

Washington Pattern Forms Committee

INSTRUCTIONS ON HOW TO FILL OUT THE FORMS FOR ANTIHARASSMENT

Prepared by the
Office of the Administrator for the Courts
Olympia, Washington
July 2011

Follow These Instructions Carefully. Please **type or print** all information requested.

These forms are used to get an *Antiharassment* order of protection.

Before you start filling out these forms, make sure you have the right type of forms.

Antiharassment:

You can get an *Antiharassment* order of protection if the person you want protection from:

- has acted without legitimate or lawful purpose in a way that shows a continuity of purpose;
- has directed the actions to you or your child;
- and the things the person said or did have seriously alarmed, annoyed or harassed you and were the kind of things that would cause a reasonable person substantial emotional distress and have actually caused you substantial emotional distress;
- or the person has done or said things that would cause a reasonable parent to fear for the well being of their child.

Domestic Violence:

If the actions involve physical harm, an assault, a sexual assault, stalking, or threats of physical harm, assault or sexual assault, or stalking and the person you are seeking protection from is a "family or household member," you need to get a *Domestic Violence* Order of Protection instead of an *Antiharassment* Order of Protection. "Family or household member" has a wide meaning and includes current or former husbands, wives, domestic partners, family members, roommates and in some cases people who have dated.

Sexual Assault:

If the actions involve a sexual assault, and the person who committed the sexual assault is not a family or household member, you need to get a *Sexual Assault* Protection Order instead of an *Antiharassment* Order of Protection.

Vulnerable Adult:

If the petition is being filed by or for a vulnerable adult who has been, or is threatened with being abandoned, abused, neglected or financially exploited, you need to get a *Vulnerable Adult* protection order instead of an *Antiharassment* Order of Protection.

Get More Information:

If you are not sure which petition is best for you, look at all the forms. Each set has a more detailed explanation of whom they apply to. All of the forms are available from the Clerk of the Court, from www.courts.wa.gov/forms, and from www.washingtonlawhelp.org.

Where should you file your case?

Generally, you must file your case in the district court; but there are some exceptions when you must file your case in superior court:

- the Respondent is under the age of 18 years;
- a superior court has exercised or is exercising jurisdiction over a proceeding involving you and the other party;
- the case would interfere with respondent's care, control or custody of respondent's minor child; or

In this case, you would need to file under a Divorce, Third Party Custody, Parentage, CHINS, or ARY Action.

- your case involves disputes over title, ownership, or possession of real property; such as landlord tenant, boundary dispute.

In this case, you would need to file a Summons and Complaint (or if married to respondent, under a Divorce Action).

If you are ready to ask for an **Antiharassment** protection order, continue with the instructions.

FORMS NEEDED

To begin an action for an order for protection from civil harassment, you will need the following forms:

- (1) Motion and Declaration for Waiver of Filing Fees and Surcharges - Harassment - WPF UH-02.0100;
- (2) Financial Statement – Harassment – WPF UH-02.0110
- (3) Order Re Wavier of Filing Fees and Surcharges - Harassment - WPF UH-02.0120;

- (4) Petition For An Order For Protection - Harassment
- WPF UH-02.0200;
- (5) Confidential Information Form
- WPF UH 01.0600
- (6) Addendum to Confidential Information Form
- WPF UH 01.0610
- (7) Law Enforcement Information Sheet - All Cases 01.0400;
- (8) Temporary Protection Order and Notice of Hearing
- WPF UH-03.0200;
- (9) Return of Service (Unlawful Harassment)
- WPF UH-04.0110; and
- (10) Order for Protection from Civil Harassment
- WPF UH-04.0500.



These forms should be included in this packet. If you are missing any forms or pages inform the clerk.

Complete steps 1 through 10 below.

Step 1 – Fill in the Heading of Each Form.

You are the **Petitioner**. The person who is harassing you is the **Respondent**. Your name and the respondent's name should be filled in the heading of each form. When you file your papers with the clerk of the court you will be given a case number. Write that case number in the upper right hand corner of every form you complete.

Step 2 – Waiver of Filing Fees and Surcharges

If you have funds to pay fees and you are not seeking protection from someone who has stalked, sexually assaulted you or committed acts of domestic violence against you, skip to step 3.

- (1) Motion and Declaration for Waiver of Filing Fees and Surcharges - Harassment - WPF UH-02.0100

A. If you cannot pay the fees in your case:

Check paragraph 2.1 to ask the court to waive filing fees and surcharges if you cannot afford to pay them. In the declaration, check the first box in paragraph 3.1 and make sure you complete the Financial Statement – Harassment, form UH 02.0110. If there is more information you want the court to know about your finances, check the second check box in paragraph 3.1 and write or print the information you want the court to know.

B. If you are seeking protection from someone who has stalked, sexually assaulted or committed acts of domestic violence against you or the minor(s) listed in your petition,

you may ask the court to waive fees in your case whether or not you have the funds to pay filing fees, court costs or service fees:

Check paragraph 2.2 and then check the sub-box that describes the type of harm you are seeking protection from. Also check the box that applies in paragraph 3.2.

(2) Financial Statement – Harassment - WPF UH-02.0110

If you are asking the court to waive filing fees and surcharges because you cannot afford to pay them, fill in as much information as you can in the Financial Statement. File this form with your motion.

(3) Order Re Waiver of Filing Fees and Surcharges - Harassment - WPF UH-02.0120

Fill out the caption and sign and print your name and the date at the bottom of the form. Bring this order to court with you. The judge or court commissioner will complete the rest of the form.

Step 3 – Petition for an Order for Protection - Harassment - WPF UH-02.0200

Your request for an order for protection starts by filing a petition with the court.

Questions to screen for the court’s jurisdiction:

Answer the questions in the box at the beginning of the petition. If you answer “yes” to questions 1 and 2, or 3, 4, or 5, you need to file your petition in superior court. If you answer “yes” to 6 and 7, ask for help. You may need to file a petition for a *Domestic Violence* Order for Protection or for a *Sexual Assault* Protection Order, instead.

Complete the rest of the form:

Provide the information requested in paragraphs 1 through 5 of the petition. In paragraph 2, check the box that applies to you. If you are the victim of unlawful harassment and you are the parent of a child under age 18, who is in need of protection, you may check both boxes. The questions in paragraph 3 are to help the court determine whether it has jurisdiction to proceed with your petition. If none of the boxes apply to your situation, leave all of the boxes in paragraph 3 blank. Paragraph 4 asks for information about minors needing protection. The name, age, race, and sex of the child is needed to help the court avoid issuing a protection order that contradicts another protection order. Paragraph 5 asks for other court cases or protection orders involving you and the respondent. This information is also required to help the court avoid issuing a protection order that contradicts another protection order.

In the next section, you may ask for the relief you need. If an emergency exists and you might suffer great and irreparable harm if a temporary restraining order is not issued immediately, you may request a temporary order that will last fourteen (14) days. To request a temporary order, check the box next to the protection you are requesting, in the left-hand column. If you request a temporary order, you must tell the court in a statement the reasons why you feel that you might suffer great and irreparable harm if a temporary restraining order is not issued immediately. To

request an order for protection, check the box in the second column for the type of protection you are requesting. For both orders you may check more than one box.

In the **Statement** section, you are asked to tell the court why you are requesting an order for protection. Enough information should be provided in the declaration to allow the judge or commissioner to decide whether an order for protection should be issued. You can assist the judge or commissioner in making this determination by listing the approximate dates and places the harassment occurred and by briefly describing how the respondent harassed you. Remember, if you requested a 14-day temporary protection order, you must also tell the court in your statement the reasons why you feel that you might suffer great and irreparable harm if a temporary protection order is not issued immediately.

When you finish your statement, complete the certification at the bottom of page 2 of the petition. You must fill in the city and state where you are signing the petition.

Below your signature, you need to list an address where the respondent can arrange to have you served with legal documents. You may list an address that is not your residential address where you agree to accept legal documents.

Step 4 - Confidential Information Form – WPF UH-01.0600, Addendum to Confidential Information Form – WPF UH-01.0610.

The Confidential Information Forms gives the court the information it needs to correctly enter your case in the judicial information system. Complete the information requested. If you are listing more than two children in the petition, use an Addendum to Confidential Information form to provide information about additional children.

Step 5 – Law Enforcement Information Sheet - WPF All Cases-01.0400.

The Law Enforcement Information Sheet provides law enforcement officials with information that will assist them in serving your papers and enforcing your order. **This form is confidential and will not be served on the respondent.** This form must be completed in every case.

The Law Enforcement Information Sheet provides law enforcement officials with detailed information about the respondent. The Law Enforcement Information Sheet goes out to the law enforcement agency serving the Order of Protection on the respondent. **The information contained on the form is for law enforcement and court officials only.** Your address and phone number will not be shown or given to the respondent. If you want your address to remain confidential, you may list the name and telephone number and address of someone whom law enforcement can contact to reach you.

Provide as much information as possible about the respondent. If you want law enforcement officials to serve your papers you must list the respondent's current address. Law enforcement personnel cannot enter your order on the statewide law enforcement computer system unless you

include at least the year of the respondent's birth where the respondent's date of birth is requested.

Be sure you complete the hazard information section of the Law Enforcement Information Sheet. This information is for the safety of law enforcement officials while enforcing your order for protection.

Step 6 – Temporary Protection Order and Notice of Hearing - WPF UH-03.0200.

This form should be completed if you requested an ex parte temporary *Antiharassment* protection order in the Petition for an Order for Protection - Harassment (WPF UH-02.0200). **If you did not request an ex parte temporary Antiharassment protection order in your petition, skip the remainder of this section and go to Step 7.**

The table on page one asks for identification information about the minors addressed in the order.

You should fill in the next section to the best of your ability. Check the box or boxes that correspond(s) with the temporary restraints you requested in the Petition for an Order for Protection. In the next section, regarding the clerk of court, be careful to make sure the correct law enforcement agency is listed. In the same section, check the appropriate box regarding service of the temporary order upon the respondent. If you want law enforcement officials to serve the respondent with your papers, be careful to make sure the correct law enforcement agency is listed in the blank. If you are unsure which law enforcement agency to fill in, do not fill in the blank. When you present your papers to the judge, tell the judge that you would like a law enforcement agency to serve the respondent and explain why you were unable to fill in the blank. If you need help or have questions about this section, ask the clerk.

The next section tells the respondent to appear at the next hearing. You must also appear, or the court will not grant the relief you are requesting.

Immediately below the section directing the respondent to appear, is a sentence stating "This Temporary Order for Protection is effective until the next hearing date and time shown below the caption on page one." Remember to fill in the date, time and place of the next hearing on page 1. The clerk will provide you with the hearing information.

Once you have finished filling in the order, sign the Order for Protection in the lower left corner of page 2, on the line for the petitioner.

Step 7 – Return of Service (Unlawful Harassment) - WPF UH-04.0110.

This form is to be completed by the person who serves your papers. If at all possible, **have law enforcement officials serve your papers on the respondent.** You **cannot** serve your papers yourself.

If someone other than a law enforcement official serves your papers, you must make sure the respondent is personally served not less than 5 court days prior to the scheduled hearing. The person serving your papers must be over 18 years of age and a Washington resident. After serving your papers, this person must complete the return of service.

You should contact the law enforcement official or other person who is serving your papers several days prior to your hearing to make sure your papers were served.

If the respondent is not served at least 5 court days prior to your hearing, the judge or court commissioner cannot issue your Order for Protection unless the respondent appears at the hearing. If the respondent was not properly served, go to your hearing so that a new hearing date can be set. At this time you can request that your temporary protection order be reissued. If you want your temporary protection order reissued, you need to present an Order Reissuing Ex Parte Temporary Protection Order (WPF UH-03.0240) to the court. Once the court signs the Order Reissuing Ex Parte Temporary Protection Order, a copy of the Order Reissuing Ex Parte Temporary Protection Order, the Temporary Protection Order and a Notice of Hearing (WPF UH-3.0200) must be served on the respondent prior to your hearing. Copies of the Order Reissuing Ex Parte Temporary Protection Order and Notice of Hearing forms are available from the clerk. There is no filing fee for the reissuance of a temporary protection order since your case is already open.

Step 8 – Order for Protection - Harassment - WPF UH-04.0500.

The Order for Protection is the paper that legally restrains the respondent from further harassing you.

In paragraph 2, check the box that applies to the manner in which the respondent was served notice of the hearing. Paragraph 3 asks for identification information about the minors addressed in the order.

You should fill in the next section to the best of your ability. Check the box or boxes that correspond(s) with the temporary restraints you requested in the Petition for an Order for Protection. In the next section, regarding the clerk of court, be careful to make sure the correct law enforcement agency is listed. In the same section, check the appropriate box regarding service of the temporary order upon the respondent. If you want law enforcement officials to serve the respondent with your papers, be careful to make sure the correct law enforcement agency is listed in the blank. If you are unsure which law enforcement agency to fill in, do not fill in the blank. When you present your papers to the judge, tell the judge that you would like a law enforcement agency to serve the respondent and explain why you were unable to fill in the blank. If you need help or have questions about this section, ask the clerk.

The last paragraph has a blank for the expiration date of the order. You do not need to fill in the blank. If the Order for Protection is granted, the judge will fill in the blank.

Once you have finished filling in the order, sign the Order for Protection in the lower left corner of page 2, on the line for the petitioner.

Step 9 – What to Do with the Completed Forms.

Give your completed forms to the clerk. You should ask for photocopies of all the forms you complete. If someone other than a law enforcement official will be serving your papers you will need to get certified copies of your forms for that person to serve.

Step 10 – Go to Your Hearing.

You must appear in court on your scheduled hearing date. If you do not appear at your hearing, an Order for Protection will not be issued.

General Information

If you decide that your Order for Protection is no longer necessary or that its conditions should be modified, you may request a hearing to change your order. To modify the conditions of your Order for Protection or to terminate your Order for Protection, complete the Motion to Modify/Terminate Order for Protection – Harassment form UH 09.0100. To schedule the motion, use form UH 02.0400, Notice of Hearing. Both of these forms are available from the clerk. The clerk will also provide you with hearing information for paragraph 2 of the Notice. You will need to arrange for service of the motion and notice of hearing on the respondent.

If someone other than a law enforcement official serves your papers, you must make sure the respondent is personally served not less than 5 court days prior to the scheduled hearing. The person serving your papers must be over 18 years of age and a Washington resident. After serving your papers, this person must complete the return of service.

You should contact the law enforcement official or other person who is serving your papers several days prior to your hearing to make sure your papers were served.