

Order for Protection – Vulnerable Adult (弱勢成人保護命令)

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>.

本文件為保護命令。由法官簽署後，本法令將：

- 告知辯方哪些限制有效。
- 告知弱勢成人哪些限制有效。
- 制定法令失效日期。
- 如有必要,制定審核或其他庭審日期。

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)。
- 提交辯方，(如辯方未在全面庭審時在場)。
- 提交弱勢成人。
- 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) 作為受保護之對象, 並在“ 出生日期” 處填寫其出生日期.
- 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. 如果你不知道辯方的出生日期, 請填寫辯方的年齡.

法官書記員將填寫下次法庭的地址和電話號碼.

起訴人的情況

法庭必須瞭解誰是起訴人:

- 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.
- 如果是社會福利局 (DSHS) 代表一位弱勢成人申請, 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

“法庭根據法庭記錄所作的判定”

法律要求本法令寫明如果辯方以何種方式收到庭審文件. 由於法官需要證實文件遞交服務符合法庭規定(準時並合理), 法官將為你完成本部分.

本法令需要列出**弱勢成人與辯方的關係**以便執法部門決定聯邦槍支法是否適用於本案. 為確定弱勢成人與辯方的關係. 請在下列所有相關方塊內勾欄.

“ 法庭命令簡述”

在填寫本表後,在下列所有相關方塊內勾欄.

除非法官在相關方塊內列出另一日期, 本法令有效期為五年.

第2頁:

保護條件

- 除非您不再要求這些條件,請在與起訴書上的相同方塊內勾欄並填寫.
- 您不能在起訴書上未要求的條件方塊內勾欄.
- 在每一個條件下, 確保指明您需要保護的地址.
- 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.

條件之9: 本條件不在起訴書內. 如法官命令辯方負擔法庭費用和律師費, 本條件將被加進來. 如法官判定了法庭費用和律師費的負擔, 依PF VA-3.030法律條文,必須完成一份判決書.

法官可以許可, 駁回, 或改變您在本法令中的任何條件.

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.

法令的遞交

除非辯方的律師出庭時在場, 本法令必須遞交給辯方. 辯方必須瞭解對其有何種限制, 何時本法令失效.

如您是代表弱勢成人起訴, 除非弱勢成人或其律師出庭時在場, 本法令必須遞交給弱勢成人, 弱勢成人必須瞭解何種保護法令條件存在以及何時本法令失效. 您還必須遞交給弱勢成人之監護人, 如後者存在.

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.
- 如果法官在頒佈法令時事先允許以郵件或出版物方式遞交, 亦可採取該方式.

如您希望執法部門來遞交這些法律文件, 請填寫執法部門的協助資訊表.

執法部門的協助

法官可命令執法部門在有限範圍內幫助您. 如您仍希望得到執法部門的協助, 請在與起訴書中相關的方塊內勾欄.

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” 處簽名並包括當天的日期. 辯方如在開庭時在場會即時簽名, 不再需要進一步的文件遞交.

以下是一份弱勢成人保護命令之範本:

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)

Order for Protection –
Vulnerable Adult
(弱勢成人保護命令)

No. _____

(號碼.)

Court Address (法庭地址):

Telephone Number (電話號碼):

(_____)

(Clerk's Action Required) **(ORPRTVA)**

(書記員須採取行動)

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
(對限制條款實際通知後對第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)

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 (法庭根據法庭記錄判決如下):

The court has jurisdiction over the parties and the subject matter and respondent has been provided with reasonable notice and an opportunity to be heard. Notice of this hearing was served on the respondent by

☐ personal service ☐ service by mail pursuant to court order ☐ service by publication pursuant to court order
☐ other _____.

(法庭對案涉各方及本案涉及內容可行使判決法權並且辯方已被知會以及在開庭時可陳述己見。開庭通知以
以下方式遞交給辯方 [-] 私人遞交 [-] 按法庭命令以郵件遞交 [-] 按法庭命令以出版物形式遞交
[-] 其他方式 [____].)

This order is issued in accordance with the Full Faith and Credit provisions of VAWA: 18 U.S.C. § 2265.

Respondent committed acts of abandonment, abuse, neglect and/or financial exploitation of the vulnerable adult.

☐ The court also finds that the respondent represents a credible threat to the physical safety of the vulnerable adult,
and that the relationship of the respondent to the vulnerable adult is ☐ spouse or former spouse ☐ parent of a
common child ☐ current or former cohabitants and intimate partners ☐ Other: _____.

The court concludes as a matter of law the relief below shall be granted.

(本法令忠實地依華州法律VAWA: 18 U.S.C. § 2265條件認定。辯方對弱勢成人犯下了拋棄, 虐待, 忽視及/
或經濟剝削之罪. [-] 法庭也認定辯方對弱勢成人的人身安全構成了可信的威脅, 而且辯方與弱勢成人的關
係為 [-] 配偶或前配偶 [-] 共生子女之父母 [-] 目前或原來之同居人和親密夥伴 [-] 其他: [____]. 本法庭依
法裁決以下救援起訴得到批准.)

Court Order Summary (法庭命令簡述):

☐ The respondent is restrained from committing acts of abuse as listed in restraint provision 1, on page 2.
(辯方被禁止採取在第2頁第一限制條件中列出的虐待行為.)

☐ No-contact provisions apply as set forth on the following pages.
(辯方依從後頁規定的不接觸條件.)

☐ Additional provisions are listed on the following pages.
(追加條件在後頁列出.)

**The terms of this order shall be effective immediately and for five years from today's date,
unless stated otherwise here (date)**

(除非在此另有說明, 本法令的條件從當日起生效五年)

It is Ordered (法令規定):

- ☐ 1. The respondent is **Restrained** 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.

(~~限制~~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的猥褻，騷擾，或跟蹤。)

(If the respondent's 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, then effective immediately, and continuing as long as this protection order is in effect, **the respondent may not possess a firearm or ammunition.** 18 U.S.C. § 922(g)(8). 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).)

(如果辯方是弱勢成人的配偶或前配偶，共生子女之父母，目前或原來之同居人或親密夥伴，那麼法庭命令即時生效並有效至到期日為止，**辯方將根據法律18 U.S.C. § 922(g)(8) 被禁止擁有槍支或彈藥。** 違犯本聯邦槍支法可判處最高至10年監禁和250,000美元罰款。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。)

- ☐ 2. Respondent is **Restrained** from committing or threatening to commit acts of abandonment, abuse, neglect, or financial exploitation against the vulnerable adult.

(~~限制~~辯方對弱勢成人採取或威脅採取拋棄，虐待，忽視或經濟剝削行為。)

- ☐ 3. The respondent is **Excluded** from the vulnerable adult's residence. ☐ The vulnerable adult's address is confidential. ☐ The vulnerable adult waives confidentiality of the address which is:

(~~驅逐~~辯方出弱勢成人的住所。[-] 弱勢成人的居家地址保密。[-] 弱勢成人不要求的居家地址保密該地址為):

- ☐ 4. The respondent is **Restrained** 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.

(~~限制~~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。)

- ☐ 5. Respondent is **Prohibited** from knowingly coming within, or knowingly remaining within _____ (distance) of the vulnerable adult's ☐ residence ☐ workplace ☐ adult day program; ☐ the premises of the long-term care facility where the vulnerable adult resides. ☐ 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 Required to provide an accounting of the disposition of the vulnerable adult's income or other resources by _____ (date). (要求辯方在 [] (日) 之前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 Restrained from transferring the vulnerable adult's property for _____ (up to 90) Days. (限制辯方不得在最多至 [] (90天) 內轉移弱勢成人的財產.)
<input type="checkbox"/>	8. The respondent is Restrained from transferring respondent's property for _____ (up to 90) Days. (限制辯方不得在最多至 [] (90天) 內轉移自身的財產.)
<input type="checkbox"/>	9. Petitioner is granted judgment against the respondent as set forth in the judgment filed on _____ (date). (起訴自判決日 [] (日期) 起對辯方的起訴生效.)
<input type="checkbox"/>	10. The bond posted is exonerated or the petitioner may apply ex parte for an order to disburse other security. (起訴保金在此免除或起訴可以以此作為取消其他抵押金的憑據.)
<input type="checkbox"/>	11. Other (其他):

Warnings to the Respondent: Violation of restraint provisions 1, 3, 4 and 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犯者依法逮捕。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, and 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 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 9A.1.040.

(如果你曾因家庭暴力定過罪, 你將依18 U.S.C. § 922(g)(9); RCW 9A.1.040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 the Protection 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 this order on:

(起訴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):

_____.

This Order is in Effect Until the Expiration Date on Page One.

(本法令一直生效至第一頁規定的失效日為止。)

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) .