

What is a Sexual Assault Protection Order?

A Sexual Assault Protection Order is a civil order issued by a court at the request of a sexual assault victim or by someone else on his or her behalf.

What Can a Sexual Assault Protection Order Do?

The order can require the person who harmed you to stay away from you, your home, school, work or other places you request, and to have no further contact with you.

Who Can Get a Sexual Assault Protection Order?

Any person 16 or older who is a victim of sexual assault (including a single incident) may petition the court to obtain an order. If you are under 16, you need a parent or guardian to ask the court for the order on your behalf. The sexual assault does not need to be reported to law enforcement or prosecuted.

What is Sexual Assault?

The law defines sexual assault as:

- Nonconsensual (meaning lack of freely given agreement) sexual touching of the genitals, anus, or breasts - either directly or through clothing.
- Nonconsensual sexual penetration, however slight, of the genitals or anus by a body part of another including the mouth or the use of objects.
- Forced display of the genitals, anus or breasts for the purpose of sexually arousing another.

A Sexual Assault Protection Order may also be obtained as part of a criminal case. If you have reported the sexual assault to law enforcement and the person who assaulted you is being prosecuted, a judge may order a Sexual Assault Protection Order to protect you when the person is released from custody.

Resources:

**Washington Coalition of
Sexual Assault Programs**
1-360-754-7583
www.wcsap.org

Local Sexual Assault Program

Your region has a local sexual assault program that provides free and confidential services to survivors of sexual assault. These services include information, referral and crisis intervention 24 hours a day. Trained advocates are also available to provide legal, medical and general advocacy services.

To find your local sexual assault program, go to www.wcsap.org/find-help or ask the court clerk.

Information On Sexual Assault Protection Orders



The Pattern Forms Committee wishes to thank the Washington Coalition of Sexual Assault Programs for permission to use the *Increasing Your Safety: Washington's Sexual Assault Protection Order* publication as the basis for this brochure.

How to Apply for a Sexual Assault Protection Order...

Step 1: Petition the Court



You can get the petitions (forms) for Sexual Assault Protection Orders at a court, from your sexual assault advocate or on the internet at www.courts.wa.gov/forms. A sexual assault advocate can help you complete the petition and be with you through this process, a lawyer may represent you, or you may petition on your own.

You must swear under oath that the things you write in the petition are true. **In the petition, you must state that you are a victim of sexual assault and the reasons why you are afraid of the person who assaulted you.**

File the petition with the court clerk at your local court. You do not have to pay a fee.

Step 2: Appear for a Temporary Hearing

After you file the petition, the clerk will give your petition to a judge who will decide whether or not to give you a temporary order. You may need to talk with the judge in a courtroom. The judge will ask you questions and you will need to answer truthfully under oath. A sexual assault advocate or a lawyer, if you have one, can come with you to this hearing.



If the judge grants your petition, you will get a Temporary Sexual Assault Protection Order that is good for two weeks. The court papers will state the time and date of the next hearing - which you must attend.

Step 3: Personal Service

A copy of your petition, the temporary order and notice of the hearing date must be served on the person who assaulted you - who is called the "respondent." The person serving the papers is typically a law enforcement officer. The officer has to be able to give these papers to the respondent **personally** - so if you do not know where the person is or have their address, you may not be able to get the full order.

The officer must give these papers to the respondent at least **five days** before the full hearing.



Step 4: Appear for a Full Hearing

After two weeks, you will come back to court. If possible, you should bring a lawyer to represent you at this hearing - but you are not required to have one. A sexual assault advocate can come with you, too. The person who assaulted you will likely be at this hearing and may also bring a lawyer. You should come to this hearing, whether the respondent has been served or not. If you do not come, the court will dismiss the case and you will not be protected by an order.

At the full hearing, both you and the respondent will be asked questions by the judge, the lawyers or one another about the sexual assault and other things you wrote in your petition. It is helpful to make a list of what you want to tell the judge and to bring copies of any important records such as medical or police records, if you have them. The judge will decide whether or not to give you a full Sexual Assault Protection Order - which lasts up to two years. If you want the order to be effective for longer, you must petition the court for renewal within three months of the order's expiration date.

Modifying/Terminating Orders

Either you or the respondent may bring a motion to modify or terminate the order. The judge will decide at a hearing whether or not to grant the motion.

Frequently Asked Questions

What should I do if the respondent violates my protection order?

- Call 911 immediately
- Show the police a certified copy of the protection order
- The respondent can be arrested for violating the order

Keep a Certified Copy of Your Order With You at All Times!

Can criminal charges also be filed?

Sexual Assault Protection Orders are civil orders. Violations of these civil orders have criminal penalties, but these orders are not criminal charges against the respondent. If you wish to have criminal charges filed, contact law enforcement to report the sexual assault or your local prosecuting attorney.

Law Enforcement and Confidential Information (LECIF)

Clerk: Do not file in a
public access file. Give
to law enforcement.

_____ Court of Washington

County: _____

Case No.: _____

Do NOT serve or show this sheet to the Restrained Person!

Type or print clearly! If law enforcement cannot read this form, they cannot serve or enforce your order!

Restrained Person's Info – Fill out as much as you can. If you do not know, write "unknown."

Name: First Middle Last			Date of Birth (if unknown give age range)	
Nickname/Alias/AKA ("Also known as")			Relationship to Protected Person	
Sex	Race		Height	Weight
Eye Color	Hair Color		Skin Tone	Build
Phone/s with Area Code (voice):			Need Interpreter? [] No [] Yes Language:	

Where can the Restrained Person be served? List all known contact information.

Last Known Address. Street:		
City:	State:	Zip:
Cell number (text):	Email:	
Social Media Account/s & User Name/s:		
Other:		
Employer	Employer's Address	Employer's Phone
Work Hours	Drivers License or ID number	State

Vehicle Make and Model	Vehicle License Number	Vehicle Color	Vehicle Year
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Disability, hazard, and weapon info about the Restrained Person
Law enforcement needs this info to serve your order safely

Does the Restrained Person have a disability, brain injury, or impairment requiring special assistance when law enforcement serves the order? No Yes. If yes, describe (add pages, if needed): _____

Hazard Information Restrained Person's History includes:
 Involuntary/Voluntary Commitment Suicide Attempt or Threats (How recent? _____)
 Threats to "suicide by cop" Assault Assault with Weapons Alcohol/Drug Abuse
 Other: _____

Concealed Pistol License: Yes No

Weapons: Handguns Rifles Knives Explosives Unknown
 Other (include unassembled firearms and specify): _____

Location of Weapons: Vehicle On Person Residence Describe in detail: _____

Current Status
Is the restrained person a current or former cohabitant as an intimate partner? Yes No
Are you and the restrained person living together now? Yes No
Does the restrained person know they may be moved out of the home? Yes No N/A
Does the restrained person know you are trying to get this order? Yes No
Is the restrained person likely to react violently when served? Yes No

Protected Person's Info

Name: First	Middle	Last	Date of Birth	
Sex	Race		Height	Weight
Eye Color	Hair Color		Skin Tone	Build

If your information **is not confidential**, you must enter your address and phone number/s below.

Current Address. Street:	Phone(s) w/Area Code
City: State: Zip:	

Email address:	Need interpreter? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, language:
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If your info **is confidential**, you must give a name, address, and phone of someone willing to be your "contact."

Contact Name:	
Contact Address	Contact Phone

If you filed for someone else, list your name, phone number, and address: _____

_____ Court of Washington, County of _____

Petitioner (*Person starting this case*) DOB

vs.

Respondent (*Person responding to this case*) DOB

Case No.

Petition for Protection Order

Clerk's Action: 1

Petition for Protection Order

What kind protection order do you want? There are different orders based on the type of harm and how the parties know each other. See definitions in Attachments A and B.

1. Choose the type of protection order that best fits your situation. Check only one.

- Domestic Violence – Protection from an intimate partner or family or household member who has committed domestic violence, nonconsensual sexual conduct or penetration, unlawful harassment, or stalking. (PTORPRT)
- Sexual Assault – Protection from someone who has committed sexual assault. (PTORSXP)
- Stalking – Protection from someone who has committed stalking. (PTORSTK)
- Vulnerable Adult – Protection from someone who has abandoned, abused, financially exploited, or neglected a vulnerable adult (or threatened to do so). (PTORVA)

Important! If you are asking for a Vulnerable Adult Protection Order, you must complete **Attachment B: Vulnerable Adult** as part of this Petition.

- Anti-Harassment – Protection from someone who has committed unlawful harassment. (PTORAH) (*fee required*)
The conduct also includes (*if applicable*): 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
- nonconsensual sexual conduct or penetration or a sex offense

2. If more than one of the protection order types listed above fits your situation, list any additional order types here: _____

Who are the people involved? These are the "parties" to the case.

3. Who should the order restrain? ("Restrained Person")

Name: _____

Restrained Person's age: Under 13 13 to 17 18 or over unknown

4. Who should the order protect? ("Protected Person") (Check all that apply.)

Me. My name is _____
(You must be age 15 or older.)

Minor Children.

I am the minor's parent legal guardian custodian.

I am age 18 or older and the minor is a member of my family or household.
(For domestic violence petitions only.)

I am age 15 to 17. The minor is a member of my family or household. I have been chosen by the minor and am capable of pursuing their stated interest in this case.

Child's Name	Age	Sex	Lives With	How related to you	How related to Restrained Person

Important! If the restrained person is a parent of any of the children, complete **Attachment C: Child Custody**. If you are **not** a parent of any of the children, complete **Attachment D: Non-parents protecting children (ICWA)**. You must include these Attachment/s with your Petition if they apply.

Someone else. (List your name as Petitioner at the beginning of this form. Describe who you are filing for here.) I am filing to protect:

a vulnerable adult (name) _____
(See definition and complete Attachment B.)

an adult (name) _____
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.).

What is the age, disability, health or inaccessibility concern that makes the adult unable to file themselves? (Examples: the adult is hospitalized, temporarily incapacitated, or in jail/prison.)

-
-
5. **Service address.** What is your address for receiving legal documents? You have the right to keep your residential address private. You may use a different mailing address.

Mail: _____

Email (if you agree to be served by email): _____

6. **Interpreter**

Do you need an interpreter? No Yes, Language: _____

Important! You may need to request an interpreter separately. You will get instructions with an order setting your hearing.

How do the parties know each other?

7. Check all the ways the protected person is connected or related to the restrained person:

Intimate Partners – Protected person and restrained person are intimate partners because they are:

- current or former spouses or domestic partners
 parents of a child-in-common (unless child was conceived through sexual assault)
 current or former dating relationship (age 13 or older) who
 never lived together live or have lived together

Family or household members - Protected person and restrained person are family or household members because they are:

- parent and child stepparent and stepchild
 parent's intimate partner and child grandparent and grandchild
 current or former cohabitants as roommates
 person who is or has been a legal guardian
 related by blood or marriage (*specify how*) _____

Other (examples: coworker, neighbor, acquaintance, stranger)

Connection to Washington State. This helps decide if the court has authority (jurisdiction).

8. **Why are you filing in this county and state?** Check all that apply.

- The protected person lives in this county now, or used to live in this county but left because of abuse.
 An incident that made me want this protection order happened in this county or state.

9. **Restrained Person's residence.** Where does the restrained person live?

In Washington State in (*city or county*): _____

Outside of Washington State Unknown

Are there other court cases involving the parties or any children?

10. Other court cases. Have there been any other court cases between any of the people involved in this case or about any children? Include court cases happening now and in the past and requests for protection that were denied or have expired. (Examples: criminal no contact order, civil protection order, family law restraining order, protection order from another state, tribal order, military orders, parenting plans, divorce, landlord-tenant, employment, property, assault, police investigations. File copies in this court case of everything you want the court to review.)

No Yes. If yes, fill out below.

Type of Case (see examples)	Court Location (City or County and State)	Court Type (Superior / District / Municipal / Tribal / Military)	Case Number (if known)	Status (active / dismissed / pending / expired, unknown)

Other details: _____

What protections do you need? Check everything you want the court to order.

11. I ask for a protection order with these restraints:

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 protected person the minors named in section 4 above
 these minors only: _____

B. No Contact: Do not make any attempts 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
 protected person the minors named in section 4 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 4 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. 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 these 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 5 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 all disclosure of those intimate images.

G. **Electronic Monitoring:** The restrained person 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)

I. **Treatment:** The restrained person shall participate in state-certified treatment for:
 sex offender domestic violence perpetrator

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:** Do not engage in abusive litigation as set forth in chapter 26.51 RCW or in frivolous filings against the protected person, making harassing or libelous communications about the protected person to third parties, or making false reports to investigative agencies.

N. **Pay Fees and Costs:** The restrained person must pay fees and costs of this action. This may include administrative court costs, service fees, and the protected person's costs including lawyer fees.

Firearms and Other Dangerous Weapons

- O. **Surrender Weapons:** 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.

Important! *The court may be required to order the restrained person to surrender firearms, other dangerous weapons, or concealed pistol licenses even if you do not request it.*

Does the restrained person have or own firearms?

Yes No Unknown

Would the restrained person's use of firearms or other dangerous weapons be a serious and immediate threat to anyone's health or safety?

Yes No Unknown

Even if the restrained person does not have firearms now, has the restrained person ever used firearms, other weapons or objects to threaten or harm you?

Yes No

If Yes, describe what happened.

Is the restrained person already not allowed to have firearms?

Yes No Unknown

If Yes, why?

Minors

- P. **Custody:** The protected person is granted temporary care, custody and control of
 the minors named in section 4 above
 these minors only: _____

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

- Q. **Interference:** Do not interfere with the protected person's physical or legal custody of
 the minors named in section 4 above
 these minors only: _____

- R. **Removal from State:** Do not remove from the state:
 the minors named in section 4 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.)

Describe any continuing physical danger, emotional distress, or educational disruption to a protected person that would happen if the restrained person attends the same school.

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:** Provide an accounting of the disposition of the vulnerable adult's income or other resources.

Y. **Property Transfer:** Do not transfer the property of the vulnerable adult the restrained person. This restraint can last for up to 90 days.

Other

Z. _____

Do you need help from law enforcement? They may help you get the things you asked for.

12. **Law Enforcement Help:** Do you want the court to order the appropriate law enforcement agency to help you with any of the things listed below?
Check all that apply.

Possession of my residence.

- Possession of the vehicle I asked for in section **L** above.
- Possession of my essential personal belongings that are located at
 - the shared residence
 - the restrained person's residence
 - other location _____
- Custody of
 - the minors named in section **4** above
 - these minors only _____
- Other: _____

How long do you need this order to last?

13. Length of Order
*(The order will last for **at least one year** unless you ask for something different. Orders restraining a parent from contacting their own children may not exceed one year.)*

I need this order to last for: 1 year more than 1 year less than 1 year (*specify how long*): _____

If you checked more or less than one year, briefly explain why.

Do you need immediate protection? If needed, you can ask for a Temporary Protection Order that starts now, before the restrained person gets notice. This protection can last up to 14 days or until the court hearing (whichever comes first).

- 14. Immediate Protection:** Do you need a Temporary Protection Order to start immediately, without prior notice to the restrained person? Yes No
- 15. Immediate Weapons Surrender:** Do you want a temporary order that requires the restrained person give up all firearms, other dangerous weapons, and concealed pistol licenses right away, and prohibits the restrained person from getting more?
 Yes No

If Yes to 14 or 15, explain why: What serious immediate harm or irreparable injury could occur if an order is not issued immediately without prior notice to the restrained person?
(Briefly explain how you or anyone else might be harmed if you do not get protection now.)

If yes, what type of substance abuse? Alcohol Drugs Other

21. Minors Needing Protection, if any *(If the information is not already included above.)*

Has there been any violence or threats towards children? How have the children been affected by the restrained person's behavior? Were the children present during any of the incidents described above? Describe and give details.

22. Supporting Evidence *(If you have anything else you want the court to see that helps prove what you are saying is true.)*

I am attaching the following evidence to this Petition *(check all that apply)*:

- Pictures
- Text / email / social media messages
- Voice messages (written transcript)
- Written notes / letters / mail
- Police report
- Declaration or statement from witness (name/s): _____

Other (describe): _____

Privacy Warning! The restrained person will see this Petition and any other evidence you file with the court. This information is also available to the public for anyone to see. Before you file any attachments, you can black out (redact) any sensitive information. Examples: your home address and account numbers (leave last four digits).

I certify under penalty of perjury under the laws of the state of Washington that all the information provided in this petition and any attachments is true and correct.

I have attached *(number)*: _____ pages.

Signed at *(City and State)*: _____ Date: _____

▶ _____
Sign here

_____ *Print name*

Attachment A: Definitions

"Domestic violence" means:

- (a) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one intimate partner by another intimate partner; or
- (b) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one family or household member by another family or household member.

"Sexual conduct" means any of the following:

- (a) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing;
- (b) Any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent;
- (c) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent;
- (d) Any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others;
- (e) Any intentional or knowing touching of the clothed or unclothed body of a child under the age of 16, if done for the purpose of sexual gratification or arousal of the respondent or others; or Any coerced or forced touching or fondling by a child under the age of 16, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.

"Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person including, but not limited to, cunnilingus, fellatio, or anal penetration.

Evidence of emission of semen is not required to prove sexual penetration.

"Stalking" means any of the following:

- (a) Any act of stalking as defined under RCW 9A.46.110;
- (b) Any act of cyber harassment as defined under RCW 9A.90.XXX; or
- (c) Any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, surveillance, keeping under observation, disrupting activities in a harassing manner, or following of another person that:
 - (i) Would cause a reasonable person to feel intimidated, frightened, under duress, significantly disrupted, or threatened and that actually causes such a feeling;
 - (ii) Serves no lawful purpose; and
 - (iii) The respondent knows, or reasonably should know, threatens, frightens, or intimidates the person, even if the respondent did not intend to intimidate, frighten, or threaten the person.

"Unlawful harassment" means:

- (a) A knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner; or
- (b) A single act of violence or threat of violence directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose, which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner. A single threat of violence must include:
 - (i) A malicious and intentional threat as described in RCW 9A.36.080(1)(c); or
 - (ii) the presence of a firearm or other weapon.

Attachment B: Vulnerable Adult

Does your case involve a vulnerable adult? If yes, complete this attachment and submit it as part of your petition. If no, skip this attachment.

1. What qualifies the adult as a vulnerable adult? The adult (*check all that apply*):

- 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.

2. Does the vulnerable adult know you will be filing this petition?

- Yes No If no, what efforts did you make to notify the vulnerable adult?

3. Connection to Washington. Does the vulnerable adult live in Washington State?

- Yes No If no, are you asking to protect any **family members** of the vulnerable adult who:

- Live in Washington State, and
- Have been affected by the restrained person's actions

Yes No

4. What is your relationship to the vulnerable adult?

- DSHS is filing this petition for a vulnerable adult who has consented lacks capacity or ability to consent to this petition.

- I am the vulnerable adult's guardian/conservator, or limited guardian/conservator.

I was appointed in (county and state) _____
in Case Number _____
on or about (date) _____
(Attach a copy of your letters or order appointing guardian/conservator, if available.)

- To protect the vulnerable adult, I imposed an **emergency restriction** on the vulnerable adult's right to associate with the restrained person on (date) _____

[] I am the vulnerable adult's legal fiduciary. I was appointed [] trustee [] power of attorney on or about (date) _____.
(Attach a copy of your relevant documents, if available.)

[] I am interested in the welfare of the vulnerable adult. I have a good faith belief that the court's intervention is necessary and that the vulnerable adult is unable at this time to protect their own interests, due to incapacity, undue influence, or duress.

What is the nature of your relationship to the vulnerable adult? How long has this relationship lasted? (Describe)

What is the incapacity, undue influence, or duress that makes the vulnerable adult unable to protect their own interests? (Describe)

Definitions For Vulnerable Adult Protection Orders:

"Vulnerable adult" includes a person:

- (a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or
- (b) Subject to a guardianship under RCW 11.130.265 or adult subject to conservatorship under RCW 11.130.360; or
- (c) Who has a developmental disability as defined under RCW 71A.10.020; or
- (d) Admitted to any facility; or
- (e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or
- (f) Receiving services from a person under contract with the department of social and health services to provide services in the home under chapter 74.09 or 74.39A RCW; or
- (g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

"Abuse," for the purposes of a **vulnerable adult** protection order, means intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a

vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish.

"Abuse" includes sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraint against a **vulnerable adult**, which have the following meanings:

- (a) "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline, or in a manner that:
 - (i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW;
 - (ii) is not medically authorized; or
 - (iii) otherwise constitutes abuse under this section.
- (b) "Mental abuse" means an intentional, willful, or reckless verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. "Mental abuse" may

include ridiculing, yelling, swearing, or withholding or tampering with prescribed medications or their dosage.

- (c) "Personal exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.
- (d) "Physical abuse" means the intentional, willful, or reckless action of inflicting bodily injury or physical mistreatment. "Physical abuse" includes, but is not limited to, striking with or without an object, slapping, pinching, strangulation, suffocation, kicking, shoving, or prodding.
- (e) "Sexual abuse" means any form of nonconsensual sexual conduct including, but not limited to, unwanted or inappropriate touching, rape, molestation, indecent liberties, sexual coercion, sexually explicit photographing or recording, voyeurism, indecent exposure, and sexual harassment. "Sexual abuse" also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not the sexual conduct is consensual.

"Financial exploitation" means the illegal or improper use of, control over, or withholding of, the property, income, resources, or trust funds of the **vulnerable adult** by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

- (a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, government benefits, health insurance benefits, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;
- (b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship or conservatorship appointment, that results in the unauthorized appropriation, sale, or transfer of the property,

income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

- (c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of the vulnerable adult's property, income, resources, or trust funds.

"Neglect" means:

- (a) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain the physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or
- (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety including, but not limited to, conduct prohibited under RCW 9A.42.100.

Attachment C: Child Custody

Are you asking to protect any of the restrained person's children? Yes No

If **Yes**, complete this attachment and file it as part of your petition. If **No**, skip this attachment.

Does a Washington Court have authority over the children? Before the court can protect a child, you must tell the court about the children's connection to Washington State. See instructions for help.

1. Children's Home/s

At any time during the past 5 years have the children lived:

- on an Indian reservation,
- outside Washington state,
- in a foreign country, or
- with anyone who is not a party to this case?

No. (Skip to 2)

Yes. (Fill out below to show where the children have lived during the last 5 years.)

Dates	Children	Lived with	In which state, Indian reservation, or foreign country
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Initials):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Initials):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Initials):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Initials):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Initials):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	

2. Other people with a legal right to spend time with the children

Do you know of anyone besides yourself and Respondent who has or claims to have a legal right to spend time with the children?

No.

Yes. (Name/s) _____ has or claims to have a legal right to spend time with the children because:

3. Authority over the children (Jurisdiction) (RCW 26.27.201 – .221, .231, .261, .271)

The court can make an order protecting the children because:

- Exclusive, continuing jurisdiction** – A Washington court has already made a custody order or parenting plan for the children, and the court still has authority to make other orders for the children.
- Home state jurisdiction** – Washington is the child’s home state because *(check all that apply)*:
- The children lived in Washington with a parent or someone acting as a parent for at least the 6 months just before this case was filed, or if a child is less than 6 months old, the child has lived in Washington with a parent or someone acting as a parent since birth.
 - There were times the children were not in Washington in the 6 months just before this case was filed (or since birth if a child is less than 6 months old), but those were temporary absences.
 - The children do not live in Washington right now, but Washington was the children’s home state sometime in the 6 months just before this case was filed, and a parent or someone acting as a parent of the children still lives in Washington.
 - The children do not have another home state.
- No home state or home state declined** – No court of any other state (or tribe) has the jurisdiction to make decisions for the children **or** a court in the children’s home state (or tribe) decided it is better to have this case in Washington **and**:
- The children and a parent or someone acting as a parent have ties to Washington beyond just living here; **and**
 - There is a lot of information (substantial evidence) about the children’s care, protection, education, and relationships in this state.
- Other state declined** – The courts in other states (or tribes) that might be the children’s home state have refused to take this case because it is better to have this case in Washington.
- Temporary emergency jurisdiction** – The court can make decisions for the children because the children are in this state now **and** were abandoned here **or** need emergency protection because the children (or their parent, brother, or sister) was abused or threatened with abuse. *(Check one)*:
- A custody case involving the children was filed in the children’s home state *(name of state or tribe)*:_____. Washington should take temporary emergency jurisdiction over the children until the Petitioner can get a court order from the children’s home state (or tribe).
 - There is **no** valid custody order or open custody case in the children’s home state *(name of state or tribe)*:_____. If no case is filed *in the child’s home state (or tribe)* by the time the children has been in Washington for 6 months, *(date)*:_____, Washington should have final jurisdiction over the children.
- Other reason *(specify)*:_____

Attachment D: Non-Parents Protecting Children (ICWA)

Are you asking to protect any children who are **not** your own? Yes No

If **Yes**, complete this attachment and file it as part of your petition. If **No**, skip this attachment.

Non-Parents must comply with the Indian Child Welfare Acts (ICWA). If you are not a legal parent of a minor child you are asking to protect, you must find out if the minor is or may be an Indian child. If so, the federal and state Indian Child Welfare Acts will apply to your case. This does not apply to parents.

Parents: you do **not** have to answer these questions about your own children.

1. Tribal Heritage

If there is a reason to know that a child has **tribal heritage** (including ancestry or familial political affiliation), the court must treat the child as an Indian child unless and until the affected tribe/s decide otherwise or decline to respond after receiving proper notice.

An **Indian child** is a child who is a member of an Indian tribe, or who is the biological child of an Indian tribe member and is eligible for membership. Tribes decide their own membership.

Could any of the children be Indian children? (Check all that apply)

No. These children are not Indian children (name/s): _____

I know this because (Explain if the children have no tribal heritage, or if any possible tribal heritage has already been explored and decided in another court proceeding that complied with ICWA. Attach orders): _____

Yes or maybe. These children are or may be Indian children. They have or may have heritage from the tribe/s listed below:

Children	Tribes
<input type="checkbox"/> All <input type="checkbox"/> (name/s):	
<input type="checkbox"/> All <input type="checkbox"/> (name/s):	

I will provide the *Indian Child Welfare Act Notice* (form GDN M 401) and a copy of this *Petition* to the tribe/s named above and other necessary people or agencies.

I do not know if any of the children are Indian children or have tribal heritage. I have done the following things to find out:

Warning! You must find out if any of these children have tribal ancestry before a full order is issued.

2. Authority Over Indian Children (Jurisdiction)

- Does not apply. None of the children are Indian children.
- A state court can decide this case for any children who are or may be Indian children because:
 - (Children's Initials):* _____ are **not** domiciled or living on an Indian reservation, and are not wards of a tribal court. (25 USC §1911)
 - (Children's Initials):* _____ are domiciled or living on an Indian reservation, and *(check all that apply)*:
 - The children's tribe agrees to Washington State's concurrent jurisdiction.
 - The children's tribe decided not to use its exclusive jurisdiction (expressly declined). (RCW 13.38.060)
 - Washington State should exercise **emergency jurisdiction** for Indian children temporarily located off the reservation to protect the children from immediate physical damage or harm. (RCW 13.38.140)

There is a rebuttable presumption to include the protected person's minor children.

For good cause, the court is **not** including the protected person's minor children in this order because: _____

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. If the court approves a full protection order, you may not be able to get or have a gun, firearm, other dangerous weapon, ammunition, or concealed pistol license for as long as the protection order is in place.



Go to the court hearing scheduled on page 1. If you do not, the court may:

- Make this temporary order effective for one year or longer
- Order weapons restrictions, even if that was not requested
- Order other relief requested in the petition
- Order electronic monitoring, payment of costs, and treatment
- Issue a final order that you are required to follow and you may not be served with the order if it is substantially the same as this temporary order

If you are under age 18, your parent/s or legal guardian/s will also be served with this order and should also go to the hearing. The court will decide if someone should be appointed to represent you.

Findings

4. Ex Parte Hearing

The court issues this temporary order without a hearing.

The court held a hearing before issuing this temporary order. These people attended:

- | | | | |
|--|------------------------------------|-----------------------------------|-----------------------------------|
| <input type="checkbox"/> Protected Person | <input type="checkbox"/> in person | <input type="checkbox"/> by phone | <input type="checkbox"/> by video |
| <input type="checkbox"/> Restrained Person | <input type="checkbox"/> in person | <input type="checkbox"/> by phone | <input type="checkbox"/> by video |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> in person | <input type="checkbox"/> by phone | <input type="checkbox"/> by video |

5. Basis

The court finds: Based upon the petition, testimony, and case record, it appears that the restrained person engaged in conduct against the protected person/s that would be a basis for a protection order under chapter 7.105 RCW. This Temporary Protection Order should be issued without notice to the restrained person to avoid serious immediate harm or irreparable injury.

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 (if any)

Temporary 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. 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 (*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: To be decided at the hearing. Ordered now. 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 and it is feasible and appropriate to order an evaluation in this temporary order because: _____

I. Treatment: To be decided at the hearing. Ordered now. 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: _____

It is feasible and appropriate to order treatment in this temporary order because: _____

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:** To be decided at the hearing, if requested.

N. -- **Pay Fees and Costs:** To be decided at the hearing, if requested.

Firearms and Other Dangerous Weapons

O. Surrender Weapons:

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

The court finds that (check all that apply):

- Irreparable injury could result if the order to surrender weapons is not issued.
- The restrained person's possession of a firearm or other dangerous weapon presents a serious and imminent threat to public health or safety or the health or safety of any individual.
- Irreparable injury could result if the restrained person is allowed to access, obtain, or possess any firearms or other dangerous weapons, or obtains or possesses a concealed pistol license.

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 together.)

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 for up to 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

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 service packet, including a copy of this order, the petition, and any supporting materials filed with the petition.

- The **law enforcement agency** where the restrained person lives or can be served shall serve the restrained person with the service packet 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 service packet on or before the next judicial day to the agency and/or party checked above. The court clerk shall also provide a copy of the service packet 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 and proof of service is not necessary.

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):

How to attend the next court hearing (date and time on page 1)

The hearing scheduled on page 1 will be held:

	<p>In person</p> <p>Judge/Commissioner: _____ Courtroom: _____</p> <p>Address: _____</p>
	<p>Online (<i>audio and video</i>) App: _____</p> <p><input type="checkbox"/> Log-in: _____</p> <p><input type="checkbox"/> You must get permission from the court at least 3 court days before your hearing to participate online (<i>audio and video</i>). To make this request, contact:</p> <p>_____</p>
	<p>By Phone (<i>audio only</i>) <input type="checkbox"/> Call-in number _____</p> <p><input type="checkbox"/> You must get permission from the court at least 3 court days before your hearing to participate by phone only (<i>without video</i>). To make this request, contact:</p> <p>_____</p>

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

14. 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): _____

15. Indian Child Welfare Acts

The court has reviewed the tribal heritage information provided by the person who filed the petition and finds:

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): _____

The court does not have enough information to decide if the federal and state Indian Child Welfare Acts apply. The court will make a finding before a full protection order is issued. Until then, the court will treat the children as Indian children. The court finds that removal or placement of the children is necessary to prevent imminent physical damage or harm to the children pursuant to 25 U.S.C. Sec. 1922 and RCW 13.38.140.

Order: The filing party must make a good faith effort to find out if any of the children are Indian children. **If there is any reason to know** the children have tribal heritage, the filing party must provide the Indian Child Welfare Act Notice (GDN M 401) and a copy of the Petition to all of the tribes, people, or agencies entitled to notice. Good faith efforts are defined in RCW 13.38.050.

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

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

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

Important! To remove or place an Indian child beyond a short-term emergency situation, the filing party must satisfy the notice and evidentiary requirements of ICWA. This could be done in a Minor Guardianship case.



Remote Hearing Instructions

Before your hearing, get prepared

- Make sure you have a good Internet connection
- Download Zoom (or other app your court uses). Practice with the app so you feel comfortable.
- Make sure your screen name is your first and last name. Also make sure your profile photo is appropriate for a court appearance.
- Remember that you are still appearing in court and should act appropriately.
- Charge your computer or mobile device. If you are calling in by phone, make sure you have enough minutes.
- Use earbuds or headphones, if you can. This frees up your hands, and improves sound quality.
- Find a quiet place where no one will interrupt you.
- Have all your papers ready, including a list of what you want to say to the judge

When your hearing starts, log on or call here:

(Insert local links and numbers below)

▪ **FOR ZOOM INSTRUCTIONS PLEASE CONTACT COURT ADMINISTRATOR JO JACKSON AT JJACKSON@CO.DOUGLAS.WA.US OR BY CALLING 509-745-9063**
 Zoom (or other app) link:

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▪ **Call-in number:**



What should I do if I have trouble logging on or calling in?

- *(Insert local contact info and instructions here)*



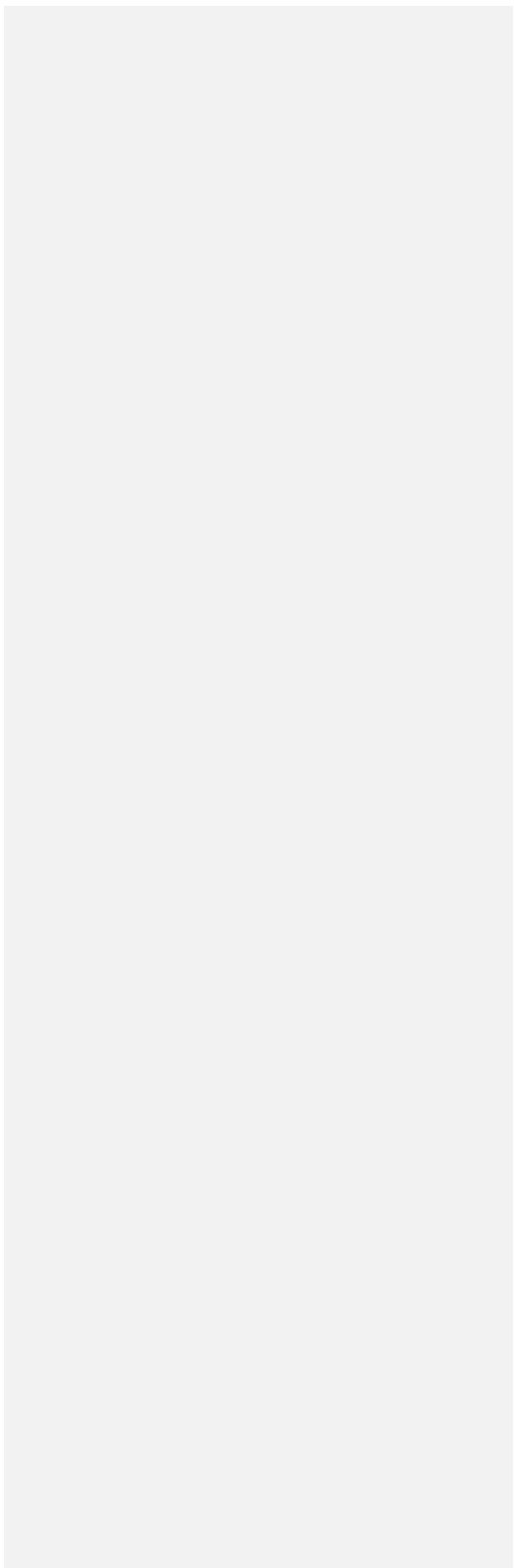
How do I ask for an interpreter?

- Ask for an interpreter as soon as you can. Do not wait until the hearing!
- *(Insert local contact info and instructions here)*



How do I ask for a disability accommodation?

- Ask for an accommodation as soon as you can. Do not wait until the hearing!
- *(Insert local contact info and instructions here)*



_____ Court of Washington, County of _____

Petitioner

vs.

Defendant/Respondent

No.: _____

**Order to Surrender
and Prohibit Weapons**

- Issued Without Notice (ORWPN)
- Temporary/Pre-Trial (ORWPNP)
- Final/Post Conviction (ORWPNP)
- Compliance Review Hearing (ORCRH)

Next Hearing Date/Time: _____

At: _____

(Clerk's Action Required)

Order to Surrender and Prohibit Weapons

1. This order is based on the findings in the order issued on *(date)* _____

2. **Surrender of Weapons**

(Name) _____ :

You must **immediately surrender** all firearms and other dangerous weapons in your possession or control, and any concealed pistol licenses issued under RCW 9.41.070 to this local law enforcement agency: _____

You must immediately surrender all firearms and other dangerous weapons subject to this order, including but not limited to the following:

See the attach sheet if there are more to list.

You must appear for the review hearing listed in the caption on page one.

3. **Weapons Prohibition**

You are prohibited from accessing, having in your custody or control, obtaining, possessing, purchasing, receiving or attempting to purchase or receive any firearms or other dangerous weapons, or obtaining or possessing a concealed pistol license.

4. This Order expires:

at the same time as the protection order entered under this case number.

on (date) _____ or until further order of the court.

If you have firearms, other dangerous weapons, or concealed pistol licenses:

Step 1: **Immediately** surrender all firearms, other dangerous weapons, and concealed pistol licenses.

Important! If you have notice of this order, **immediately** surrender all firearms, other dangerous weapons, and concealed pistol licenses to the local law enforcement agency listed in **2** on the same day as the hearing. Contact the local law enforcement agency for directions on how to immediately surrender the firearms, dangerous weapons and concealed pistol licenses.

If a law enforcement officer serves you, surrender firearms and other dangerous weapons, and your concealed pistol license to the law enforcement officer.

Step 2: **Get a receipt** for the surrender of firearms, other dangerous weapons, and concealed pistol licenses from law enforcement.

Step 3: **Complete** the *Proof of Surrender* form and file it with the receipt.

Step 4: **File** the documents with the clerk of the court within 5 court days.

If you do not have firearms, other dangerous weapons, or concealed pistol licenses:

Step 1: **Immediately** complete and sign the *Declaration of Non-Surrender* form.

Step 2: **File** the declaration with the clerk of the court within 5 court days.

If you already surrendered all firearms, other dangerous weapons, and concealed pistol licenses under another order, they must remain in the possession of the law enforcement agency that received them until further order of the court. You must provide proof of that surrender to the court.

The Law Enforcement Officer serving this order shall inform you that the order is in effect upon service and that you must immediately surrender all firearms, other dangerous weapons, and any concealed pistol licenses issued under RCW 9.41.070. The serving officer shall conduct a search for firearms, other dangerous weapons, and concealed pistol licenses as permitted by law. The serving officer shall take possession of:

- **All firearms,**
- **Other dangerous weapons,**
- **Concealed pistol licenses belonging to Respondent,**

that are surrendered, in plain sight, or discovered during a lawful search. RCW 9.41.801.

5. 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).

6. Service

Required. The **law enforcement agency** where the defendant/restrained person lives or can be served shall serve the defendant/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

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.

The restrained person/defendant appeared at the hearing where this order was issued but refused to accept a copy of this order.

The respondent appeared remotely or left the hearing early but received actual notice of the order. Additional service is not required and proof of service is not necessary. HB 1901 Sec 30(2).

The defendant/respondent signed the *Order*.

This order replaces all prior *Orders to Surrender and Prohibit Weapons* issued under this case number.

Warning!

- If you fail to comply with this order, you may be found in contempt of court and/or be charged with a misdemeanor and punished accordingly.
- You may also be charged with a crime up to and including a **felony** if you are found to own, possess, or control a firearm or other dangerous weapon.
- **Voluntarily surrendering weapons may not be used against a Respondent in any criminal prosecution under chapter 7.105, 9.41, or 9A.56.310 RCW.**

Dated _____ at (*time*) _____ a.m./p.m. _____
Judge/Commissioner

I acknowledge receipt of a copy of this order.

Signature of Restrained Person/Defendant

Print Name

Signature of Rest. Person/ Dt's Attorney WSBA No.

Print Name

Signature of Protected Person or Attorney WSBA No.

Print Name

You may download the forms listed in this order from the Washington Courts' forms website: <http://www.courts.wa.gov/forms/>.

_____ Court of Washington, County of _____

Petitioner

vs.

Respondent/Defendant

No.

Proof of Surrender
(PRSRW)

Proof of Surrender

The court ordered me to immediately surrender all firearms and other dangerous weapons that I own or have in my possession or control, and any concealed pistol licenses issued to me.

On (date) _____ at _____ a.m./p.m.

I surrendered to (local law enforcement agency) _____ all:

- firearms,
- concealed pistol licenses, and/or
- other dangerous weapons

Court case number: _____

Law enforcement agency case number: _____

I filed a copy of the **Receipt for Surrendered Firearms, Other Dangerous Weapons, and Concealed Pistol License** form with the clerk of the court.

I declare, under penalty of perjury under the law of the State of Washington, that this statement is true and correct.

Date: _____ at _____, Washington

➤ _____
Signature of Restrained Person/Defendant

Print name

_____ Court of Washington, County/City of _____

Petitioner

vs.

Defendant/Respondent

DOB _____

No.: _____

**Receipt for Surrendered Firearms,
Other Dangerous Weapons, and
Concealed Pistol Licenses**

(criminal/civil)

(RCPF)

The defendant/restrained person must file a copy of this receipt and file the ***Proof of Surrender*** form with the court.

Law Enforcement:

List each item surrendered individually with brand, model, serial number, color, concealed pistol license number and issuing authority, etc. below (*attach additional sheets if necessary*):

_____	_____
_____	_____
_____	_____
_____	_____

Number of firearms surrendered: _____.

(Name of law enforcement official) _____

received the firearms, other dangerous weapons, and concealed pistol licenses listed above on behalf of the local law enforcement agency (named) _____.

(Law enforcement shall file the original receipt with the court within 24 hours after service of this order, electronically whenever electronic filing is available.)

I declare, under penalty of perjury under the laws of the State of Washington, that this statement is true and correct.

Date: _____ at (city) _____, Washington

Signature of Law Enforcement Official

Print Name

Badge No.

Address: _____

_____ Court of Washington, County/City of _____	
_____ Petitioner	No.: _____
vs.	Declaration of Non-Surrender (DCLRNS)
_____ Defendant/Respondent	

Declaration of Non-Surrender

If you previously surrendered your firearms, other dangerous weapons, and concealed pistol licenses, use the Proof of Surrender, form WS 100.

I understand that the court has ordered me to surrender all firearms, and other dangerous weapons that I own or have in my possession or control, and any concealed pistol licenses in my name. I have not surrendered any firearms, other dangerous weapons, or concealed pistol licenses pursuant to that order because I do not have any of those items.

I also understand that:

- I am prohibited from accessing, having in my custody or control, obtaining, possessing, purchasing, receiving or attempting to purchase or receive any firearms or other dangerous weapons, or obtaining or possessing a concealed pistol license until further order of the court.
- If I fail to comply with the *Order to Surrender and Prohibit Weapons*, I may be found in contempt of court and be charged with a misdemeanor.
- I may be charged with a crime up to and including a **felony** if I am found to own, possess, or control a firearm or other dangerous weapon.

I declare, under penalty of perjury under the laws of the State of Washington, that this statement is true and correct.

Date: _____ at (city) _____, Washington.

Signature of Restrained Person

Print name

Court of Washington, County of _____

Petitioner (Protected Person) _____ Date of Birth _____

vs.

Respondent (Restrained Person) _____ Date of Birth _____

No.

**Proof of Service
(RTS)**

Clerk's Action Required:2

Proof of Service

Server declares:

1. My name is _____. I am 18 or older.
I am a peace officer not a party to this case.

2. **Able to Serve:**

Personal Service: I served the court documents checked in section 4 for this case
to (name of party) _____
on (date) _____ at (time) _____
by giving the documents directly to them at this address:

Electronic Service:

Important! Do not use electronic service if your case involves the surrender of firearms, transfer of child custody, removing respondent from the parties' shared residence, an incarcerated respondent, or a petition for a vulnerable adult protection order is filed by someone other than the vulnerable adult. After 2 unsuccessful attempts at personal service, you can ask the court to authorize electronic service. Court authorization is not necessary for vulnerable adult protection orders.

I served the court documents checked in section 4 for this case to
(name of party) _____
on (date) _____ at (time) _____ via

email text social media applications other technology

At the following email address/s, phone number/s, social media application and user name, or other address: _____

I received a read receipt or communication from the receiving party (describe or attach): _____

Service by Mail: I served the court documents checked in section 4 for this case to
 (name of party) _____
 on (date) _____
 at (time) _____.
 I sent 2 copies of the documents, postage prepaid: one by ordinary, first-class mail
 and one by other mail with certified or tracking information (*attach receipts*). I sent
 the mail to this/these address/es: _____.

Clerk's Action: The court clerk shall forward a copy of this proof of service to the
 following law enforcement agency where the respondent resides (county or city)
 (check only one): _____

Sheriff's Office or Police Department

3. Not Able to Serve:

I was unable to make personal service on (name of party) _____.
 I notified the serving party that service was not successful. Personal service was
 attempted on the following date/s _____.

Electronic service was attempted at the following address/es but it bounced back,
 was undeliverable, or there was no follow-up communication _____

I did not mail court documents to (name of party) _____
 because I do not know the party's last known address.

4. List of Documents:

Important! You must check or write in the title of **every** document that you served. Use the "Other Documents" box to write in the title of any document not already listed.

I served the following documents (*check all that apply*):

New Petition:	After a Full Hearing:
<input type="checkbox"/> Petition for Protection Order	<input type="checkbox"/> Protection Order
<input type="checkbox"/> Temporary Protection Order and Hearing Notice	<input type="checkbox"/> Order to Surrender and Prohibit Weapons
<input type="checkbox"/> Reissuance of Temporary Protection Order and Notice of Hearing	<input type="checkbox"/> Order Realigning Parties
<input type="checkbox"/> Order to Surrender and Prohibit Weapons (issued without notice)	
<input type="checkbox"/> Order Transferring Case and Setting Hearing	
<input type="checkbox"/> Declaration/s of: _____	
<input type="checkbox"/> Denial Order	
<input type="checkbox"/> Notice to Vulnerable Adult	

<p>Renewals:</p> <p><input type="checkbox"/> Motion for Renewal of Protection Order</p> <p><input type="checkbox"/> Order Setting Hearing on Renewal <input type="checkbox"/> and Extending Order until Hearing</p> <p><input type="checkbox"/> Order for Renewal of Order for Protection</p>	<p>Motions:</p> <p><input type="checkbox"/> Motion to Modify or Terminate Protection Order</p> <p><input type="checkbox"/> Motion for Surrender and Prohibition of Weapons</p> <p><input type="checkbox"/> Notice of Hearing</p> <p><input type="checkbox"/> Motion to Realign Parties</p> <p><input type="checkbox"/> Motion to Set Show Cause Hearing - Contempt</p> <p><input type="checkbox"/> Order on Hearing - Contempt</p> <p><input type="checkbox"/> Order re Adequate Cause</p>
<p><input type="checkbox"/> Order Setting Hearing – Sexual Assault</p> <p><input type="checkbox"/> Order on Motion for Renewal of Sexual Assault Protection Order</p>	<p>After a Motion Hearing:</p> <p><input type="checkbox"/> Order Modifying or Terminating Protection Order</p> <p><input type="checkbox"/> Order to Surrender and Prohibit Weapons</p>
<p>Other Documents:</p> <p><input type="checkbox"/> _____</p> <p><input type="checkbox"/> _____</p> <p><input type="checkbox"/> _____</p> <p><input type="checkbox"/> _____</p>	

5. Fees Charged for Service:

Does not apply.

Fees: \$ _____ + Mileage \$ _____ = Total: \$ _____

6. Other: _____

I declare under penalty of perjury under the laws of the State of Washington that the statements on this form are true.

Signed at (*city and state*): _____ Date: _____

▶ _____
Signature of server

Print or type name of server

Law Enforcement Agency (if any)

ONLY FILL OUT THE FOLLOWING
DOCUMENTS IF YOU ARE PETITIONING
FOR A VULNERABLE ADULT PROTECTION
ORDER.

Court of Washington, County of _____

In re the Matter of:

A Vulnerable Adult (Person to be Protected)

Respondent (Person to be Restrained)

No. _____

**Notice to the Vulnerable Adult
(NTVA)**

**Notice to the Vulnerable Adult
Important Notice - Please Read Carefully**

Petitioner (*name*) _____
filed a petition for a protection order on your behalf in _____
County Superior Court against (*name of respondent*) _____

The hearing is scheduled for (*time*) _____ on (date) _____
at (*location*) _____

If this protection order is granted, the judge may grant the request as stated in the petition. This may include requiring (*the respondent*) _____ to stay away from you and not to talk to you, or not handle your money. If the protection order is granted it can be for 1 year or up to a permanent protection order.

Under the law you have certain rights.

You have the right to go to the court hearing. At the court hearing, the judge will decide whether or not you need protection.

You have the right to tell the judge that you agree or disagree with the petition.

You have the right to have a lawyer represent you.

You have the right to present evidence.

At the hearing, the judge may:

- grant the order for protection;

- dismiss the petition or parts of it,
- get more information to decide if you are unable to protect yourself or your property due to incapacity, undue influence, or duress; or
- require a guardianship or conservatorship petition to be filed. If a guardianship or conservatorship petition is filed, you have the right to have a lawyer appointed for you and you will have other rights.

If you have a disability that makes it hard for you to understand court documents or to be part of the court hearing, you may ask for help (an accommodation). You may use the *Request for Reasonable Accommodation* form available in the court clerk's office to ask for an accommodation.

For help with a disability accommodation, contact (petitioner must check one and complete):

ADA Designated Contact Person for the Superior Court

Name: _____

Address: _____

Telephone: _____

Court Administrator for the Superior Court

Address: _____

Telephone: _____

Notice to the Vulnerable Adult

This is the Notice to the Vulnerable Adult (Notice). It is not signed by the judge. This notice informs the vulnerable adult that a petition has been filed on his or her behalf. The notice also says what may happen if the petition is granted, and identifies the rights of the vulnerable adult.

The clerk will file the original order in the public court record and provide distribution copies for:

- You (free certified copies).
- Service on the vulnerable adult, if you are filing on behalf of a vulnerable adult.
- Service on the vulnerable adult's guardian, if any.

Please check with the court clerk before filling out the notice.

In some courts, the judge will fill out the notice. In other courts, you will be expected to fill out the notice. Please check with the court clerk.

- If you are expected to fill out the form, follow the instructions below.
- It may be helpful to ask the court clerk for advocate services to help you fill out this form.

Please Print Clearly Using Black or Blue Ink!

Page 1:

Top of the Page

- Fill in the name of the county where the action is filed.
- Fill in the name (first, middle initial, last) of the vulnerable adult.
- The person you want protection from is the "Respondent." Fill in the respondent's name (first, middle initial, last).

Case and Hearing Information

- Fill in your name (first, middle initial, last) as the petitioner.
- Fill in the name of the county where the action is filed.
- Fill in the name (first, middle initial, last) of the respondent.
- The judge or court clerk will write in the next hearing date, time and place, on the first page of the order.
- Fill in the name (first, middle initial, last) of the respondent.

Page 2:

Disability Accommodation

- Ask the court administrator or the superior court for help identifying the name and contact information of the Americans with Disabilities Act (ADA) Designated Contact Person who will provide help with disability accommodation.
- Check the first box and fill in the name, address, and telephone number of the contact person.
- Check the second box and fill in the address and telephone number of the court administrator for the superior court, if you are unable to identify the contact person. The superior court administrator's address and telephone number are available on the courts' website under the link for the Court Directory:
http://www.courts.wa.gov/court_dir/.

Service of the Notice

You must arrange for service of this notice on the vulnerable adult along with the other filed documents.

Please consider providing the "Instructions for Process Servers" to the individual who will serve the Notice. These instructions suggest that the process server offer to read the notice to the vulnerable adult, and point out that disability accommodations are available if he or she wishes.

Instructions for Process Server

Service of the Notice to the Vulnerable Adult

You are serving this notice and the accompanying documents on a vulnerable adult.

This notice is designed to explain the documents in plain language.

However, the vulnerable adult may not be able to read the document.

- Please discreetly ask the vulnerable adult if he or she would like to have the notice read aloud.
- If at all possible, serve the vulnerable adult when others are not present to overhear.
- If the vulnerable adult agrees to have you read the document, please read the document slowly and clearly.
- Please point out the name and phone number of the individual who can provide help with a disability accommodation. This information is provided on the last line of the second page of the Notice.

Thank you for your consideration.