

Family Law Toolkit for Survivors

The Domestic Violence & Mental Health Collaboration Project

Domestic Violence Protection Orders (DVPO)

If you are thinking about getting a Domestic Violence Protection Order (DVPO) in King County, this handout can help you prepare for the process and answer some of your questions. You can also learn this information by speaking with a Protection Order Advocate or an Advocate from a community domestic violence program. A DVPO is not right for everyone, but an Advocate can help you figure out if a DVPO may help improve your safety.

I was in such a bad situation that I was actually afraid to go get a DVPO against my abuser even after he hurt my daughter. The shock of what was happening to my family made it difficult to get my thoughts and evidence together to fill out the paperwork and present it to the court. However, I worked with an advocate who helped me fill out each section very carefully and thoughtfully, as details are so important to the court. She was so calm and knowledgeable, and took the time to explain to me why it was vital to present as many facts as possible at the time of filing.

- A domestic violence survivor

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1. What is a Domestic Violence Protection Order (DVPO)?

It is a free, civil court order that you can request to help protect you and your minor children from the person who has abused or threatened you. It is intended to address immediate safety needs, not as a means for setting up long-term child custody.

Asking for a DVPO may be appropriate if you (*the Petitioner*) have experienced:

- Physical harm, bodily injury, assault, sexual assault, stalking or
- Fear of imminent physical harm, bodily injury, or assault based on current or previous abuse or threats

And

If the person who abused you (*the Respondent*) is:

- A current or former spouse, domestic partner, or roommate;
- Someone you are dating or living with or used to date or live with;
- A person with whom you have a child in common; or a family member

A DVPO Can	A DVPO Cannot
Order the respondent to stop harming, contacting, or stalking you, or coming near your home, workplace, school, or daycare	Guarantee safety for you or your children
Order the respondent to leave your home	Change ownership of your home
Grant you use of essential personal items, a vehicle, or residence	Divide property or protect accounts (bank, insurance, utilities, etc.)
Grant temporary child custody or visits ¹	Establish child paternity, modify long-term child custody, or set child support
Grant you custody of a pet	Award long term pet ownership
Order the respondent to an intervention	Guarantee that the respondent will participate in the ordered intervention
Order the respondent to surrender firearms	Guarantee that the respondent will not have access to weapons
Result in an arrest and a criminal charge if it is reported that the respondent violated the order and the state brings a criminal case	Result in a criminal charge unless the violation is reported and the state opts to act

¹ While the DVPO can technically order the police to help you retrieve your child from the respondent, police are likely to require that you obtain a Writ of Habeas Corpus before they will do this. You may need legal assistance to obtain a Writ of Habeas Corpus.

2. Who can help me obtain a DVPO?

Free help is available from Protection Order Advocates who can:

- Help you decide if a DVPO is right for you and explain the process
- Help you fill out the paperwork
- Stand with you in court (if you are the petitioner)
- Give you information about local resources
- Safety plan with you (for example, about how to get to and from court safely)



The Protection Order Advocacy Program office at the King County Superior Court

Hours: 10am-12pm and 1-4pm (arrive by 2:15pm to try to get a DVPO that day)

Phone: 206-477-1103 (Seattle) 206-205-7406 (Kent)

Locations: King County Courthouse 516 3rd Ave, Room C-213 Seattle, WA 98104
Maleng Regional Justice Center 401 4th Ave North, Room 2B Kent, WA 98032

Childcare: Limited childcare is available at the Maleng Regional Justice Center.

Community Domestic Violence Advocates can also assist you with deciding whether to seek a DVPO and may be able to help you start the process. For information about community domestic violence programs, see our [DV Advocacy Resources](#) handout.

Protection Order and Community Advocates are not able to provide legal advice or speak on your behalf. They are mandated child abuse reporters. If you have concerns about this, discuss it with the advocate prior to disclosing child abuse.

While some people choose to hire an attorney to help them obtain a DVPO, the process was designed for people to be able to obtain DVPOs without attorneys. If you would like legal advice, see our [Legal Resources](#) handout.

If you need interpretation or a disability-related accommodation at court, see our [Language and Disability Access](#) handout.

The Protection Order process can be upsetting for some survivors. If you need emotional support, see our [Mental Health Treatment Resources](#), [Coping Skills](#), and [Songs for Surviving the Family Law Process](#) handouts. You deserve support!

3. What is the process for getting a DVPO?

Complete the Paperwork

- You need to fill out some forms and submit a petition.

Temporary Hearing

- This typically happens the same day that you file your petition. Allow at least 2 hours for this.

Respondent Served

- The respondent must be served with the paperwork at least 5 court days before the Full Hearing.

Full Hearing

- This will be scheduled 14 days after the Temporary Hearing. The process may end at this point or it may be continued.

Possible Delays

- You may experience delays (also known as continuances) due to problems with service, respondent requests, a DV assessment, etc.

Additional Hearings Possible

- You may have additional hearings if there are problems with serving the respondent, continuances, a DV assessment is ordered, etc.

Renewal

- You may be able to renew your DVPO, but you must make this request before your order expires.



Courtroom at the King County Superior Court

Complete the Paperwork

One of the forms you need to fill out in order to request a DVPO is called a petition. It is a good idea to review your paperwork with a Protection Order Advocate or a Community Advocate prior to filing to ensure you filled it out correctly and provided the information the court needs.

When filling out the petition, here are some things to keep in mind:

- The other party will see everything that you submit to the court and the items will become public record unless they are sealed.
- The court needs to be convinced that you meet the legal standard for needing a DVPO and that you need this protection immediately. See page 2 regarding when a DVPO is appropriate.
- Describe what prompted you to file the order now; why you need it immediately. Recent acts of physical domestic violence are not required, but you must show a current fear of reasonable harm based on past violence or threats of violence.
- The court relies on the information you are providing. The court does an in-state criminal records check on both parties, but does not do a wider records search, or contact Child Protective Services, call your doctor, etc. If there is information that you think the court needs to know, you need to include it in your petition or bring evidence to show the court.
- You need to explain to the court why the respondent's actions are scary for you now. The court will only know the information you provide about your abuse history and the threats you face. If you know that a certain look from your partner means you are about to get hurt, you need to explain why that is the case. If your partner has hurt you in the past or threatened you, you need to explain how that relates to your concern for your safety now.
- Be as specific as possible - who, what, when, where? (For example, if you know exact dates, list them. If not, describe approximately, when things happened.)
- If you have been traumatized by the abuse, it might be difficult to convey what happened to you in a straightforward manner. Do your best to try to describe the violence or threats in a way that will give a clear picture of what happened.

The petition has space for you to describe:

- The most recent acts including acts that put you in fear of imminent physical harm
- Prior acts of violence or threats towards you and/or your children
- Stalking
- Medical treatment related to the violence
- Respondent's suicide threats (suicidal abusers can be very dangerous)
- Use of weapons to threaten or harm you
- Why you want the order for more than a year, if that is the case
- Other (for example, police involvement or if the respondent has hurt others)

If the respondent does not already know your address, you do not have to list it on the petition. You can keep your address confidential by listing an alternative place where you can receive legal documents or by signing up for the Address Confidentiality Program (an Advocate can assist you with that).

While additional documentation is not required, it can be important to provide the court with the evidence needed to justify your order.

Examples of documents you may wish to include:

- Statements from witnesses (declarations) who have observed abusive behavior, injuries, or how you appeared after the abuse occurred. The court is seeking information that supports your claims about the need for the order; not character references. There are specific forms for declarations.
- Police Reports – be sure to read them first to make sure they are helpful.
- Photos of Injuries including a description (for example, "This picture is of a bruise on my leg that was caused by...") and the date if you know it.

Requirements about submitting documents vary depending on the judicial officer and the document. Try to submit your documents to the court and have them served to the respondent at least five court days prior to your full hearing. If that is not possible, submit and serve them as soon as you can. If you cannot do that ahead of time, then bring four copies with you to the hearing and you can try to submit them that day. An Advocate can explain how to seal documents, such as medical records, so that they are not available to the public.

- Medical records showing evidence of injuries you sustained or descriptions of abuse you experienced.
- Abusive text messages, emails, etc. – particularly if they include threats
- Evidence of stalking – if you have it, include
 - The date you told your abusive partner to stop contacting you
 - Harassing texts, emails, voicemails, social media contacts, etc.
 - A list of voicemails and calls including the nature of the contact and the phone numbers involved

A very effective format for providing this documentation to the court is to attach a template of a calendar month that shows the court how many contacts occurred on each date. (For example, in the box for April 9, you would write five phone calls, six texts, etc.)

- Although many survivors experience mental health concerns as a result of the abuse, it is not typically necessary, nor helpful to include records that discuss your mental health. If you choose to disclose your mental health concerns, the respondent may try to use that information to attack your credibility.

Temporary Hearing (also known as an Ex Parte Hearing)

To obtain a temporary order, you will submit your paperwork to the court clerk, and then go in front of a judicial officer (a judge or a commissioner). You may have to wait while other cases are heard. The judicial officer will read your paperwork, may ask you questions, and will decide whether to grant your request. There will likely be others present while all of this happens.

Once the judicial officer signs the order, it is in effect. However, it will not be enforced by police until there is proof that the respondent has been served with the order. You can get free certified copies of the order from the clerk. It is a good idea to keep a certified copy of your DVPO with you at all times (in your car, at work, etc.) and to provide a one to anyone caring for your children.

If your request for a DVPO is denied or some of the protections you requested were not granted, be sure to consult with an Advocate about your options as soon as possible. There are very short deadlines for requesting a revision or reconsideration.

Respondent Served

Prior to the full hearing, it is important to discuss your safety with an Advocate. For example, how the respondent might react to being served with the DVPO paperwork, how will you get to and from the courtroom safely, etc.

While the respondent will not be present at the Temporary Hearing, the respondent has a right to attend the Full Hearing. The respondent must be served with the DVPO paperwork and notice of the hearing at least five court days in advance of the hearing. Law enforcement will attempt to serve the respondent. This is free. You will need to fill out a Law Enforcement Information Sheet (LEIS) with the respondent's full name, birthdate, home or work address, and identifying information. If the Respondent does not speak English, is Deaf, or is hard of hearing, include that information as well.

If you do not know where the respondent can be found, talk to an Advocate about your options for serving the respondent. An Advocate can explain options for serving the respondent including hiring a process server, using a 911 packet, notice by mail, and notice by publication. You can sign up for a free service that lets you know when your DVPO has been served (and when it is about to expire) by calling 1-877-242-4055 or by going to www.registervpo.com.

Full Hearing

At the Full Hearing, the court will consider whether to extend your DVPO (usually for one year) and whether to order interventions and/or firearms surrender. The Full Hearing will take place 14 days after the Temporary Hearing. If you do not attend the Full Hearing, your DVPO will expire the day of the hearing. If you want the order to remain in place, you need to attend even if the respondent has not yet been served. Be sure to bring all of the relevant paperwork with you to the hearing.

If the respondent does not show up, the judicial officer will most likely grant you a full DVPO, if:

- There is proof that the respondent has been served with the DVPO paperwork and notice of the hearing *and*
- It is clear that you have met the legal standard for obtaining a DVPO

If you and the respondent are both present, you will both have a chance to speak. If an attorney is representing you, the attorney will speak on your behalf. The court may ask you questions directly as well. The same is true if the respondent is represented. It can be helpful to think about what the respondent might bring up at the hearing and how

you would like to respond. You may only have a few minutes to make your case for a DVPO, so you want to share the most important information first.

If at any time while you are in the courthouse, you feel afraid, let an advocate or court personnel know immediately or call 911. If you feel that being at court with the respondent will put you in danger, it may be possible to participate in the hearing via phone. There are pros and cons to doing this, so it is important to discuss this with a Protection Order Advocate.

Possible Delays

The court might delay the hearing until a later date (also known as a continuance) for a variety of reasons including:

- If the other party was not given enough notice of the hearing (five court days);
- If you or the other party asks for additional time to respond, to speak with an attorney, or to change attorneys;
- If the other party has criminal charges pending; or
- If the court orders a Domestic Violence Assessment

The temporary DVPO will remain in place until the next scheduled hearing. Prior to the entry of a full order, if you have children in common with the respondent and if the court feels it needs more information, the court may order a Domestic Violence Assessment. During a Domestic Violence Assessment, a social worker from Family Court Services (FCS) may separately interview both parties, speak with relevant professionals, and review related records. FCS will issue a report that may include their opinion about whether the DVPO should be granted, as well as recommendations about visitation and interventions.

The DV Assessment process usually takes about ninety days to complete and the temporary DVPO will remain in place during that time. Visitation may be ordered while the court is waiting for the report. You will not receive the DV Assessment report until the day of the hearing when it will be discussed. If you do not agree with the report, you can request a continuance (a delay of the hearing to a later date) to prepare a response. However, the court may deny your request and expect you to give your response that day. You will need to convince the court that the report is inaccurate or inappropriate, if you do not want the court to adopt the report's recommendations.

For more information see our [Family Court Services Q&A](#) handout or visit www.kingcounty.gov/courts/FamilyCourt/services/dvassessments.aspx.

Additional Hearings Possible

If there have been continuances or if a DV Assessment has been ordered, you may have to return to court multiple times before finding out if the court will issue a full DVPO. If you do not attend each hearing, your temporary DVPO will expire.

Washington State law allows domestic violence victims to take reasonable leave from work in order to take care of legal needs. Family members may also take reasonable leave to help a victim obtain needed services. Learn more at www.lni.wa.gov/WorkplaceRights/files/FamilyLeave/DomesticViolenceleave.pdf.

Seattle's Paid Sick and Safe Time Ordinance allows workers in Seattle to take leave time to address domestic violence. Learn more at www.seattle.gov/civilrights/sickleave.htm.

Renewal

If you continue to have safety concerns, you may be able to renew your DVPO, but this must be done before the order expires. Contact the Protection Order Advocacy Program at least three weeks before the order's expiration date to discuss your options.

4. DVPO and Family Law

A judicial officer who is hearing a stand-alone DVPO case can only issue a full DVPO for up to one year if children are included in the order. A judicial officer who is hearing a DVPO case that is part of an existing family law case has the authority to issue the order for more than one year.

If you are in immediate danger, it can be important to file the order right away. However, if you are in the middle of a family law proceeding or have a finalized parenting plan, you may need to have clear evidence to substantiate the need for a DVPO. Some judicial officers may otherwise believe that you are raising abuse allegations to get an "upper hand" in a custody dispute or to modify a parenting plan.

5. Do I need a DVPO if I have a No Contact Order or a Restraining Order?

The terms Protection Order, No Contact Order, and Restraining Order refer to different orders. If you are not sure which order you have or which is the best fit for your situation, you can ask an Advocate. You can also learn more about your options by reading our [Court Orders Comparison](#) handout.

If you already have a No Contact Order or a Restraining Order, it can be a good idea to obtain a DVPO as well for the following reasons:

- A DVPO can offer more protections than a No Contact Order or a Restraining Order including protections for your children.
- If the criminal case is dismissed, the No Contact Order will also be dismissed.
- Law enforcement is more likely to enforce a DVPO than a Restraining Order.

6. Visitation, Interventions, and Firearms

Visitation

The DVPO process enables petitioners to set up temporary custody arrangements in order to minimize danger to the petitioner and the children. The court may encourage you to start a parenting plan action in order to address custody issues in the long term. You may wish to speak with an Advocate and/or an attorney regarding whether starting a family law case is a good option for you.

Typically, in a DVPO case, the court will allow the respondent to have visitation unless the respondent does not attend the Full Hearing or there is substantial evidence that the respondent has seriously injured the children. Have a plan in mind of what you would accept for visitation even if you do not want the respondent to have contact with the children. At your hearing, an Advocate can help you prepare the order outlining the visitation schedule.

Options for visitation or exchanges include:

1. Professional Supervision

Professional Supervisors are paid, but they are not certified or licensed so the quality of their work can vary widely. Generally, the court will order the respondent to pay for the supervisor. King County no longer has a supervised visitation center designed for domestic violence situations.

2. Non-Professional Supervision

A friend or family member typically does this. They may need to sign an "Oath of Supervision" which outlines the court's requirements for them.

3. Unsupervised

If the court allows for unsupervised visitation, the minimum time will generally be two hours per week.

A DVPO can also make provisions for communication regarding the children. You can request that communication be limited to texts, emails, or online custody communication programs, so there are some boundaries to the contact and you can have a record of the communication.

Interventions

As part of a full DVPO, the court might order the respondent to complete a batterer intervention program, a parenting class, or a substance abuse evaluation and treatment. The court usually only orders interventions if:

- You have children in common with the respondent; *and*
- You are able to make a case for this being necessary. Checking the substance abuse box on the petition is generally not sufficient.

If the respondent does not complete a court-ordered intervention, you can request changes to the visitation schedule or ask the court to renew the order prior to its expiration.

Surrender of Firearms

It is a good idea to talk to an Advocate about the safety implications of asking for firearms to be surrendered and the process for making this request.

7. Where can I get the paperwork and learn more about DVPO's?

You have multiple options for completing the paperwork:

- a. Fill them out online - Washington Law Help has an interactive program that helps you fill out the forms online www.washingtonlawhelp.org/resource/domestic-violence-order-for-protection-intera
- b. Download them and fill them out - You can access the forms and instructions at www.courts.wa.gov/forms/?fa=forms.contribute&formID=16
- c. Obtain paper copies and fill them out - You can get hard copies of the forms from the Protection Order Advocacy Program or from court clerks.

You can learn more about DVPO's by:

- Speaking with an Advocate
- Watching a video about the process www.youtube.com/watch?v=rTiODhDE77Q
- Reading the Washington State laws about them
<http://app.leg.wa.gov/RCW/default.aspx?cite=26.50>
- Reading Legal Voice's [Hearing Guidelines for DVPOs](#)
- Visiting <http://protectionorder.org/>

This handout is for informational purposes only and is not intended as legal advice. The content is current as of the time of publication, but may have since changed.

This is one piece of the Family Law Toolkit for Survivors developed by the Domestic Violence and Mental Health Collaboration Project of the Coalition Ending Gender-Based Violence. It can be found in its entirety at www.kccadv.org/reports/mental-healthdv-reports/family-law-toolkit-for-survivors/. This project is supported by Grant No. 2014-FW-AX-K010 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.