

Comparison of Court Orders for Washington State

Many Tribal Courts have similar civil and criminal court orders. Check with your local Tribal Court for details.

<u>Kind of Order</u>	SEXUAL ASSAULT PROTECTION ORDER	DOMESTIC VIOLENCE PROTECTION ORDER	NO-CONTACT ORDER	RESTRAINING ORDER
<u>Nature of Proceeding</u>	Civil or criminal, in context of pending criminal action or as a condition of sentence, under RCW 7.90	Civil, under RCW 26.50.	Criminal, in context of pending criminal action, under RCW 10.99.	Civil, normally in context of pending dissolution or other family law action, under RCW 26.09, 26.10, 26.26.
<u>Who may obtain order?</u>	<p>A person who is a victim of nonconsensual sexual conduct or nonconsensual sexual penetration, including a single incident, (who does not qualify for a domestic violence protection order) may petition for a civil order. Minors under age of 16 with parent or guardian.</p> <p>The court may initiate issuance on behalf of victims of sex offenses when criminal charges are filed.</p>	<p>A person who fears violence from a “family or household member” (10.99.020), or who has been the victim of physical harm or fears imminent physical harm, or stalking from a “family or household member”, (includes dating relationships). Petitioners 13 or older in a dating relationship with a Respondent, 16 or older; minors aged 13-15 with a parent, guardian, guardian ad litem, or next friend.</p>	<p>Incident must have been reported to the police. Criminal charges must be pending. Judge must consider issuance pending release of defendant from jail, at time of arraignment, and at sentencing.</p>	<p>Petitioner who is married to respondent or has child in common.</p>
<u>Jurisdiction</u>	<p>District, Municipal, or Superior Court. See RCW 26.50.020(5).</p> <p>Telephonic hearings available pursuant to court rule and in limited circumstances.</p>	<p>Telephonic hearings available in limited circumstances.</p> <ul style="list-style-type: none"> • EPO—District, Municipal, or Superior Court. • PO—limited to Superior Court if Superior Court has family law action pending, or if case involves children or order to vacate home. 	<p>District, Municipal, or Superior Court.</p>	<p>Superior Court only.</p>
<u>Cost to Petitioner</u>	No filing or service fees.	No filing or service fees.	None.	Same as dissolution. Filing fee waived if indigent.
<u>How does the respondent receive notice?</u>	<p>Notice of civil order served on the respondent.</p> <p>Notice of criminal order given to defendant verbally and in writing when order is entered.</p>	<p>Notice served on the respondent. Notice by certified mail, or publication authorized in limited circumstances.</p>	<p>Verbal and written notice given at bail hearing, arraignment, or sentencing</p>	<p>Notice served on respondent or respondent’s attorney.</p>
<u>Consequences if order is knowingly violated</u>	<p>Mandatory arrest for violating restraint and exclusion provisions. Possible criminal charges or contempt. Class C felony if assault or reckless endangerment, otherwise Gross Misdemeanor.</p>	<p>Mandatory arrest for violating restraint and exclusion provisions. Possible criminal charges or contempt. Class C felony if assault or reckless endangerment, otherwise Gross Misdemeanor.</p>	<p>Mandatory arrest. Release pending trial may be revoked. Additional criminal or contempt charges may be filed. Class C felony if assault or reckless endangerment, otherwise Gross Misdemeanor.</p>	<p>Mandatory arrest. Gross Misdemeanor. Possible criminal charges or contempt.</p>

Kind of Order

SEXUAL ASSAULT PROTECTION ORDER

DOMESTIC VIOLENCE PROTECTION

NO-CONTACT ORDER

RESTRAINING ORDER

ORDER

Maximum duration of order

- Temporary civil SAPO—14 days with service.
- Full civil SAPO—Designated by court up to two years.
- Criminal orders—Designated by court.
- Post sentencing provision may last up to two years following imprisonment, or community supervision, conditional release, probation or parole.

- EPO—14 days with service.
- EPO—24 days certified mail or with service by publication.
- PO—Designated by court, one year, or permanent.

Until trial and sentencing are concluded. Post-sentencing provision lasts for possible maximum of sentence in Superior Court or two years in District or Municipal court.

- TRO—14 days.
- Preliminary injunction—dependency of action.
- RO in final decree—permanent unless modified.

Kind of Order	ANTI-HARASSMENT ORDER	VULNERABLE ADULT PROTECTION ORDER
<u>Nature of Proceeding</u>	Civil, under RCW 10.14.	Civil, Under RCW 74.34.110 and RCW 26.50.
<u>Who may obtain order?</u>	Petitioner who has been seriously alarmed, annoyed or harassed by a conduct which serves no legitimate or lawful purpose. Parties generally are not married, have not lived together, and have no children in common.	A vulnerable adult, or an interested person on behalf of a vulnerable adult, who has been abandoned, abused, subject to financial exploitation, or neglect or threat thereof. The Department of Social and Health Services may also obtain an order on behalf of a vulnerable adult.
<u>Jurisdiction</u>	District Court. Limited provisions for referring cases to Superior Court. Municipal, District, or Superior for enforcement.	Superior Court.
<u>Cost to Petitioner</u>	No filing or service fees for stalking, sexual assault or domestic violence victims.	No filing fees.
<u>How does the respondent receive notice?</u>	Notice served on respondent.	Notice served on the respondent. Notice by certified mail, or publication authorized in limited circumstances.
<u>Consequences if order is knowingly violated</u>	Gross Misdemeanor. Possible criminal charges or contempt.	Mandatory arrest for violating restraint and exclusion provisions. Possible criminal charges or contempt. Class C felony if assault or reckless endangerment, otherwise Gross Misdemeanor.
<u>Maximum duration of order</u>	EAHO—14 days. PAHO—1 year or permanent.	EPO—14 days with personal service. EPO—24 days certified mail or with service by publication. PO—Designated by court, for a fixed period not to exceed 5 years.

GLOSSARY

- EAHO** Emergency Anti-Harassment Order
- EPO** Emergency Protection Order or Temporary Order for Protection
- PAHO** Permanent Anti-Harassment Order
- PO** Order for Protection
- RO** Restraining Order
- SAPO** Sexual Assault Protection Order
- TRO** Temporary Restraining Order

Consultation from Washington Coalition of Sexual Assault Programs, Olympia, WA, www.wcsap.org. voice: 360-754-7583, tty: 360-709-0305. Prepared by the Washington State Coalition Against Domestic Violence, www.wscadv.org. voice: 206-389-2515, tty: 206-389-2900. Adapted from the Domestic Violence Manual For Judges, Volume I - Criminal, 1992. The Criminal Domestic Violence Manual Subcommittee, the Office of the Administrator for the Courts for the State of Washington, Olympia, WA, updated 1998.