

FILING FOR A DOMESTIC VIOLENCE PROTECTION ORDER

Brought to you by the King County Domestic Violence Initiative Regional Task Force



King County Coalition Against Domestic Violence



King County

Office of the Prosecuting Attorney

Protection Order Advocacy Office	
Seattle	206.296.9547
Kent	206.205.7406
DV Hotline	1.800.562.6025
Crisis Line	1.866.4CRISIS
KC Sexual Assault Center	1.888.99VOICE
Peace in the Home Helpline	1.888.847.7205
New Beginnings (North)	206.522.9472
DAWN (South)	1.877.465.7234
LifeWire/ EDVP (Eastside)	1.800.827.8840
YWCA (South King County)	425.226.1266
Salvation Army DV Programs	206.324.4943
Refugee Women's Alliance	206.721.0243
Consejo Counseling	206.461.4880
API Chaya (Asian/Pacific Islander)	206.325.0325
DoVE Project (Vashon Island)	206.715.0258
Jewish Family Svc.- Project DVORA	206.461.3240
KC Bar Assn. Lawyer Referral	206.267.7010
Northwest Justice Project	253.856.5140

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NW Immigration Rights Project 1-800-445-5771

Is a Domestic Violence Protection Order Right for Me?

Deciding whether to file for a protection order is an important and personal decision. Studies have shown that a protection order can be a useful tool for stopping physical domestic violence, but it may not work as planned for everyone. Some abusers may continue to contact or abuse their partners even when a court order is in place. There are many questions to think about when weighing the pros and cons of filing for a protection order. Some questions to ask yourself may be:

- Does your partner think they are "above the law" or that rules don't apply to them?
- Has your partner been arrested for domestic violence and/or court order violations?
- Has your partner threatened to harm or kill you if you were to file a protection order?
- Are you concerned with how your partner might react when they are served with your petition and read the statement you wrote that describes the abuse?

If you answered "yes" to any of these questions, or have concerns about how your partner will respond to your petition, you may want to talk to a domestic violence (DV) advocate about safety options before you file because your abuser may be more likely to violate the terms of the order. A DV advocate is someone who has special training in domestic violence and can help with safety planning, support and connecting you to resources. DV advocates most often work for community-based agencies or within the criminal justice system. To get connected to an advocate in your area, see the list of resources on the front page.

REMEMBER: *You know the most about your own situation. Always trust your own instincts about how your abuser might react and about what you need to do to keep yourself and your children safe. Please keep in mind that a protection order is only one part of your safety plan. Talking to an advocate may help you decide how to best plan for your safety.*

What is a Protection Order?

A protection order is a civil court order that you, the petitioner, can request from a judge to protect you from your abuser, the respondent. **It is free to file for a protection order.** Protections can range from absolutely no contact to some allowed contact, depending on your needs. It is NOT a No Contact Order. A No Contact Order is another kind of court order but can only be in place when there is a domestic violence criminal charge or conviction.

A protection order can:

- Order the abuser/respondent to stop hurting you, harassing you, and/or stalking you or your minor children
- Order the abuser/respondent to stop having contact with you (either directly or indirectly, in person, by phone, email, texting, mail, through a third party or via the internet or other electronic means (e.g. cyberstalking))
- Order the abuser/respondent to move out of the home you live in together
- Order the abuser/respondent to stay away from you, your home, your work, your school, or your children's school or daycare
- Give you temporary custody of your children and can set up a visitation schedule with the respondent (if safe)
- Give you use of essential personal items (i.e. tools of the trade, toiletries, medications, legal documents, etc.)
- Give you custody and protection of pets

- Give you use of a specific vehicle

A protection order cannot:

- Order the respondent to pay child or spousal support
- Determine who "owns" or gets to keep property or personal belongings
- Make final child custody decisions (i.e. which parent the child should live with until the age of 18)

Although a protection order is a civil order, if the abuser violates it, he or she can be arrested and/or charged with a crime.

A NOTE ABOUT FIREARMS....You have the right to ask the court to order the respondent to turn his/her firearms (or other dangerous weapons) in to law enforcement as part of the court's order. For your safety, please try to talk to a DV Advocate about the removal of firearms before filing for your protection order.

How Do I Get a Protection Order?

The protection order process requires appearing in court at least two different times to:

- 1) Request a temporary or "emergency order", and if granted,
- 2) Attend the full or "permanent order" hearing (this hearing may be scheduled at a different court).

Step 1: Decide where you want to file your order.

Think about what your needs are as you decide where to file your order. For example, is it convenient for you to get to the court? Is there an advocate there to help you? Does the court have interpreters? Are there certain days or times you need to file your order? Give yourself at least one hour to fill out the paperwork.

Step 2: Thoroughly complete all paperwork. Be prepared to write a descriptive statement about all acts of physical violence, threats of violence, stalking, sexual assault, or fear of immediate harm, including approximate dates when these acts occurred. In your protection order paperwork, you will find a one-page sheet called the **Law Enforcement Information Sheet (LEIS)**. The police use this form to "serve" -- or deliver in person -- your order on the respondent. They also use it to "enter" your order into the statewide law enforcement database. **PLEASE NOTE: The LEIS will NOT be served on the respondent. The LEIS must be as complete as possible**, including the abuser's full name, date of birth, address (work or home), and other identifying information (e.g. height, weight, eye color, driver's license #, etc.). **You may still file for a protection order even if you do not have an address for the respondent**, but the police may not be able to serve it without an address. You can talk with a domestic violence advocate about other ways to have the respondent served if you do not have an address for the respondent.

Step 3: Turn in your paperwork to the clerk. The Clerk will tell you what to do next. It may take time to be seen by the judge. Please allow plenty of time.

Step 4: Once your order has been signed by the judge, take it back to the clerk and get at least three "certified" copies. ALWAYS keep a copy of your order with you (and if necessary, at your child(ren)'s school or daycare). The court will send a copy of your signed order and your petition to the police to be served on the respondent.

Step 5: Appear at your full order hearing at the time and location listed on your temporary order. Be ready to speak to the judge about the domestic violence you described in your petition. Be aware that the respondent will likely be at this hearing but may choose not to attend. **REMINDER: If you do not**

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show up for your full order hearing, your temporary order will automatically expire by midnight that same day.

NOTE: Please give yourself plenty of time to go to court and complete the protection order process. It may take a couple of hours to complete paperwork and see the judge. If you have children, it is best to make childcare plans so that your children do not have to come to court with you (the Maleng Regional Justice Center (MRJC) has limited childcare).

Service of the Protection Order

The abuser, or "respondent", must be given or "served" a copy of the paperwork you filled out to get the protection order. This paperwork includes the Temporary Order for Protection (and Notice of Hearing) and the Petition for Order for Protection. Most orders are served by the police, but anyone over the age of 18 can serve the respondent (except you).

Please keep in mind that this may be the first time the respondent finds out that you filed an order and have told people about the domestic violence. Because of this, you may want to think of ways to stay safe during the service time. Most orders are served by the police and can take a few days to be served. If you need the order served immediately, you may want to hire a process server (someone who is paid to serve legal papers) or a person over the age of 18 who would be willing to serve the respondent. The person serving the order must sign a court form (Return of Service) saying that they "swear under penalty of perjury" that they served the respondent. The respondent DOES NOT need to sign anything. A Return of Service sheet must be filed with the court once the respondent is served (this sheet can be found in your protection order paperwork packet). Please be sure to bring a copy of your Return of Service with you to your full

protection order hearing. For more information about the different ways to serve the order and your safety, please visit www.protectionorder.org.

How will you know when your protection order is served?

SAVIN Protective Order is a free telephone service where petitioners can easily register to be contacted by phone when a protection order is served or is about to expire. Please call the **Washington SAVIN Protective Order Line at 1-877-242-4055** or go to www.registervpo.com to register. If you asked for police to serve the order, you can also check with that police agency to find out if the order has been served.

Preparing for the Full Order Hearing

Be aware that the respondent has a right to come to this hearing and respond to your petition.

Bring all of your protection order paperwork to court with you, including:

- Your Temporary Order for Protection
- Petition for Order for Protection
- Law Enforcement Information Sheet
- Copies of any divorce, parenting plan, paternity, or other related cases.
- Evidence to support the abuse described in your petition; for example:
 - o Witness statements or testimony* (see below for how to submit statements),
 - o police reports,
 - o photos,
 - o medical records,
 - o journals documenting the abuse,
 - o or other evidence of the domestic violence you may have (e.g. text messages, e-mails, etc.).

ALERT: Please be aware that any paperwork you file with the court becomes public record.

Bring four copies to court with you (one for you, one for the court, one for the respondent and one for the judge).

At this hearing you will need to tell the judge how and when the respondent physically hurt, threatened, stalked you or why you have fear that these things will happen to you. If the respondent is at the hearing, he or she will have the chance to tell the judge why a full order should not be entered. After listening to both of you, the judge will decide whether to give you a longer protection order (called a "full order"). Some people bring friends or family with them for support at this hearing. Both King County Superior Courts (Seattle and MRJC in Kent) have advocates who attend all full order hearings. Community-based agency advocates can also go as support if you're already involved in these agency's services.

Submitting Witness Statements: If other people have witnessed the domestic violence you experienced, you can ask them to fill out a court form called a [declaration form](#) describing what they saw or heard. All statements from witnesses must be signed, dated and include the following sentence above the signature: "**I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.**" The person signing the declaration must state where they signed (city) and when (date). Please visit www.protectionorder.org for more on witness statements.

***Testimony:** Generally, King County Superior Court judicial officers do not let witnesses testify in person at protection order hearings, but some district and municipal court judges may allow it. To find out, please check with your local court.

Enforcement of the Protection Order

It is best to keep a copy of your protection order with you at all times. If the respondent violates any of the protections listed on your order, call 9-1-1. Be ready to give police a copy of your order, and tell them how the order was violated. If possible, call 9-1-1 for each violation.

Your "Temporary Order for Protection" and "Order for Protection" are in effect as soon as they are signed by a judge or commissioner. It is important to know that the respondent **cannot** be arrested or charged for violating the order until there is proof that the respondent knew about the order. Once the Return of Service sheet is filed with the court after respondent is served, it is used as proof that the respondent knew about the order. If possible, please try to keep a copy of the Return of Service form with your order to show that respondent has been served.

Whether or not you have a protection order, and whether or not the abuser has been served, you can always call 9-1-1 if the abuser hurts, threatens, or harasses you. The police may be able to charge the abuser with other crimes even if you do not have a served protection order.