

Instructions for Petition for Sexual Assault Protection Order

This document will be filed in the court file which is a public record. It must also be personally served on the respondent.

Note: If the petitioner qualifies for a Domestic Violence Protection Order, the petitioner cannot get a Sexual Assault Protection Order. If the petitioner has been sexually assaulted **and** the respondent is:

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| • spouse or former spouse | • current or former dating relationship | • in-law |
| • parent of a common child | • stepparent or stepchild | • parent or child |
| • current or former cohabitant as intimate partner, including current or former registered domestic partner | • current or former cohabitant as roommate | • blood relation other than parent or child |

then file for a Domestic Violence Protection Order instead.

In the Petition, you will state:

- Who the person is that needs to be protected.
- How that person is a victim of sexual assault and that the person is afraid.
- What type of protection you want the judge to grant. In this document, you can ask the judge to require the person who sexually assaulted you to stay away from you, your home, school, work or other places you request, and to have no further contact with you.

To qualify for this order, you do **Not** have to:

- report the incident to law enforcement.
- go to a hospital or have any injuries related to the sexual assault.

One incident of sexual assault is enough to qualify for an order.

This form can be used to request both immediate temporary protection **And** a full protection order. If you need immediate protection, and the court finds an emergency exists, the court may immediately issue a temporary order that will last until a hearing is held, usually within 14 days. At that hearing, the court will determine if a full Sexual Assault Protection Order should be issued. The full Sexual Assault Protection Order can last up to two years. ***The respondent has a right to attend that hearing.***

Please Print Clearly Using Black or Blue Ink!

Caption (Page 1)

Fill in the name of the person to be protected as the "Petitioner."

- If you need protection, write in your name.
- If you are filing for protection on behalf of a minor, vulnerable adult, or other adult who, because of age, disability, health or inaccessibility cannot file the petition (other adult), write in that person's name as the petitioner.

The person you want protection from is the "Respondent." Fill in the respondent's name.

Who Needs Protection (Question 1)

The court must know who needs protection. Check the appropriate box for yourself, a minor, a vulnerable or other adult.

- If you are filing on behalf of a minor or a vulnerable or other adult, you must write in your name and your relationship to that person. The judge will determine if it is appropriate for you to file the petition on behalf of the other person.
- If you are filing on behalf of a minor, you must also write in the minor's age.

Residency (Question 2)

The court needs to know where you live in order to determine if the court can issue a protection order. Check **One** of the boxes to tell the court about where you currently live.

Information About the Respondent (Question 3)

The court needs to know the age of the respondent. Check **One** of the boxes for the respondent's age.

If the respondent is under age 18, the court needs to know the name(s) of the respondent's parent(s) or legal guardian(s). List their name(s) if you know them.

Service Member or Dependent of a Service Member (Question 4)

The court needs to know whether the respondent is a service member or a dependent of a service member. A service member is a member of the U.S. armed forces, the Washington State National Guard or Reserves. If you do not know, check the "unknown" box.

Petitioner's Relationship to Respondent (Question 5)

State the petitioner's relationship to respondent, such as neighbor, classmate, co-worker, or none.

Service Address (Question 4)

Write an address where you agree to accept legal documents. If disclosure of the petitioner's address would risk abuse or harassment of the petitioner or any member of the petitioner's family or household, list an alternative address.

Court Cases (Question 5)

This may not be the first court proceeding involving the petitioner and the respondent. The court will need to know about other cases or other restraining, protection or no-contact orders so the court does not issue an order that might conflict with an order from another court.

If there are other cases or other restraining, protection or no-contact orders involving the petitioner and the respondent, list the case name (the parties' names, such as State v. Jones, Adams v. Smith), the case number (if you know it), and the court (district, municipal, or superior), the county and the state in the columns provided.

Request for Sexual Assault Protection Order (Page 2)

These are the different kinds of protection you may need. To ask the court for the protection, check the box at the beginning of each protection you may need and check the boxes within each paragraph as they apply.

1. The first item asks the court to order the respondent not to contact the petitioner.
2. The second item asks the court to exclude the respondent from petitioner's home, workplace, school or day care. If there is someplace else you want to include, add it to the box called "other." The petitioner has a right to keep his or her residential address confidential (secret). There is space for you to write in a residential address on this petition and on the order, but you do not have to if disclosure of the address would put the petitioner or the petitioner's family at risk of abuse or harassment from the respondent. However, enforcement of the order may be easier if an address is included. If you decide to include an address, please list the complete address including the city.
3. The third item asks the court to prohibit the respondent from knowingly coming within or knowingly remaining within a specified distance (e.g., 100 feet, 2 blocks) of petitioner's home, workplace, school or day care. If there is someplace else you want to include, add it to the box called "other."
4. The fourth item applies if the petitioner and respondent are minors under age 18 and are attending the same school. This item asks the court to restrain the respondent from attending the same school as the petitioner and to order the respondent to transfer to another school.
5. The fifth item, "Other," is where you may list something not mentioned in the above items.

Statement (Page 3)

The statement is to describe to the court why the petitioner needs a protection order.

First read the definition of "nonconsensual," "sexual contact" and "sexual penetration" in the box above the statement. Then, read through the statement before you start writing. There are prompts to help you organize your thoughts.

Describe any nonconsensual sexual conduct or nonconsensual sexual penetration and the approximate date and time. Include any statements or actions of the respondent made at the time of the incident or at any other time that caused the petitioner fear. The more details you can provide, the more helpful it is to the judge.

Example:

It is better to say, “On Saturday, May 5 at 10:00 p.m, Joe held me down with his body weight and forced me to have sex in my living room” rather than “Joe assaulted me.”

It is better to say, “Joe forced me to touch his penis by grabbing my hand and forcing me to touch him there” rather than “Joe made me touch him.”

It is better to say, “Joe told me if I didn’t agree to have sex with him, he would hurt me. He said, ‘If you don’t want to get hurt, you better keep quiet’ ” rather than “Joe threatened me.”

If the respondent said something that caused the petitioner fear, try to use the respondent’s exact words.

If you are asking for a temporary order, include a statement describing your immediate fear in the space provided.

If a minor petitioner wants the court to restrain a minor respondent from attending the same school, describe any continuing physical danger or emotional distress to the petitioner caused by the respondent’s attendance at the same school.

If any of the information requested does not apply, write, “does not apply” in that section.

When you are done with your statement, put today's date in the date line and fill in the city where you are completing this form.

- Sign the form above the line for “Signature of Petitioner” if you are filing on your own behalf.
- Sign the form above the line for “Signature of Person Filing on Behalf of Petitioner” if you are filing on behalf of a minor or a vulnerable or other adult.

Law Enforcement Information Sheet (LEIS)

You must complete a Law Enforcement Information Sheet (LEIS), form WPF All Cases 01.0400. This form is confidential and it does not go in the public court file and is not served on the respondent.

- It is used by Law Enforcement to locate and identify the respondent when serving documents.
- It is also used by Law Enforcement when entering the order in the state-wide data base.

Complete as much information as possible, especially, first name, middle initial, last name, and date of birth.

If the respondent has a disability, brain injury, or other impairment, you may know of special assistance that law enforcement could provide when serving the documents. For example:

“Respondent has a brain injury. If respondent is rushed, respondent may freeze up and may not respond quickly, or may become verbally aggressive. Remind respondent to contact a friend.”

“Respondent has epilepsy and diabetes and may have seizures when stressed. Respondent doesn’t respond well to being rushed and will need time to get meds and supplies.”