

## COMPARISON OF COURT ORDERS

### FAMILY AND DOMESTIC VIOLENCE ORDERS

KIND OF ORDER	DOMESTIC VIOLENCE NO-CONTACT ORDERS	DOMESTIC VIOLENCE PROTECTION ORDERS	FAMILY LAW RESTRAINING ORDERS	FOREIGN PROTECTION ORDERS
<b>Nature of Proceeding</b>	Criminal in context of pending criminal action. <i>See</i> Chapter 10.99 RCW	Civil, under RCW 26.50	Civil, normally in context of pending dissolution or other family law action. <i>See, e.g.,</i> 26.09, 26.10, and 26.26	Civil or Criminal, under the law of the state or tribe where the order was issued
<b>Who may Obtain order</b>	The prosecuting attorney, on behalf of victims of domestic violence, when criminal charges are filed. Limited ability for order to be imposed on an individual who is released from jail pending his or her first appearance in court.	Petitioner who has been a victim of domestic violence or who fears abuse from a family or household member.	Petitioner who is either married to respondent or has a child in common with the respondent.	Depends upon the law of the state or tribe where the order was issued.
<b>How is the Order obtained</b>	Prosecution, generally after consultation with the victim, will make a request to the court for issuance of an order. Order may be obtained regardless of the victim's wishes.	Victim files petition. Order may be obtained telephonically in special circumstances. May also be obtained during the course of a family law matter.	Victim files a petition for divorce, legal separation, or child custody, or a paternity action.	Depends upon the law of the state or tribe where the order was issued.
<b>Where is the Order obtained</b>	District, Municipal or Superior Court through the prosecuting authority.	District, Municipal, or Superior Court. Superior Court only if family law action pending or if case involves children or order to vacate home.	Superior Court only.	Depends upon the law of the state or tribe where the order was issued.
<b>What does the Order provide</b>	No contact with petitioner directly or indirectly anywhere by phone, in writing, or in person. Prohibition from knowingly coming within, or knowingly remaining within, a specified distance of a location.	Temporary: Exclusion from a residence, prohibition from knowingly coming within, or knowingly remaining within, a specified distance of a location. no acts of violence, no interference with custody of minor children. Full: All of the above and custody and visitation schedule, treatment or counseling, court costs, specific relief or assistance.	Temporary or Full: Various restraint provisions including exclusion from a residence, prohibition from knowingly coming within, or knowingly remaining within, a specified distance of a location, no acts of violence or harassment, custody and visitation directives.	Depends upon the law of the state or tribe where the order was issued.
<b>Cost of the Order</b>	None.	No cost to petitioner.	Same as dissolution (divorce) filing fee. The filing fee may be waived if indigent. Petitioner pays related costs and service fees.	Depends upon the law of the state or tribe where the order was issued.

KIND OF ORDER	DOMESTIC VIOLENCE NO-CONTACT ORDERS	DOMESTIC VIOLENCE PROTECTION ORDERS	FAMILY LAW RESTRAINING ORDERS	FOREIGN PROTECTION ORDERS
<b>How does the respondent receive notice of the Order</b>	Verbal and written notice given to the defendant when order is entered. Order may be entered at any stage of the proceeding, including the bail hearing, the arraignment, or the sentencing.	Notice served on respondent by police officer, private party, or process server. Notice by certified mail, or publication authorized in limited circumstances.	Notice served on respondent or respondent's attorney generally by process server, private party, or police server.	Depends upon the law of the state or tribe where the order was issued.
<b>Consequences if Order is knowingly violated</b>	Mandatory arrest. Release pending trial may be revoked. Additional criminal or contempt charges may be filed. Class C felony if assault or reckless conduct accompanies a violation. Class C felony if two or more prior convictions of any similar type of order. Otherwise gross misdemeanor. See RCW 26.50.110.	Mandatory arrest for violating restraint and exclusion provisions. Possible criminal charges or contempt. Class C felony if assault or reckless conduct accompanies a violation. Class C felony if two or more prior convictions of any similar type of order. Otherwise gross misdemeanor. See RCW 26.50.110.	Mandatory arrest if criminal legend appears. Possible criminal charges or contempt. Class C felony if assault or reckless conduct accompanies a violation. Class C felony if two or more prior convictions of any similar type of order. Otherwise gross misdemeanor. See RCW 26.50.110.	Mandatory arrest for violating restraint and exclusion provisions or other provision where the foreign order expressly provides for mandatory arrest. Possible criminal charges or contempt. Class C felony if assault or reckless conduct accompanies a violation. Class C felony if two or more prior convictions of any similar type of order. Otherwise gross misdemeanor. See RCW 26.50.110.
<b>Duration of Order</b>	Set period of time, usually until trial and/or sentencing are concluded. Post-sentencing provision may last up to the statutory maximum sentence and/or until probation is concluded.	Temporary: 14 days Full: 1 year or more	Temporary: 14 days. Preliminary: Pendency of action.  Full: In final decree, permanent until modified.	Depends upon the law of the state or tribe where the order was issued.
<b>How may the Order be modified</b>	Only by the Court.	Only by the Court.	Only by the Court.	Depends upon the law of the state or tribe where the order was issued.
<b>How do the police know the Order exists</b>	Entered into WACIC, except those issued by jail prior to charging.	Entered into Washington State Criminal Information Computer (WACIC).	Entered into WACIC by request only.	Entered into WACIC if registered with a Washington Court. Depending upon the law of the state or tribe where the order was issued, the order may be entered into that jurisdictions' criminal information computer.

## OTHER COURT ORDERS

KIND OF ORDER	ANTI-HARASSMENT ORDERS	HARASSMENT NO CONTACT ORDERS	ABUSED CHILD RESTRAINING ORDERS	VULNERABLE ADULT PROTECTION ORDERS	SEXUAL ASSAULT PROTECTION ORDER
<b>Nature of Proceeding</b>	Civil, under RCW 10.14	Criminal, under RCW 9A.46.040	Any judicial proceeding conducted in juvenile court in which it is alleged that a child has been subjected to sexual or physical abuse. <i>See</i> RCW 26.44.063.	Civil, under RCW 74.34.110.	Civil, under RCW 7.90.090.  Criminal as part of a pending criminal proceeding or as a condition of a sentence, under RCW 7.90.150.
<b>Who may Obtain order</b>	Petitioner who has been seriously alarmed, annoyed, or harassed by conduct which served no legitimate or lawful purpose.	The prosecuting attorney, on behalf of victims of harassment, when charges are filed.	The Court on its own motion, the guardian ad litem, or any party.	A vulnerable adult who has been abandoned, abused, subject to financial exploitation or neglect. The Department of Social and Health Services may also obtain an order on behalf of a vulnerable adult.	Petitioner, or the parent of a petitioner or the guardian of a vulnerable adult, who has been a victim of nonconsensual sexual conduct or sexual penetration and who has a fear of future dangerous acts based upon specific statements or actions made at the time of the sexual assault of subsequently thereafter.  The prosecuting attorney, on behalf of victims of sex offenses, when criminal charges are filed. Limited ability for order to be imposed on an individual who is released from jail pending his or her first appearance in court.
<b>How is the Order obtained</b>	Victim files a petition.	Prosecuting attorney, generally after consultation with the victim, will make a request to the court for issuance of an order. Order may be obtained regardless of the victim's wishes.	A party or the guardian ad litem will make a request to the court of issuance of an order or the Court may issue an order on its own. The order may be obtained regardless of the victim's wishes.	Victim or the Department of Social or Health Services will file a petition.	Victim or parent of a victim files a petition for a civil order.  Prosecuting attorney, generally after consultation with the victim, will make a request to the court for issuance of an order. Order may be obtained regardless of the victim's wishes.
<b>Where is the Order obtained</b>	District Court, but in Superior Court when respondent is under the age of 18 years or when case is referred to the Superior Court by the District Court.	The criminal order may be obtained by the prosecutor in district, municipal, or superior court.	Superior Court Juvenile Department	Superior court.	The superior court, district court, and municipal court, but if the respondent is less than District Court, but only the superior court can issue a final order if the respondent is under the age of 18 years.  The criminal order may be obtained by the prosecutor in district, municipal, or superior court.

KIND OF ORDER	ANTI-HARASSMENT ORDERS	HARASSMENT NO CONTACT ORDERS	ABUSED CHILD RESTRAINING ORDERS	VULNERABLE ADULT PROTECTION ORDERS	SEXUAL ASSAULT PROTECTION ORDER
<b>What does the Order provide</b>	Exclusion from and restrained from a specific distance from residence, work, or school of petitioner, no contact of any kind directly/indirectly by phone, writing, or in person.	Prohibition on contacting the victim, going to the victim's home, school, business or place of employment or other specific locations.	Prohibition on contacting the victim, entering the victim's family home without specific court approval, molesting or disturbing the peace of the victim, and on knowingly coming within, or remaining within, a specified distance of a specified location.	Various restraint provisions including exclusion from victim's residence, prohibition from contacting victim, prohibition upon knowingly coming within, or remaining within, a specified distance of a specified location.	Various restraint provisions including no contact with victim, prohibition upon going to the petitioner's residence, workplace, school or day care, and a prohibition upon knowingly coming within or remaining within, a specified distance of a specified location.
<b>Cost of the Order</b>	Basic district court or superior court filing fee. The filing fee may be waived if the petitioner is indigent. The service fee may be waived if the petitioner is indigent, the victim of stalking or a sex offense, or a family or household member.	No cost.	No cost to victim, since the order is generally obtained in a proceeding initiated by the Department of Social and Health Services.	Basic superior court filing fee. The fee may be waived at the discretion of the court.	No cost to the petitioner.
<b>How does the respondent receive notice of the Order</b>	Notice served on respondent or respondent's attorney by police, private party, or process server.	Verbal and written notice of criminal order given to the defendant when order is entered. Order may be entered whenever the defendant is being released on bail or personal recognizance.	Verbal and written notice generally given to the individual whose conduct will be restrained or to the individual whose conduct will be restrained's attorney. Ex parte orders may be entered only if the court finds evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.	Notice served on respondent or respondent's attorney by police, private party, or process server.	Notice of civil order served on respondent by police, private party, or process server.  Verbal and written notice of criminal order given to the defendant when order is entered. Order may be entered at any stage of the proceeding, including the bail hearing, the arraignment, or the sentencing.

KIND OF ORDER	ANTI-HARASSMENT ORDERS	HARASSMENT NO CONTACT ORDERS	ABUSED CHILD RESTRAINING ORDERS	VULNERABLE ADULT PROTECTION ORDERS	SEXUAL ASSAULT PROTECTION ORDER
<b>Consequences if Order is knowingly violated</b>	May be arrested. Possible criminal charges or contempt if the violator is an adult. Contempt only if the violator is a juvenile. <i>See</i> RCW 10.14.120; RCW 10.14.170; RCW 10.31.100(8).	An intentional violation is a misdemeanor. RCW 9A.46.040(2). A warrantless arrest may only be made for violations that occur in the officer's presence, unless the violation also constitutes criminal trespass.	Mandatory arrest if criminal legend appears. <i>See</i> RCW 10.31.100(2)(a). Possible criminal charges or contempt. The crime is a misdemeanor. <i>See</i> RCW 26.44.067.	Mandatory arrest if criminal legend appears. Possible criminal charges or contempt. Class C felony if assault or reckless conduct accompanies a violation. Class C felony if two or more prior convictions of any similar type of order. Otherwise gross misdemeanor. <i>See</i> RCW 26.50.110.	Mandatory arrest if criminal legend appears. Possible criminal charges or contempt. Class C felony if assault or reckless conduct accompanies a violation. Class C felony if two or more prior convictions of any similar type of order. Otherwise gross misdemeanor. <i>See</i> RCW 26.50.110.
<b>Duration of Order</b>	Emergency: 14 days Full: 1 year	Until the criminal case is concluded.	Until further order of the Court.	Not to exceed 1 year.	Temporary civil order – 14 days. Full civil order fixed period not to exceed 14 days.  Criminal orders – Set period of time, usually until trial and/or sentencing are concluded. Post-sentencing provision may last up to two years following the expiration of any sentence of imprisonment and subsequent period of community supervision, conditional release, probation, or parole.
<b>How may the Order be modified</b>	Only by the Court.	Only by the Court.	Only by the Court.	Only by Court.	Only by Court.
<b>How do the police know the Order exists</b>	Entered into WACIC.	May be entered into WACIC. Victim is provided with a copy of the order.	Entered into WACIC.	Entered into WACIC.	Entered into WACIC.