

Instructions for Petition for Sexual Assault Protection Order

This document will be filed in the court file that is a public record. It must also be personally served on the respondent.

If you have police reports, medical records, witness statements, or other documentation, you can attach those to the petition. You may black out information you do not want anyone to see.

Note: If the petitioner qualifies for a Domestic Violence Protection Order, the petitioner cannot get a Sexual Assault Protection Order. If the petitioner has been sexually assaulted **and** the petitioner and respondent are:

- Intimate Partners because they are:
 - current or former spouses or domestic partners, parents of a child-in-common, age 16 or older and are/were in a dating relationship, and are currently residing together or resided together in the past age 16 or older and are/were in a dating relationship, but have *never* resided together.
- Family or household members because they are:
 - current or former adult cohabitants as roommates adult in-laws adults related by blood parent and child stepparent and stepchild grandparent and grandchild

then file for a Domestic Violence Protection Order instead.

In the Petition, you will state:

- Who the person is that needs to be protected.
- How that person is a victim of sexual assault and that the person is afraid.
- What type of protection you want the judge to grant. In this document, you can ask the judge to require the person who sexually assaulted you to stay away from you, your home, school, work or other places you request, and to have no further contact with you.

To qualify for this order, you do **not** have to:

- report the incident to law enforcement.
- go to a hospital or have any injuries related to the sexual assault.
- have been sexually assaulted more than once.

This form can be used to request both immediate temporary protection **and** a full protection order. If you need immediate protection, and the court finds an emergency exists, the court may immediately issue a temporary order that will last until a hearing is held, usually within 14 days. At that hearing, the court will determine if a full Sexual Assault Protection Order should be issued. The full Sexual Assault Protection Order can last up to two years. ***The respondent has a right to attend that hearing.***

Print Clearly! Use Black or Blue Ink only.

Caption (Page 1)

Fill in the name of the person to be protected as the “Petitioner.”

- If you need protection, write in your name.
- If you are filing for protection on behalf of a minor, vulnerable adult, or other adult who, because of age, disability, health or inaccessibility cannot file the petition (other adult), write in that person’s name as the petitioner.

The person you want protection from is the “Respondent.” Fill in the respondent's name.

Who Needs Protection (Question 1)

The court must know who needs protection. Check the appropriate box for yourself, a minor, a vulnerable or other adult.

- If you are filing on behalf of a minor or a vulnerable or other adult, you must write in your name and your relationship to that person. The judge will determine if it is appropriate for you to file the petition on behalf of the other person.
- If you are filing on behalf of a minor, you must also write in the minor’s age.

Residency (Question 2)

The court needs to know where you live in order to determine if the court can issue a protection order. Check **one** of the boxes to tell the court about where you currently live.

Information About the Respondent (Question 3)

The court needs to know the age of the respondent. Check **one** of the boxes for the respondent's age.

If the respondent is under age 18, the court needs to know the name(s) of the respondent’s parent(s) or legal guardian(s). List their name(s) if you know them.

Service Member or Dependent of a Service Member (Question 4)

The court needs to know whether the respondent is a service member or a dependent of a service member. A service member is a member of the U.S. armed forces, the Washington State National Guard or Reserves. If you do not know, check the “unknown” box.

Petitioner’s Relationship to Respondent (Question 5)

State the petitioner’s relationship to respondent, such as neighbor, classmate, co-worker, or none.

Service Address (Question 4)

Write an address where you agree to accept legal documents. If disclosure of the petitioner’s address would risk abuse or harassment of the petitioner or any member of the petitioner’s family or household, list an alternative address.

Court Cases (Question 5)

If there are other cases or other restraining, protection or no-contact orders involving the petitioner and the respondent, list the case name (the parties' names, such as State v. Jones, Adams v. Smith), the case number (if you know it), and the court (district, municipal, or superior), the county, and the state in the columns provided.

Request for Sexual Assault Protection Order (Page 2)

This section lists the different kinds of protection you may need. To ask the court for the protection, check the box at the beginning of each protection you may need and check the boxes within each paragraph as they apply.

1. The first item asks the court to order the respondent not to contact the petitioner.
2. The second item asks the court to exclude the respondent from petitioner's home, workplace, school, or day care. If there is someplace else you want to include, add it to the box called "other." The petitioner has a right to keep his or her residential address confidential (secret). There is space for you to write in a residential address on this petition and on the order, but you do not have to if disclosure of the address would put the petitioner or the petitioner's family at risk of abuse or harassment from the respondent. However, enforcement of the order may be easier if an address is included. If you decide to include an address, please list the complete address, including the city.
3. The third item asks the court to prohibit the respondent from knowingly coming within or knowingly remaining within a specified distance (e.g., 100 feet, 2 blocks) of petitioner's home, workplace, school, or day care. If there is someplace else you want to include, add it to the box called "other."
4. The fourth item applies if the petitioner and respondent are minors under age 18 and are attending the same school. This item asks the court to restrain the respondent from attending the same school as the petitioner and to order the respondent to transfer to another school.
5. The fifth item, "Other," is where you may list something not mentioned in the above items.

Protection from Firearms and Other Dangerous Weapons

6. The sixth provision asks the court to require the respondent to **immediately surrender** all firearms, other dangerous weapons, and any concealed pistol licenses, and to prohibit the respondent from accessing, obtaining, or possessing a firearm, other dangerous weapon, or concealed pistol licenses.

Emergency Temporary Protection (up to 14 days) Until the Court Hearing.

Check the box if an emergency exists and you want to ask the court to issue a temporary order immediately.

In the space below the checkbox, describe the harm the temporary order is intended to prevent that would be likely to occur if respondent were given prior notice.

Check the box if you want to ask the court to order the respondent to surrender firearms, other dangerous weapons, and concealed pistol licenses immediately.

In the space below the checkbox, explain what irreparable injury could result if the court does not issue temporary protection.

Statement about Sexual Assault (Page 3)

Statement about sexual assault:

Describe any nonconsensual sexual conduct or nonconsensual sexual penetration, and the approximate date(s):

The statement is to describe to the court why the petitioner needs a protection order.

First read the definition of “nonconsensual,” “sexual contact” and “sexual penetration” in the box above the statement. Then, read through the statement before you start writing. There are prompts to help you organize your thoughts.

- The court has no information unless you provide it.
- The more details you can provide, the more helpful it is to the judge.
- Try to explain exactly what the respondent did.
- Try to use the respondent’s exact words.

Examples:

It is better to say, “On Saturday, May 5 at 10:00 p.m., Joe held me down with his body weight and forced me to have sex in my living room” rather than “Joe assaulted me.”

It is better to say, “Joe forced me to touch his penis by grabbing my hand and forcing me to touch him there” rather than “Joe made me touch him.”

It is better to say, “Joe told me if I didn’t agree to have sex with him, he would hurt me. He said, ‘If you don’t want to get hurt, you better keep quiet’ ” rather than “Joe threatened me.”

Complete any other statements that apply.

If a minor petitioner wants the court to restrain a minor respondent from attending the same school, describe any continuing physical danger or emotional distress to the petitioner caused by the respondent’s attendance at the same school.

If any of the information requested does not apply, write “Does not apply” in that section.

Sign the Form

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

- Sign the form above the line for “Signature of Petitioner” if you are filing on your own behalf.
- Sign the form above the line for “Signature of Person Filing on Behalf of Petitioner” if you are filing on behalf of a minor or a vulnerable or other adult.

Complete the Temporary Orders

If you ask the court for immediate protection, complete the *Temporary Order for Protection and Notice of Hearing*, form DV 2.015. Follow the instructions for that form.

If you ask the court to order the respondent to surrender firearms and other dangerous weapons, bring the *Order to Surrender Weapons (and Prohibit Weapons, if applicable) Issued Without Notice*, form All Cases 02-030, for the judge to complete.

Go to Court

Bring your completed petition and temporary order and the blank order to surrender and prohibit weapons to the clerk’s office of the local court. They will direct you further.

Service of Court Documents

Unless the respondent or the respondent’s lawyer was present at the hearing, the petition, any temporary order, and any order to surrender and prohibit weapons must be served on the respondent. The respondent must know what restraint provisions are in place, when and where the hearing will occur, and when the order expires.

If you filed on behalf of a vulnerable adult, unless the vulnerable adult or the vulnerable adult’s lawyer was present at the hearing, the petition and any temporary order and order to surrender and prohibit weapons must be served on the vulnerable adult. The vulnerable adult must know what restraint provisions are in place, when and where the hearing will occur, and when the temporary order expires. The vulnerable adult’s guardian, if any, must also be served.

If the court orders respondent to surrender and prohibit weapons, the local law enforcement agency must serve the order.

If the court does not order respondent to surrender and prohibit weapons, you may choose service by:

- A law enforcement agency, which will serve your papers free of charge.
- A hired professional process server.
- Another person 18 or over, who is not a party to this action.
- Mail or publication, if the judge previously entered an order allowing service by mail or publication.

You will need to provide the address for each person to be served. If you want law enforcement to serve the documents, complete the Law Enforcement Information Sheet.

Law Enforcement Information Sheet (LEIS)

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

- The LEIS form is used by Law Enforcement to locate and identify the respondent when serving documents.
- This form is also used by Law Enforcement when entering the order in the state-wide database.

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

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

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

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

If you know the respondent has firearms or other dangerous weapons, make sure you specify exactly what types and numbers.

Register for Automatic Notices about your Protection Order:

After the court issues a temporary or full order for protection, you can register for automatic notices.

As authorized by RCW 36.28A.410, WA VINE Protective Order is an automated service that allows you, the petitioner, to track the status of a protective order over the phone or internet. You can also register to be notified by phone and email about changes in the status of a protective order. If you register for notification, you will receive important notifications regarding the service status of your protective order, a 90-day expiration warning, and notification if the respondent in your order attempts to purchase/transfer a firearm while they are prohibited and are denied.

To access protective order information, call [1-877-242-4055](tel:1-877-242-4055) or visit www.registervpo.com.
Do not rely solely on WA VPO for your safety. If you feel you are in danger, call 9-1-1.