

I've experienced domestic violence. Should I file a protection order (PO)?

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- ❖ You can find all the fact sheets and Do It Yourself packets we link to here at WashingtonLawHelp.org.
 - ❖ We say “judge” here to refer to both judges and family court commissioners. A commissioner is like a judge, but only hears a certain type of court case.
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Who should read this?

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- ❖ **If you're experiencing** domestic violence, harassment, sexual assault, or stalking, get help from your local domestic violence shelter. Shelters provide safety planning, temporary shelter, legal advocacy, counseling, and other services. To find the program nearest you, call the [National Domestic Violence Hotline](#) at 800-799-7233 or text “START” to 88788.
 - ❖ **StrongHearts Native Helpline** is a peer support service of the National Domestic Violence Hotline. You can get in touch with someone 24/7 by texting or calling **1-844-7NATIVE (1-844-762-8483)** or through the online chat at strongheartshelpline.org.
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We provide here general information about different civil legal relief available.

We don't mean to persuade 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 to get information and advice for your situation. See contact info below.

What is the legal definition of domestic violence?

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

- Hits, assaults (including sexual assault), or harms you physically
- Causes you to fear immediate physical harm or assault
- Stalks you, including by stalking you online (cyberstalking)
- Engages in behavior to cause you physical, emotional, or psychological harm, and unreasonably interferes with your free will and personal liberty (coercive control)

The person causing the harm or threatening is usually a family member or a current or former intimate partner. **There are exceptions** to this: someone you don't know might be stalking you. And you can experience unlawful harassment by someone who isn't a family member if you're a criminal justice system worker or an election worker.

Read [Protection Orders: Can the civil legal system help protect me?](#) for a more detailed definition of domestic violence.

What is a PO?

It's 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:

- A. You're experiencing physical harm, assault, stalking, unlawful harassment, coercive control, or sexual assault by a family or household member
- B. You fear imminent physical harm or bodily injury by a family or household member

Protection orders are effective for many people, but they're not a good option for everyone. Below are some questions to consider.

Am I ready to file for a PO?

Filing for a PO 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 may need your immediate attention first, such as homelessness, therapy for trauma, financial problems, new school or childcare, or a new job.
- You may not have the contact information to serve the other party.
- You may not be ready to see or engage with the batterer in court.
- The batterer may hire an aggressive lawyer.
- You may not be ready to discuss your personal matters in open court.
- You may feel pressure to file a family law case. There may be good reasons for you not to do that. Or you just may not feel ready to file a family law case.
- The batterer can use information filed in the PO case in a family law case. If you decided on your own to dismiss your case, the batterer can use that against you in court in the future.
- Filing for a PO may aggravate your batterer more.
- Filing for a PO may cause your batterer to try to retaliate against you.

How long does it take to get a PO?

Depending on your situation, it can take a while:

- You may not be able to get a lawyer to represent you. Representing yourself can be hard.
- You may 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 may bring up negative things about you. You'll have to respond.
- Your batterer may file many things in court that you must respond to and may schedule many hearings (get very litigious) because the only time they can see you is in court.

What if I get a PO that I don't like?

The judge will decide what the Order says:

- The judge may issue a PO that allows your batterer visits with the children or keeps you from being able to move away with the kids.
- The judge may issue an order that makes it harder for you to prove your case in any family law action.
- If the PO allows unsupervised visits with children, it can be hard to change that later in a family law case.
- You can try to get an order you don't like changed, but this also will take time. And there's no guarantee that you'll get what you want. Read [File for Revision in a Protection Order Case](#) and [File for Reconsideration in a Protection Order Case](#) to learn more.

What if I don't get a PO at all?

The judge will sign a Denial Order if the judge believes you didn't prove your case. Then the batterer can contact or come near you again.

- If you don't win, your batterer may become bolder in what they're doing. They may feel like they were right and try to use the denial of the PO against you in a family law case.
- The judge may wrongly think that what you really want is a custody order. Or the judge may wrongly think you're trying to cut corners by filing for a PO.
- If the judge denies your request for a PO, this could make it harder for you to get domestic violence restrictions in a parenting plan.

What if I don't really need a PO?

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

You shouldn't file for a PO if any of these is what you 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

Should I file a family law case instead and get Temporary Orders or a Restraining Order?

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- ❖ **Both types of court orders can** include orders related to issues including money, the place where you live, personal items, alimony (called maintenance), safety, child support, parenting plans, and appointing a Guardian ad Litem to the case.
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If you really want a judge to enter orders saying who has temporary custody of a child or gets temporary use 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's final. Judges grant these orders only after notice has been given to the other side and there's been a court hearing where party can speak and give evidence.

The types of temporary orders you can get include these. This is not a complete list:

- 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 different 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](#)

If there's an emergency and you need an order that immediately restrains the other party 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 will decide if there's 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 judge grants the order now, **irreparable harm** will happen.

We have packets with forms and instructions for getting immediate restraining orders in different 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](#)

❖ Whether you should file a family law case, or ask for immediate or temporary orders, can be complicated. It depends on many factors. **Talk with a lawyer before making this decision.** See contact info below.

What if I want a safety plan for myself (and any kids I have) instead of going to court?

Call the National Domestic Violence Hotline at 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's 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?

- What have you done in the past to help protect you or your kids?
- What decisions have you made about contact with your partner?

What are some tips on filling out PO forms?

Protection order forms are available from the court clerk or your local domestic violence program. You can also use our printable [How to File for a Protection Order](#) packet, or our do-it-yourself interview program, [Washington Forms Online](#), to fill out the forms at WashingtonLawHelp.org.

❖ **Are you a Tribal Member or living in a Tribal Community or on a Reservation?** You may have the choice of filing for a protection order in a State Court or a Tribal Court. Each Tribe's code and/or process may differ. Contact the Tribal Court to learn more. (Use the Tribal Court directory at bit.ly/3xG65rt.) The state court forms may not work in Tribal Court.

- When filling out the Petition, you must check all the boxes you want the judge to order. If you don't check a box, the judge won't order it.
- If you're asking that the other party return 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. If you cannot remember the date, put the time of year the thing happened (for example, around a holiday, the season, how old was your child) or about how long ago.
- If the most recent episode of abuse happened a while ago, explain why you're only 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'd be harmed or assaulted.
- **You must give specifics.** Putting things like "my spouse is verbally and physically abusive to me," or "he threatened to kill me," doesn't help. The judge

won't know what that means. Describe what the batterer does (hit, kick, shove, slap) that's abusive. What did they say when they threatened you? Don't just say you were afraid. Say what you were afraid would happen to you or your children 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.

- **Don't 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, for example, police reports, text messages, emails, pictures, medical records. You can file some documents like medical records and certain pictures under seal: then the public cannot view them. You must file these before your hearing date. Some judges won't 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 judge to enter your proposed Order.
- If you want the judge to order the respondent to surrender weapons, you must check the "Credible Threat" box in 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*](#).

Get Legal Help

- **Apply online** with [CLEAR*Online](https://nwjustice.org/apply-online) - nwjustice.org/apply-online
- **Facing a legal issue in King County** (other than Eviction or Foreclosure)? Call 2-1-1 (or toll-free 1-877-211-9274) weekdays 8:00 am - 6:00 pm. They will refer you to a legal aid provider.
- **Facing a legal issue outside of King County** (other than Eviction or Foreclosure)? Call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm or apply online at nwjustice.org/apply-online.
- **Facing Eviction?** Call 1-855-657-8387.
- **Facing Foreclosure?** Call 1-800-606-4819.

- **Seniors (age 60 and over)** with a legal issue outside of King County can also call CLEAR*Sr at 1-888-387-7111.

Deaf, hard of hearing or speech impaired callers can call any of these numbers using the relay service of your choice.

Interpreters provided.

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