschedule the hearing to give everyone time to read them. The reverse is also true: the restrained person must provide you with copies of anything they file. You have the same right to ask for more time to review copies of anything served on you at the last minute.

Part 2. How to fill out the Petition form

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- ❖ Type or print (write) clearly! If writing, then use black or blue ink only.

 - ❖ **Privacy Warning!** The restrained person will see this Petition and any other evidence you file with the court. This information is also available to the public for anyone to see.

 - ❖ Before you file any attachments, you can black out/ cover up (redact) any sensitive information. Examples: your home address and account numbers (leave last four digits).
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Type of Court

At the top left, put "Superior" or "District" in front of/ before "**Court of Washington**", depending on where you want to file. If you are unsure, leave it blank.

You can start your case in Superior or District Court, whichever is more convenient. In some cases, such as those involving property, keeping the restrained person from a shared home, and minors, District Court can give you a temporary order, but then must send your case to Superior Court for the full hearing.

County or District

This section is asking for the name of the county or district court you are filing your petition in.

On the next line "**For _____**", put the county or district where you will be filing. You can file in the county where you (or a child to be protected) live, or in any of these counties:

- Where something happened that made you seek this protection order
- Where you lived before moving, if you moved because of the restrained person's behavior
- With the court closest to where you live now, or closest to where you lived before moving because of the restrained person's behavior

Petitioner and Respondent

Put your name (first, middle initial, last) as the "Petitioner" and your date of birth.

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- ❖ **On behalf of...** If you are filing only on behalf of a minor or vulnerable adult (**not** for yourself), you must put your name first on the Petitioner line, then "on behalf

of" (or "OBO") their name and their date of birth. **Example:** Jane Doe OBO Susie Doe 04/01/2010

Put the restrained person's first, middle initial, and last name and date of birth as the "Respondent".

The person who needs the protection is the "protected person". This can be you or the person you are filing for. The person you are seeking protection against is the "restrained person".

❖ **Filing within a family law case.** If you are filing for a protection order as part of a divorce, parenting plan, or other family law case, list the Petitioner and Restrained person names the same way they are listed in your family law case. You should also put your family law case number.

Numbered Sections

1. Choose the type of protection order that best fits your circumstances.

Choose just one option. Read the definitions in Attachment A and B to help you decide. A judge might decide that you do not qualify for the type of order you chose, but you do for a different type, and issue the other type of order. You will not have to file a new petition.

If you are asking for a Vulnerable Adult Protection Order, you must also fill out Attachment B and file it with your petition.

2. Is there another type of order that fits your situation?

If you believe so, list it here. This helps the judge know what other type of order may apply if you do not qualify for your first choice.

3. Who should the order restrain?

Put the name of the person you need protection from. Check the appropriate box for their age. This person is usually the "Respondent," except for some filings within a family law case. (See above.)

4. Who should the order protect?

Check if you are protecting yourself and/or minor children, or someone else.

To protect yourself, put your name. Anyone age 15 or older may file to protect themselves.

For minor children, check the appropriate box for your relationship to the children. Put the children's names and other details.

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- ❖ **Important!** If the restrained person is a parent of any of the children, you should fill out **Attachment C: Child Custody**. If you are **not** a parent of any of the children, you should fill out **Attachment D: Non-parents protecting children (ICWA)**. You must include these Attachments with your Petition if they apply.
 - ❖ **Teenagers age 15 – 17:** you can check "Me" and put your own name to file for yourself. You do not have to fill out the "Minor Children" table about yourself. You can use the Minor Children section to protect other children in your family or household if they have chosen you to file protection for them and you are capable of pursuing what they say they want in this case.
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To protect someone else, check if they are a vulnerable adult or otherwise cannot file for themselves, and put their name. See the definition and fill out Attachment B for a vulnerable adult.

If someone is not a vulnerable adult but cannot file for themselves, explain why. This option is only available for sexual assault, stalking, or anti-harassment orders.

5. **Service address**

You must give an address where the court and restrained person can serve you documents for this case. You can keep your home address private by giving a different mailing address.

If you agree to be served by email, you should also give an email address. You can set up a separate email account just for this case. Check your mail and email regularly.

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- ❖ **Do not put any confidential addresses or confidential information in the petition or temporary order.** The restrained person will get a copy of these forms.
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6. **Interpreter**

Check if you need an interpreter. If yes, put the language needed. You may still need to request an interpreter separately. You will get instructions about that with your temporary order or other order setting a hearing.

7. **How do the parties know each other?**

Check all the boxes that apply for any adult or minor protected person's relationship with the restrained person. If none of those apply, then put the relationship under "Other".

8. **Why are you filing in this county and state?**

Check the appropriate box.

9. Restrained Person's residence?

Check the appropriate box. List the city or county if known and in Washington.

10. Are there other court cases involving the parties or any children?

Check the appropriate box. If yes, then fill out the table below with information about each case.

You, or the minor, and the restrained person may have other court cases together. There may be divorce, parentage, other restraining, protection or no-contact orders, or criminal cases. The judge needs to know about any other cases to avoid issuing an order that conflicts with an order from another court.

11. Immediate Protection

Check **yes** if you want a temporary order to start right away, before the restrained person is notified. If you check yes, briefly explain how you or anyone else might be harmed if you do not get protection now. Use the lines below question 15.

12. Immediate Weapons Surrender

Check **yes** if the restrained person has weapons, or access to weapons, that you want the restrained person to immediately surrender. If you check yes, briefly explain how you or anyone else might be harmed if a weapons surrender order is not issued now. Use the lines below question 15.

13. What protections do you need?

Check the appropriate boxes in **A – Z** for all the protections you want the court to order. **Note: The judge might not order everything you asked for in either a temporary or a final order.** You must ask for all protections you think you need in the petition. You can ask to remove protections you feel you no longer need when you appear for your full order, but you cannot ask for protections that you did not include in your petition.

You must be clear about which people and places you want protected within each restraint that asks for those details. If you are protecting minor children, you can choose if you want a restraint to apply to all children covered by the order, or just certain children named in that section.

In section **O. Surrender Weapons**, answer the questions about firearms even if you are not asking for surrender of weapons. State law requires firearm prohibitions for some protection orders, even if you are not specifically asking for that protection. If you answer “Yes” to the restrained person possessing or owning firearms, then complete **Attachment E**.

You can leave section **Z. Other** blank or use it to list any other specific restraints you want the judge to order.

14. Do you need help from law enforcement?

Check any appropriate boxes that apply to your situation. You may leave this blank if assistance is not needed.

Even if the court orders law enforcement help, you may still have to contact law enforcement to ask for a civil standby.

15. How long do you need this order to last?

Check the appropriate box. If you want a protection order for something other than 1 year, put how long and explain why.

16. Most recent incident

Give a detailed explanation of what happened most recently that is causing you to seek protection. Include dates and details. (See examples below).

17. Past incidents

What, if anything, happened in the past? Give a detailed explanation including dates. (See examples below).

Important! Read the instructions for your statement in the black box above question 16 on the petition. This is where you explain why you need a protection order.

The judge does not research other cases or police records to know your history. The judge will not know what happened unless you put it in your written statement. If you do not include a particular incident in your statement, you may not have a chance to tell the judge at the hearing.

You must give details (who, what, where, when, how).

Examples:

- It is better to say “On Sunday, January 12, at 2:00 a.m., Terry slapped my face” rather than “On Sunday Terry assaulted me.”
- It is better to say “Terry threatened to kill me if I left the house. He said ‘You leave and I will kill you’” rather than “Terry threatened me.”
- It is better to say “Terry drives by me while I’m waiting at the bus stop after work every Monday evening” rather than “Terry is stalking me.”
- It is better to say “Terry sends me emails or text messages [include number] times a day. I texted Terry to stop; but Terry keeps sending the messages” rather than “Terry cyber stalks me.”
- It is better to say “Terry used my checking account to pay their credit card bill” rather than “Terry steals from me.”
- It is better to say “On Friday, October 18, around 10 p.m., Erin put their hands down my pants and grabbed my genitals, even though I said, ‘No’” rather than “Erin touched me.”
- It is better to say, “On Saturday, May 5 at 10:00 p.m., Erin held me down with his body weight and forced me to have sex in my living room” rather than “Erin assaulted me.”

- It is better to say, “Erin told me if I didn’t agree to have sex with him, he would hurt me. He said, ‘If you don’t want to get hurt, you better keep quiet’” rather than “Erin threatened me.”
- It is better to say “Erin has sent me 20 messages, including text and email, saying that they will find and harm me.” Rather than “Erin harasses me.”

18. Medical Treatment

If you ever had to get medical treatment for something related to this petition, explain what, when, where, and why. Describe the treatment and any follow up. You can attach copies of treatment records, if you have them, but they will not be kept private. Use a black permanent marker, whiteout, or black pen to black out/cover up (redact) any sensitive information like your home address, ID number, or other details you do not want the public to see.

Example: “I received treatment at the hospital on Sunday, May 6, around 1 or 2 a.m. for my injuries. The treatment included a physical exam and follow-up appointment the next week.”

❖ **Important!** See the **privacy warning** below question 22 on the petition.

19. Suicidal Behavior

If the restrained person has a history of suicidal behavior, give details of any threats of self-harm or suicide attempts made, including dates.

20. Restrained Person's Substance Abuse

Check any appropriate boxes.

21. Minors Needing Protection, if any

You can put here any other information about the restrained person’s acts towards minors that you have not put somewhere else in the petition.

22. Supporting Evidence

Supporting evidence is anything that helps prove what you are saying is true. You do not have to submit any supporting evidence beyond your statement in the petition, but if you have anything else you want the judge to see, you should submit it with your petition. If you wait until later, the restrained person may ask for more time to respond and the judge may reschedule your hearing.

Check all appropriate boxes and attach the evidence to the petition. Number each page. Clearly identify what each piece of evidence is by adding labels and dates to pictures, texts or emails. This evidence will be filed in a public record. Black out information you do not want anyone to see.

❖ **Important!** See the **privacy warning** below question 22 on the petition.

Count attached pages

Count the total number of pages you are attaching to your petition. You must include Attachment A (Definitions). Include Attachments B, C, D, E, or F only if they apply. Also include any supporting evidence in your page count. Put the total number of pages in the "____ pages" space below the privacy warning and "I certify under penalty of perjury...".

Sign and Date

Put the city and state where you are signing this. (This can be different than where you live.) Date, sign, and print your name.

Attachments A - E

Attachment **A** gives definitions. There is nothing to fill out.

Fill out Attachment **B**: Vulnerable Adult, if you are asking to protect a vulnerable adult.

Attachments **C** and **D** are for minor children.

- Fill out Attachment **C**: Child Custody, if the restrained person is a parent of any of the children.
- Fill out Attachment **D**: Non-parents protecting children (ICWA), if you are asking to protect a child and you are not the child's parent.

Remove attachment B, C, D, or E if it does **not** apply. (Attachment A always applies.)

Attachment **E** is completed only if the restrained person possesses or owns firearms.

After filling out the forms: Go to Court

Bring your completed petition and temporary order to the clerk's office of the local court. Also bring the firearms worksheet and order to surrender weapons, if needed. Ask the clerk if it is possible to file electronically, if you are interested in that option. They will direct you further.