

# Protection orders in the civil legal system

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If you're experiencing domestic violence, harassment, stalking, sexual assault, or the threat of any of these, or you are or know a vulnerable adult who is being abused or neglected, learn what a protection order is, who can get one, and how it can help.

**Community organizations can help!** If you've experienced domestic violence, harassment, stalking, or sexual assault, or the threat of any of these, get help from your local domestic violence shelter or sexual assault center. Shelters provide safety planning, temporary shelter, legal advocacy, counseling, and other services.

Visit [Washington State Domestic Violence Information & Referral](https://www.domesticviolenceinforeferral.org/domestic-violence-programs) (<https://www.domesticviolenceinforeferral.org/domestic-violence-programs>) to search for local programs by county, or for [culturally/community specific](https://www.domesticviolenceinforeferral.org/culturally-community-specific) (<https://www.domesticviolenceinforeferral.org/culturally-community-specific>)

programs?field\_county\_value=All&field\_program\_catagory\_tid=1 or  
Tribal programs

([https://www.domesticviolenceinforeferral.org/domestic-violence-programs?field\\_county\\_value=All&field\\_program\\_catagory\\_tid=2](https://www.domesticviolenceinforeferral.org/domestic-violence-programs?field_county_value=All&field_program_catagory_tid=2)).

You can call, text, or chat online with advocates 24/7 at any of these:

- National Domestic Violence Hotline (<https://www.thehotline.org/>), 1-800-799-7233
- National Sexual Assault Hotline (<https://rainn.org/resources>), 1-800-656-4673
- StrongHearts Native Helpline (<https://strongheartshelpline.org/>) (a peer support service of the National DV Hotline), 1-844-762-8483

## **Who can get a protection order?**

You can ask the court for a protection order if you live or recently lived in Washington state, and you are experiencing or have recently experienced domestic violence, harassment, sexual assault (), or stalking, or you're seeking protection for a vulnerable adult.

**Red flag law:** If you're afraid that an intimate partner, family, or household member may harm themselves or others with firearms, you can ask the court for an Extreme Risk Protection Order (ERPO). Law enforcement can also file for an ERPO.

If you're an adult (age 18 or older), you can protect:

- Yourself
- Children under age 18 (minor children) if you're their parent, legal guardian, or custodian
- Another adult who is vulnerable or cannot otherwise file for themselves.

For domestic violence, you can also protect:

- Minor children in your family or household, even if you're not the parent, legal guardian, or custodian.
- Vulnerable adults in your family or household.

If you're age 15 - 17, you can protect:

- Yourself
- Minor children in your family or household, if the minor chooses you to file on their behalf. You must be capable of pursuing what the minor says they want or need out of the case (their "stated interest").

If you're under age 15, someone must file for you.

### **Do I need a lawyer?**

You don't need a lawyer to get a protection order. You can do it yourself or you can ask someone from a domestic violence shelter ([https://www.domesticviolenceinforeferral.org/domestic-violence-programs?field\\_county\\_value>All&field\\_program\\_catagory\\_tid=1](https://www.domesticviolenceinforeferral.org/domestic-violence-programs?field_county_value>All&field_program_catagory_tid=1)) to help you.

There's no fee to file a protection order.

### **What are the different types of protection orders?**

You can ask for different kinds of protection orders based on the type of harm and how the parties know each other. The judge may give you a different type of protection order if you don't qualify for your first choice.

We cover here these types of protection orders:

### **(1. Domestic Violence**

For protection from a current or former intimate partner, family member, or roommate who does any of these:

- Harms you physically, including sexual assault
- Causes you to fear immediate physical harm or assault
- Stalks you, including online (cyberstalking)
- Engages in behavior that causes you physical, emotional, or psychological harm, and unreasonably interferes with your free will and personal liberty (coercive control)

These are a few examples of "coercive control":

- Driving recklessly with you and/or the children in the vehicle to scare and force you to do what the person wants you to do over your own wishes
- Threatening to kill themselves if you don't stay in the relationship with them
- Telling your friends and family that they are going to destroy your career or report you to immigration because you are ending the relationship
- Threatening to blackmail you

You can read the law to see more examples at RCW 7.105.010(37)  
(<https://app.leg.wa.gov/RCW/default.aspx?cite=7.105.010>).

## **(02. Harassment**

For protection against someone whose behavior seriously alarms, annoys, or harasses you, with no legitimate purpose.

## **(03. Sexual Assault**

For protection against someone who has raped you or engaged in any sexual conduct or penetration that you did not freely agree to (nonconsensual).

## **(04. Stalking**

For protection against someone who is committing criminal stalking or any repeated contacts or attempts to contact you, monitor you, track your whereabouts, keep you under observation, or follow you, if the behavior intimidates, scares or threatens you.

**(0Criminal stalking** is when all these are true:

- Someone intentionally harasses or follows you.
- You have a reasonable fear that they want to hurt someone (it does not have to be you), or someone's property (it does not have to be yours).
- The stalker knows or should know that they are frightening, intimidating, or harassing you.

If this describes your situation, call the police.

Someone stalking you online, called cyber harassment, is also a stalking crime.

## **(05. Vulnerable Adult**

Read about protecting elders and vulnerable adults from abuse and neglect to learn more. That fact sheet also talks about other options for vulnerable adults besides protection orders.

#### **(6. Extreme Risk (Red flag)**

**Only to take firearms away** from a current or former intimate partner, family member, or roommate who's threatening to harm themselves or others. The judge orders the person to turn over their firearms and any conceal carry license to law enforcement, and not to get or try to get any other firearms. **This type of protection order doesn't order the other person to stay away from you, leave your home, or stop following or trying to contact you.**

The process for getting this type of protection order is mostly the same as for the others, although the forms are different. Law enforcement must always serve the other person.

#### **What if I need the restrained person to stay away, and that person also has firearms or other weapons?**

You can ask the judge to order the restrained person to surrender weapons and prohibit them from getting more. You can ask for this when you first file for a protection order or restraining order, or later if your protection or restraining order doesn't include a weapons order.

**Safety alert!** If the judge issues an Order to Surrender and Prohibit Weapons, the restrained person must immediately surrender their firearms to law enforcement when they're served. If that doesn't

I happen for some reason, **this could increase your level of risk**. A domestic violence or other advocate (<https://www.thehotline.org/>) can help you do safety planning around this issue. You may call **9-1-1** to report if you believe the restrained person still has weapons.

### **Is a protection order the same as a restraining order or no contact order?**

No. Protection orders, restraining orders, and no contact orders all offer similar safety restraints, but you get them in different types of cases.

You can only ask for a **restraining order** as part of a family law case (like a divorce, parentage, or parenting plan case). You can get an immediate or temporary restraining order while your family law case is in progress, and a final restraining order when the case is over. You don't need to be involved in a family law case to ask for a protection order.

A judge can issue a **no contact order** in a criminal case when a prosecutor has charged someone with a crime.

### **How do I use a protection order?**

Law enforcement will enter your Protection Order in a statewide computer system. It's enforceable statewide and in other states.

You should **call the police** to report if the person you got the order against breaks (violates) the order. This is a crime. The police must enforce your order and arrest the person who has harmed you.

**Ask for a Hope Card!** A Hope Card is a small card you can easily carry. It's one way to show you have a full protection order. You can request one at [courts.wa.gov/hopecard/](https://courts.wa.gov/hopecard/) (<https://www.courts.wa.gov/hopecard/login.cfm>). If you don't have a Hope Card, **you should always carry a certified copy of your protection order with you.**

Sign up for Washington VINELink (<https://vinelink.vineapps.com/state/WA>) to get important victim safety notices, such as:

- If the perpetrator is transferred or released from jail or prison
- If the perpetrator tries to buy or transfer a firearm while they are prohibited and are denied
- When your protective order is served
- A reminder 90-days before your protective order expires

For some violent crimes, you can apply to the Department of Corrections for advance notice (<https://www.doc.wa.gov/victims/notification.htm>) of transfer or release.

## How long can a protection order last?

It lasts either for a fixed period or permanently. **If it protects children, the part of it protecting the children can only last one year at most, unless a**

**judge orders it as part of a family law case.** Extreme Risk Protection Orders last for one year.

You can ask a judge to renew the order before it ends (before it expires). The judge **must** renew your order unless the restrained person can prove they're no longer a risk to you and/or your children.

### **What happens to my protection order if I move?**

Your protection order is good wherever you go, even out of state. You don't have to register it anywhere.

WashingtonLawHelp.org gives general information. It is not legal advice.

Find organizations that provide free legal help on our Get legal help page.