



# Should You File for a Domestic Violence Protection Order (DVPO)?

## Who should read this?

If you are being hurt or threatened or stalked, you should try to talk with a domestic violence program. The National Domestic Violence Hotline is [1-800-799-SAFE](tel:1-800-799-SAFE).

We provide here general info about the different kinds of civil legal relief available. **We do not mean to persuade you to or discourage you from seeking protections the law affords you. Our goal is to help you make an informed decision about the best course of action for your situation.** Please talk with an advocate for info and advice for your situation.

## What is the legal definition of domestic violence?

Washington law says domestic violence happens when someone does one of these:

- Hits, assaults (including sexual assault), or harms you physically in any way
- Causes you to fear immediate physical harm or assault
- Stalks you

The person causing the harm or threatening is, generally, a family member, or a current or former intimate partner. Read [Domestic Violence: Can the Legal System Help Protect Me](#) for the full definition.

## What is a DVPO?

It is a civil court order (an order you request), issued by a judge, meant to protect you from another person.

You can file this type of order if one of these is true:

- you are experiencing physical harm, bodily injury, assault, stalking, or sexual assault

- you fear imminent physical harm or bodily injury by a family or household member

Protection Orders are very effective for many people. But they are not a good option for everyone. Here are some questions to consider.

### **Am I ready to file for a DVPO?**

Filing for a DVPO starts a court process that requires you to be at court for hearings and get ready for hearings by gathering and submitting evidence.

- Other matters might need your immediate attention first (homelessness, therapy for trauma, financial problems, new school or childcare, new job).
- You might not know where the other party is to serve them.
- You might not be ready to see or engage with the batterer in court.
- The batterer might hire a lawyer who is aggressive.
- You might not be ready to discuss your personal matters in open court.
- You might be pressured to file a family law case. There may be good reasons for you not to do that. You may not feel ready to file a family law case.
- The batterer can use anything filed in the DVPO case in a family law case. If you decided to dismiss your case voluntarily, the batterer can try to use that against you in court in the future.
- Filing for a DVPO might make your batterer even more aggressive towards you.
- Filing for a DVPO might cause your batterer to try to retaliate against you.

### **Am I able to commit enough time to getting a DVPO?**

It is a time consuming process.

- You might not be able to get a lawyer to represent you. Representing yourself can be hard.
- You might not be able to take the time off work or find childcare to go to court. There could be delays and multiple hearings.

- Your batterer might bring up every negative thing they can about you. You will have to respond.
- Your batterer might get very litigious (file many things in court that you have to respond to, or schedule many hearings) because the only time they can see you is in court.

### **What if I get a DVPO that I do not like?**

The court will decide what the Order says.

- The court might issue a DVPO that allows the other party visits with the children or keeps you from being able to move away with the kids.
- The court might issue an order that makes it harder for you to prove your case in any family law action.
- If the DVPO allows unsupervised visits with children, it can be hard to change that later in a family law case.

### **What if I do not get a DVPO at all?**

The court will sign a Denial Order if they think you did not prove your case. Then the batterer can contact you or come near you again.

- If you do not win, the other person might become bolder in what they are doing. They might feel like they were right and try to use the denial of the DVPO against you in a family law case.
- The court might think you really just want a custody order. The court might think you are trying to cut corners by filing for a DVPO.
- If the court denies your request for a DVPO, it could make it harder for you to get DV restrictions in a parenting plan.

### **What if I do not really need a DVPO?**

Protection Orders are meant to keep you safe by keeping your batterer from contacting or coming near you.

You should not file for a DVPO if any of these is what you really want from a court order:

- A temporary residential schedule
- Making the other person move out of your place
- To get your children back when the other party is keeping them from you
- To keep the other person from leaving the state with the children
- To get things you own from the other person

## **You can file a family law case instead and get Temporary Orders or a Restraining Order.**

---

❖ **Both of these types of court orders can** include orders related to issues including money, the place you live, personal items, maintenance (alimony), safety, child support, parenting plans, and Guardians ad Litem.

---

If you really want a court to enter orders saying who has temporary custody of a child or temporary possession of a home or vehicle, instead of filing for a protection order, you may want to file a family law case and ask for **temporary orders**, or even an **immediate restraining order**.

**Temporary orders** can give you certain rights and/or protections after your family law case has started, but before it is final. Courts grant these orders only after notice has been given to the other side and there has been a hearing before a judge or commissioner where each party can speak and present evidence. The types of temporary orders you can get include, but are not limited, to these:

- Temporary parenting plan
- Temporary child support order
- Temporary spousal support order
- Temporary restraining order
- Temporary order regarding possession of a home
- Temporary order regarding payment of bills

We have packets with forms and instructions for getting temporary orders in various types of family law cases:

- [Ask for Temporary Family Law Orders: Parentage Cases](#)

- [Ask for Temporary Family Law Orders: Divorce Cases](#)
- [Ask for Temporary Family Law Orders: Petition to Change Parenting Plan Cases](#)
- [Ask for Temporary Orders: Non-Parent Custody Cases](#)

If this is an emergency and you think you need an order that immediately restrains the other side from contacting or coming near you or your child, think about asking for an **immediate restraining order**. If granted, immediate restraining orders take effect right away and remain in effect until the court can hold a hearing. At that time, a judge or commissioner will decide if there is reason to continue the order.

**Immediate restraining orders are for emergencies only.** You ask for this order usually with little or no advance notice to the other party. To get an immediate restraining order, you must prove that unless the court grants the order now, **irreparable harm** will happen.

We have packets with forms and instructions for getting immediate restraining orders in various types of family law cases:

- [Ask for Immediate Restraining Orders: Parentage Cases](#)
- [Ask for Immediate Restraining Orders: Divorce Cases](#)
- [Ask for Immediate Restraining Orders: Petition to Change Parenting Plan Cases](#)
- [Ask for Immediate Restraining Orders: Non-Parent Custody Cases](#)

---

❖ Whether to file a family law case, or whether to ask for immediate or temporary orders, can be complicated. It depends on many factors. **Talk with a lawyer before making this decision.**

---

**You could create a safety plan for yourself (and any kids you have) instead of going to court.**

Call the National Domestic Violence Hotline at [1-800-799-SAFE](tel:1-800-799-SAFE). They can refer you to a local agency. An advocate at that agency can help you with safety planning.

In the meantime, ask yourself these questions:

- What is your biggest worry?
- What priorities do you have?
- What is most important to you now, in the next few months, and long-term?
- How do you think the children are doing?
- How do you view the risks? What do they mean to you?
- What scares you? Why? Why not?
- What have you done in the past to help protect you or your kids?
- What decisions have you made about contact with your partner?

### **Tips for filling out the forms if you decide to file for a DVPO**

- When filling out the Petition, you must check all the boxes you want the court to order. If the box is not checked, the court will not order it.
- If you are asking that the other party have to turn over personal belongings to you, put the specific items you need (passport, credit card, cell phone, stroller, car seat, children’s toys, and so on). **Do not write** “my stuff” or “children’s stuff.”
- When filling out the statement section of the Petition, be as specific and descriptive as possible. Put the date, names, what, when, and where. Use names rather than pronouns like “he” or “they” as much as possible. If you cannot remember the date, put the time of year the thing happened (around a holiday, was it winter, was it summer, how old was your child) or about how long ago.
- If the most recent episode of abuse happened a while ago, explain why you are filing now.
- When filling out the statement section of the Petition, focus on the **legal definition** of domestic violence (hits, assaults, physical harm, or fear of immediate physical harm or assault, or stalking).
- Describe what happened when you or your minor children were physically harmed, sexually assaulted, stalked, or put in imminent fear that you would be harmed or assaulted.

- **You must give specifics.** Putting things like “my husband is verbally and physically abusive to me,” or “he threatened to kill me,” does not help. The court will not know what that means. Describe what the batterer does (hit, kick, shove, slap) that is abusive. What did he say when he threatened you? Do not just say you were afraid. Say what you were afraid would happen to you or your child and why. If you got hurt, explain how the injury happened. The more detail you can give about the batterer’s actions and your response, the better.
- **Do not talk about parenting issues.** Only talk about physical abuse, and threats of physical harm or stalking.
- File documents with your Petition that help prove what your Petition says. You can use police reports, text messages, emails, pictures, medical records, and so on. You can file some things like medical records and certain pictures under seal. Then the public cannot view them. You must file these things before your hearing date. Some courts will not consider evidence that is only offered at the time of the hearing. Ask the court clerk about filing deadlines in your county.
- Fill out the Order form. Check the same boxes that you checked in the Petition. You can ask the court to enter your proposed Order.
- If you want the court to order the respondent to surrender weapons, you must check the “Credible Threat” box on the first page of the Order.

*Northwest Justice acknowledges the work of the Washington State Coalition against Domestic Violence. The safety planning questions listed here come from WCDAV’s [Safety Planning with Survivors: Core Concepts](#).*

---

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

© 2020 Northwest Justice Project — 1-888-201-1014

(Permission for copying and distribution granted to the Alliance for Equal Justice and to individuals for non-commercial use only.)