

HOW TO GET LEGAL PROTECTION FROM DOMESTIC VIOLENCE

| QUESTIONS? | PROTECTION ORDER | RESTRAINING ORDER | ANTI-HARASSMENT ORDER | NO CONTACT ORDER |
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| WHO MAY OBTAIN? | <p>CIVIL ORDER (RCW 26.50) Any person who is a victim of domestic violence or fears violence by a “family or household member.” (Persons who are married, divorced, or have a child in common, adult persons who are related or who reside(d) together and persons 16 yrs & older who are/been dating).</p> | <p>CIVIL ORDER (RCW 26.09&.26) Married persons or persons w/a child in common who are filing for divorce, separation, custody or paternity. To qualify a person doesn’t need to be assaulted or threatened previously.</p> | <p>CIVIL ORDER (RCW 10.14) Persons who are seriously alarmed, annoyed, or harassed by conduct which serves no legitimate or lawful purpose. The person does not need to have a relationship with the person harassing them.</p> | <p>CRIMINAL ORDER (RCW 10.99) A person who has reported an incident to the police. Criminal charges must be pending or filed. May be a condition of sentencing.</p> |
| WHAT CAN AN ORDER DO? | <ul style="list-style-type: none"> ★ Prohibit contact of any kind. ★ Remove abuser from shared residence and prohibit from entering. ★ Give temporary custody of children and set visitation schedule. ★ Can be tailored to individual needs. | <p>Can do all that a Protection Order does. May also order child support, order maintenance income, assign property to either party, and establish permanent custody or use of family home.</p> | <ul style="list-style-type: none"> ★ Prohibit harassment and contact of any kind. ★ Restrain party from coming within a specific distance from petitioner’s residence, workplace, school, etc. | <p>Prohibit contact of any kind while criminal case is active and can be a condition of sentencing. Protects a victim while waiting for trial.</p> |
| HOW IS AN ORDER OBTAINED? | <p>Can be obtained in Superior Court Clerk’s Office. The judge will review the paperwork and grant or deny a temporary emergency order effective for up to 14 days. The other party is served with the petition, notice of hearing and temporary order. A hearing is scheduled within 2 weeks at which time the judge may deny or grant an order which could be entered as permanent. Forms provided by Clerk.</p> | <p>Can be obtained in Superior Court as part of a Family Law Action such as divorce, separation, custody or paternity. A temporary restraining order can be filed at the filing of the civil petition and signed by the judge effective until heard in court. Many persons obtain attorneys to represent them through this process. The prosecutor or attorney general, when involved in paternity actions, may request a restraining order on behalf of the child.</p> | <p>Can be obtained in District Court or Superior Court if respondent a minor. Person files a petition which involves filling out paperwork. After reviewing your petition, the court may grant or deny a temporary emergency order effective up to 14 days. The other party is served w/petition, notice of hearing and temporary order. A hearing is held within 14 days at which time the court may deny or grant an order effective for up to one year.</p> | <p>A crime must first be reported to the police. If the abuser has been arrested or issued a citation, the victim may ask the prosecutor to request a no contact order. (Arresting officers can get orders done immediately)</p> |
| WHAT IS THE COST? | <p>There is no cost to the petitioner.</p> | <p>Filing fee is \$110.00 but may be waived.</p> | <p>Filing fee is \$31.00 in District, \$41.00 in Superior Court but may be waived.</p> | <p>There is no cost.</p> |
| WHAT HAPPENS IF THE ORDER IS KNOWINGLY VIOLATED? | <p>Mandatory arrest if abuser violates “restraint” provisions or enters a residence where prohibited from entering. Possible criminal or contempt charges.</p> | <p>Violator may be arrested. Possible criminal or contempt charges.</p> | <p>Violator may be arrested. Possible criminal or contempt charges.</p> | <p>Violator shall be arrested.</p> |

If you have a court order, it is important to remember:

1. Keep a certified copy of your order with you at all times.
2. The order is enforceable throughout Washington State.
3. If there is a violation of your court order, call 9-1-1 or your local police. Tell them you have a court order and it is being violated.

Whether or not you have a court order, if you are being harassed, threatened or assaulted, call 9-1-1, or your local police.

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Information on Court Orders