

WHAT IS A SEXUAL ASSAULT PROTECTION ORDER?

A sexual assault protection order is a civil order issued by a court on behalf of a sexual assault victim.

WHAT CAN A SEXUAL ASSAULT PROTECTION ORDER DO?

The order can require the person who harmed you to stay away from you, your home, school, work or other places you request, and to have no further contact with you.

WHO CAN GET A SEXUAL ASSAULT PROTECTION ORDER?

Any person 16 or older who is a victim of sexual assault may petition the court to obtain an order. If you are under 16, you need a parent or guardian to ask the court for the order on your behalf.

WHAT IS SEXUAL ASSAULT?

The law defines sexual assault as:

- Nonconsensual (meaning lack of freely given agreement) sexual touching of the genitals, anus, or breasts – either directly or through clothing.
- Nonconsensual sexual penetration, however slight, of the genitals or anus by a body part of another including the mouth or the use of objects.
- Forced display of the genitals, anus or breasts for the purpose of sexually arousing another.

A Sexual Assault Protection Order may also be obtained as part of a criminal case. If you have reported the sexual assault to law enforcement and the person who is assaulted you is being prosecuted, a judge may order a Sexual Assault Protection Order to protect you when the person is released from custody.

RESOURCES:

Washington Coalition of Sexual Assault Programs

1-360-754-7583

www.wcsap.org

Local Sexual Assault Program

This publication provides general legal information. It is not intended as legal advice. You should consult a lawyer if you need legal advice. This information is current as of June 2006. Laws change both as a result of legislative action and court decisions.

INCREASING YOUR SAFETY: WASHINGTON'S SEXUAL ASSAULT PROTECTION ORDER



Washington Coalition of
Sexual Assault Programs
Legal Services Department



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How to Apply for a Sexual Assault Protection Order...

Step 1: Petition the Court



You can get the petitions (forms) for sexual assault protection orders at a court, from your sexual assault advocate or on the internet at www.courts.wa.gov/forms. A sexual assault advocate can help you complete the petition and be with you through this process or a lawyer may represent you.

You must swear under oath that the things you write in the petition are true. **In the petition, you must state that you are a victim of sexual assault and the reasons why you are afraid of the person who assaulted you.**

File the petition with the court clerk at your local court. You do not have to pay a fee.

Step 2: Appear for a Temporary Hearing

After you file the petition, you will need to talk to a judge in a courtroom. The judge will ask you questions and you will need to answer truthfully under oath. A sexual

assault advocate or a lawyer, if you have one, can come with you to this hearing.



If the judge grants your petition, you will get a temporary sexual assault protection order that is good for two weeks. The court papers will state the time and date of the next hearing – which you must attend.

Step 3: Personal Service

A law enforcement officer must then give a copy of your petition, the temporary order and notice of the hearing date to the person who assaulted you – who is called the “respondent”. The officer has to be able to give these papers to the respondent **personally** – so if you do not know where the person is or have their address, you may not be able to get the full order.

The officer must give these papers to the respondent at least **five** days before the full hearing. You may have to pay a fee for service.



Step 4: Appear for a Full Hearing

After two weeks, you will come back to court. If possible, you should bring a lawyer to represent you at this hearing - but you are not required to have one. A sexual assault advocate can come with you too. The

person who assaulted you will likely be at this hearing and may also bring a lawyer. You should come to this hearing, whether the respondent has been served or not. If you do not come, the court will dismiss the case and you will not be protected by an order.

At the full hearing, both you and the respondent will be asked questions by the judge, the lawyers or one another about the sexual assault and other things you wrote in your petition. It is helpful to make a list of what you want to tell the judge and to bring copies of any important records such as medical or police records, if you have them. The judge will decide whether or not to give you a full sexual assault protection order – which lasts up to two years. If you want the order to be effective for longer, you must petition the court for renewal within three months of the order’s expiration date.

FREQUENTLY ASKED QUESTIONS

What should I do if the respondent violates my protection order?

- Call 911 immediately
- Show the police a certified copy of the protection order
- The respondent can be arrested for violating the order

KEEP A CERTIFIED COPY OF YOUR ORDER WITH YOU AT ALL TIMES!

Can criminal charges also be filed?

Sexual assault protection orders are civil orders. Violations of these civil orders have criminal penalties, but these orders are not criminal charges against the respondent. If you wish to have criminal charges filed, contact law enforcement to report the sexual assault or your local prosecuting attorney.