

ENFORCEMENT OF CANADIAN DV PO

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NOTE: Each case is different and you may require additional forms. All state forms can be found at www.courts.wa.gov/forms

www.Washingtonlawhelp.org has detailed instructions to help with the forms in this packet as well as other actions that may be needed to move your case forward.

Instructions for Request for Order to Recognize and Enforce or Deny Recognition and Enforcement of a Canadian Domestic Violence Protection Order

This form is used by either:

- the person authorized by Washington law, other than RCW chapter 26.55, to seek enforcement of a domestic protection order; or
- the person who is the restrained person in a Canadian domestic violence protection order.

This form will be filed as a public court record and will start a civil court case.

Print Clearly! Use Black or Blue Ink only.

Top of the form

Fill in your name (first, middle initial, last) as the “Petitioner.” The opposing party (either the restrained person or the protected individual) in the Canadian domestic violence protection order is the “Respondent.” Fill in that person’s name (first, middle initial, last).

What Relief Are you Seeking (Question 1)

Check the box that describes the relief you are seeking from the court.

Identify the Parties of the Canadian Domestic Violence Protection Order (Question 2)

Provide the information for each protected individual and for the restrained person that were parties of the Canadian domestic violence protection order that you are seeking enforcement or refusal of enforcement of in this action.

Canadian Domestic Violence Protection Order (Question 3)

Provide the title or case name (for example: Smith v. Smith, In re of Smith), the case number or docket number the Canadian court issued for the protection order proceeding, the Canadian court, the date the court signed the order, and expiration date of the protection order.

Who Is Filing the Application (Question 4)

The court must know who is filing the application, and how are you associated with the Canadian domestic violence protection order.

Check the box that applies to you.

Residency (Question 5)

Check the box that applies.

Age (Question 6)

The court needs to know the ages of the protected person and the restrained person of the Canadian domestic violence protection order. Check **one** box for each of the protected individuals. Check **one** of the boxes for the restrained person’s age.

Relationship (Question 7)

The court must know the relationship between the protected individual(s) and the restrained person. The court needs to know if the protected individual(s) and the restrained person are “intimate partners” or “family or household members.” Check the box that best describes the situation. If you are petitioning on behalf of a minor, the minor’s relationship to the restrained person is addressed in question 8.

Identification of Minors (Question 8)

- If there are no children, check the box indicating “No Minors Involved.”
- If there are children, list each child's name, age, race, and sex. Fill in how that child is related to you (for example, son, stepdaughter, etc.). Fill in how that child is related to the respondent. Fill in with whom that child lives (for example: me, grandparent, respondent).
- If you have questions about safety for your children, ask for advocate resources for help in filling out this section.

Court Cases (Question 9)

This may not be the first court proceeding involving the petitioner, the respondent, the protected individual, or the minor(s). The court will need to know about other cases, such as divorce, parentage, or criminal, or other restraining, protection, or no-contact orders so the court does not issue an order that might conflict with an order from another court.

If there are other cases or orders involving you, or the minor(s) and the other party, list the case title (the parties' names), the case number (if you know it), and the court (district, municipal, or superior), county, and country in the columns provided.

Request for an Order Recognizing and Enforcing or to Deny Recognition and Enforcement the Canadian Domestic Violence Protection Order

In this section, you must tell the court what you want the court to order after the proceeding (the relief requested). The court can only grant the relief you request in the petition.

Attach a Certified Copy of the Canadian Domestic Violence Protection Order

The court needs a certified copy of the Canadian order to review in determining if the order is valid.

Sign the Form

When you are done, put today’s date in the date line and fill in the city where you are completing this form. Sign the form as the Petitioner.

If the Canadian domestic violence protection order states that your residential address is confidential, you have the right to keep it confidential for this proceeding. If you want to keep your address confidential, you must provide an address that is not your residential address where you agree to accept legal documents.

Go to Court

Bring your completed petition to the clerk’s office of the local court. They will direct you further.

Instructions for Order to Recognize and Enforce or Deny Recognition and Enforcement Canadian Domestic Violence Protection Order

If signed by the judge, this order will:

- Enforce the terms laid out in the Canadian domestic violence protection order; or
- Refuse to enforce the Canadian domestic violence protection order.

The clerk will file the original order in the public court record and will provide you a copy. Keep a certified copy of your order with you at all times.

Check with the court clerk before filling out the order.

In some courts, the judge will fill out this order. In other courts, you will be expected to fill out all or part of the order. Please check with the court clerk.

- If you are expected to fill out the order, follow the instructions below.
- It may be helpful to ask the court clerk for advocate services to help you fill out this order.

Print Clearly! Use Black or Blue Ink only.

- Fill in your name (first, middle initial, last) as the “Petitioner”, and put your date of birth where it says “DOB.”
- The opposing party in the Canadian domestic violence protection order is the “Respondent.” – This could be either the protected or the restrained person. Fill in the respondent's name (first, middle initial, last) and date of birth. If you do not know the respondent's date of birth, put in the respondent's age.

The clerk will fill in the court address and telephone number.

Names of Minors

- **If no minors are involved**, check the box “No Minors Involved.”
- **If minors are involved**, list the name (first, middle initial, last) and age of each child involved in this case.

Restrained Person’s Identifiers

- Describe the physical appearance of the restrained person of the Canadian domestic violence protection order. Please include sex, race, hair color, height, weight, and eye color.
- List any of restrained person’s distinguishing features, such as moles, scars, or tattoos.
- Check the box to show if the restrained person has access to weapons.

“The Court Finds” (Section 1)

Please enter the case/docket #, file date, and the issuing Canadian court for the Canadian domestic violence protection order that you want the court to enforce or refuse to enforce.

“It is Ordered” (Section 2)

After completing the form, check the box/es that apply.

If You Are the Restrained Person of a Valid Canadian Domestic Violence Protection Order, Please Read the Warnings

Sign the Form

The judge will fill in the date and time the order was granted and sign his or her name.

Sign the bottom of the form where it says “Petitioner” and include today's date. The respondent will also sign the form if the respondent comes to the proceeding.

Superior Court of Washington, County of Klickitat

Petitioner

vs.

Respondent

**No.
Request for Order to Recognize
and Enforce or Deny Recognition
and Enforcement of a Canadian
Domestic Violence Protection
Order
(APERCP)**

Request for Order to Recognize and Enforce or Deny Recognition and Enforcement of a Canadian Domestic Violence Protection Order

1. I am requesting an Order to Recognize and Enforce a Canadian Domestic Violence Protection Order.
 I am requesting an Order to Deny Recognition and Enforcement of a Canadian Domestic Violence Protection Order.

2. Identification of the Parties of the Canadian domestic violence protection order:

Name (First, Middle Initial, Last)	Age	Race	Sex	Protected Individual or Restrained Party	Resides with

3. Canadian domestic violence protection order information:

Case Name	
Case/Docket Number	
Court/Jurisdiction	
Date Order was Signed	
Expiration Date	

4. I am the protected person in a Canadian domestic violence protection order

Member(s) of my family or household is/are a protected individual under a Canadian domestic violence protection order.

I am a parent legal guardian household or family member to a minor, am 15 years or older, have been chosen by the minor, and am capable of representing the minor's interests next friend of a minor who is 13 to 14 years of age and is a victim of domestic violence in a dating relationship with a person age 13 or older. The person(s) is/are protected by a Canadian domestic violence protection order. The name(s) of the minor victim(s):

_____.

Identifying information of the protected individual(s) is provided in paragraph 8 below.

I am the restrained person in a Canadian domestic violence protection order.

5. The protected individual(s) live in this county.

The protected individual(s) left their residence because of abuse and this is the county of their new or former residence.

The protected individual(s) live in this county and registered the Canadian domestic violence protection order with the court.

6. The protected individual(s) age: _____ restrained party's age is: _____

Under 15 15 to 17 18 or over Under 15 15 to 17 18 or over

7. The protected individual(s) and the restrained person are:

Intimate Partners because they are:

current or former spouses or domestic partners parents of a child-in-common (unless child was conceived through sexual assault)

age 13 or older and are/were in a dating relationship

never lived together live or have lived together

Family or household members because they are:

current or former cohabitants as roommates parent and child stepparent and stepchild grandparent and grandchild parent's intimate partner and child person who is or has been a legal guardian related by blood or marriage (*specify how*) _____.

8. Identification of Minors (if applicable) No Minors involved.

Name (First, Middle Initial, Last)	Age	Race	Sex	How Related to		Resides with	Protected Individual Y/N
				Petitioner	Respondent		

9. Other court cases or other restraining, protection, or no-contact orders involving me, the respondent, the protected individual(s), and/or the minors:

Case Name			
Case Number			
Court/County/ Country			

[] I Request an Order Recognizing and Enforcing the Canadian Domestic Violence Protection Order that will:

<p><input type="checkbox"/> Enforce all the terms of the Canadian domestic violence protection order entered on the following date: _____ and is enforceable because:</p> <p><input type="checkbox"/> The Canadian domestic violence protection order identifies a protected individual and a respondent;</p> <p><input type="checkbox"/> The Canadian domestic violence protection order is valid and is in effect;</p> <p><input type="checkbox"/> The Canadian court issuing the order did have jurisdiction over the parties and the subject matter;</p> <p><input type="checkbox"/> The respondent was given reasonable notice and did have an opportunity to be heard before the Canadian domestic violence protection order was issued.</p>

[] I Request an Order to Deny Recognition and Enforcement the Canadian Domestic Violence Protection Order based on:

<p><input type="checkbox"/> The Canadian domestic violence protection order does not identify a protected individual and a respondent;</p> <p><input type="checkbox"/> The Canadian domestic violence protection order is not valid and is not in effect;</p> <p><input type="checkbox"/> The Canadian court issuing the Canadian domestic violence protection order did not have jurisdiction over the parties and the subject matter;</p> <p><input type="checkbox"/> The respondent of Canadian domestic violence protection order was not given reasonable notice and/or did not have an opportunity to be heard before the order was issued.</p> <p>The Canadian domestic violence protection order may not be registered under RCW 26.55.040.</p>

I attached a certified copy of the Canadian domestic violence protection order with this application.

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

Dated: _____ at _____, Washington.

Signature of Petitioner

If the Canadian domestic violence protection order states that your residential address is confidential, you have a right to keep it confidential for this proceeding. If you have one, please provide an address, other than your residence, where you may receive legal documents:

Superior Court of Washington, County of Klickitat

 Petitioner
 vs.

 Respondent DOB

No. _____
Order to (check only one):
 Recognize and Enforce the Canadian Domestic Violence Order (ORECP)
 Deny Recognition and Enforcement of the Canadian Domestic Violence Order (ORRCP)
 Clerk's action required: 3
 Court Address

 Telephone Number: () _____

Names of Minors: **No Minors Involved**
 (List first, middle, and last name/s and age/s)

Restrained Person Identifiers		
Sex	Race	Hair
Height	Weight	Eyes

Access to weapons: **yes** **no**
 unknown

Restrained Person's Distinguishing Features:

1. The Court Finds:
 The Court has jurisdiction over the parties, the minors, and the subject matter. Based upon the Canadian domestic violence protection order entered by the Canadian court:

 with the case/docket #: _____
 filed on: _____

2. It is Ordered:

- The Court **enforces** the Canadian domestic violence protection order and the Respondent of that Canadian domestic violence protection order is **restrained** according to the terms of that order.

The Court finds that the Canadian domestic violence protection order identified a protected individual and a respondent, was valid and was in effect, the Canadian court issuing the domestic violence protection order did have jurisdiction over the parties and subject matter, and the respondent of the Canadian domestic violence protection order was given reasonable notice and an opportunity to be heard.

This order is effective immediately and will run concurrent with the Canadian domestic violence protection order. This order will expire when the Canadian domestic violence protection order expires on:

- The Court **denies enforcement of** the Canadian domestic violence protection order because:

- The Canadian domestic violence protection order does not identify a protected individual and a respondent;
- The Canadian domestic violence protection order is not valid and is not in effect;
- The Canadian court issuing the Canadian domestic violence protection order did not have jurisdiction over the parties and the subject matter;
- The respondent of the Canadian domestic violence protection order was not given reasonable notice and/or did not have an opportunity to be heard before the order was issued.

This order is effective immediately. The Canadian domestic violence protection order may not be registered under RCW 26.55.040.

3. **Washington Crime Information Center (WACIC) and Other Data Entry**

Clerk's Action. The court clerk shall forward a copy of this order and the Canadian Domestic Violence Order immediately to the following law enforcement agency (*county or city*)

(*check only one*): Sheriff's Office or Police Department

This agency shall enter this order into WACIC and National Crime Info. Center (NCIC).

Warnings to the restrained person of a valid Canadian domestic violence protection order:

A violation of any provision of a valid Canadian domestic violence protection order with actual notice of its terms is a criminal offense under chapter 7.105 RCW, will subject you to arrest, and will constitute contempt of court. If the violation of the protection order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States,

which includes tribal lands, you may be subject to criminal prosecution in federal court under 18 U.S.C. §§ 2261, 2261A, or 2262.

A violation of any provision of a valid Canadian domestic violence protection order is a gross misdemeanor unless one of the following conditions apply: Any assault that is a violation of a valid Canadian domestic violence protection order and that does not amount to assault in the first degree or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. Any violation of a valid Canadian domestic violence protection order is a class C felony if the restrained person has at least two previous convictions for violating an order issued under chapters 26.50, 7.92, 7.105, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26A, 26.26B, or 74.34 RCW, under a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in RCW 26.55.010.

You can be arrested even if the person or persons who obtained the valid Canadian domestic violence protection order invite or allow you to violate that order's prohibitions. You have the sole responsibility to avoid or refrain from violating that order's provisions. Only the Canadian court that issued the domestic violence protection order can change the order upon written application.

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the valid Canadian domestic violence protection order.

Dated: _____ at _____ a.m./p.m.

Judge/Commissioner

Print Judge/Commissioner Name

➤ _____
Signature of Respondent/Lawyer WSBA No.

Print Name

➤ _____
Signature of Petitioner/Lawyer WSBA No.

Print Name