

## Instructions for Petition for Order for Protection

This form is used to start a domestic violence protection order case. Ask the court clerk for advocate services to help you fill out this form. This form will be:

- Filed as a public court record and will start a civil court case.
- Served (personal delivery) to the person from whom you need protection.

The information in the petition is used by the court to determine if:

- The court has authority to enter an order on your behalf.
- If the relationship between you and the other party meets the legal definition of family or household member.
- If the respondent's behavior towards you meets the legal definition of domestic violence.

This is a two step process. This form is used to request both immediate temporary protection **And** full protection. If you need immediate protection, and the court finds an emergency exists, the court may immediately issue a temporary order that will last until the court holds a hearing, usually within 14 days. During the 14 days, you must arrange for service on the respondent of the petition, temporary order and notice of hearing, and any other declarations or documents, if any, presented to the court. Service may be done by a law enforcement agency where the respondent lives or works, a hired professional process server, or a person 18 or over who is not a party to this action. The person completing service on the respondent must file an affidavit, declaration, or certificate of service with the court or the hearing cannot go forward. At the hearing, the court will determine if it should issue a full Order for Protection. The respondent has a right to attend that hearing.

### Please Print Clearly Using Black or Blue Ink!

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Fill in your name (first, middle initial, last) as the "Petitioner." The person you want protection from is the "Respondent." Fill in the respondent's name (first, middle initial, last).

#### Who Needs Protection (Question 1)

The court must know who needs protection. Check the first box if you need protection. Check the second box if someone in your family or household needs protection. You may check both boxes. Check the third box if you are the guardian, guardian ad litem or next friend of a minor 13 – 15 years of age who is a victim of domestic violence in a dating relationship with a person 16 years of age or older, who needs protection. Include the minor's name in the space provided within the third check box and provide additional identifying information for the minor in paragraph 5.

A next friend is a competent person, over 18 years of age, chosen by the minor who is capable of pursuing the minor's stated interest in the petition for order for protection action.

## **Residency** (Question 2)

Check the box that applies.

## **Age** (Question 3)

The court needs to know the ages of the petitioner/victim and the respondent. Check **One** of the boxes for the petitioner's/victim's age. Check **One** of the boxes for the respondent's age.

## **Relationship** (Question 4)

The court must know the relationship between the petitioner/victim and the respondent. Check all the boxes that describe your situation. If you are petitioning on behalf of a minor, the minor's relationship to the respondent is addressed in question 5.

## **Identification of Minors** (Question 5)

- If there are no children, check the box indicating "No Minors Involved."
- If there are children, list each child's name, age, race and sex. Fill in how that child is related to you (for example, son, stepdaughter). Fill in how that child is related to the respondent. Fill in with whom that child lives (for example: me, grandparent, respondent).
- If you have questions about safety for your children, ask for advocate resources for help in filling out this section.

## **Court Cases** (Question 6)

This may not be the first court proceeding involving you, or the minors, and the respondent. The court will need to know about other cases, such as divorce, parentage or criminal, or other restraining, protection or no-contact orders so the court does not issue an order that might conflict with an order from another court.

If there are other cases or orders involving you, or the minors, and the respondent, list the case title (the parties' names), the case number (if you know it), and the court (district, municipal, or superior) and the county in the columns provided.

## **Request for Protection** (Page 2)

In this section, you must tell the court what you want the court to order now and after the hearing (the relief requested). The court can only grant the relief you request in the petition.

- To request relief beginning today and lasting until the hearing, check the boxes on the left under "Temp."
- To request relief you want in the full order issued at the hearing, check the boxes on the left under "Full."

Some provisions allow you to ask the court to protect you, all the minors listed in paragraph 5 or only minors you name. Some provisions allow you to specify which locations you want included in the

protection. Be sure to check the boxes to specify which people and places you want protected within each restraint provision.

1. The first provision asks the court to **restrain** the respondent from causing physical harm, or from stalking or harassing you and/or the children you name.
2. The second provision asks the court to restrain the respondent from harassing, following, keeping under surveillance, including cyberstalking, or from using telephonic, audiovisual or other electronic means to monitor the actions, locations or communications of you and/or the minors listed in paragraph 5, only the minors you name in this provision. You may also ask for protection in this provision for the victim's adult children and/or any of the victim's household members. Write in the names of the adult children or household members in the space provided.
3. The third provision asks the court to **restrain** the respondent from contacting you and/or the children you name.
4. The fourth provision asks the court to **exclude** the respondent from your home, workplace, school or the minor's day care or school. If there is someplace else you want to include, add it to the box called "other."

You have a right to keep your residential address confidential (secret). This restraint provision in the temporary order and in the full order has a space for you to write in your residential address. You are not required to write in your residential address if you are concerned with your safety or with identity theft. However, enforcement of the order may be easier if your address is included. If you decide to include your address, please list the complete address, including the city.

5. The fifth provision asks the court to order the respondent to **vacate** the home the two of you share and to give you exclusive rights to the home.
6. The sixth provision asks the court to **prohibit** the respondent from knowingly coming within or knowingly remaining within a specified distance (e.g. 100 feet, 2 blocks) of your home, workplace or school; or the minor's day care or school. If there is someplace else you want to include, add it to the box called "other."
7. The seventh provision asks the court to **grant** you possession of essential personal belongings. Please list the personal belongings. ("Essential personal belongings" means those items necessary for a person's immediate health, welfare, and livelihood. "Essential personal belongings" includes but is not limited to clothing, cribs, bedding, documents, medications, and personal hygiene items. (RCW 26.50.010(7).))
8. The eighth provision asks the court to **grant** you use of a vehicle (i.e., blue 1994 Ford Taurus, License Number XYZ123).
9. The ninth provision, "**Other**," is where you may list something not mentioned in the above provisions.

Provisions 10, 11, 12, 13, 14, and 15 are only available as part of the Full Order:

10. The tenth provision asks the court to **direct** the respondent to get treatment or counseling.

11. The eleventh provision asks the court to **require** the respondent to pay the fees and costs of this action. (Fees and costs may include court costs, service fees and reasonable attorney's fees.)
12. The twelfth provision asks the court to make the order **remain effective** (last longer) than one year. Check this box only if there is reason to believe the respondent would resume the acts of domestic violence against you if the order expired in one year.
13. The thirteenth provision asks the court to **grant** you exclusive custody and control of pet(s). You can only ask for custody and control of a pet if it is owned, possessed, leased, kept, or held by you, the respondent, or a minor child residing with either you or the respondent.
14. The fourteenth provision asks the court to **prohibit** the respondent from interfering with your efforts to remove the pet(s).
15. The fifteenth provision asks the court to **prohibit** the respondent from knowingly coming within or knowingly remaining within a specified distance (e.g. 100 feet, 2 blocks) from the location(s) you list where the pet(s) may regularly be found. Remember, you have a right to keep your residential address confidential.

**If There Are No Minors Involved Do Not Check Provisions 16, 17, and 18.**

**If You Are Requesting Restraint Provisions Involving Minors Check the Boxes in 16, 17 and 18.**

16. The sixteenth provision asks the court to **grant** (give) you the temporary care, custody and control of the children you name.
17. The seventeenth provision asks the court to **restrain** the respondent from interfering with your custody of the children you name.
18. The eighteenth provision asks the court to **restrain** the respondent from removing the listed children from the state.

Please review the section you just completed to ensure that you checked the boxes to show which provisions you want in temporary, full or both orders. In each provision, be sure you checked the boxes to identify the people and places you want protected.

### **Request for Special Assistance From Law Enforcement Agencies**

You might need special help from the police. Check off everything that you think you may need the police to assist you in obtaining.

1. The first item asks the court to order the police to help you get back into your home. For your safety, ask for a police escort back into your home.
2. The second item asks the court to order the police to help you get use of the vehicle.

3. The third item asks the court to order the police to help you get your personal belongings (Civil Standby). Check the box if you want the police to help you get your belongings from the shared residence, the respondent's residence or another location. Because of time limitations, availability of officers and safety, contact law enforcement to schedule a civil standby (when they will meet you and how long they can stay).
4. The fourth item asks the court to order the police to help you get custody of the children you list. There may be additional steps that you have to take for this request to be enforced.
5. The last item lets you ask for other help you might need from the police.

### **Statement of Petitioner**

The statement of petitioner is to describe to the court why a protection order is needed. This document will be filed in the court file, which is a public record, and shall be served on the respondent. If you do not include a particular incident of domestic violence in your statement, you may not have an opportunity to tell the court at the hearing.

“Domestic violence” means physical harm, bodily injury, assault, including sexual assault, stalking, Or inflicting fear of imminent physical harm, bodily injury or assault between family or household members.

First read through the statement section in the petition before you start writing. There are several places for you to describe what happened.

Describe exactly what happened when you were threatened or hurt. Provide as much detail as you can such as dates, times, witnesses, injuries, if any, medical treatment, if any. The more details you can provide the more helpful it is to the judge. If there is an emergency, explain why so the court can issue an immediate temporary order before the hearing. In addition to the information requested in the statement you may want to include:

- If the respondent has hurt other people.
- If the respondent has been arrested.
- If police responded even if no arrests were made.

### **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."

Try to use the respondent's exact words when you were threatened with physical harm.

If any of the information requested does not apply, write, "does not apply" in that section.

Choose the appropriate box if substance abuse is involved.

## **Out of State Service**

If the respondent cannot be personally served in Washington State, check the box. Note: The respondent will still have to be personally served, unless the court orders otherwise.

## **Sign the Form**

When you are done with your statement, put today's date in the date line and fill in the city where you are completing this form. Sign the form.

The respondent has a right to have you served with documents in response to this petition. You have a right to keep your residential address confidential. If you want to keep your address confidential, you must list an address that is not your residential address where you agree to accept legal documents.

## **Law Enforcement Information Sheet (LEIS)**

You must complete a Law Enforcement Information Sheet (LEIS), form WPF All Cases 01.0400. This form is confidential and it does not go in the public court file and is not served on the respondent.

- It is used by Law Enforcement to locate and identify the respondent when serving documents.
- It is also used by Law Enforcement when entering the order in the state-wide data base.

Complete as much information as possible, especially, first name, middle initial, last name, and date of birth.

If the respondent has a disability, brain injury, or other impairment, you may know of special assistance that law enforcement could provide when serving the documents. For example:

"Respondent has a brain injury. If respondent is rushed, respondent may freeze up and may not respond quickly, or may become verbally aggressive. Remind respondent to contact a friend."

"Respondent has epilepsy and diabetes and may have seizures when stressed. Respondent doesn't respond well to being rushed and will need time to get meds and supplies."