

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 does not qualify for a domestic violence protection order, and is a victim of nonconsensual sexual conduct or nonconsensual sexual penetration, including a single incident, may petition for a civil order. Minors under age of 16 with parent or guardian. Court may appoint a guardian ad litem for either petitioner or respondent at no cost to either party.</p> <p>The court may issue an order 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” (RCW 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"> • TPO—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. Notice by certified mail, or publication authorized in limited circumstances.</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. As part of sentencing, the court may issue a no contact order.</p>	<p>Notice served on respondent or respondent’s attorney.</p>

<u>Kind of Order</u>	SEXUAL ASSAULT PROTECTION ORDER	DOMESTIC VIOLENCE PROTECTION ORDER	NO-CONTACT ORDER	RESTRAINING ORDER
<u>Consequences if order is knowingly violated</u>	Mandatory arrest for violating restraint and exclusion provisions. Possible criminal charges or contempt. Class C felony if assault or reckless endangerment, otherwise Gross Misdemeanor.	Mandatory arrest for violating restraint and exclusion provisions. Possible criminal charges or contempt. Class C felony if assault or reckless endangerment, otherwise Gross Misdemeanor.	Mandatory arrest. Release pending trial may be revoked. Additional criminal or contempt charges may be filed. Felony if any assault, reckless endangerment or drive-by-shooting, otherwise Gross Misdemeanor.	Mandatory arrest. Gross Misdemeanor. Possible criminal charges or contempt.
<u>Maximum duration of order</u>	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • TPO–14 days with service. • TPO–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. In District or Municipal court, for a fixed period not to exceed 5 years.	<ul style="list-style-type: none"> • TRO–14 days. • Preliminary injunction–dependency of action. • RO in final decree–permanent unless modified.

<u>Kind of Order</u>	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>	A person who does not qualify for a domestic violence protection order, and who has been seriously alarmed, annoyed or harassed by a conduct which serves no legitimate or lawful purpose. Petitioners 18 or older with Respondent 18 or older. If Respondent is under 18, unless emancipated or guardian ad litem appointed. Or, Petitioner under age 18 with parent or guardian with a Respondent under 18 in cases where adjudication of offense has happened or is under investigation against petitioner. 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>	Must file in District or Municipal Court. Transfer to Superior Court when there is an action pending between the parties, order to vacate home, the respondent is under eighteen; or the action would interfere with a respondent's care, control, or custody of the respondent's minor child.	Superior Court.
<u>Cost to Petitioner</u>	No filing or service fees for stalking, sexual assault or domestic violence victims.	No service or filing fees.

<u>Kind of Order</u>	ANTI-HARASSMENT ORDER	VULNERABLE ADULT PROTECTION ORDER
<u>How does the respondent receive notice?</u>	Notice served on respondent. The court may permit service by publication if the petitioner pays or if the petitioner's costs have been waived.	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. Discretionary arrest with 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>	TAHO–14 days. TAHO–24 days certified mail or with service by publication. AHO–1 year or permanent.	TVAPO–14 days with personal service. TVAPO–24 days certified mail or with service by publication. VAPO–Designated by court, for a fixed period not to exceed 5 years.

<u>Kind of Order</u>	STALKING PROTECTION ORDER	STALKING NO CONTACT ORDER
<u>Nature of Proceeding</u>	Civil under RCW 7 (RCW chapter number is pending the code reviser's decision after July 28, 2013, when statute takes effect).	Criminal, in context of pending criminal action at arraignment or as a condition of sentence, under RCW 9A.46.110 or 060 and RCW 7 (RCW chapter number is pending the code reviser's decision after July 28, 2013, when statute takes effect).
<u>Who may obtain order?</u>	<p>A person who does not qualify for a domestic violence protection order, and is a victim of any stalking conduct. Stalking conduct includes stalking as defined by RCW 9A.46.110, cyberstalking as defined by RCW 9.61.260 or repeated contacts, attempts to contact, monitoring, tracking, keeping under observation, or following another person and causing a person to feel intimidated, frightened, or threatened.</p> <p>Petitioner 16 may file (not required to have a guardian or next friend). Parent or guardian may petition on behalf of any minor, including minors 16 or 17. Interested person may petition on behalf of vulnerable adult. Court may appoint a guardian ad litem for either petitioner or respondent. If Respondent is 15 or younger and not emancipated, a guardian ad litem must be appointed. Petitioner shall not be required to pay fees.</p>	<p>Incident must have been reported to the police. Stalking related criminal charges must be pending. The court may issue the order by telephone before arraignment or trial on bail or personal recognizance if no other restraining or protective order exists, and victim does not qualify for a domestic violence protection order. Court must also consider issuance at time of arraignment, and at sentencing regardless of any existing protective orders.</p> <p>If criminal charges are dismissed or defendant is acquitted, the victim can file for a separate civil Stalking Protection Order. The criminal Stalking No Contact order may be continued until a full hearing.</p> <p>As a part of sentencing, if the victim does not qualify for a Domestic Violence Protection order, the court may issue Stalking No Contact Order. Post-sentencing provision lasts for possible maximum of five years.</p>

<u>Kind of Order</u>	STALKING PROTECTION ORDER	STALKING NO CONTACT ORDER
<u>Jurisdiction</u>	Telephonic hearings available pursuant to court rule and in limited circumstances. Must file in District or Municipal Court. Transfer to Superior court if the petitioner, victim or respondent is under eighteen, there is a pending Superior court action involving the parties, the action involves possession of property, or the action would interfere with a respondent's care, control, or custody of the respondent's minor child.	District, Municipal, or Superior Court.
<u>Cost to Petitioner</u>	No filing or service fees.	No fees.
<u>How does the respondent receive notice?</u>	Notice of civil order served on the respondent; if respondent is a minor, parent or legal guardian shall be personally served. Notice by certified mail, or publication authorized in limited circumstances. Verbal and written notice of order given at bail hearing, arraignment, or sentencing. If criminal charges dismissed or defendant acquitted, victim may file for civil stalking order.	Verbal and written notice given at bail hearing, arraignment, or sentencing.
<u>Consequences if order is knowingly violated</u>	Mandatory arrest for violating restraint and exclusion provisions. Possible criminal charges or contempt. Class C felony if assault or reckless endangerment otherwise Gross Misdemeanor.	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>	TSTPO–14 days with personal service TSTPO – 24 days certified mail or with service by publication. STPO–fixed period of time or permanent.	Five years for a final stalking no contact order.

GLOSSARY

TAHO Temporary Anti-Harassment Order
AHO Anti-Harassment Order
TPO Temporary Order for Protection
PO Order for Protection
RO Restraining Order
TRO Temporary Restraining Order
TVAO Temporary
VAO Vulnerable Adult Order
TSAPO Temporary Sexual Assault Protection Order
SAPO Sexual Assault Protection Order
TSTPO Temporary Stalking Protection Order
STPO Stalking Protection Order

Prepared by the Washington State Coalition Against Domestic Violence, www.wscadv.org, June 2013. Consultation from David Ward, Legal Voice, www.legalvoice.org, Washington Coalition of Sexual Assault Programs, Olympia, WA, www.wcsap.org. Originally 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.