

## WHAT IS A SEXUAL ASSAULT PROTECTION ORDER?

A sexual assault protection order is a civil order issued by a court on behalf of a sexual assault victim.

### WHAT CAN A SEXUAL ASSAULT PROTECTION ORDER DO?

The order can require the person who harmed you to stay away from you, your home, school, work or other places you request, and to have no further contact with you.

### WHO CAN GET A SEXUAL ASSAULT PROTECTION ORDER?

Any person 16 or older who is a victim of sexual assault may petition the court to obtain an order. If you are under 16, you need a parent or guardian to ask the court for the order on your behalf.

### WHAT IS SEXUAL ASSAULT?

The law defines sexual assault as:

- 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.

A Sexual Assault Protection Order may also be obtained as part of a criminal case. If you have reported the sexual assault to law enforcement and the person who is assaulted you is being prosecuted, a judge may order a Sexual Assault Protection Order to protect you when the person is released from custody.

### RESOURCES:

**Washington Coalition of Sexual Assault Programs**

**1-360-754-7583**

**[www.wcsap.org](http://www.wcsap.org)**

#### *Local Sexual Assault Program*

*This publication provides general legal information. It is not intended as legal advice. You should consult a lawyer if you need legal advice. This information is current as of April 2006. Laws change both as a result of legislative action and court decisions.*

# INCREASING YOUR SAFETY: WASHINGTON'S SEXUAL ASSAULT PROTECTION ORDER



Washington Coalition of  
Sexual Assault Programs  
Legal Services Department



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# How to Apply for a Sexual Assault Protection Order...

## Step 1: Petition the Court



You can get the petitions (forms) for sexual assault protection orders at a court, from your sexual assault advocate or on the internet at [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms). A sexual assault advocate can help you complete the petition and can be with you through this process.

You must swear under oath that the things you write in the petition are true. **In the petition, you must state:**

- 1) **you are a victim of sexual assault AND**
- 2) **the reasons why you are afraid of the person who assaulted you.**

File the petition with the court clerk at your local court. You do not have to pay a fee.

## Step 2: Appear for a Temporary Hearing

After you file the petition, you will need to talk to a judge. The judge will ask you questions and you will need to answer

truthfully (under oath). A sexual assault advocate can come with you to this hearing.



If the judge grants your petition, you will get a temporary sexual assault protection order that is good for two weeks. The judge will tell you when to come back to get the final order.

## Step 3: Personal Service

A law enforcement officer must then give a copy of your petition, the temporary order and notice of the hearing date to the person who assaulted you – who is called the “respondent”. The officer has to be able to give these papers to the respondent **personally** – so if you do not know where the person is or have their address, you may not be able to get the order.

The officer must give these papers to the respondent at least **five** days before the final hearing.



## Step 4: Appear for a Final Hearing

After two weeks, you will come back to court and talk with the judge again. The person who assaulted you can also come to this hearing and may bring a lawyer. You should come to this hearing, whether the respondent has been served or not. If you do

not come, the court will dismiss the case and you will not be protected by an order. A sexual assault advocate can come with you to this hearing.

The judge will ask questions of both you and the respondent about the sexual assault and other things you wrote in your petition. It is helpful to make a list of what you want to tell the judge and to bring copies of any important records such as medical or police records, if you have them. The judge will decide whether or not to give you a final sexual assault protection order – which lasts for two years.

### FREQUENTLY ASKED QUESTIONS

#### What should I do if the respondent violates my protection order?

- Call 911 immediately
- Show the police a certified copy of the protection order
- The respondent can be arrested for violating the order

#### KEEP A CERTIFIED COPY OF YOUR PROTECTION ORDER WITH YOU AT ALL TIMES!

#### Do I need a lawyer?

An attorney may be helpful in representing you in court or advising you about your case, but you are not required to have one.

#### Can criminal charges also be filed?

Sexual assault protection orders are civil orders, and are not criminal charges. If you wish to have criminal charges filed, contact law enforcement to report the sexual assault or your local prosecuting attorney.