

# Legal Protection From Domestic Violence, Harassment, or Abuse

## Information on Court Orders

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 the state of Washington, and if issued by Washington State Superior Court, the order is enforceable throughout the United States and in U.S. territories.
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!!**

<b>Domestic Violence Order for Protection RCW 26.50</b>	
<b>Who May Obtain?</b>	Any person who is a victim of domestic violence or fears violence by an “intimate partner” or a “family or household member.” (Spouses, domestic partners, former spouses or domestic partners, persons with a child in common, persons 16 years or older and are/were in a dating relationship and reside(d) together or never resided together, Adult persons who are related by blood or who reside(d) together, adult in-laws, persons who have a (step)parent and (step)children or a grandparent/grandchild relationship, and persons 13 years or older who dated/is dating a respondent 16 or older. Minors aged 13 – 15 with/by a parent, guardian, guardian ad litem, next friend.) Department of Social and Health Services (DSHS) may petition on behalf of and with the consent of a vulnerable adult.
<b>What Can an Order Do?</b>	<ul style="list-style-type: none"> <li>• Prohibit contact of any kind, including cyber stalking, and be tailored to individual needs.</li> <li>• Remove abuser from shared residence and prohibit from entering.</li> <li>• Give temporary custody of children and set visitation schedule.</li> <li>• Grant essential possessions (e.g., vehicle, medicine, pets).</li> <li>• Order abuser into treatment/counseling.</li> <li>• Order the surrender and prohibit the possession of firearms, dangerous weapons, and any concealed pistol license(s).</li> </ul>
<b>How is an Order Obtained?</b>	An order can be obtained in district, municipal, or superior court. The person completes paperwork which the court reviews. The court will grant or deny a temporary emergency order effective for up to 14 days. The petitioner arranges for the other party to be served with the petition, notice of hearing, and temporary order. A hearing is scheduled within 2 weeks at which time the court may deny the petition or grant a full order, effective for up to one year or more. The hearing may be by telephone in special circumstances. <b>Forms and instructions are provided by the Clerk’s Office.</b>
<b>What is the Cost?</b>	No cost.
<b>How is an Order Modified or Terminated?</b>	While the order is in effect, either party may file a motion to modify (change) or terminate (end) the protection order and arrange to serve the other party with the motion and the notice of hearing. At the hearing the court may modify or terminate the order for protection. An emergency order terminates after 14 days or the date of the hearing, whichever occurs earliest. The full order for protection terminates after the ending effective date listed on the order. If the petitioner does not want an order to terminate after the effective date on the order, the petitioner may file a petition for renewal of the order for protection and arrange to serve the other party with the motion and notice of hearing. At hearing, the court may grant the motion and enter a new protection order, or deny the motion.
<b>What Happens if the Order is Knowingly Violated?</b>	Mandatory arrest if abuser violates “restraint” provisions or enters a residence where prohibited from entering. Possible criminal or contempt charges.

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	<b>Domestic Violence No-Contact Order Criminal Order RCW 10.99</b>
<b>Who May Obtain?</b>	A person who has reported to the police an incident involving domestic violence as defined in RCW 10.99.020. Criminal charges must be pending or filed. May be a condition of sentencing.
<b>What Can an Order Do?</b>	An order can prohibit contact of any kind; prohibit the abuser from knowingly coming within or staying within a specific distance of a location; order the surrender and prohibit the possession of firearms, dangerous weapons, and any concealed pistol license(s). An order protects the victim in an active case while waiting for trial and sentencing. The order can also be a condition of sentence and effective up to the statutory maximum sentence and/or until probation is concluded.
<b>How is an Order Obtained?</b>	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. The prosecutor may ask the court for a protection order regardless of the victim's wishes. The order may be obtained in district, municipal or superior court. (In some jurisdictions, orders are issued via the police or jail.)
<b>What is the Cost?</b>	No cost.
<b>How is an Order Modified or Terminated?</b>	The no-contact order terminates upon the expiration date listed in the order, or upon dismissal of the charges, or upon a not guilty verdict. The order shall state that it may be extended. If the court finds probable cause, it may issue or extend a no-contact order. The order may be modified or terminated by the court before the expiration date. The victim may contact the prosecuting attorney to ask the attorney to file the motion for modification or termination of the order. The defendant or his or her attorney may file the motion.
<b>What Happens if the Order is Knowingly Violated?</b>	Mandatory arrest.

	<b>Abused Child Restraining Order RCW 26.44.063</b>
<b>Who May Obtain?</b>	In any judicial proceeding in which it is alleged a child has been subjected to sexual or physical abuse, if the court finds reasonable grounds to believe the abuse occurred it may, on its own motion or on the motion of the guardian ad litem or any party, enter a temporary restraining order protecting the child.
<b>What Can an Order Do?</b>	An order can prohibit contact with the child without specific court approval; restrain from molesting or disturbing the peace of the child; restrain from entering the child's home without specific court approval; restrain from knowingly coming within or remaining within a specified distance of a specified location. The court may impose any additional restrictions it determines necessary.
<b>How is an Order Obtained?</b>	In the Superior Court Juvenile Department, a party or the guardian ad litem makes a request to the court for issuance of an order, or the court may issue an order on its own. The order may be obtained regardless of the victim's wishes.
<b>What is the Cost?</b>	No cost. Order is usually requested by DSHS.
<b>How is an Order Modified or Terminated?</b>	The order may be modified or terminated by the court upon motion by any party or the guardian ad litem.
<b>What Happens if the Order is Knowingly Violated?</b>	Mandatory arrest if restraint and exclusion provisions are violated and legend is on order. Possible criminal or contempt charges.

	<b>Canadian DV Protection Order RCW 26.55</b>
	A person authorized by Washington law, other than chapter 26.55 RCW, seeking enforcement of a Canadian domestic protection order can request a state court to issue an order enforcing the Canadian domestic violence protection order.  A person entitled to protection under a Canadian domestic violence protection order may have the order registered.
	Unless a Washington court issues an order refusing to enforce a Canadian domestic violence protection order, its terms will be enforced.
	Registration: A person entitled to protection under a Canadian domestic violence order may file it with a court by presenting a certified/authenticated copy of the order and an affidavit stating that the order is valid and in effect, to a clerk of the Washington court in which the person filing resides or believes enforcement may be necessary. An out-of-state agency, department, or court responsible for maintaining protection order records may send a copy of the order with digital signature to the clerk of the Washington Court. Once the court clerk properly receives the Canadian domestic violence protection order, the order will be filed with the court. Registration or filing of the order with a Washington court is not a requirement for the Canadian protection order to be enforced by law enforcement.  Enforcement of the order by a state court: A person authorized by Washington law, other than chapter 26.55 RCW, seeking enforcement of a Canadian domestic violence protection order, can request an order from a state court to enforce that order. The court is limited to the terms of the Canadian order and cannot order additional restrictions or provisions.
	No cost.
	An inaccurate, expired, or unenforceable Canadian domestic violence protection order may be corrected in accordance with Washington law, other than chapter 26.55 RCW. RCW 26.55.040(6).
	Mandatory arrest if the person restrained under the Canadian domestic violence protection order violates the restraint and exclusion provisions. Possible criminal or contempt charges.

	<b>Foreign Protection Order RCW 26.52</b>
<b>Who May Obtain?</b>	A protected person who has a valid civil or criminal protection order issued by a court in a foreign state, territory, possession, tribe, or United States military tribunal may file the order in Washington State.
<b>What Can an Order Do?</b>	An order can provide the protection ordered by the original court in the foreign protection order.  <b>The foreign protection order is enforceable in Washington State even if the order is not filed in the court or entered in law enforcement's computer-based information system.</b>
<b>How is an Order Obtained?</b>	A person may file a valid foreign protection order by presenting a certified, authenticated, or exemplified copy of the protection order to the clerk of the court where the protected person resides or where the person entitled to protection believes enforcement may be necessary. The person must file a Foreign Protection Order Information form with the order. <b>The information form is provided by the clerk's office.</b> A clerk may provide the protected person with assistance in filling out the information form. The clerk will give the protected person a copy of the order showing proof that it was filed.
<b>What is the Cost?</b>	No cost.
<b>How is an Order Modified or Terminated?</b>	The foreign protection order terminates upon the expiration date listed in the order. The order may be modified or terminated before the expiration date according to the laws of the jurisdiction that issued the order.  Disputes about child custody, residential placement, or visitation provisions shall be resolved judicially. Venue and jurisdiction is determined by the Uniform Child Custody Jurisdiction and Enforcement Act and the Parental Kidnapping Prevention Act. A Writ of Habeas Corpus is needed before law enforcement can remove a child from current placement, unless the child is abused or neglected.
<b>What Happens if the Order is Knowingly Violated?</b>	Mandatory arrest if the person under restraint violates "restraint" provisions. Possible criminal or contempt charges.

	<b>Domestic Relations Restraining Order RCW 26.09, 26.10, 26.26</b>
<b>Who May Obtain?</b>	Married persons filing for divorce, legal separation, or declaration concerning validity, persons with a child in common who are filing to determine parentage, or persons seeking custody of a child. To qualify, a person does not need to have experienced assault or threats of violence.
<b>What Can an Order Do?</b>	Refrain from disturbing the peace, harming, molesting, assaulting, or stalking; refrain from going onto the grounds of or entering a specified location; knowingly coming within or remaining within a specified distance from a specified location; order the surrender and prohibit the possession of firearms, dangerous weapons, and any concealed pistol license(s); may also order child support, order maintenance income, assign property to either party, establish permanent child custody, establish a residential schedule, or use of family home.
<b>How is an Order Obtained?</b>	Can be obtained in superior court as part of a family law action such as a divorce, legal separation, declaration concerning validity, paternity determination, or third party custody. An emergency restraining order can be filed at the time of a civil petition and signed by the judge, effective until the preliminary hearing when a temporary order may be entered. The court may enter a continuing restraining order with the decree. Many persons hire an attorney to represent them. The county prosecutor, when involved in paternity actions, may request a restraining order on behalf of the child.
<b>What is the Cost?</b>	The filing fee is \$200.00 (plus possible surcharges) but may be waived. Additional costs can include copy, service, and attorney fees.
<b>How is an Order Modified or Terminated?</b>	Before the decree is entered, either party may file a motion for temporary order to modify or terminate a temporary restraining order. The other party is served with the motion and notice of hearing. At the hearing, the court will deny the motion, enter a modified temporary restraining order, or terminate the order. After the continuing restraining order is entered with the decree, a party may file a petition for modification to ask the court to modify or terminate the continuing restraining order. A filing fee applies. The other party is served with the petition for modification and notice of hearing. At the hearing, the court will deny the petition or grant the petition and enter an order modifying or terminating the restraining order. <b>Forms are not available to petition for a modification of a continuing restraining order.</b> A temporary restraining order terminates when the final decree is entered. A continuing restraining order terminates upon the expiration date listed in the decree.
<b>What Happens if the Order is Knowingly Violated?</b>	Mandatory arrest if abuser violates "restraint" provisions or enters a residence where prohibited from entering. Possible criminal or contempt charges.

<b>Harassment No-Contact Order Criminal Order RCW 9A.46</b>	
<b>Who May Obtain?</b>	A person who has reported to the police an incident involving harassment as defined in RCW 9A.46.060. (Criminal charges must be pending or filed. May be a condition of sentencing.)
<b>What Can an Order Do?</b>	Refrain from contacting, intimidating, or threatening the victim and others listed in the order; order the abuser to stay away from specific locations; may order the surrender and prohibit the possession of firearms, dangerous weapons, and any concealed pistol license(s). Protects the victim in an active case while waiting for trial and sentencing. The order can also be a condition of sentence.
<b>How is an Order Obtained?</b>	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. The order may be obtained in district, municipal, or superior court.
<b>What is the Cost?</b>	No cost.
<b>How is an Order Modified or Terminated?</b>	The no-contact order terminates upon the expiration date listed in the order. The order may be modified or terminated by the court before the expiration date. The victim may contact the prosecuting attorney to ask the attorney to file the motion for modification or termination of the order. The defendant or his/her attorney may file the motion.
<b>What Happens if the Order is Knowingly Violated?</b>	Mandatory arrest.
Community Resources:	

<b>Anti-harassment Order for Protection RCW 10.14</b>
Persons who are seriously alarmed, annoyed, or harassed by conduct which serves no legitimate or lawful purpose. Person may or may not have a relationship with the person harassing them. Parents may petition on behalf of a child against an adult or, in some circumstances, against a minor.
<ul style="list-style-type: none"> <li>• Prohibit harassment and contact of any kind.</li> <li>• Restrain party from coming within a specific distance from petitioner's work place, school, residence, etc.</li> <li>• Order the surrender and prohibit the possession of firearms, dangerous weapons, and any concealed pistol license(s).</li> </ul>
<p>Generally, you must file your case in district court. However you must file your case in superior court if:</p> <ul style="list-style-type: none"> <li>• the respondent is under age 18;</li> <li>• the case would interfere with the respondent's care, control, or custody of respondent's minor children;</li> <li>• the case involves disputes over title, ownership, or possession of real property, such as landlord-tenant or boundary dispute; or</li> <li>• the superior court is exercising or has exercised jurisdiction over proceedings involving the parties.</li> </ul> <p>The court may 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 held within 14 days at which time the court may deny the petition or grant an order effective for up to one year. <b>Forms and instructions are provided by the clerk's office.</b></p>
Filing fees vary. Additional costs can include copy, service, and local surcharge fees. Fees may be waived if you cannot pay or if you seek protection from domestic violence, sexual assault, or stalking. Petitioner may be required to pay minor respondent's guardian ad litem fees.
<p>While the order is in effect, either party may file a motion to modify (change) or terminate (end) the protection order. The other party is served with the motion and the notice of hearing. At the hearing the court may modify or terminate the order for protection.</p> <p>An emergency order terminates after 14 days or on the date of the hearing. The full order for protection terminates after the expiration date listed on the order.</p> <p>If the petitioner does not want an order to terminate after the effective date on the order, the petitioner may file a petition for renewal of the order for protection. The other party is served the motion and notice of hearing. At the hearing, the court may grant the motion and enter a new protection order, or deny the motion.</p>
Violator may be arrested. Possible criminal or contempt charges.