

CLARK COUNTY DISTRICT COURT

PETITION FOR ANTI-HARASSMENT / STALKING

- There is a non-refundable filing fee of **\$83**, payable by **CASH or debit card**, to file for an anti-harassment protection order. This fee is due at the time of filing.
- *You may ask the court to waive the filing fee.*
 - *Ask the clerk for the Motion for Fee Waiver form.*
 - *This will take additional time to complete and must be submitted with your completed petition.*
 - *If your waiver is denied, you will be expected to pay the filing fee when you return at 1:30pm for a decision regarding your petition.*
- **DEADLINE** for filing your **completed** petition is **11:00 a.m.** for same day review.
 - **Note:** *You will need to plan ahead if you would like a same-day review. There may be a line, you may need to make corrections or additional information may be needed to complete your petition.*
 - *An incomplete petition may delay processing your petition; be early, or expect to return the next business day.*
 - Return @ **1:30 PM** and check in with District Court Customer Service for the Judge's decision regarding your petition and to collect your paperwork.
- If your case is filed **after** 11:00 am you will return the next business day @ 1:30 PM.

INSTRUCTIONS FOR COMPLETING PETITION

- **Use blue or black ink.**
- **Do not write outside the lines or in the margins.**
- **Write legibly** so the Judge can read your statements.
- **Give true names** (Robert, not Bob/Elizabeth, not Liz) Give full last name if hyphenated. Give first & last & full middle name if known, and date of birth for each person included on petition.
- **Be advised** without a date of birth for each party, the Sheriff's office may not be able to enter the order into their system. (It can still be entered into court records, but it may not be in the law enforcement database.)
- **Give relationships** (how do you know them?) and living situations (if relevant) for both parties.
- **Addresses** and other identifying information will also be requested. Give as much as you can.
- **Give dates** (or approx. dates) for every incident you describe. **Be brief**, clear, and to the point.
- **State facts**, rather than feelings, opinions, or conclusions, (what they did, and what they said).
- Petition must be **signed** by **all** the Petitioners.
- **The statements you write are what the Judge reads and are the basis of their decision to grant or deny any request for a temporary order and/or to set a hearing date.**

SEE REVERSE SIDE FOR INFORMATION RE: SERVICE OF COURT DOCUMENTS

District Court hours are Mon-Fri, 8:00AM to 4:30PM
Civil Unit Phone # 360-397-2060

CLARK COUNTY DISTRICT COURT
PETITION FOR ANTI-HARASSMENT / STALKING

INFO FOR SERVICE OF HEARING NOTICE & ORDER

- If a Temporary Order and Hearing Notice are granted, you will receive three copies, **one is for service to the other party.**
- It is **your responsibility** to arrange for service via a neutral third party.
- The Petition and Temporary Order, or Denial Order and Hearing Notice, must be served on the respondent **at least five (5) court days** (business days) prior to the hearing date. The hearing date will appear on the Temporary Order or the Hearing Notice.
- Service can be handled by the following, depending on the jurisdiction of the respondent:
 - Clark County Sherriff's Office
 - Vancouver Police Department
 - Other Law Enforcement Agency (*if respondent is outside Clark County jurisdiction*)
 - Process Server
 - Individual over 18, and not a party to case
- A "Return of Service" form must be completed and filed with the court **prior** to your hearing.
 - You can obtain a blank "Return of Service" from Customer Service.
- If you are unable to have the respondent personally served, you can ask the Judge to allow service by publication. This is an expensive and time-consuming process with certain requirements that must be met before the Judge will authorize it. One of these requirements is that you attempt personal service *first*. The clerk's office can give you a copy of RCW 10.14.085, which lists the requirements.

If you have a Temporary Protection Order, it is important to:

1. Keep a certified copy of your order with you at all times.
2. File your proof of service with the court right away.
3. The order is enforceable throughout the State of Washington.
4. If there is a violation of your court order, call 311 (if non-emergency) or call or text 911 (emergency) for your local police. Tell them you have an Order for Protection and it is being violated. They may ask you if the order has been served on the Respondent.

Whether or not you have a court order for protection, if you are being harassed, threatened, or assaulted, call 911, or your local police.

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Civil Unit Phone # 360-397-2060

Worksheet for the Harassment and/or Stalking Petition

There are several different kinds of protection orders. This worksheet is designed to help you complete a petition for Harassment Orders and/or Stalking Protection Orders.

If you qualify for a Domestic Violence Protection order, this is not the correct form to complete.

To help you figure out which order you may be able to get, read the 2 options in the table below. Each option generally describes harassment or stalking conduct. More than one option may apply:

<p>Option 1 (Harassment protection order) Harassment is a pattern of conduct that makes you feel annoyed, alarmed or distressed.</p>	<p>Option 2 (stalking protection order) Stalking is conduct like harassment, following, or monitoring, that makes you feel intimidated, frightened, or threatened and occurs more than once. It may also involve cyberstalking which is transmitting threats or obscene words or pictures to or about you one or more times.</p>
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You can find a complete definition of Harassment or Stalking at the end of this worksheet.

You may be eligible for one or both of these orders. The court will determine which order best fits your situation.

Your next step is to fill out the petition. In the petition, you will let the court know what protections you want and explain what the other party has done.

If you think the conduct is harassment, then file your petition in this county if the harassment took place here OR if the person who committed the acts lives in this county.

If you think the conduct is stalking, then file your petition in the county where you reside or where you fled to avoid the stalking contact.

➤ **You can start your petition in District Court.**

- The District Court will transfer your case to Superior Court, **or**
- You can start your petition in Superior Court instead of District Court

If:

1. this case involves title or possession of real property, and the respondent claims an interest in that property such as ownership or right to occupy.
2. the order put limits on the respondent's care, custody, or control of his or her minor children.
3. you and the respondent are parties in a superior court case.
- 4a. you are alleging harassment by a respondent who is under the age of 18.
- 4b. you are alleging stalking and the petitioner, victim, or respondent is under the age of 18.

➤ Definitions

Unlawful harassment means:

- a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or harasses, or is detrimental to such person and which serves no legitimate or lawful purpose.
 - The course of conduct shall be such as would cause a reasonable person to suffer substantial emotional distress and shall actually cause substantial emotional distress to the petitioner, or when the course of conduct would cause a reasonable parent to fear for the well-being of their child.

“Course of conduct:”

- means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.
- includes, in addition to any other form of communication, contact, or conduct, the sending of an electronic communication. Constitutionally protected activities, including free speech, are not included within the meaning of “course of conduct.”

Stalking Conduct means:

a) any act of stalking as defined under RCW 9A.46.110: A person intentionally and repeatedly harasses or repeatedly follows another person, and

- the person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and
- the stalker either: (i) intends to frighten, intimidate, or harass the person; or (ii) knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.

Or

b) any act of cyberstalking as defined under RCW 9.61.260: With intent to harass, intimidate, torment, or embarrass any other person, and under circumstances not constituting telephone harassment, the stalker makes an electronic communication to a person or a third party:

- using any lewd, lascivious, indecent, or obscene words, images, or language, or suggesting the commission of any lewd or lascivious act;
- anonymously or repeatedly whether or not conversation occurs; or
- threatening to inflict injury on the person or property of the person called or any member of his or her family or household.

Or

c) any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, keeping under observation, or following another [person] 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.

**DISTRICT COURT OF WASHINGTON
FOR THE COUNTY OF CLARK**

Petitioner (person protected), (DOB)
vs.

Respondent (person restrained). (DOB)

No.

PETITION FOR AN ORDER FOR PROTECTION -

HARASSMENT (PTORAH)

STALKING (PTORSTK)

➤ **This is a Petition for an Order for Protection against Harassment and/or Stalking as checked in the caption.**

I believe:

I am a victim of stalking.

_____ (name) is the victim of stalking and he/she is a minor or vulnerable adult.

The respondent has been

- stalking the victim either in person or cyber stalking, **and**
- repeatedly contacting the victim or attempting to contact or monitor the victim for no lawful purpose and his/her actions caused the victim to feel intimidated, frightened, or threatened.

I am a victim of unlawful harassment.

_____ (name) is a victim of unlawful harassment and he/she is a minor.

The respondent's actions toward the victim have seriously alarmed, annoyed, or harassed the victim, or are detrimental to the victim and serve no legitimate or lawful purpose. The respondent's actions have caused substantial emotional distress to the victim or caused me to fear for the well-being of my child.

How do the victim and respondent know each other? _____

I have given a detailed explanation below.

1. Who is the petitioner?

My name is (please print) _____. I am the petitioner.

I am 18 or older and I am petitioning on my own behalf.

I am 16 or 17 and I am petitioning on my own behalf.

- I am the parent or guardian of child/ren under age 18 and I am petitioning on their behalf:

Children's Name/s (First, Middle Initial, Last)	Age

- I am not the parent or guardian, but the child/ren live/s with me and I am petitioning on their behalf and the respondent is not a parent.

Children's Name/s (First, Middle Initial, Last)	Age

- I am filing this petition on behalf of petitioner, (name) _____, a vulnerable adult as defined in RCW 74.34.020, who is a victim of stalking. I am an interested person as defined in RCW 74.34.020(10). My relationship to this petitioner is _____.

2. Is the respondent 18 years of age or older?

- Yes No

(If no, use the Petition for Order for Protection Harassment/Stalking Respondent Under Age 18, instead of this petition.)

3. Where do the parties live?

Petitioner lives in _____ County.

Did the petitioner leave their residence because of stalking conduct and that is the county of their new residence?

- Yes No

Children named above live in _____ County.

Respondent lives in _____ County.

4. Where did the Conduct take place?

The conduct took place in _____ County.

7. Has the respondent used, displayed, or threatened to use a firearm or other dangerous weapon in a felony? Please describe:

8. Is the respondent ineligible to possess a firearm under the provisions of RCW 9.41.040? Please describe:

9. Does possession of a firearm or other dangerous weapon by the respondent present a serious and imminent threat to public health or safety, or to the health or safety of a victim? Please describe:

10. Do you have any evidence of the harassment or stalking conduct other than testimony?

No

Yes. I have attached the following evidence:

Copy of mail or written notes

Copy of text messages

Copy of email messages

Copy of social media messages

Police report

Declaration or Affidavit from the following witness: _____

Other (describe): _____

11. Has/have the **victim/s or the respondent** ever requested or obtained protection from the other person in a restraining order, civil protection order, or criminal no-contact order?

If yes, list the type of order, the name of the court and the approximate date, and whether the request was granted:

12. Is there any other litigation between the victim/s and the respondent? This includes all matters - pending or past - such as parenting plans, landlord-tenant disputes, employment disputes, or property disputes. If yes, provide case number/s if known, type of case, and name of court:

➤ **Requests**

13. I ask the Court for an order approving the following requests for protection:

I Request an **Order for Protection** following a hearing that will:

<input type="checkbox"/> No-Contact: Restrain the respondent from making any attempts or having any contact, including nonphysical contact, with the person/s to be protected, directly, indirectly, or through third parties regardless of whether those third parties know of the order, except for mailing of court documents.
<input type="checkbox"/> Surveillance: Prohibit or restrain the respondent from making any attempt to keep or from keeping the person/s to be protected under surveillance, including electronic surveillance.
<input type="checkbox"/> Exclude from places: Exclude the respondent from the <input type="checkbox"/> residence <input type="checkbox"/> workplace <input type="checkbox"/> school <input type="checkbox"/> day care of the person/s to be protected.
<input type="checkbox"/> Stay Away: Prohibit or restrain the respondent from entering or being within, or from knowingly coming within, or knowingly remaining within _____ (distance) of the <input type="checkbox"/> residence <input type="checkbox"/> workplace <input type="checkbox"/> school <input type="checkbox"/> day care of the person/s to be protected. <input type="checkbox"/> other locations: _____.
<input type="checkbox"/> Other:
<input type="checkbox"/> Evaluation: Order the respondent to have a <input type="checkbox"/> mental health <input type="checkbox"/> chemical dependency evaluation. <input type="checkbox"/> other: _____.
<input type="checkbox"/> Pay Fees and Costs: Require the respondent to pay fees and costs of this action, which may include administrative court costs and service fees and petitioner's costs including attorneys' fees.
<input type="checkbox"/> Surrender Firearms: Require the respondent to immediately surrender all firearms, other dangerous weapons, and any concealed pistol licenses, and prohibit the respondent from accessing, obtaining or possessing firearms, or other dangerous weapons, or concealed pistol licenses.
<input type="checkbox"/> Duration: Remain effective longer than one year because respondent is likely to resume acts of unlawful harassment or stalking conduct against the persons to be protected if the order expires in a year.

Emergency temporary protection (up to 14 days) until the court hearing:

- An emergency exists as described below. I request that a **Temporary Protection Order** granting the relief I requested above for a no-contact, surveillance, exclude from places, or stay away order be issued immediately, without prior notice to the respondent, be effective until the hearing.
- I also request a temporary surrender of all firearms, other dangerous weapons, and concealed pistol licenses without notice to the other party because irreparable injury could result if an order is not issued until the hearing.

What irreparable harm would result if an order is not issued immediately without prior notice to the respondent?

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: _____ at _____ Washington.

Petitioner

Petitioner

Print or type name

Print or type name

I agree to receive legal documents at this address:

_____.

- This address is not my home address because my family, household, or I would be at risk of abuse by respondent if I disclosed my home address.

DO NOT SERVE OR SHOW THIS SHEET TO THE RESTRAINED PERSON

**COURT CLERKS: Give this form to Law Enforcement.
DO NOT FILE in the court file.**

Case Number

Domestic Violence Dissolution/Separation/Invalidity/Nonparental Custody/Paternity Antiharassment/Stalking

LAW ENFORCEMENT INFORMATION

This completed form is required by law enforcement. This information is **necessary** to serve, enforce and enter your order into the state wide law enforcement computer. Fill in the following information as completely as possible. Type or print only.

RESTRAINED PERSON INFORMATION		LAST		FIRST		MIDDLE	
Drivers License or ID Number (specify type)				Nickname	Sex	Race	Birth date
Height	Weight	Eye Color	Hair Color	Skin Tone	Build	Relation to Protected Person	
Last Known Address (Street, City, State, Zip)					Home Phone	Interpreter Required? Language:	
Other Address (Street, City, State, Zip), if any:							
Employer			Employer's Address			WORK Hours: Phone:	
Vehicle License Number			Vehicle Make and Model			Vehicle Color	Vehicle Year

PROTECTED PERSON INFORMATION		LAST		FIRST		MIDDLE	
Sex		Race		Birth date			
If your information is not confidential , enter your address and phone number(s).							
Current Address (Street, City, State, Zip)						Phone	
If your information is confidential , you may provide the name, address and phone number of someone willing to be your "contact."							
Contact Name		Contact Address				Contact Phone	

MINOR'S INFORMATION		Describe the minor's relationship using terms such as: child, grandchild, stepchild, nephew, none. →				Minor's Relationship to Protected Person Restrained Person	
Minor's Name (Last, First, Middle)		Sex	Race	Birth date	Resides With	Person	Person

HAZARD INFORMATION	Weapons	Guns/Rifles	Knives	Explosives	Other	Location of Weapons:
Describe in detail:						Vehicle <input type="checkbox"/>
						On Person <input type="checkbox"/>
						Residence <input type="checkbox"/>

CURRENT STATUS (For DV Orders Only) (circle)	Restrained Person's History Includes:
Are you and the restrained person living together right now? Yes No	<input type="checkbox"/> Mental Health Problems (Commitment, Treatment, Suicide Attempt, Other) <input type="checkbox"/> Assault <input type="checkbox"/> Assault with Weapons
Does the restrained person know you are trying to get this order? Yes No	<input type="checkbox"/> Alcohol/Drug Abuse
Does the restrained person know he/she may be moved out of home? Yes No	
Is the restrained person likely to react violently when served? Yes No	

See Reverse For Additional Information Prepared by: _____ Date _____