

# PETITION FOR ORDER FOR PROTECTION - STALKING

## Filing a Stalking Protection Petition

### Defining Stalking Conduct

Washington State law defines "stalking conduct" as any act of stalking as defined under [RCW 9A.46.110](#) or any act of cyberstalking as defined under [RCW 9.61.260](#). The course of conduct shall be such as involving repeated or continuing contacts, attempts to contact, monitoring, tracking, keeping under observation, 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.

Under Washington law, "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. "Course of conduct" includes the sending of an electronic communication, but does not include constitutionally protected free speech.

An individual may request an order of protection that may prohibit the respondent from having any contact with the petitioner directly, indirectly, or through third parties, exclude the respondent from the petitioner's residence, workplace, or school, or from the day care, workplace, or school of the petitioner's minor children, or prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location, or prohibit the person (respondent) from keeping the petitioner and/or the petitioner's minor children under surveillance, to include electronic surveillance; or order any other injunctive relief, or require the respondent to pay the administrative court costs and service fees.

### Transfer of Stalking Cases

Under recent amendments passed by the Washington State Legislature in 2013, the District Court has original jurisdiction over these actions. However, the District Court must transfer such petitions to the [Superior Court](#) when it is shown that:

- A - The petitioner, victim, or respondent to the petition is under 18 years of age
- B - The action involves title or possession of real property
- C - A superior court has exercised or is exercising jurisdiction over a proceeding involving the parties
- D - The action would have the effect of interfering with a respondent's care, control or custody of the respondent's minor child

### Filing for a Protection Order

The Petition for Order for Protection - Stalking is available in [pdf format](#).

After you complete the petition, you must appear at the Operations Division (CCB) Public counter (930 Tacoma Ave. S. Room 239, Tacoma, WA 98402) to schedule your court appearance.

Stalking petitions must be filed by 10:30 a.m. the day you would like to go to court. Any filings after 10:30 a.m. will be seen the next business day. Stalking petitions are not accepted after 3:00 p.m.

### Requirements

You will need to know the full name and address of the person you claim is stalking you and any other identifying information about the individual such as date of birth, driver's license number, etc. It will take you about one hour to complete the required forms.

### Fees

No fees for filing or service of process may be charged by a public agency to petitioners seeking relief under this chapter.

<b>District Court of Washington For Pierce County</b>
<hr/> Petitioner,  vs.  <hr/> Respondent.

**No.**

**Petition for an Order for Protection -  
Stalking  
(PTORSTK)**

Screen for court's jurisdiction. **Petitioner, complete this section:**

- 1) Does this case involve title or possession of real property?  yes  no.
- 2) If yes, does the respondent claim an interest in that property, such as the right to occupy?  yes  no.
- 3) Would the order interfere with respondent's care, custody, or control of his or her minor children?  yes  no.
- 4) Are you and the respondent parties in a superior court case?  yes  no. If yes, list case in paragraph 5, below.
- 5) Is petitioner, victim or respondent under the age of 18?  yes  no.
- 6) Is respondent your family or household member (this includes parent, step-parent, relative or in-law, or current or former relationship as: spouse, roommate, girl friend, boy friend, partner)?  yes  no.
- 7) Did respondent sexually assault you or a minor for whom you are seeking this order?  yes  no.

**If you answer "yes" to 1, 2, 3, 4, or 5, file your petition in superior court. Otherwise file in district court**

**I. Petitioner's Affidavit**

My Name is (please print) \_\_\_\_\_.

- 1.1  I am the petitioner. I am age 16 or older and the victim of stalking conduct committed by respondent, as described in the statement below.
- 1.2  I am filing on behalf of the petitioner (name) \_\_\_\_\_, a child under age 18, to seek protection for the child from a person age 18 years or over. I am the petitioner's parent or guardian.

1.3  I am filing on behalf of the petitioner (name) \_\_\_\_\_, a vulnerable adult as defined in RCW 74.34.020. I am an interested person as defined in RCW 74.34.020(10). My relationship to the petitioner is \_\_\_\_\_.

1.4 Has there been more than ONE incident of stalking conduct?  
 Yes  No

1.5 Does the petitioner live in this county?  
 Yes  No

Did the petitioner leave their residence because of the stalking conduct and this is the county of their new or former residence?

Yes  No

1.6 How does the petitioner know the respondent?

Respondent is a:

- neighbor  casual acquaintance  
 landlord  tenant  
 co-worker  
 other: \_\_\_\_\_

1.7 How long has petitioner known or known of the respondent?  
\_\_\_\_\_

1.8 Has the petitioner ever requested or obtained protection from the respondent in a restraining order, civil protection order, or criminal no-contact order?

- No  
 Yes. List the type of order, the name of the court and the approximate date, and whether the request was granted:  
\_\_\_\_\_  
\_\_\_\_\_

1.9 Has the respondent ever requested or obtained protection from the petitioner in a restraining order, civil protection order, or criminal no-contact order?

- No  
 Yes. List the type of order, the name of the court, the approximate date, and whether the request was granted:  
\_\_\_\_\_  
\_\_\_\_\_

1.10 Is there any other litigation between the petitioner and the respondent? This includes all matters - pending or past - such as parenting plans, landlord-tenant disputes, employment disputes, or property disputes.  No  Yes. Provide case number(s) if known, type of case, and name of court: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Definitions

**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.

## II. Statement

Describe the specific acts of stalking conduct against the petitioner.

- You must describe what the respondent actually said
- You must describe what the respondent actually did.
- If you are hand-writing and you need more space, below, please attach additional page(s). Please do not write on the back.

**The respondent has committed acts of stalking conduct as follows:**

### 2.1 Describe the most recent incident of stalking conduct.

Date and time (on or around): \_\_\_\_\_

Location: \_\_\_\_\_

What was the petitioner doing at the time? \_\_\_\_\_

What did the respondent say or write that you believe to be stalking? \_\_\_\_\_



**2.3** How does respondent's stalking conduct make the petitioner feel?

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**2.4** Do you have any proof of the stalking conduct other than petitioner's testimony?

- No
- Yes. I can provide the following proof:
- Copy of mail or written notes from the respondent
  - Copy of text messages from the respondent
  - Copy of emailed messages from the respondent
  - Copy of social media messages from the respondent
  - Police report
  - Written statement from the following witness: \_\_\_\_\_
  - Other (describe): \_\_\_\_\_

**III. Relief Requested**

<b>I Request an Order for Protection- Stalking</b> following a hearing that will	
3.1 <input type="checkbox"/>	<b>Prohibit</b> the respondent from keeping the petitioner under surveillance, including electronic surveillance.
3.2 <input type="checkbox"/>	<b>Restrain</b> the respondent from having any contact, including nonphysical contact, with the petitioner directly, indirectly, or through third parties regardless of whether those third parties know of the order.
3.3 <input type="checkbox"/>	<b>Exclude</b> the respondent from the petitioner's <input type="checkbox"/> residence <input type="checkbox"/> workplace <input type="checkbox"/> school <input type="checkbox"/> day care.
3.4 <input type="checkbox"/>	<b>Prohibit</b> the respondent from knowingly coming within, or knowingly remaining within _____ (distance) of the petitioner's <input type="checkbox"/> residence <input type="checkbox"/> workplace <input type="checkbox"/> school <input type="checkbox"/> day care <input type="checkbox"/> other: _____.
3.5 <input type="checkbox"/>	<b>Order</b> the respondent to have a <input type="checkbox"/> mental health <input type="checkbox"/> chemical dependency evaluation <input type="checkbox"/> other: _____.
3.6 <input type="checkbox"/>	<b>Require</b> the respondent to pay administrative court costs and service fees and petitioner's costs including attorneys' fees.
3.7 <input type="checkbox"/>	<b>Remain effective</b> longer than one year because respondent is likely to resume acts of 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 Order for Protection** granting the relief in paragraphs 3.1 through 3.4 be issued immediately, without prior notice to the respondent, to be effective until the hearing.

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

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

Dated: \_\_\_\_\_ at \_\_\_\_\_ Washington.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Print or type name

- My address for the purpose of receiving service of legal documents is:

\_\_\_\_\_

- If I disclose my residence address, my family, household or I would be at risk of abuse by respondent. My address for the purpose of receiving service of legal documents is:

\_\_\_\_\_

(Petitioner may be served with legal documents at this address. **You have a right to keep your residential address confidential. If you want to keep your residential address confidential, you must provide an alternative address, where you agree to accept legal documents from the respondent.**)