

# I've experienced domestic violence. Should I file for a protection order?

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If you're being hurt, threatened, or stalked, try to talk with a domestic violence program. The National Domestic Violence Hotline (<https://www.thehotline.org/>) is 1-800-799-SAFE. Read this to learn what you should think about when you decide if you should try to get a protection order.

We're not trying to convince you to get, or not get, a protection order. We want to help you understand your options so you can make an informed choice about what is best for you. Please talk with an advocate to get information and advice for your situation.

**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>) to search for local programs by county, or for culturally/community specific ([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)) 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

### **What's the legal definition of domestic violence?**

Washington State law says domestic violence is when a current or former family member, intimate partner, or roommate 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)

These are a few examples of "coercive control":

- Driving recklessly with you 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're going to destroy your career or report you to immigration because you're ending the relationship
- Threatening to blackmail you

You can read the law to see more examples at RCW 7.105.010(4) (<https://app.leg.wa.gov/RCW/default.aspx?cite=7.105.010>).

### **What is a protection order (a PO)?**

It's a civil court order (an order you request), issued by a judge, meant to protect you from another person. There are different types of protection orders for people who have experienced domestic violence, harassment, stalking, sexual assault, or for vulnerable adults who have been abused or neglected.

If the abuser violates a protection order, they can be arrested and charged with a crime.

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

### **Why would I want a PO?**

A PO can be a useful part of your safety plan. It can put rules in place that will be enforced by law enforcement and the court system. Some abusers don't want to get in trouble and will respond to authority. Others will continue to try to contact and abuse you, or may even become more dangerous because they feel they are losing control.

You know your situation best. Always trust your own instincts and judgment about how the abuser might react and about what you need to do to keep yourself and your children safe.

You can ask for a PO with the specific restraints that you need. This could include ordering the abuser to:

- Stop hurting, harassing, or stalking you and your minor children
- Stop having any contact with you and your minor children
- Stay away from you, your home, your work, your school, and your children's school or daycare
- Vacate a home you share with the abuser so you can live there
- Take down and delete intimate images
- Wear an ankle bracelet for electronic monitoring
- Get a mental health or chemical dependency evaluation
- Go to domestic violence or sex offender treatment
- Not sell joint assets; give you some financial relief
- Let you use a vehicle or have other essential items (examples: work tools, medication, documents)
- Stop abusing you through the court system (restrict abusive litigation)
- Surrender guns and other dangerous weapons and not get more
- Give you **temporary** custody of your children (You'll need to get or change a Parenting Plan for permanent custody.)

- Stop interfering with your custody of children (if you already have custody)
- Transfer to a different school (if you and the abuser attend the same school)
- Give you custody of pets

This is not a complete list. You don't have to ask for everything. Ask for what makes sense in your situation.

### 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 person who harmed you (the abuser).
- You may not be ready to see or engage with the abuser in court.
- The abuser 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 abuser can use information filed in the PO case in a family law case. If you decided on your own to dismiss your case, the abuser can use that against you in court in the future.
- Filing for a PO may aggravate your abuser more or make them try to retaliate.

### How long does it take to get a PO?

From start to finish, it will take **at least 2 weeks**. It often takes longer.

It may take you several hours to fill out the paperwork and file it in court. You can get a **temporary** PO the **same day you file** or the next court day, if you file later in the day. The court will schedule a full hearing on your petition within **2 weeks** after you file. If the abuser has been properly served, you may get your **final** PO at that hearing. It can take longer if your full hearing needs to be rescheduled. This can happen for many reasons:

- Your abuser may ask for more time to respond to what you said in your papers.

- You may ask for a delay if you need to respond to negative things your abuser says about you.
- If your abuser gets a lawyer, you may want to reschedule to try to get your own lawyer. Representing yourself can be hard.
- Your abuser 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.
- You may have trouble taking time off work or finding childcare to go to court.

State law requires your employer to give you **domestic violence leave from work** if you need it. You can use this leave to get help and to go to court. This leave may be paid or unpaid, depending on your employer.

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

That's possible. The judge will decide what the PO says:

- The judge may issue a PO that allows your abuser 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 if you act quickly, but this also will take time. And there's no guarantee that you'll get what you want.

If you decide later that you want to change or cancel (end) your PO, you can file a motion asking for this.

### 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 abuser can contact or come near you again.

- If you don't win, your abuser 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 abuser 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 parenting schedule
- Making the other person move out of your place
- To get your children back when the other person 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?

If you really want a judge to order who has custody of a child or who gets to keep a home or vehicle, instead of filing for a protection order, you may want to file a family law case. You can ask for **temporary orders**, or even an **immediate restraining order** (), in your family law case.

Answer a few questions on [\*\*Get Family and Safety Forms\*\*](#) to get the right forms for your situation.

**Family law cases** include divorce, legal separation, registered domestic partnership, parentage, child support, and modifications of parenting plans and child support orders.

**Temporary orders** can give you certain rights and protections after your family law case has started, but before it's final. Judges grant these orders only after you've given notice to the other side and there's been a court hearing where each party can speak and give evidence.

Temporary orders can cover these issues. This is not a complete list:

- Parenting plan (custody and visitation)
- Child support
- Spousal support

- Restraining order (similar to a PO)
- Who lives in the family home
- Who pays which bills
- Who uses a vehicle or other property

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 stay 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.

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

### What if I want a safety plan?

Community organizations have advocates who 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?

We acknowledge the work of the Washington State Coalition against Domestic Violence. The safety planning questions listed here come from WCDV's Safety Planning with Survivors: Core Concepts (<https://wscadv.org/resources/safety-planning-with-dv-survivors-core-concepts/>).

**WashingtonLawHelp.org** gives general information. It is not legal advice. Find organizations that provide free legal help on our Get legal help page.

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