

# Temporary Order for Protection and Notice of Hearing – Vulnerable Adult

## (為弱勢成人發佈臨時保護命令及庭審通知)

Download the English version of this document from the Courts' website via:

(從法庭的網站下載本申求表格的英文版本：)

<http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=70>.

本文件為臨時保護命令。如由法官簽署，本法令將：

- 通知辯方哪些限制目前生效。
- 如果您代表弱勢成人的起訴，通知弱勢成人哪些對辯方的限制目前生效。
- 制定庭審（全面庭審）日期。

法庭書記員將把保護法令正本留作公開法庭記錄並提供影本給：

- 您本人(免費公證文本)。
- 提交給辯方。
- 提交弱勢成人，如您是代表弱勢成人起訴。
- 提交弱勢成人的監護人，如監護人存在。
- 

在申請起訴前請向法庭書記員徵詢。

在某些法庭,法官會填寫本通知。在其他法庭,您會被期望填寫本通知。請向法庭書記員徵詢。

- 如您被期望填寫本通知。請遵循以下說明。
- 要求法庭書記員提供受害人利益服務組織的幫助來填寫本通知也許對您有益。

**請使用黑墨或藍墨字體清晰書寫!**

第1頁:

**表格最上部:**

- 填寫弱勢成人的姓名 ( 名 , 中間名簡寫 , 姓 ) 並在“ 出生日期” 處填寫弱勢成人的出生日期. 弱勢成人在此為受保護的對象.
- 可能實施威脅的人此稱“辯方.” 填寫辯方的姓名. ( 名 , 中間名簡寫 , 姓). 如您知道辯方的出生日期, 請在“ 出生日期” 處填寫.

**下次庭審**

法官或法庭書記員將在法令的首頁填寫下次開庭的日期, 時間和地點.

- 您必須出席這次庭審方可繼續本臨時保護法令的保護功能.
- 您如不出席這次庭審, 您的起訴將被駁回並且您不會得到一項保護命令的保護.
- 如果您代表弱勢成人的起訴而您沒有庭審, 您的起訴將被駁回並且弱勢成人不會得到一項保護命令的保護.
- 如辯方被提交庭審文件而不出席庭審, 法庭將批准一項保護命令.

**有關起訴各方的情況**

本部分旨在通知法庭誰提出起訴:

- 如果您是弱勢成人, 在第一方塊內勾欄.
- 如果您是代表弱勢成人起訴, 在第二方塊內勾欄並填寫您的姓名. 然後在您與弱勢成人的相關方塊內勾欄.
- 如社會福利局 ( DSHS ) 代表弱勢成人提出訴訟, 在第三方塊內勾欄.

**辯方身分辨認**

- 描述辯方的體形特徵: 性別, 種族, 髮色, 身高, 體重, 及眼睛顏色.
- 列出辯方的任何顯著特徵, 如痣, 疤痕或刺青.
- 如辯方有持槍可能請在本方塊內勾欄

第1和2頁:

## **保護條件**

在與起訴書上的相同方塊內勾欄.

有關第3項和第5項:

您未被要求列出弱勢成人的居家地址. 您無需在本表格上列出.

## **保金或其他抵押擔保**

法庭有可能在頒發某些限制令前要求您交保金或其他形式的抵押擔保(通常是現金). 法庭在確定弱勢成人的健康或生命受到威脅時可能不要求保金或其他形式的抵押擔保).

第3頁:

## **執法部門的資訊輸入**

本法令將輸入一個州級由執法部門使用的資料庫以便任何州內的警官均意識到其存在. 請列出在弱勢成人所居住地區可行使執法權的機構:

- 如弱勢成人的地址在城區範圍內, 列出該城警局.
- 如弱勢成人的地址在城區範圍外, 列出該郡警長.

## **通知的遞交**

您必須安排遞交給辯方本通知和起訴書. 辯方必須瞭解對其有何種限制, 何時及何地庭審.

如您是代表弱勢成人起訴, 本法令, 起訴書, 以及給弱勢成人的通知必須遞交給弱勢成人和其監護人(如後者存在)。弱勢成人和其監護人 (如後者存在) 必須瞭解.... 必須瞭解對辯方的限制, 以及何時及何地庭審.

您可選擇以下遞交服務:

- 一個執法部門.
- 雇用專業傳遞人.
- 一位18歲以上與本案無關的人士.

如您是代表弱勢成人起訴，您需向遞交人提供辯方或弱勢成人的地址。該地址可以是家庭或工作地址。如果您沒有辯方或弱勢成人的地址，請與法庭書記員或權益保護組織聯繫得到有關資訊。

### **執法部門的協助**

法官可命令執法部門在以下有限範圍內幫助弱勢成人：

- 重返居家。
- 保證私人物產的歸屬。
- 遵照法官指令在其他方面予以協助。

### **表格的簽署**

當保護法令得到批准時法官將填寫生效的日期和時間並簽署其姓名。

在表格底部的“提交人”和“起訴人”處簽名。

以下是一份為弱勢成人申求臨時保護命令之表格和庭審通知的範本：

**Notice: You must complete this form in English.**

**(注意: 您必須以英文填寫本表格.)**

**Superior Court of Washington**  
**For \_\_\_\_\_ County**  
**(華盛頓州高等法庭 \_\_\_\_\_ 郡)**

In re the Matter of:

(有關:)

A Vulnerable Adult (Person to be Protected) **DOB**  
(一位弱勢成人(申求保護者)) (出生日期)

Respondent (Person to be Restrained) **DOB**  
(辯方(需受限制者)) (出生日期)

No. \_\_\_\_\_

(案號.)

**Temporary Order for Protection and Notice of Hearing – Vulnerable Adult (TMORVA)**

**(弱勢成人申求臨時保護命令之表格和庭審通知)**

**(Clerk's Action Required)**

**(書記員須採取行動)**

**Next Hearing Date/Time: \_\_\_\_\_**

**(下次庭審日期/時間:)**

**At (在): \_\_\_\_\_**

**Violation of Restraint Provisions 1, 3, 4 or 5 With Actual Notice of its Terms is a Criminal Offense Under Chapter 26.50 RCW and Will Subject a Violator to Arrest. RCW 74.34.145**  
**(對限制條款實際遞交後對第1, 3, 4 或5 的違犯根據法律26.50 RCW 條款形成犯罪將對違法者依法逮捕. 法律RCW 74.34.145)**

**The Petitioner is (起訴人為):**

- ☐ the vulnerable adult.  
(弱勢成人.)
- ☐ \_\_\_\_\_ [name (姓名)],  
who filed on behalf of the vulnerable adult and is  
(代表弱勢成人起訴的人士為):
- ☐ the vulnerable adult's guardian or legal  
fiduciary.  
(是弱勢成人的監護人或法律受託人.)
- ☐ an interested person as defined in  
RCW 74.34.020(9).  
(是一位根據RCW 74.34.020(9)定義的相關者)

**Respondent Identification (辯方識別):**

Sex (性別)	Race (種族)	Hair (髮色)
Height (身高)	Weight (體重)	Eyes (眼睛顏色)

**Respondent's Distinguishing Features:**

**(辯方的特徵):**

\_\_\_\_\_  
\_\_\_\_\_

☐ WA Dep't of Social and Health Services.  
(華州社會福利局 ( DSHS ) .)

Access to weapons: ☐ yes ☐ no  
☐ unknown  
(是否有持械可能: [-] 有 [-] 無 [-] 未知)

**The Court Finds Based Upon the Court Record That (法庭根據法庭記錄判決如下):**

The court has jurisdiction over the parties and the subject matter. The respondent and the vulnerable adult, if not the petitioner, were notified in writing of the ex parte hearing and their opportunity to be heard, or will be served notice of his or her opportunity to be heard at the scheduled hearing noted above. RCW 74.34.110. For good cause shown, the court finds that an emergency exists and that a Temporary Protection Order should be issued without notice to the respondent to avoid irreparable harm.

(法庭對案涉各方及本案涉及內容可行使判決法權。根據RCW 74.34.110之法律規定，辯方和非起訴人之弱勢成人已被書面知會了本法庭之開庭，並在開庭時可陳述己見，或將被遞交上述將要庭審陳述己見的開庭通知。在正當情況下，法庭為避免不可挽回的傷害判定緊急撤離和在未通知辯方的前提下發出臨時保護法令。)

**The Court Orders (法庭判定):**

- |  |
|--|
| <p><input type="checkbox"/> 1. The respondent is <b>Restrained</b> from committing or threatening to commit physical harm, bodily injury, assault, including sexual assault against the vulnerable adult and from molesting, harassing, or stalking the vulnerable adult.<br/>(<b>限制</b>辯方對弱勢成人採取或威脅採取人身傷害，肢體損傷，侵犯，包括性侵犯和對弱勢成人之猥褻，騷擾，或跟蹤。)</p> |
|--|

Additional no contact provisions are on the next page (附加的不接觸條款列在下頁).

The terms of this order shall be effective until  
(本法令生效日至

the end of the hearing, noted above 出庭日結束，見上標誌)
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- |  |
|--|
| <p><input type="checkbox"/> 2. The respondent is <b>Restrained</b> from committing or threatening to commit acts of abandonment, abuse, exploitation, neglect, or financial exploitation against the vulnerable adult.<br/>(<b>限制</b>辯方對弱勢成人採取或威脅採取拋棄，虐待，剝削，忽視或經濟剝削行為。)</p>  |
| <p><input type="checkbox"/> 3. The respondent is <b>Excluded</b> from the vulnerable adult's residence. <input type="checkbox"/> The vulnerable adult's address is confidential. <input type="checkbox"/> The vulnerable adult waives confidentiality of the address which is:<br/>(<b>驅逐</b>辯方出弱勢成人之住所. [-] 弱勢成人之地址保密. [-] 弱勢成人不要求其地址保密該地址為):</p>   |
| <p><input type="checkbox"/> 4. The respondent is <b>Restrained</b> from coming near and from having any contact with the vulnerable adult, in person or through others, by phone, mail, or any means, directly or indirectly, except through an attorney, or mailing or delivery by a third party of court documents.<br/>(<b>限制</b>辯方接近弱勢成人或與其進行任何面對面的，或通過其他人的，通過電話，信件，或其他任何直接或間接的接觸，通過律師的接觸，唯一的例外是法庭文件郵寄或由第三方提交的法庭文件。)</p> |

<input type="checkbox"/> 5. Respondent is <b>Prohibited</b> from knowingly coming within, or knowingly remaining within _____ (distance) of the vulnerable adult's <input type="checkbox"/> residence <input type="checkbox"/> workplace <input type="checkbox"/> adult day program; <input type="checkbox"/> the premises of the long-term care facility where the vulnerable adult resides. <input type="checkbox"/> other:  (禁止被告在知情情況下接近弱勢成人或與弱勢成人在 [-] 住所 [-] 工作地點 [-] 成人日托所; [-] 弱勢成人所居住的長期健保中心 [-] 其他地址如下: 保持 [ ____ ] 的距離).
<input type="checkbox"/> 6. The respondent is <b>Required</b> to provide an accounting of the disposition of the vulnerable adult's income or other resources. (要求辯方提供弱勢成人所需的收入或其他收入來源.)
<input type="checkbox"/> 7. The respondent is <b>Restrained</b> from transferring the vulnerable adult's property until the hearing scheduled on page one. (限制辯方不得在第一頁指明的庭審日期前轉移弱勢成人的財產.)
<input type="checkbox"/> 8. The respondent is <b>Restrained</b> from transferring respondent's property until the hearing scheduled on page one. (限制辯方不得在第一頁指明的庭審日期前轉移自身的財產.)
<p>9. <b>Bond (保金):</b></p> <input type="checkbox"/> Bond in the amount of \$ _____ as required by the court under RCW 7.40.080 has been posted. (依RCW 7.40.080 由法庭要求的保金共\$ [ ____ ] 已交清.) <input type="checkbox"/> Bond is waived because: (保金得到豁免基於:) <input type="checkbox"/> State of Washington is petitioner. (華州政府作為起訴人.) <input type="checkbox"/> Life or health of vulnerable adult is in jeopardy under RCW 7.40.080. (依RCW 7.40.080法律弱勢成人的生命或健康受到了威脅.) Alternative security has been posted as described: (另類擔保金已交清如下): _____ _____ _____
<input type="checkbox"/> 10. <b>Other (其他):</b>          

The respondent is directed to appear and show cause why this temporary order should not be made effective for up to five years and why the court should not order the relief requested in the petition.

***Failure to Appear at the Hearing May Result in the Court Granting Such Relief. The Next Hearing Date is Shown on Page One.***

(辯方被指定庭出席審並向法庭證明為何本臨時保護法令不應生效五年以及為何法庭不應批准起訴書中提出的救援要求。未能出席庭審有可能導致法庭批准上述救援要求。下一次庭審日期在第一頁列出。)

***Warnings to Respondent:*** Violation of restraint provisions 1, 3, 4 or 5 of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW and will subject you to arrest. If the violation of the protection order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, you may be subject to criminal prosecution in federal court under 18 U.S.C. § 2261, 2261A, or 2262.

(警告辯方：對限制條款實際遞交後對第1, 3, 4 或5 的違犯根據法律26.50 RCW 條款形成犯罪將對違法者依法逮捕。如對此保護法令的違犯涉及到州外或法庭執法轄區之外，或牽涉到美利堅合眾國的特別海域和領土範圍內，包括部落領地，你將依國家法律U.S.C. § 2261, 2261A, 或2262條受到聯邦法庭的刑事處罰。)

Violation of restraint provisions 1, 3, 4, or 5 of this order is a gross misdemeanor unless one of the following conditions apply: Any assault that is a violation of this order and that does not amount to assault in the first degree or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. Also, a violation of this order is a class C felony if you have at least two previous convictions for violating a protection order issued under Titles 7, 10, 26, or 74 RCW.

(除非發生以下其中一種情況，否則違反此命令的第1, 3, 4 或5條法令是一種嚴重行為失檢：違反這項命令的任何攻擊行為，但是根據 RCW 9A.36.011 或 9A.36.021 的說明，此行為沒有造成一級或二級攻擊，在此情況下，這種攻擊就算是 C 級重罪。違反這項命令的任何行徑如果是鹵莽並造成另外一人有死亡或嚴重身體受傷的重大風險，就算是 C 級重罪。此外，如果您以前至少違反過兩次根據 RCW 第 7、10、26、或 74 篇簽發的保護令，那麼違反這次的命令就算是 C 級重罪。)

If the court issues a final protection order, and your relationship to the vulnerable adult is that of spouse or former spouse, parent of a common child, or former or current cohabitant as intimate partner, you may not possess a firearm or ammunition for as long as that final protection order is in effect.

(如果法庭頒發了一項最終保護法令，並且你與弱勢成人的關係是配偶或前配偶，共生子女的父母，或以前或目前的有親密關係的同居者，根據18 U.S.C. § 922(g)(8) 法律條文。你在本最終保護法令有效期內不可擁有槍支或彈藥。)

A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1). If you are convicted of an offense of domestic violence, you will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C. § 922(g)(9); RCW 9.41.040.

(違犯本聯邦槍支法律可導致最高至10年的刑期及25 萬美金罰款。例外者為依18 U.S.C. § 925(a)(1)法律條文的執法人員和軍事人員持有由執法部門/政府部門配發的武器。如果你曾因家庭暴力定過罪，你將依 18 U.S.C. § 922(g)(9); RCW 9.41.040法律條文終身被禁止擁有槍支或彈藥。)



**You Can Be Arrested Even if the Person or Persons Who Obtained the Order Invite or Allow You to Violate the Order's Prohibitions.** You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

(即便受本保護法令保護的人或人們邀請或允許你違犯本法令的條款時你仍可能由此被逮捕。你是唯一的為避免違犯保護法令條款的責任人。只有法庭在收到書面申請後才可能對此法令加以改動。)

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

(根據法律條款18 U.S.C. § 2265規定, 美國50個州, 哥倫比亞特區, 波多黎各, 及任何美國領土, 以及任何在美國境內的部落領土上的任何法庭均須完全, 忠實地執行本法令。)

It is further ordered that the clerk of the court shall forward a copy of this order on or before the next judicial day to \_\_\_\_\_ ☐ County Sheriff's Office ☐ Police Department **Where Protected Person Lives** which shall enter it in a computer based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

(在此進一步命令法庭書記員需將本法令的副本在下一個開庭日或之前遞交給 [ \_\_\_\_ ] [-] 郡警署

[-] 受保護人所居住地址員警部門將此法令輸入其在該州由警界使用的罪犯偵訊電腦系統以便警方查找待執行的逮捕令。)

#### Service (文件遞交)

Petitioner shall arrange for service of the petition and this order on:

(起訴人將安排將本起訴書和本法令遞交給:)

☐ Respondent (辯方).

☐ Vulnerable Adult (弱勢成人).

☐ Vulnerable Adult's guardian.

(弱勢成人的監護人。)

The following persons appeared, further service is not required:

(以下人士在場, 無需進一步的交遞:)

☐ Respondent (辯方).

☐ Vulnerable adult (弱勢成人).

☐ Vulnerable adult's guardian.

(弱勢成人的監護人。)

#### Law Enforcement Assistance (執法部門協助)

☐ Pursuant to RCW 74.34.140, law enforcement shall assist petitioner as follows:

(根據法律條款RCW 74.34.140, 執法部門將為起訴人提供如下服務):

\_\_\_\_\_  
\_\_\_\_\_.

Dated (日期): \_\_\_\_\_ at (時間) \_\_\_\_\_ a.m. (上午)/p.m. (下午).

**Judge/Commissioner 法官/專員**

Presented by (提交人):

I acknowledge receipt of a copy of this Order:

(我在此證明收到了本法令之副本:)

Petitioner (起訴人)

Date (日期)

Respondent (辯方)

Date (日期)

A Law Enforcement Information Sheet (LEIS) must be completed.

在此提交一份完整的給執法部門的情況簡報 (LEIS) .