
CIVIL ANTI-HARASSMENT/STALKING, DOMESTIC VIOLENCE, AND CRIMINAL NO CONTACT ORDERS

CLALLAM COUNTY DISTRICT COURT II

Clallam County District Court II
502 East Division Street
Forks, WA 98331
Tel. (360) 374-6383
Fax (360) 374-2100

(Revised April 2019)

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 (DV), 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. There is no charge for this order.
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. This order stems from a criminal charge and there is no charge for this order.

3. **Civil Anti-Harassment or Stalking Protection Orders:** These types of orders are available only when the incident(s) are not domestic violence. **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. "Course of conduct" means a pattern of conduct composed of a series of acts, however short. **Stalking** is repeated or continuing contacts, attempts to contact, monitoring, tracking or following of another that would cause a reasonable person to feel intimidated, frightened, or threatened and that actually causes such a feeling; serves no lawful purpose; and the stalker knows or reasonably should know threatens, frightens, or intimidates the person, even if the stalker did not intend to intimidate, frighten, or threaten the person. Stalking can also include stalking under RCW 9A.46.110 or cyberstalking under RCW 9.61.260.

WHERE SHOULD I GO TO OBTAIN HELP?

1. **Civil anti-harassment/stalking protection orders or domestic violence protection orders** may be obtained by applying at the Clallam County District Court II 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.

IS THERE A FEE TO FILE FOR CIVIL ANTI-HARASSMENT OR STALKING PROTECTION ORDERS?

Yes, the fee must be 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. **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 and it will be presented to the judge for review.

HOW DO I APPLY FOR ANTI-HARASSMENT OR STALKING PROTECTION ORDERS?

The district court clerk will provide you with forms and instructions in order to petition for and file for the order. Once the forms have been completed by the applicant (petitioner), the judge will review them and determine if an anti-harassment/stalking protection order is appropriate. The judge may issue a temporary protection order or a notice of hearing and a hearing will be set in approximately 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

hear testimony from all parties present. The judge will then decide whether to grant the petition and issue a civil anti-harassment/stalking protection order. The protection order can be made effective for one year or more, depending on the circumstances.

ARE THERE RESTRICTIONS ON WHERE I 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. These proceedings are held 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 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. If the respondent appears, there is no need for service.

WHAT IF THE ORDER IS VIOLATED?

The willful disobedience of a civil anti-harassment/stalking protection order by a respondent who has knowledge of its terms is a crime, with a maximum penalty of 364 days in jail and/or a \$5,000.00 fine. Willful disobedience of a protection order is also subject to contempt of court proceedings (Chapter 7.21 RCW).