



Snohomish County District Court

Protection Orders

Washington State law allows you to ask a judge for a protection order pursuant to RCW 7.105. If the judge grants a protection order, it will be one of six types:

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| 1. Antiharassment Protection Order | 4. Sexual Assault Protection Order |
| 2. Domestic Violence Protection Order | 5. Stalking Protection Order |
| 3. Extreme Risk Protection Order (<i>Transfer to Superior Court after first hearing</i>) | 6. Vulnerable Adult Protection Order (<i>Must be filed in Superior Court</i>) |

You may request a Protection Order using forms provided by the court. This is called “**filing a Petition for Protection Order**.” Forms use the words “petitioner” and “respondent.” The “**petitioner**” is you - the person asking for a protection order. The “**respondent**” is the person you are asking the Court to protect you from.

You may have a lawyer assist you. If you decide to proceed without a lawyer, you must spend time to collect information, fully complete forms, meet service requirements, and appear in court.

How to Ask for a Protection Order



Step 1: Determine the Proper Court Division

Snohomish County District Court has four locations to serve you. You may begin your case by obtaining forms and filing in any division, but your hearings will be scheduled at the division serving your specific home address. The clerk will verify the proper division when you file your petition; the following is a general guideline:

<p><u>Cascade Division</u> 415 E Burke Ave Arlington, WA 98223 (360) 435-7700 <i>Serving: Arlington, Darrington, Granite Falls, Stanwood</i></p>	<p><u>Everett Division*</u> 3000 Rockefeller Ave, 3rd Floor Everett, WA 98201 (425) 388-3331 <i>Serving: Most of Everett, Marysville, Mukilteo, West Lake Stevens, Tulalip</i></p>
<p><u>Evergreen Division</u> 14414 179th Ave SE Monroe, WA 98272 (360) 805-6776 <i>Serving: Gold Bar, Index, East Lake Stevens, Monroe, Snohomish, Sultan</i></p>	<p><u>South Division</u> 20520 68th Ave W Lynnwood, WA 98036 (425) 744-6800 <i>Serving: Bothell, Brier, Edmonds, South Everett, Lynnwood, Mill Creek, Mountlake Terrace, Woodway</i></p>

**Note for Everett Division: If you are alleging domestic violence, file your petition in Snohomish County Superior Court in the same courthouse on the first floor.*



Step 2: Obtain and Complete the Forms

If the forms are not attached to these instructions and you have a printer, obtain the forms from the court's website at www.SnohomishCountyWA.gov/5989. If you do not have access to a printer, obtain blank forms from the clerk at any of our four locations. All forms must be completed and filed on paper; electronic filing is not currently available.

Read the forms carefully and provide as much relevant and detailed information as possible. Each protection order may protect only one petitioner from one respondent (but children may be included). If you are asking for protection from multiple people, you must file an independent set of documents for each person.

The Court will require these two forms be completed in detail:

1. Law Enforcement and Confidential Information Form. Law enforcement officers rely on this information to update databases and find the respondent for service. Make every effort to provide detailed and accurate information. ***This form will not be provided to the respondent.***
2. Petition for Protection Order. You have the burden of proving the respondent's wrongful conduct. You must include all relevant and detailed information supporting your allegations. The judge will rely heavily on the petition, and you should complete every section; if a section does not apply to you, write "n/a" or "none" or "unknown".

You may choose to attach supporting evidence to your Petition such as declarations, photographs, police reports, screenshots, and audio/video files. If providing documents, do not print on both sides of the paper; all documents should be letter-sized and single-sided.

IMPORTANT: If you want the judge to consider your evidence, it must first be filed with the court.



Step 3: File the Forms & Prepare for the *ex parte* Hearing

You must file the forms in person at the clerk's office. You may file in any of the four court locations (*see Step 1*), but the clerk will schedule all hearings before a judge at the proper division based on your home address.

FEES: There is a filing fee of **\$83.00** required for some antiharassment order petitions. The judge will decide at your first hearing if you are required to pay this fee. To request a waiver of these fees/surcharges, complete a Motion, Declaration and Order Regarding Fees and Surcharges and a detailed Financial Declaration.



Step 4: Appear in Court for the *ex parte* Hearing

You will likely need to appear before the judge and answer questions about your petition (*in some circumstances, the judge will make a decision based solely on your documents*). The judge will decide if you must pay a filing fee and if your petition is eligible for a “full hearing.” The most common outcomes of the *ex parte* hearing will be:

- A. Temporary Protection Order:** If you are at risk of serious immediate harm or irreparable injury, the judge may issue a Temporary Protection Order. This order is effective after it is served upon the respondent and protects you until the full hearing. The judge may also issue an order that the respondent surrender firearms or other weapons.
- B. Transfer to Superior Court:** The law requires that some cases be transferred to Snohomish County Superior Court for a full hearing. If the judge transfers your case, you will be provided the specific time, date and location of your full hearing.
- C. Denial Order with Full Hearing:** If your petition fails to establish that you are at risk of serious immediate harm or irreparable injury, or if you are not requesting a Temporary Protection Order, the judge will set a hearing in approximately 14 days for both parties to appear. At the full hearing, the judge will decide whether to grant you a Protection Order.
- D. Denial Order with 14 Days to Amend:** If the judge decides that your petition does not support the issuance of a Protection Order, you will be given 14 days to file an amended petition, in which case a new *ex parte* hearing will be scheduled by the clerk.
- E. Denial Order without Full Hearing:** If you fail to appear for the hearing, the petition may be dismissed with no further hearings.

After the *ex parte* hearing, you will proceed to the front counter at the clerk’s office. If the judge scheduled a full hearing, the clerk will prepare documents for service upon the respondent and you will proceed to step 5.



Step 5: Serve the Respondent

Service is required – no exceptions. Service is the act of giving legal papers to someone. Service notifies the other party about a case and lets the court make decisions that affect that person. The law requires that the respondent have a fair chance to appear at the full hearing and to receive the evidence.

The respondent must be served with your petition, notice of the full hearing and any evidence you submit to the court. Also, a protection order cannot be enforced unless the respondent knows about it. It is in your best interest that the respondent be served as soon as possible. **If the respondent is not served correctly, the judge cannot decide the case at the full hearing.**

You are not allowed to serve the documents – someone must do this for you. The order issued by the judge at your first hearing will indicate if law enforcement is assigned to serve the respondent or if you are required to arrange service at your expense.

If the judge requires you to arrange for service, you may select any adult not a party to this case and whom you trust to (1) serve the respondent, (2) complete the Proof of Service form correctly and (3) file it with the court before the full hearing. The server will need reliable and detailed information from you to find and serve the respondent. If service is unsuccessful, the server should still file the Proof of Service form with details about attempts to serve and why the attempts were unsuccessful.

If the judge assigns law enforcement for service, officers will rely heavily on the information you provided on the Law Enforcement and Confidential Information Form to find and serve the respondent..

Proving Service. You must prove that the respondent was served. If you fail to do so, your case can be delayed or dismissed. You should check in with the clerk prior to your hearing to verify that the Court has received the “Proof of Service” form. If the form has not been filed, you should contact the server to get an update. The judge will ask you about service at the beginning of your full hearing.

Note! The deadline for service is at least **5 court days before the hearing**. For example, if your hearing is on a Friday (and there are no holidays), 5 court days before will be a week before, on a Friday.



Step 6: Appear in Court for the Full Hearing

It is important to attend the full hearing or your petition may be dismissed and any court orders previously issued may be terminated. If you are unable to appear for any reason, you should contact the court immediately.

At the full hearing, you and the respondent will see a judge. You will both have a chance to testify and answer questions from the judge. The judge will review evidence submitted by both sides and decide if anyone else may speak or ask questions. If you intend to use audio or video evidence at your hearing, bring a device to play that evidence in open court.

Be prepared. You must present your case efficiently and persuasively. Remember, as the Petitioner, you have the burden to prove that the court should grant a protection order.

If the judge grants you a protection order, you and the restrained person will receive copies. The order will tell the other person what they can and cannot do. It also will indicate how long the order will last (usually one year).