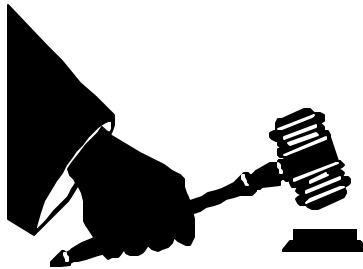


An Introduction to

CIVIL
ANTI-HARASSMENT
PROCEEDINGS

CLALLAM COUNTY
DISTRICT COURT II



Prepared by

Erik S. Rohrer, Judge

Clallam County District Court II
502 East Division
Forks, WA 98331

**THERE ARE THREE DIFFERENT ALTERNATIVES
AVAILABLE FOR PROTECTION**

If you believe someone is harassing you, there are three possible ways to get help, but each method depends on the facts of the harassment and your relationship, if any, to the person you believe is harassing you.

1. **Domestic Violence Protection Order**: This form of protection is available to victims of domestic violence, whether or not someone was charged with a

crime. If the person harassing you has committed an act of domestic violence, such as assault, threats of future harm, property destruction or other offenses, and that person is a spouse, former spouse, an adult person related by blood or marriage, persons residing together, person with a prior dating relationship, persons who have a biological or legal parent-child relationship, and person who have a child in common, whether or not they have been married or lived together, you must use this alternative.

2. **No Contact Order in Criminal Case**: This type of protection is ordered by a judge as a part of a criminal case involving domestic violence, and also depends on your relationship to the person charged with the domestic violence crime. If you are a victim of a domestic violence crime (assault, threats of future harm, property damage or destruction, or other domestic violence crimes) you may request assistance of law enforcement and have the crime charged and a no contact order entered by the judge as a part of the criminal case.
3. **Civil Anti-Harassment Protection Order**: This is available only when the incident or incidents are not domestic violence acts. **Unlawful harassment is a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys or harasses such person, and which serves no legitimate or lawful purpose.** In order to be eligible for a protection order there must be repeated invasions of a person's privacy by acts and works showing a continuous pattern of harassment. Isolated single acts of harassment will not qualify a person for an anti-harassment protection order.

WHERE DO YOU GO TO OBTAIN HELP?

1. **A civil anti-harassment protection order or domestic violence protection order** may be obtained by applying at the Clallam County District Court II clerk's office.
2. If you are the victim of a domestic violence crime, seek help from your local law enforcement agency. The law enforcement agency (city police or county sheriff) who investigates the crime should be requested to inform the judge that a **no contact order** should be entered. You may also contact the court where the charge is filed to request that the prosecuting authority convey your request to the judge to have a no contact order entered as a part of the preliminary appearance or arraignment process.

HOW DO YOU APPLY FOR AN ANTI-HARASSMENT PROTECTION ORDER?

The district court clerk will provide to you a set of forms and instructions for completing them. The forms include a *petition, declaration, and law enforcement information sheet*. Once the forms have been completed by the applicant (petitioner), the judge will review them and determine if an anti-harassment protection order is appropriate. The judge may issue a temporary protection order or a notice of hearing, and a hearing will be set within 14 days. A copy of the temporary order or notice of hearing is then served on the respondent by the appropriate law enforcement agency. At the hearing the judge will listen to the petitioner's testimony, the respondent's testimony (if the respondent appears) and the testimony of any witnesses to the alleged harassment. The judge will then decide whether to grant the petition and issue a civil anti-harassment protection order. If an order is issued, the judge will also decide what protective provisions it should contain. The protection order can be made effective for one year or more, depending on the circumstances.

ARE THERE RESTRICTIONS ON WHERE YOU CAN FILE?

A petition may be filed in the judicial district of the county where at least some acts of unlawful harassment occurred or where the respondent lives. All proceedings for civil anti-harassment protection orders are heard in district court. Both district court and superior court have the authority to issue no contact orders in domestic violence criminal cases and domestic violence protection orders.

WHAT IS THE FEE TO FILE FOR A CIVIL ANTI-HARASSMENT PROTECTION ORDER?

The filing fee for a civil anti-harassment protection order case is \$53.00, paid when the initial petition is filed. Once the fee is paid it cannot be refunded even though the judge may deny your petition or decline to issue any protection order. The petitioner is required to pay the fees for service of the documents on the respondent. The petitioner is entitled to recover these costs at the hearing if the court so orders. **If you lack the funds to pay the filing fee and service fee, the court may allow you to proceed without the payment of these fees.** The clerk will provide you with a form to fill out to request that these fees be waived. If the fees have been waived the court may require the respondent to reimburse the county for such costs if an order for protection is granted.

WHAT WILL THE JUDGE CONSIDER IN MAKING THE DECISION OF WHETHER TO ISSUE A PROTECTION ORDER?

If requested, the judge will review the petition and declaration to determine whether a temporary protection order should be issued immediately. This is based on whether any irreparable injury or harm is likely to occur. Other factors considered by the court include whether the alleged course of conduct serves any legitimate or lawful purpose, any current contact between the parties was initiated by one or both parties, clear notice was given that contact was unwanted, the conduct appears designed to alarm, annoy, or harass the petitioner, the respondent is not acting according to any lawful authority, the course of conduct has the purpose of unreasonably interfering with the petitioner's privacy or the purpose of creating an intimidating, hostile, or offensive living environment for the petitioner, and whether any contact has been limited in any manner by any previous court order. The petitioner must also have suffered substantial emotional distress as a result of the respondent's conduct. The judge will consider all of the evidence and the above factors to decide whether or not to issue a protection order for one year or more.

WHAT KIND OF PROTECTION CAN THE ORDER PROVIDE?

In granting either a temporary order or permanent protection order the court has broad discretion. The typical order will prohibit the respondent from making any attempts to contact the petitioner, in person, in writing, by telephone and through another person; from attempting to keep the petitioner under surveillance; and from going within a stated distance from the petitioner's residence and work place. Upon request of a parent or guardian of a child under 18, the court may restrain a person over 18 from contacting that child if such contact is detrimental to the child's welfare. The provisions of each order depend upon the particular circumstances of each case. If the court issues a temporary or permanent protection order, it is forwarded on or before the next judicial day to the appropriate law enforcement agency for personal service upon the respondent.

WHAT IF THE ORDER IS VIOLATED?

The willful disobedience of a civil anti-harassment protection order by a respondent who has knowledge of its terms is a crime, with a maximum penalty of one year in jail and/or a \$5,000 fine. Willful disobedience of a protection order is also subject to contempt of court proceedings (Chapter 7.21 RCW).