

Hearing Guidelines for a Domestic Violence Protection Order:



www.legalvoice.org

For Victims of:

- Domestic Violence
- Sexual Assault
- Stalking

What Is This Memo About?

This memo is about asking the court for a Domestic Violence Protection Order. It is about how to get ready for your court hearing and what to expect at the hearing when you ask for the protection order. Read this entire memo carefully before your hearing.

This memo does not tell you how to *file a petition* for a Domestic Violence Protection Order. Go to www.protectionorder.org to learn more about protection orders and how to get one in King County. For other counties, call the court where your hearing will be to find out if there is a domestic violence advocacy program in the courthouse. You can also ask an advocate at a local domestic violence program for help. To find a domestic violence program, see “Crisis/Information Hotlines” listed in Resources below.

Note: The court may call this protection order a “Domestic Violence Order for Protection.” In this memo, we use the more common term “Domestic Violence Protection Order.” They mean the same.

Who Can Get a Domestic Violence Protection Order?

If you are a victim of domestic violence, sexual assault and/or stalking by someone in your family or someone you are dating, a Domestic Violence Protection Order can help you. It is a legal order from the court that you can use to keep that person away from you. It is called a Domestic Violence Protection Order, but victims of sexual assault and stalking can also use it to protect themselves.

If you need protection right now, you can quickly get a Temporary Order for Protection. But after you get the Temporary Order for Protection, you need to have a Judge/Commissioner approve a second protection order (also called a “Full Order for Protection”) if you want a protection order that will last longer. The Judge/Commissioner makes this decision at a hearing.

Who Will Be At the Hearing?

The people who can be at the hearing are:

The Petitioner: The person who is asking for the Protection Order - you.

The Respondent: The person the Protection Order is filed against - your abuser/stalker/rapist.

Lawyers: You do not need a lawyer to get a Protection Order, but you and the Respondent are both allowed to bring a lawyer. Again, *you do not need* a lawyer or an advocate to file the request for a Protection Order or to be at the hearing. Even if the Respondent hires a lawyer, you can do this yourself without a lawyer.

An advocate: Domestic violence advocates are trained to support victims of domestic violence. You don't need an advocate to file a Protection Order, but an advocate can help you. An advocate cannot legally represent you and cannot speak for you in court like a lawyer can. But an advocate can offer you support and go to the hearing with you.

In King County contact the Protection Order Advocacy Program:

- **Seattle:** 206- 477-1103
- **Kent:** 206-205-7406

For other counties, call the court where your hearing will be to find out if there is a domestic violence advocacy program in the courthouse. You can also ask an advocate at a domestic violence program for help. To find a domestic violence program, see “Crisis/Information Hotlines” listed in Resources below.

The Judge or Commissioner: The Judge/Commissioner will decide if your Protection Order will be granted. It does not matter whether a Judge or a Commissioner makes the decision. Note: In this memo, we use the term “Judge/Commissioner” because either a judge or a commissioner will be at this hearing. Either one can give you a Protection Order.

What If the Respondent Has a Lawyer and I Don't?

You can do it without a lawyer! Do not be intimidated if the Respondent has a lawyer. The facts you have to share with the Judge/Commissioner are meaningful and important, and the Judge/Commissioner will keep in mind that you do not have a lawyer. If you are organized and well-prepared with your documents, you should be fine.

Did the lawyer file more documents after the deadline? Did the lawyer give you copies? If there are documents you did not get to see ahead of time, then you can ask for a “continuance” – to postpone the hearing – so that you can review the documents and file a response if necessary.

What Do I Need to Do Before the Hearing?

Find Childcare.

Children are usually not allowed in the courtroom. Call the courthouse ahead of time to find out if they offer childcare. That said, very few courthouses have childcare available.

- Spokane County Superior Court: To schedule childcare call 509-477-6815. Walk-ins are accepted if space is available. It will take five to ten minutes to fill out paperwork when you arrive. Childcare is available from 8:00 am to 12 pm and 1:00 pm to 5:00 pm. Children age 1 to 12 are welcome. Parents must stay on the court campus while their children are in childcare.
- King County Regional Justice Center: The Courthouse Drop-In Childcare Center on the third floor of the King County Regional Justice Center in Kent offers drop-in childcare for children who are 1 to 12 years old. It will take fifteen minutes to register your child. Childcare is available from 8:15 am to 11:45 am and 1:15 pm to 4:15 pm. Call 253-854-5625 for more information.

Make a Safety Plan.

Call the courthouse ahead a time to find out about the court's check-in process for domestic violence protection order hearings. Ask to have a security officer or a domestic violence advocate meet you outside the courthouse – at your car, at the bus stop, etc. - and stay with you inside the courthouse.

Organize Your Paperwork.

Keep all documents, statements, and evidence you showed the court when you asked for your Temporary Order for Protection. You must bring all that paperwork to the hearing for your long-term "Full Order for Protection."

Note: The Respondent has the right to read anything you give to the court in writing, so do not include confidential information in this paperwork. You also have the right to read anything the Respondent gives to the court.

You should bring:

- Your Temporary Order for Protection;
- Your Petition for a Domestic Violence Protection Order;
- A copy of the Proof of Service, Affidavit of Service, or Return of Service (the police department where the Respondent lives often serves the Respondent and files this with the court automatically but you should confirm that it was filed in the court file and ask the police for a copy. If you hired a private process server, make sure a copy was filed with the court and that you receive a copy.)
- Law Enforcement Information Sheets, police reports, photos taken by police, dated photos taken by other people, and legal documentation of police intervention between you and the Respondent;
- No Contact Order (if you have one);

- The Order moving your case to Superior Court (if it was first filed in District Court);
- Information about any other legal actions between you and the Respondent, like a Parenting Plan, a Guardian ad Litem Report, Legal Separation, or Paternity Case, Child Protective Services records, previous Protection Orders, etc.;
- Statements from anyone who witnessed the abuse or knows the pattern of the Respondent’s abusive behavior. These statements are called “Declarations.” *Declarations must be signed and dated and must include the city and state where it was signed.* At the end of the statement it should say (just before the signature):

“I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.”

To learn more about declarations, see *How to Write a Declaration in a Family Law Case* listed under “Related Information” in Resources below.

Read Your Paperwork.

It is a good idea to be familiar with your petition and the documents you bring to court. Make sure your papers are organized and that you can locate them quickly.

Make Copies of Your Paperwork.

Bring at least three copies of all your documents with you to the hearing so you can give one copy to the Judge/Commissioner, one copy to the Respondent, and also have a copy for yourself. Still, even if you deliver copies to the Courthouse, bring extra copies with you to the hearing.

To learn more about working copies refer to the memo *What Are Working Copies?* listed under “Related Information” in Resources below.

Write Notes and Practice Your Story.

You may use written notes during the hearing to help you remember things you want to tell the Judge/Commissioner. You do not have to share these notes with anyone. Notes are very helpful, especially if you get nervous. You will need to explain to the Judge/Commissioner that you have proved domestic violence, sexual assault and/or stalking by a “preponderance of the evidence” – meaning your description of what the Respondent did to you, your declarations, witnesses and other evidence proves you are a victim of one or all of these crimes and you need the Protection Order.

You should tell the Judge/Commissioner:

- Your relationship to the Respondent (wife, girlfriend, etc.);
- If there has been a history or pattern of abuse;
- Everything you told the Judge/Commissioner at the hearing for the Temporary Order for Protection and include anything that has happened since then. It is

important to tell the Judge/Commissioner if the Respondent has violated the Temporary Order;

- What will happen if the Judge/Commissioner does not grant your request;
- What happened that made you want to get the Protection Order (including dates.) Describe what happened so that it is very clear to the Judge/Commissioner that you are a victim of domestic violence, sexual assault or stalking as defined by the law. A domestic violence advocate can help you with this.
- If the police made a report of the events that led to the Temporary Order for Protection (give copies of the reports to the Judge/Commissioner if possible);
- If the police took photos (give copies to the Judge/Commissioner if possible);
- If there is a criminal No Contact Order (again, have copies for the Judge/Commissioner if possible);
- If you and the Respondent have children together, and if so:
 - Whether the children were there during the events that led to the Temporary Order for Protection; and
 - What custody and visitation you would like the court to order. For example, should the Respondent have supervised visitation, how much, and how often.
- If the Respondent has guns.

See If You Can Bring Witnesses to the Hearing.

Some courts allow witnesses to testify. The clerk may be able to tell you what you need to do to have your witness testify at the hearing. Your witness should still file a declaration even if they get to testify.

Be There and Be On Time!

It is critical that you attend the hearing and you are there ON TIME. Your request for a Protection Order may be dismissed. If you can't attend the hearing or will be late, call the clerk's office *immediately*. The clerk may be able to help you reschedule the hearing.

What If the Respondent Tries to Talk To Me?

If the Respondent contacts you in any way outside the courtroom, find a security officer or a domestic violence advocate *immediately*. Try to make a safety plan ahead of time so a security officer or advocate is with you at all times.

What Should I Do When I Get to the Courthouse?

Follow your safety plan.

If there is a clerk or court coordinator outside the courtroom, check in with them. They can tell you where to go and what to do next.

No food, drinks, or gum are allowed in the courtroom.

Turn your cell phone off before entering the courtroom.

Enter the courtroom and seat yourself. The Judge/Commissioner or the clerk will call your name to check if you are there. Identify yourself and then wait for your name and case number to be called when they are ready for your hearing to start.

What Do I Do When My Hearing Starts?

Once your name and case number are called, stand at the table in front of the Judge/Commissioner. If you have an advocate with you, your advocate can also stand at the table, but cannot speak for you.

Typically, the Judge/Commissioner will give you and the Respondent a chance to speak. However, it depends on the county and whether you have a lawyer. Therefore, it's critical that the paperwork you give to the court is accurate and complete.

The Judge/Commissioner might ask you and the Respondent to describe the events that led to the request for the Protection Order. That is why it is a good idea to write notes for yourself, listing important points and information so you do not forget anything.

It is a good idea to not look at the Respondent. Focus on the Judge/Commissioner. Do not speak to the Respondent or the Respondent's lawyer. Only talk to the Judge/Commissioner.

The Judge/Commissioner may ask the Respondent questions about what you have said.

It is a good idea to take notes during the Respondent's testimony so that you can answer any follow-up questions from the Judge/Commissioner.

What If the Hearing Is Postponed?

If the hearing is postponed, make sure you still have your Temporary Order for Protection. You will have to ask the Judge/Commissioner to extend it. With the extra time, you could talk to a lawyer to help you get ready for the hearing. You could also decide to have a lawyer represent you or have an advocate there to support you. You could get more documents and declarations to prove you need the Protection Order.

OTHER TIPS:

- Stay calm, be sincere, and tell the truth.
- Bring a support person with you. Bring tissue in case you begin to cry.
- Wear clean clothes that are in good condition. Note: Some courts have dress codes.
- Remember to always be respectful and polite in court.
- Do not interrupt the Judge/Commissioner, the Respondent, or the Respondent's lawyer. Wait until it is your turn to speak. If something is unclear, wait until it is your turn to speak to clarify, or politely ask to speak again.
- The Judge/Commissioner may seem impatient and rude. Stay calm. Try not to let it bother you.
- Do not argue with anyone. Do not lose your temper. Take deep breaths.
- Speak clearly and directly to the Judge/Commissioner, and call her or him "Your Honor".
- Let the paperwork you have given to the court do most of the "speaking" for you.
- Stick to the facts. The Judge/Commissioner does not have time to hear every detail. Therefore, it is important that you share only the most important facts.
- Try to be exact when you discuss times, dates, places, etc. If you cannot be exact, explain why.
- Take your time before answering a question. Answer the question as simply as possible. It is OK to admit that you do not know the answer to a question. Do not guess or make up an answer.
- Tell the Judge/Commissioner if you do not understand a question. Do not answer a question until you completely understand it.
- If you are granted a Domestic Violence Protection Order, make sure you know when you need to renew it.
- If you are not granted (denied) a Domestic Violence Protection Order, make sure that the Judge/ Commissioner writes on the order the reasons why it was not granted. Talk to a domestic violence advocate about what you can do if you are not granted the order.

Resources

- Protection Order Advocacy Program at the King County Prosecutor's Office:
<http://protectionorder.org/>

SEATTLE
206-477-1103
TTY 206-205-6198
King County Courthouse,
Room C-213
516 Third Avenue
Seattle, WA 98104

KENT
206-205-7406
Maleng Regional Justice Center,
Room 2B
401 4th Avenue North
Kent, WA 98032

Crisis/Information Hotlines

- Washington State Domestic Violence Hotline: 8 a.m. – 5 p.m. every day
1-800-562-6025
- National Domestic Violence Hotline:
24 hours everyday
1-800-799-7233
TTY: 1-800-787-3224
- 24-hour Crisis Line (interpreter service available)
1-866-4CRISIS (1-866-427-4747),
TTY: 206-461-3219
www.crisisclinic.org/find-help/crisis-line/relationship-abuse/
- Washington SAVIN Protective Order: Notifies you when your protection order has been served, and when it is about to expire. (Except King County – see next listing.)
1-877-242-4055
www.vinelink.com/vinelink/siteInfo/Action.do?siteId=48626
- King County SAVIN Protective Order: Notifies you when your protection order has been served, and when it is about to expire.
1-877-242-4055
www.vinelink.com/vinelink/siteInfo/Action.do?siteId=48002
- King County Sexual Assault Resource Center (KCSARC)
1-888-99-VOICE (1-888-998-6423)
- King County Deaf Hotline: 24 hours every day
206-812-1001 (videophone)
- National Deaf Hotline:
9 a.m. – 5 p.m. every day
1-855-812-1001 (videophone)
Deafhelp@thehotline.org

Domestic Violence Community Advocacy Programs

- New Beginnings (serves Seattle, North King County)
206-522-9472
- DAWN (serves South King County)
1-877-465-7234
- Lifewire (serves East King County)
1-800-827-8840
- YWCA South King County Advocacy Program (serves South King County)
425-226-1266
- DoVE Project (serves Vashon Island)
206-462-0911

Culturally-Specific Victim Service Providers

- Abused Deaf Women's Advocacy Services (ADWAS)
TTY: 206-726-0093
- Consejo Counseling and Referral Services (serves Latino/Hispanic)
206-461-4880
- API CHAYA (serves Asians, South Asians, and Pacific Islanders)
1-877-922-4292
- Northwest Network (LGBTQ+)
206-568-7777
- Refugee Women's Alliance (ReWA) (serves immigrants and refugees)
206-721-0243
- United Indians of All Tribes – Youth & Family Services
206-285-4425
- YWCA East Cherry Branch (serves African-American)
206-568-7845

Legal Resources

- Eastside Legal Assistance Program (ELAP)
425-747-7274
- King County Bar Association Lawyer Referral and Info
206-267-7010
- Northwest Immigrant Rights Project
1-800-445-5771
- Northwest Justice Project
206-464-1519 or 1-888-201-1012

Related Information

- Information about filing for a Protection Order:
www.washingtonlawhelp.org, click on “Protection from Abuse,” then “Domestic Violence.”
- Legal Voice publications:
www.legalvoice.org/tools-violence
 - *How to Protect Your Privacy in Court Files*
 - *Leave From Work for Survivors of Domestic Violence, Sexual Assault, or Stalking*
- Northwest Justice Project publications:
www.washingtonlawhelp.org/issues/more-legal-information/representing-yourself-additional-court-proced-1
 - *How to Write a Declaration in a Family Law Case*
 - *What Are Working Copies?*

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of September 2016.

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