

Superior Court of Washington, County of Snohomish

Petitioner, DOB: _____	No. _____
vs.	Protection Order (ORPRT-) <input type="checkbox"/> Domestic Violence (PRT) <input type="checkbox"/> Sexual Assault (SXP) <input type="checkbox"/> Harassment (AH) <input type="checkbox"/> Stalking (STKH) <input type="checkbox"/> Vulnerable Adult (VA)
Respondent DOB: _____	Clerk's action required: 5.B., 10, 11, 12, 14 3000 Rockefeller Avenue, Everett, WA Phone: 425-388-3638

Protection Order

1. This order is effective immediately and for one year from today's date, unless a different end date is listed here (*end date*): _____

This protection order complies with the Violence Against Women Act and shall be enforced throughout the United States. See last page.

2. This order restrains (*name*): _____ also known as
list any known aliases) _____

The restrained person must obey the restraints ordered in section 8.

Sex _____ Race _____ Height _____ Weight _____ Hair _____ Eyes _____

Noticeable features (*Ex.: tattoos, scars, birthmarks*): _____

Has access to [] firearms [] other weapons [] unknown

Surrender weapons ordered: [] Yes [] No

3. This order protects (*name*): _____
and the following children who are under 18 (if any) no minors

Child's name	Age	Child's name	Age
1.		2.	
3.		4.	

5.	6.	
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The person who filed this petition requested protection for (*check all that apply*):

-] themselves
-] someone else. The filing party has the right to petition on the protected person's behalf because:
 -] The filing party is a parent, legal guardian, or custodian of the minor protected person/s.
 -] The filing party is age 18 or older and a family or household member of the minor protect person/s. (*For domestic violence orders only.*)
 -] The filing party is age 15 to 17 and filed on behalf of a minor family or household member. The filing party has been chosen by the minor, and is capable of pursuing the minor's stated interest in this case.
 -] The protected person is a vulnerable adult and the filing party is
 -] the vulnerable adult's guardian, conservator, or legal fiduciary, or
 -] an interested person as defined by RCW 7.105.010(18), or
 -] WA Department of Social and Health Services.
 -] The protected person is an adult who does not meet the definition of a vulnerable adult, but who cannot file the petition themselves because of age, disability, health, or inaccessibility (*Do not check this for vulnerable adult or domestic violence petitions.*)

Warnings to the Restrained Person



You can be arrested even if the protected person or persons invite or allow you to violate the order. You alone are responsible for following the order. Only the court may change the order. Requests for changes must be made in writing.

If you do not obey this order, you can be arrested and charged with a crime.

- The crime may be a misdemeanor, gross misdemeanor, or felony depending on the circumstances. You may also be found in contempt of court.
- You can go to jail or prison, lose your right to possess a firearm or ammunition, and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.



Firearms and Weapons. Under federal law, you may not be able to get or have a, firearm, other dangerous weapon, ammunition, or concealed pistol license for as long as the protection order is in place, even if the court did **not** issue an Order to Surrender and Prohibit Weapons. 18 U.S.C. § 922(g)(8)

Findings

4. Notice and Hearing

The restrained person had reasonable notice and opportunity to participate. Notice of this hearing was served on the restrained person by:

- Is over 60 years old and does not have the functional, mental, or physical ability to care for himself or herself.
- Is an individual subject to guardianship under 11.130.25 or an individual subject to conservatorship under 11.130.360 RCW
- Has a developmental disability as defined in RCW 71A.10.020.
- Self-directs their own care and receives services from a personal aide under RCW 74.39.
- Is receiving services from a home health, hospice, or home care agency licensed or required to be licensed under RCW 70.127.
- Is receiving in-home services from an individual provider under contract with DSHS.
- Has been admitted to an assisted living facility, nursing home, adult family home, soldiers' home, residential habilitation center or any other facility licensed by DSHS.
- Vulnerable adult objects.** The petition was filed by someone other than the vulnerable adult and the vulnerable adult objects to some or all of the order. The court finds by clear, cogent and convincing evidence the petitioner established that there is abandonment, abuse, financial exploitation, or neglect of a vulnerable adult and the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect their person or estate in connection with the issues raised in the petition or order based on the following evidence:

Antiharassment Protection Order – The restrained person has subjected the protected person to unlawful harassment.

- No fee required (stalking, hate crime, single act/threat of violence including malicious and intentional threat or presence of firearm/weapon causing substantial emotional distress, family or household member engaged in domestic violence, or nonconsensual sexual conduct or penetration or a sex offense. RCW 7.105.105(9).)

6. Jurisdiction

The court has jurisdiction over the parties and the subject matter.

Minors: Washington state has exclusive continuing jurisdiction; is the home state; has temporary emergency jurisdiction over the children.

Temporary Emergency Jurisdiction: The petitioner has until (*date*) _____ to return to (*state/court with jurisdiction*) _____ over the minors to seek any court orders about these minors:

The Washington order will terminate on that date for the minors. RCW 26.27.231

The person who filed is not a parent of one or more children listed above. (*Important! Complete Attachment A: Non-Parent.*)

7. Other Findings

Credible Threat: The restrained person represents a credible threat to the physical safety of the protected person/s.

The restrained person is under 18 years of age. The court

appointed (*name*) _____ as guardian ad litem to represent the restrained person in this proceeding.

did not appoint someone to represent the restrained person because:

Other:

Restraints (*Check all that apply*)

8. The court orders: To the restrained person:

General Restraints

A. **No Harm:** Do not cause any physical harm, bodily injury, assault, nonconsensual sexual conduct or nonconsensual sexual penetration, and do not harass, threaten, or stalk

the protected person the minors named in section 3 above

these minors only: _____

B. **No Contact:** Do not attempt or have any contact, including nonphysical contact, directly, indirectly, or through third parties, regardless of whether those third parties know of the order, except for service of court documents with

the protected person the minors named in section 3 above

these minors only: _____

Exception (*if any*): Only this type of contact is allowed: _____

C. **Exclude and Stay Away:** Do not enter, return to, knowingly come within, or knowingly remain within 1,000 feet or other distance (*specify*) _____ of

the protected person protected person's vehicle

protected person's school protected person's workplace

protected person's residence protected person's adult day program

the shared residence

the residence, daycare, or school of the minors named in section 3 above

these minors only: _____

other: _____

Address: The protected person chooses to (*check one*)

keep their address confidential list their address here:

D. **Vacate shared residence:** The protected person has exclusive right to the residence that the protected person and restrained person share (as listed in the Law Enforcement and Confidential Information form, PO 003). The restrained person must immediately vacate the residence. The restrained person may take the restrained person's clothing, personal items needed during the duration of the order, and the following items (*specify*): _____
from the residence while a law enforcement officer is present.

E. **Stalking Behavior:** Do not harass, follow, monitor, keep under physical or electronic surveillance, cyber harass (as defined in RCW 9A.90.XXX), or use phone, video, audio or other electronic means to record, photograph, or track locations or communication, including digital, wire, or electronic communication, of
 the protected person the minors named in section 3 above
 these minors only: _____
 these members of the protected person's household : _____

F. **Intimate Images:** Do not possess or distribute intimate images of a protected person, as defined in RCW 9A.86.010. The restrained person must take down and delete all intimate images and recordings of a protected person in the restrained person's possession or control and cease any and all disclosure of those intimate images.

G. **Electronic Monitoring:** You must submit to electronic monitoring. (*Restrained person must be age 18 or older.*)

H. **Evaluation:** The restrained person shall get an evaluation for: mental health
 chemical dependency (drugs) at: _____
The evaluation shall answer the following question/s:

An evaluation is necessary because:

I. **Treatment:** The restrained person shall participate in state-certified treatment as follows:
 domestic violence perpetrator treatment program approved under RCW 43.20A.725 at _____
 sex offender treatment program approved under RCW 18.155.070 at: _____

J. **Personal Belongings:** The protected person shall have possession of essential personal belongings, including the following:

K. **Transfer of Assets:** Do not transfer jointly owned assets.

L. **Vehicle:** The protected person shall have use of the following vehicle:
Year, Make & Model _____ License No. _____

M. **Restrict Abusive Litigation:** Comply with the Order on Motion to Restrict Abusive Litigation (FL All Family 155), filed separately.

- N. **Pay Fees and Costs:** The protected person is granted judgment against the restrained person as provided in the Judgment (PO 005), filed separately. The court finds that the restrained person is not under active duty in military or SCRA has been complied with. 50 USC § 3931.

Firearms and Other Dangerous Weapons

- O. **Surrender Weapons:**

Important! Also use form Order to Surrender and Prohibit Weapons, WS 001.

Findings. The Court (*check all that apply*):

- must** issue the orders referred to above because:

- the court ordered the **No Harm** restraints above (section **8.A.**) and the court finds that the restrained person had **actual notice** and an **opportunity to participate**. AND:

- the restrained person represents a **credible threat** to the physical safety of a protected person, OR
- This order explicitly prohibits the use, attempted use, or threatened use of **physical force** against any protected person.

Therefore, weapons restrictions are required by state law. RCW 9.41.800(2).

- the court finds by a preponderance of the evidence that the restrained person:

- has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or
- is ineligible to possess a firearm under RCW 9.41.040.

- may** issue the orders referred to above because the court finds by a preponderance of evidence that the restrained person presents a serious and imminent threat to public health or safety, or the health or safety of any individual by possessing a firearm or other dangerous weapon.

The restrained person must:

- Immediately surrender to law enforcement and not access, possess, have in their custody or control, purchase, receive, or attempt to purchase or receive firearms, other dangerous weapons, or concealed pistol licenses; and
- Comply with the Order to Surrender and Prohibit Weapons filed separately.

Minors

- P. **Custody:** The protected person is granted temporary care, custody, and control of the minors named in section **3** above these minors only: _____

(Only for children the protected and restrained person have in common.)

To comply with the Child Relocation Act, anyone with majority or substantially equal residential time (at least 45 percent) who wants to move with the child must notify every other person who has court-ordered time with the child. Specific exemptions from notification may be available if the court finds unreasonable risk to health or safety. Persons entitled to time with the child under a court order may object to the proposed relocation. See RCW 26.09.405 - .560 for more information.

Q. [] Interference: Do not interfere with the protected person's physical or legal custody of
[] the minors named in section 3 above
[] these minors only: _____

R. [] Removal from State: Do not remove from the state:
[] the minors named in section 3 above
[] these minors only: _____

S. [] School Attendance: Do not attend the elementary, middle, or high school (school name) _____, that a protected person attends.
(Only if both the restrained person and a protected person are students at the same school. Can apply to students 18 or older. Includes public and private schools. Complete form Appendix A School Attendance.)

Pets

T. [] Custody: The protected person shall have exclusive custody and control of the following pet/s owned, possessed, leased, kept, or held by the protected person, restrained person, or a minor child who lives with either the protected or restrained person. (Specify name of pet and type of animal.):

U. [] Interference: Do not interfere with the protected person's efforts to get the pet/s named above.

V. [] Stay Away: Do not knowingly come within, or knowingly remain within (distance) _____ of the following locations where the pet/s are regularly found:
[] Protected person's residence (home address may be kept confidential)
[] Other (specify): _____

Vulnerable Adult

W. [] Safety: Do not commit or threaten to commit acts of abandonment, neglect, financial exploitation, or abuse, including sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraints, against the vulnerable adult.

X. [] Accounting: You must provide an accounting of the disposition of the vulnerable adult's income or other resources by (date) _____

Y. [] Property Transfer: Do not transfer the property of:
[] the vulnerable adult [] the restrained person
This restraint is valid until (specify date, not to exceed 90 days) _____

Other

Z. _____

Other Orders – (Check all that apply)

9. Law enforcement must help the protected person with (per RCW 7.105.320)

- Possession of the protected person's residence.
- Possession of the vehicle listed in section **L** above.
- Possession of the protected person's essential personal belongings located at
 - the shared residence the restrained person's residence
 - other location _____
- Custody of the minors named in section **3** above
- these minors only _____
- Other: _____

10. Washington Crime Information Center (WACIC) and Other Data Entry

Clerk's Action. The court clerk shall forward a copy of this order immediately to the following law enforcement agency (*county or city*) _____
(*check only one* Sheriff's Office or Police Department
(*List the same agency that entered the temporary order, if any*)
This agency shall enter this order into WACIC and National Crime Info. Center (NCIC).

11. Service on the Restrained Person

- Required.** The restrained person must be served with a copy of this order and any order to surrender and prohibit weapons.
 - The **law enforcement agency** where the restrained person lives or can be served shall serve the restrained person with a copy of this order and shall promptly complete and return proof of service to this court.
Law enforcement agency: (*county or city*) _____
(*check only one*): Sheriff's Office or Police Department
 - The **protected person** (or person filing on their behalf) shall make private arrangements for service and have proof of service returned to this court.
(*This is not an option if this order requires: weapon surrender, vacating a shared residence, transfer of child custody, or if the restrained person is incarcerated. In these circumstances, law enforcement must serve, unless the court allows alternative service.*)
- Clerk's Action.** The court clerk shall forward a copy of this order and any order to surrender and prohibit weapons on or before the next judicial day to the agency and/or party checked above. The court clerk shall also provide a copy of these orders to the protected person.
- Alternative Service Allowed.** The court authorizes alternative service by separate order (*specify*): _____
- Not required.** See section **4** above for appearances.
 - The restrained person appeared at the hearing where this order was issued and received a copy.
 - The restrained person appeared at the hearing where this order was issued but refused to accept a copy of this order. Additional service is not required.
 - The restrained person appeared remotely or left the hearing early but received actual notice of the order. Additional service is not required.

The restrained person did **not** appear at the hearing. However, the material terms of this order have not changed from the Temporary Protection Order that was served on the restrained person. ~~Additional service is not required.~~

12. Service on Others (Vulnerable Adult or Restrained Person under age 18)

Service on the vulnerable adult adult's guardian/conservator restrained person's parent/s or legal guardian/s (*name/s*) _____ is:

Required.

The **law enforcement agency** where the person to be served lives or can be served shall serve a copy of this order and shall promptly complete and return proof of service to this court.

Law enforcement agency: (*county or city*) _____
(*check only one*): Sheriff's Office or Police Department

The **protected person** or person filing on their behalf shall make private arrangements for service and have proof of service returned to this court.

Clerk's Action. The court clerk shall forward a copy of this order on or before the next judicial day to the agency and/or party checked above.

Not required. They appeared at the hearing where this order was issued and received a copy.

13. Other Orders (if any):

14. Review Hearing

No review hearing is scheduled.

The court schedules a review hearing on (*date*): _____ at (*time*): _____

For (*purpose*): _____

Ordered.

Dated: _____ at _____ a.m./p.m. _____

Judge/Court Commissioner

Print Judge/Court Commissioner Name

I received a copy of this Order:

Signature of Respondent/Lawyer _____ WSBA No. _____ Print Name _____ Date _____

Signature of Petitioner/Lawyer _____ WSBA No. _____ Print Name _____ Date _____

Protected person must complete a Law Enforcement and Confidential Information form, PO 003, and give it to the court clerk.

Important! Protected Person, if you ask for it, you have the right to be notified if the restrained person gets their surrendered firearms back. You must contact the law enforcement agency that has the firearms to ask for this notice. The Proof of Surrender in the court file should say which agency has the firearms. RCW 9.41.340.

Certificate of Compliance With VAWA. This protection order meets all "full faith and credit" requirements of the Violence Against Women Act, 18 USC § 2265 (1994) (VAWA) upon notice to the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is enforceable in all 50 states, Indian tribal lands, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, American

Samoa, the Northern Mariana Islands, and Guam, as if it were an order of that jurisdiction.

Attachment A: Non-Parent. Complete this attachment if any of the protected minors are **not** the children of the person who filed the Petition.

15. Filing Party's Relationship to Children

The person who filed the Petition for Protection Order

has a court order giving them guardianship or custody of the following children(*children's names*): _____

does **not** have a court order about the following children in their family or household (*children's names*): _____

16. Indian Child Welfare Acts

The court has reviewed the tribal heritage information provided by the parties and finds:

ICWA does not apply. The federal and state Indian Child Welfare Acts (ICWA) do **not** apply because:

The restrained person is also **not** a parent of the children.

Another court has already found that ICWA does not apply (*county and case number*): _____

There is no reason to know that any of the children may be Indian children because:

the filing party made a good faith effort to find out if any child in this case has tribal heritage. (RCW 13.38.050.) The court has received no information showing that any child has tribal heritage.

the filing party properly notified the tribal agent (by certified mail with return receipt) of every tribe the children may have been eligible for membership in. *List tribes notified:* _____

Each tribe responded that the children were not tribal members and not eligible for membership.

Based on the following testimony about tribal heritage:

from: parents filing party other _____

ICWA applies. The federal and state Indian Child Welfare Acts (ICWA) apply.

All notice, evidentiary requirements, and placement preferences under the federal and state ICWAs have been satisfied in a separate case (*county and case number*): _____

Removal or placement of the children is necessary to prevent imminent physical damage or harm to the child pursuant to 25 U.S.C. Sec. 1922 and RCW 13.38.140.

RCW 13.38.140(2) requires that emergency removal or placement should end immediately when no longer necessary to prevent imminent physical damage or harm to the children. The court finds that continued placement of the children is necessary to prevent imminent physical damage or harm for the duration of this order because:

To comply with RCW 13.38.140(2) the filing party shall expeditiously initiate a child custody proceeding. (*This could be done in a Minor Guardianship case.*)

The court will review this case to determine ongoing compliance with ICWA at the review hearing scheduled in section 14 above.

Parents! If you believe that removal or placement is no longer necessary to prevent imminent damage or harm to the children, you can file a Motion to Modify or Terminate Protection Order, forms WPF UH 09.0100, WPF DV 7.010, SA 7.010, WPF VA 7.010