

# WHAT TYPE OF PROTECTION ORDER TO FILE

## Vulnerable Adult Protection Order (RCW 74.34)

A petition can be filed by:

- A vulnerable adult who is a victim of:
  - Abandonment
  - Abuse (sexual, mental, physical)
  - Financial exploitation
  - Neglect
  - The threat of any of these:
- A legal guardian, legal fiduciary, the Department of Social and Health Services, or an "interested person" on behalf of the vulnerable adult.

"Vulnerable adult" includes:

- Someone who:
  - Is over 60 years old and without the functional, mental, or physical ability to care for him or herself.
- Someone who is 18 years or older and:
  - Was found incapacitated
  - Has a developmental disability
  - Has been admitted to a DSJD-licensed care facility or received in-home care from a provider under DSHS contract
  - Self directs at-home care from a compensated personal aide.

\*The court will determine if the vulnerable adult is unable, due to incapacity, undue influence or duress, to protect his or her own interest.

\*The court will determine if a person has legal standing to file a petition on behalf of the vulnerable adult.

## Antiharassment Protection Order (RCW 10.14)

A petition can be filed by:

- An adult who is a victim of unlawful harassment.
- Parents, on behalf of their child:
  - Against an adult whose behavior is detrimental to the child.
  - Against a minor who is under investigation or has been adjudicated of an offense against the child. **A filing fee of \$83.00 is due at the time of filing.**

"Unlawful Harassment" means:

A knowing and willful course of conduct which seriously alarms, annoys, harasses, or is detrimental to such person, and which serves no legitimate or lawful purpose. The 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

## **Domestic Violence Protection Order (RCW 26.50)**

A petition can be filed by a person who is a victim of domestic violence or fears violence by a family or household member. This includes:

- Persons who are or were married.
- Persons who are or were domestic partners.
- Persons who have a child in common.
- Adults who do or did reside together.
- Persons 16 years or older who have or had a dating relationship.
- Adults who are related by blood or marriage.
- Persons with a biological or legal parent-child relationship, including step-parents and step-children, and grandparents and grandchildren.

Department of Social and Health Services (DSHS) may petition on behalf and with the consent of a vulnerable adult.

"Domestic Violence" means:

- Physical harm, bodily injury.
- Assault.
- The infliction of fear of imminent physical harm.
- Sexual assault.
- Stalking.

## **Sexual Assault Protection Order, (RCW 7.90)**

A petition can be filed by:

- By a person, 16 or older, who is a victim of sexual assault (unless the victim qualifies for a domestic violence protection order).
- Any person\* on behalf of a victim of sexual assault (unless the victim qualifies for a domestic violence protection order) who is:
  - A child.
  - A vulnerable adult as defined in [RCW 74.34.020](#).
  - An adult who cannot petition due to age, disability, health or inaccessibility.

\*The court may require the participation of a parent or guardian on behalf of a minor. The court will determine if a person has legal standing to file a petition on behalf of another person.

"Sexual Assault" means:

- Nonconsensual (meaning lack of freely given agreement) sexual touching of the genitals, anus or breasts - either directly or through clothing.
- Nonconsensual sexual penetration, however slight, of the genitals or anus by a body part of another including the mouth or the use of objects.
- Forced display of the genitals, anus or breasts for the purpose of sexually arousing another.

## Stalking Protection Order (RCW 7.92)

A petition for a stalking protection order may be filed (if the victim does not qualify for a domestic violence protection order):

- By a person who is a victim of stalking conduct
- On behalf of any of the following persons who is a victim of stalking conduct:
  - A minor child, where the petitioner is a parent, a legal custodian or where the respondent is not a parent, an adult with whom the child is currently residing; OR
  - A vulnerable adult as defined in RCW 74.34.020 and where the petitioner is an interested person as defined in RCW 74.34.020(10).

"Stalking Conduct" means:

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: intends to frighten, intimidate, or harass the person; or 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

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 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

Any course of conduct involving repeated or continuing contacts, attempts or 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.