

## Jefferson County Clerk's Office

### Protective/Restraining Orders

*If you are in need of immediate assistance, dial 9-1-1*

#### What is domestic violence?

Domestic violence is a pattern of physically and/or emotionally abusive behavior used to control another person with whom the abusive person has an intimate or family relationship. Specifically, as defined under RCW 26.50.010: "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking of one family or household member by another family or household member.

If you are the victim of domestic violence or sexual assault, we urge you to make contact with The Dove House, which offers services for victims of domestic violence and/or sexual assault, and their families. Services provided by The Dove House are free of charge and include: crisis intervention, advocacy, legal assistance, counseling and therapy, emergency food and shelter, and much more.

DoveHouse Advocacy Services  
<http://www.dvsajeffco.org/>  
360-385-5291 (24-hour services)

#### Types of protective and restraining orders: Which one should I file?

There are seven different types of protective orders issued by the courts. While people tend to use the term "restraining order" loosely, it should be noted that each type of order mentioned below is unique. ***Some involve domestic violence and some do not.*** If you feel you are in need of court intervention and protection, you should know what type of order you are actually seeking.

❖ **Order of Protection (Domestic Violence)**

Based on a finding of actual domestic violence (physical harm or imminent fear of physical harm) between family or household members as defined under RCW 26.50.

❖ **Restraining Order**

Frequently used in existing family law cases to assist in "keeping the peace" or to prevent something from happening (without a finding of domestic violence). You must have an open family law case in Superior Court (such as a dissolution, parentage, or custody action) to get a restraining order. Orders can be temporary or (when entered with final pleadings) permanent and can involve possession of property issues, disposition of assets and debts, and temporary custody.

❖ **Criminal No-Contact Order**

Issued only in pending criminal cases involving a victim, criminal no-contact orders typically expire once trial and sentencing are concluded. Once a no-contact order is terminated, a victim could seek further protection using one of the civil methods described above, if desired.

❖ **Harassment (Order for Protection)**

Parties are generally not married, have not lived together, and have no children in common. Protection is available to persons who are seriously alarmed, annoyed or harassed by conduct which serves no legitimate or lawful purpose. The unwanted course of conduct shall be such as would cause substantial emotional distress to a reasonable person. There must be repeated invasions of a person's privacy by acts and works showing a continuous pattern of harassment. Isolated single acts of harassment will not qualify a person for an anti-harassment protection.

❖ **Stalking (Order for Protection)**

For victims of repeated or ongoing stalking as defined under RCW [9A.46.110](#) or cyberstalking as defined under RCW [9.61.260](#). Typically there are repeated or continuing contacts, attempts to contact, monitoring, tracking, keeping under observation, cyberstalking, or following, and the victim is feeling frightened, intimidated or threatened.

❖ **Sexual Assault Protection Order**

For victims of nonconsensual sexual conduct or penetration. The petitioner must not qualify for a domestic violence Order of Protection. If the parties are related, were/are in a dating relationship, etc., a domestic violence Order of Protection must be filed instead. ([More information](#) about sexual assault orders).

❖ **Vulnerable Adult Protection Order (Elderly Abuse)**

Victim is 60-plus years of age, vulnerable, and is the victim of actual or threatened abuse, neglect, abandonment or financial exploitation (improper use of victim's property or resources).

**Getting started: forms, instructions, etc.**

There are several ways to secure the forms you will need to begin your action before the court:

1. Most forms and instructions are available for free through the Washington Courts, <http://www.courts.wa.gov/forms/> (go to subheading entitled "Protective Orders").
2. If you are a victim of domestic violence and you are in need of an **Order of Protection**, the [Dove House](#) (formerly known as Domestic Violence/Sexual Assault) can assist you in obtaining and filling out your forms, as well as provide you services and guidance. The Dove House will also assist with **Sexual Assault Protection Orders** and **Vulnerable Adult Orders of Protection**.
3. The Clerk's Office of both District Court and Superior Court can provide most necessary forms as well. If you're unsure which court to file your action in, the Clerk of either court can direct you, taking into consideration several

factors such as relationship of the parties to each other; whether children are involved; whether the parties are currently residing together; and whether there is a domestic violence concern, harassment concern, sexual assault concern, etc.

**Filling out your Petition: be specific!** The Court does not issue restraints or protection lightly. We suggest you take the time to include specifics, details, and dates when filling out your petition. You will also need to provide dates of birth, descriptions, and contact information for all involved parties. You are welcome to attach exhibits to your petition, if appropriate.

In many cases, the Court will err on the side of safety and will immediately issue a temporary restraining order or protection order which remains in place for approximately a week or two, pending a hearing. The Respondent (non-moving party) has the right to be present at this hearing to defend himself/herself. Both parties will be afforded a brief opportunity to speak. If the petitioner fails to appear, the matter will be dropped. In Superior Court, the hearings always take place on Fridays at 2:00 p.m.

#### **Fees & Costs, Where to File:**

- ❖ **Order of Protection (Domestic Violence):** There is no fee for forms or filing, and the Sheriff's office will serve the respondent at no cost. The Clerk's staff may assist you in filling out the forms, as can the legal advocates at Dove House. *(Issued in both District Court and Superior Court)*
- ❖ **Restraining Order:** An attorney or the Courthouse Facilitator may assist you in filling out the required forms; you will be required to obtain/purchase your own forms. There is no filing fee because these orders are only filed in **existing** cases. You will need to make your own arrangements for service on respondent at your own expense. *(Issued in family law file in Superior Court)*
- ❖ **Criminal No-Contact Order:** These are handled through the prosecuting attorney's office as part of a criminal domestic violence or assault case. There is no cost to the protected party. *(Issued in both District Court and Superior Court depending on the severity of the alleged crime)*
- ❖ **Harassment (Order for Protection):** The filing fee is \$53; District court can provide forms for free. You will need to make your own arrangements for service on respondent at your own expense. *(Issued in District Court; occasionally transferred to Superior Court)*
- ❖ **Stalking (Order for Protection):** There is no fee for forms or filing, and the Sheriff's office will serve the respondent at no cost. The Clerk's staff may assist you in filling out the forms, as can the legal advocates at Dove House. *(Issued in District Court; occasionally transferred to Superior Court)*
- ❖ **Sexual Assault Protection Order:** The Clerk's staff may provide assistance and forms at no cost. There is no fee to file, and the Sheriff's Office will provide service on respondent at no cost. The Dove House can also assist with forms and immediate support. *(Issued in District Court; occasionally transferred to Superior Court)*

- ❖ **Vulnerable Adult Protection Order:** These orders can be initiated by the vulnerable adult, a guardian, an interested person, or DSHS. There is no fee for forms or filing, and the Sheriff's office will serve the respondent at no cost. If someone other than the vulnerable adult is petitioning the court, service must also be performed on the vulnerable adult, as well as his or her guardian, if any. Forms are available at the Clerk's office; staff may assist in filling out forms, as can the Dove House. Because these petitions and accompanying allegations can be complex, some petitioners choose to hire an attorney. C-L-E-A-R (Northwest Justice Project) offers free legal advice over the phone to those who qualify, and a special phone line for senior citizens exists, 1-888-387-7111. (*Issued in Superior Court*)

### **Rescinding/Modifying No-Contact or Protective Orders**

If you would like to have an **Order of Protection** or **No-Contact Order** terminated prior to its expiration date, the petitioner *must* first make contact with The Dove House to obtain a "safety plan." For more information or to obtain forms and instructions, contact the Clerk's Office, the Crime Victim Advocate at the Prosecutor's office, or The Dove House.

To drop or modify a family law **Restraining Order**, either party may motion the court and set a hearing date. You or your attorney will need to obtain the appropriate forms. The Courthouse Facilitator may assist unrepresented parties with filling out the forms and setting a date for a court hearing.

### **Community Information, Resources, and Referrals: Dial 2-1-1**

Just dial **2-1-1** for immediate information and referrals relating to shelter needs, food resources, utility bill help, mental health services, medical care questions, mental health services, senior assistance, and employment services. Looking to volunteer? Call 2-1-1 and inquire about volunteer opportunities.