

Respond to a Protection Order

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If you're served with a Protection Order, you must obey it or you might be arrested. Read the Protection Order carefully to understand what you can and can't do. Also read the Petition to understand what the other person is asking for, and why.

If you disagree with the Protection Order, you must respond in writing and go to any hearing that's scheduled. If you don't respond on time, a Temporary Protection Order will probably be made permanent for a year or more.

1. Fast facts

Why was I served protection order papers?

If you receive a Petition for Protection Order (<https://www.waprotectionorders.org/get-help/respondent/>), it's because the person who filed it (the Protected Person) claims that they've experienced domestic violence, harassment, sexual assault, or stalking by you against

them.

If you also received a Temporary Protection Order (<https://www.waprotectionorders.org/frequently-asked-questions/#respondents>), it's because the Petition had enough evidence for the judge to take immediate action before the hearing. Read it carefully to understand its restrictions. If you don't obey a Temporary Protection Order, whether on purpose or by accident, you could face consequences including contempt of court and criminal charges.

Warning! You can be arrested and charged with a crime even if the Protected Person invites or allows you to violate the order.

Do I have to respond to a protection order petition?

The court wants people to always respond in writing, especially if you're fighting (contesting) the Protection Order. If you don't respond on time, the other person will probably get what they're asking for.

if you're facing criminal charges that are directly related to the allegations in the Petition, you don't need to respond, due to your constitutional right against self-incrimination.

What if I'm the one the order should protect?

You can say that and explain why in your written response. Also, file your own Petition for Protection Order (<https://www.waprotectionorders.org/>).

If you don't have time to do this before the hearing on the protection order against you, you can ask the judge for a Temporary Protection Order

protecting you at that hearing. This is called “re-aligning the parties” — switching places so the person who was originally protected is now restrained. You’ll still have to file your own Petition to get a permanent order.

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) or Tribal programs (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/>)
(<https://strongheartshelpline.org/>) (a peer support service of the National DV Hotline), 1-844-762-8483

2. Step-by-step

Follow these steps to respond to a Petition for a Protection Order.

Need an interpreter? You have the right to interpreter services in court at no cost to you. Each court should have a contact person for interpreter requests. As soon as you find out about a court date, contact the court to ask for an interpreter.

Need accommodations? Ask for accommodation for a disability that limits your ability to take part in a court hearing or trial. Each court should have a contact person for ADA requests. You can use the state's Request for Accommodation form (<https://www.courts.wa.gov/forms/?fa=forms.contribute&formID=71>) . As soon as you find out about a court date, contact the court to make this request.

1. **Read the papers you received.** If you disagree with the Petition for Protection Order, you must respond and go to the hearing.

If you received a Temporary Protection Order, you must obey it if a judge signed it. Read it carefully to see what you can and can't do. A signed Temporary Protection Order will be in effect until the hearing date listed on the order, usually within 2 weeks.

If you're getting notice that the other person plans to ask the judge to sign a temporary Protection Order, you should try to be there if you don't want the judge to sign it.

2. Try to talk to a lawyer.
3. **Gather your evidence and write a declaration.** You can write and file a declaration explaining your side. Put what you disagree with and what you want the court to do.

You can also have other people write declarations if they have helpful information. Think carefully about what information can help show what you are telling the judge is correct, or what the other side is saying isn't true.

Ask the court clerk or facilitator about page limits for declarations and how many declarations from other people you can submit.

If you have other documents that help prove your points, you can attach them as “Exhibits” to your declaration. Organize your Exhibits so the judge can understand them. Add labels and dates to pictures, texts or emails.

Some confidential documents should be filed separately under a sealed cover sheet. This keeps them out of the public court file. You must still serve them on the other party. **Examples:** paystubs, tax returns, bank statements, benefit statements, medical or treatment records, special education records, confidential evaluations or reports.

If you’re afraid for your safety or the children’s safety, you can block out information identifying your location on the copies you file with the court and give the other party.

4. **Make copies.** You need one copy of each completed form for yourself, one for the judge, and one for each other party to your case.

Organize the copies in sets, so there’s one set for each person who needs a copy. You don’t have to give the other party a copy of the Proof of Mailing or Hand Delivery. Put each set of papers into an envelope

addressed to each party, with your return address. You'll use these sets for service.

5. **File with the court clerk by the response deadline.** File the originals with the Superior Court Clerk. Ask the clerk to stamp your copies to show the date you filed the originals. Take the stamped copies back from the clerk. The clerk keeps the original.

Deliver working copies to the judge, if required in your county.

6. **Have copies served on the other party by the response deadline.**

If the other person has a lawyer, serve the lawyer instead.

Have an adult friend or relative serve the papers for you. They can serve by hand delivery or first class mail. They can only serve by email or fax if the other person has put in writing that they agree to accept legal papers for this case in that way. Follow the rules to serve papers after a case starts.

7. **Have the server fill out the Proof of Mailing or Hand Delivery. Make 2 copies.** File the original with the Superior Court Clerk. Bring your copies to the hearing.

8. **Go to the hearing.** The judge decides here whether to issue a final Protection Order. Usually, a final Protection Order lasts for at least a year. If it doesn't include your children with the protected person, it could be ordered for longer. Read about how to get ready and what to expect at the hearing.

9. **Get copies of any orders the judge signs.** Ask the clerk how to get the copies you need.
10. **If you disagree with the judge's decision, try to talk to a lawyer right away.**

You might want to file a motion for revision or reconsideration. You must file those motions **within 10 days** of the order you want to change.

3. Get ready

Read our tips to get ready for trial. The hearing is like a very short trial. However, witnesses don't usually testify at protection order hearings. Witnesses can file a declaration form describing what they saw or heard.

You must file witness declarations and any other documents you want the judge to consider with the court clerk and have the restrained person served with a copy **before the hearing date**. It's best to file these at the same time as your petition, if you can.

If the restrained person doesn't get these copies beforehand, the judge may reschedule the hearing to give everyone time to read them. The reverse is also true: the restrained person must provide you with copies of anything they file. You have the same right to ask at the hearing for more time to review copies of anything served on you at the last minute.

Make some notes to yourself about the main points to make when it's your turn to talk at the full hearing. You may have no more than 5 minutes to speak.

If your hearing is in person, get to the courthouse early. If possible, don't bring your children.

If your hearing is by phone or video, follow these [tips for phone and video hearings](#).

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4. At the hearing

If the person who filed for the order doesn't come to the hearing, the judge will dismiss the case.

If the other party shows up at the hearing, each of you will get to tell your side of the case. Stand while speaking. Tell the judge briefly what you want and why. Try to keep your argument short. Only outline your main points. You may have as little as 5 minutes to speak. Don't repeat everything in your papers.

If the judge asks you a question, try to answer it directly. **Do not interrupt the judge.**

After the judge has heard both sides, they'll make a decision. You may need to wait for the judge to write up the order. The clerk may give you a copy right away. If not, ask how you can get a copy.

5. After the full hearing

What if I disagree with the court's decision?

Within 10 days after the entry of the order you can ask for reconsideration or revision. If the 10th day falls on a weekend or judicial holiday, your deadline is the next judicial day.

- Ask for reconsideration if the decision was legally incorrect or you have newly discovered evidence.
- Ask for revision if your case was decided by a court commissioner (not a judge), and you want a judge to review the same evidence.

File your motion for reconsideration or revision with the court clerk.

You can file an appeal within **30 days** after entry of the order. You have the right to a transcript or recording of the hearing.

If new evidence would support issuing a protection order, you can refile a petition for a protection order **at any time**.

How is the order enforced?

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

If you break (violate) the order, it's a crime. The other person can call the police to report you. The police are supposed to enforce the protection order and arrest you.

Can the order be changed or terminated?

Either party can file a motion to modify or terminate the order. If the order restrains you, you may do this only once within every 12-month period.

6. Forms

Form attached:

Declaration of (name): _____ **(protection order)** (PO 018)

Follow the general rules to format and fill out court documents.

If you don't put the **case number** on the first page of everything that you file with the court and copies for other parties, your papers may be lost, or the clerk may return them to you. Some courts will fine you for filing incorrect forms.

You must be specific and consistent in your declaration and when testifying.

WashingtonLawHelp.org gives general information. It is not legal advice. Find organizations that provide free legal help on our [Get legal help](#) page.

V.

No.

Declaration of

_____(Name)
(DCLR)

This declaration is made by:

Name: _____

Age: _____

Relationship to the parties in this action:_____

I declare,

[illegible]

