

Moses Lake



Domestic Violence Information Brochure

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Police Chief

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county prosecuting attorney to file a criminal complaint. You also have the right to file a petition in superior, district, or municipal court requesting an order for protection from domestic abuse which could include any of the following: (a) An order restraining your abuser from further acts of abuse; (b) an order directing your abuser to leave your household; (c) an order preventing your abuser from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; and (e) an order restraining your abuser from molesting or interfering with minor children in your custody. The forms you need to obtain a protection order are available in any municipal, district, or superior court.

Information about shelters and alternatives to domestic violence is available from a state-wide twenty-four-hour-toll-free hotline at 1-800-562-6025 or 1-800-799-SAFE. The battered women's shelter and other resources in your area is New Hope Domestic Violence Services at 764-8402 or (764-0215 or toll free 1-888-560-6027 after hours) .

This information is for victims of domestic violence. It will help you decide whether you need an Order for Protection, and it explains how to get one. There are three ways you can get court protection. You can get:

- 1) An Order for Protection or
- 2) A No Contact Order or
- 3) A Restraining Order or
- 4) Anti-Harassment Order

The three types of orders are described below. Read this information brochure before you decide whether obtaining an Order for Protection is the best choice for you.

WHAT YOU NEED TO KNOW

What is an Order for Protection?

An Order for Protection is an official court order. It can order your abuser to stop being violent and to stop threatening, harassing or molesting you.

The police will be notified of your Order for Protection. If your abuser violates the order by attacking, threatening, harassing or molesting you, the police have the responsibility to enforce your order and arrest your abuser.

The order can also protect and give you temporary custody of your children, order your abuser out of your home and/or order him or her to get counseling.

Do I need to get a court order to get the police to help me?

Not necessarily. The police can arrest your abuser (even if you do not have a court order) if:

- 1) your abuser is either your spouse, former spouse, someone you live with now or used to live with, and

2) the police have reason to believe your abuser assaulted you.

If you are attacked, you should call the police immediately. Even if your abuser is not arrested, you can file criminal charges against him or her by contacting the prosecuting attorney.

Can I get a court order protecting me if criminal charges are filed against my abuser?

Yes, you can get an order called a No Contact Order. Court has the power to remove at anytime.

What is a No Contact Order?

Through a No Contact Order, your abuser is ordered to stay away from you and to stop assaulting, harassing or threatening you. If your abuser violates a No Contact Order, the police have the responsibility to enforce your order and arrest your abuser.

What is a Restraining Order?

You can only get a Restraining Order through a divorce, legal separation or custody action filed in the Superior Court. It is more complicated to get a Restraining Order, and you are more likely to need a lawyer to get one. A Restraining Order prohibits your abuser from being around you and from abusing you. The police have the responsibility of enforcing Restraining Orders.

How do I decide which type of order I want?

By filing a divorce, legal separation or custody action, the Judge can make decisions about child support or who should own property. If you want a permanent order protecting you, you should file for a Restraining Order in Superior Court.

If you file for an Order for Protection, a Judge cannot order child support or make a decision about who should own property. An Order for Protection is temporary and will last only up to one year.

Do I need a lawyer to get an Order for Protection?

No. The law has been designed so that you can get an Order for Protection without a lawyer by filling out the forms yourself. (The forms are available from the Court Clerk.)

How much will it cost?

There is no fee for filing or service of a Domestic Violence Order.

Who can get an Order for Protection?

You can get an Order for Protection if you are a victim of domestic violence. The law says you are a victim of domestic violence if one of your family or household members has:

- 1) tried to physically hurt you or actually hurt you;
- 2) threatened you with immediate and serious harm; and/or
- 3) sexually abused or raped you.

What is an Anti-Harassment Order?

Unlawful harassment means a knowing and willful course of conduct directing at a specific person which seriously alarms, annoys or harasses such person, and which serves no legitimate purpose. Isolated single acts of harassment will not qualify a person for an Anti-Harassment Order. The conduct is a series of acts occurring over a period of time, such as ongoing neighbor disputes or stalking situations.

Is there a cost?

The cost for an Anti-Harassment Order is \$31. However, it can be waived if you are determined to be indigent at the time of petition.

Who can I get protection from?

An Order for Protection will protect you from:

- 1) someone you are married to;
- 2) someone you used to be married to;
- 3) adult in-laws and relatives;
- 4) someone you have had a child with;
- 5) someone you live with; or
- 6) someone you used to live with.
- 7) someone with whom you have had a significant dating relationship.

How long will it take to get an Order for Protection?

If you are in an emergency situation, you can get a temporary protection order the same day or the day after you file papers with the court. You can get a temporary protection order right away if you think you or your children may be

seriously harmed by your abuser. A temporary order will last 14 days, but can be renewed.

You have to go to a court hearing before you can get a full Order for Protection. A full order lasts up to one year. The court will notify you in writing of your hearing date. The hearing date should be within two weeks. You must show up in court on your hearing date, or you will not get an Order for Protection.

At your hearing, the Judge may do one of the following: 1) If your abuser was given your papers at least five days before the hearing, the Judge can give you a full Order for Protection; or 2) If your abuser did not get enough advance notice, the Judge can give you a temporary order which will last another 14 days.

Does my abuser need to be notified that I am trying to get an Order for Protection?

Yes. You cannot get a full Order for Protection unless he or she is notified.

Can my abuser stop me from getting an Order for Protection?

If your abuser wants to contest your Petition for an Order for Protection, he or she must come to the court hearing. At the hearing you will both be able to tell the Judge what you want, and the Judge will decide what the order should say.

If your abuser is arguing about custody of your children or has hired a lawyer, you should consider hiring a lawyer yourself.

What should I do if my abuser violates the Order for Protection?

Call your law enforcement agency. Tell them you have an Order for Protection and that your abuser may have violated the order. They can investigate and arrest your abuser if they have reason to believe that the order has been violated.

If your abuser is arrested, he or she could be released. You may want to consult a local crisis service or a battered women's shelter if you think you need a safe place to stay.

If your abuser is not arrested, you can ask the prosecuting attorney in the city or county where you got your order to help you enforce it.

Can I change or terminate my Order for Protection?

You can file a form to change or terminate your order. (These forms are available from the Court Clerk where you got your order.)

A hearing will be held before a Judge to determine whether the order should be changed or terminated. The police will be notified if your order is terminated or changed.

(If you want to read the state law itself, it can be found in the Revised Code of Washington at Section 10.99, 16.09.050, 26.50.010 and 10.31.100. This can be found in your public library.)

- Adams County Sheriff's Office 659-1122
- Adult Protection Service (DSHS) 764-5660
- Crisis Line..... 1-888-560-6027
- Family & Friends (Yakima) 1-800-346-7555
- Grant County Sheriff's Office 754-2011
- Grant Mental Healthcare
 - Ephrata 754-3840
 - Grand Coulee 633-1471
 - Moses Lake..... 765-9239
 - (Hotline) 765-1717
 - Quincy 787-4466
- Legal Services 765-9206
- Moses Lake Police Department 766-9230
- New Hope Domestic Violence Services - Day time 764-8402
 - And Sexual Assault Services
 - (After Hours) 764-0215 or 1-888-560-6027
- Prosecutor's Crime Victim Coord 754-2011 ext. 462
- State Wide Shelter (Hot Line) 1-800-562-6025
- Wenatchee Rape Crisis & Shelter 663-7446
- Women's Place (Tri-Cities) 582-9841