

**DISTRICT COURT OF WASHINGTON
FOR WHITMAN COUNTY**

Eric Shing-Suan Wang,

Petitioner/Respondent,

vs.

Heyan Huang,

Respondent/Appellant.

Superior Court No. 22-

District Court No. ST082522

**TRANSMITTAL OF RECORD
ON APPEAL TO SUPERIOR
COURT**

TO: CLERK OF THE SUPERIOR COURT:

A. The record of the proceedings held in Whitman County District Court, is hereby transmitted to the Superior Court and is certified to be true and complete. The record includes:

1. Copy of the JIS docket.
2. Notice of Appeal to Superior Court
3. Protection Order – Stalking
4. Email from Respondent 082622
5. Notice of Hearing
6. Petition for Protection Order

B. The Designation of Record is enclosed.

C. Copies of this notice served on all other parties.

DATED: September 6, 2022.


JUDICIAL SERVICES DIRECTOR

Record on Appeal received from Whitman County District Court this 6th day of September, 2022.

Jill Whelchel
Clerk of Superior Court

By: _____
DEPUTY

WHITMAN COUNTY DISTRICT COURT
WHITMAN COUNTY, STATE OF WASHINGTON

[] STATE OF WASHINGTON,
[] CITY OF:

DISTRICT COURT
CASE NO. ST082522

Heyan "Jenny" Huang,
Respondent Plaintiff,

SUPERIOR COURT
CASE NO. _____

vs.

Eric Shing-suan Wang,
Petitioner Defendant.

DESIGNATION OF THE RECORD ON
APPEAL

FILED
SEP 08 2022

WHITMAN COUNTY DISTRICT
COURT

TO: Clerk of District Court

Please prepare and transmit to the Whitman County Superior Court. the following documents and exhibits:

- [] A Copy of Complaint/Citation
- [] A Copy of Court Docket
- [] A Copy of the Audio Recording.
- ☒ A Copy of the Following File Documents (identify by title)

the entire file

- [] The Following Exhibit(s) (identify by #)

Dated: Sep 6, 2022

Heyan Huang

Signature of Appellant

JIS

DD7010SX MKM
09/06/2022 3:59 PM

WHITMAN COUNTY DISTRICT COURT
D O C K E T

PAGE: 1

CASE: ST0082522
Civil

PLAINTIFF/PETITIONER

PET 01 WANG, ERIC SHING-SUAN
460 NW SUNSET DR
PULLMAN WA 99163

DEFENDANT/RESPONDENT

RSP 01 HUANG, HEYAN
32476 DEBORAH DR
UNION CITY CA 94587

TITLE

ERIC WANG VS HEYAN HUANG

Filed: 08/25/2022 Cause: CIVIL PROTECTION ORDERS DV: N Amount:

TEXT

S 08/25/2022 Case Filed on 08/25/2022 SLB
Cause of Action: CIVIL PROTECTION ORD
PET 1 WANG, ERIC SHING-SUAN Added as Participant
RSP 1 HUANG, HEYAN Added as Participant
U PETITION FOR PROTECTION ORDER
LAW ENFORCEMENT INFORMATION SHEET
08/26/2022 NOTICE OF HEARING
S FUL PO Set for 09/06/2022 11:00 AM
in Room P with Judge JHH
U 08/29/2022 SENT NOH TO BOTH PET WANG AND RSP HUANG VIA EMAIL
RECIEVED RESPONSE FROM RSP HUANG REQUESTING WE RESCHEDULE THE
HEARING DATE
09/06/2022 RSP HUANG PRESENT KLH
PET WANG PRESENT
ORDER FOR FULL PROTECTION ORDER
S 22246100414 PREP APP RECORD Received 40.00 MKM
Paid by: HUANG, HEYAN
22246100414 COPY/TAPE FEES Received 6.00
Paid by: HUANG, HEYAN
22246100416 Appeal Bail Posted 230.00
Posted by: HUANG, HEYAN
Order created on 09/06/2022 STALKING PROTECTION entered by
HART, JOHN EDWARD HI expires on 09/06/2099
U COPY OF ORDER FOWARDED TO PPD FOR ENTRY
NOTICE OF APPEAL, DESIGNATION OF THE RECORD ON APPEAL
COPIES OF ABOVE EMAILED TO THE COUNTY CLERK
S FUL PO: Not Held, Hearing Canceled
NJT: Held
Judgment 1 Trial Judgment entered by Judge JHH
U TRANSMITTAL OF RECORD ON APPEAL TO SUPERIOR COURT

ACCOUNTING SUMMARY

Trust Account:	Bond Amount	Applied	Refunded / Transferred	Payable
(Cash)	230.00			

ADDITIONAL CASE DATA

Case Disposition
Disposition: OPEN

Docket continued on next page

DD7010SX MKM
09/06/2022 3:59 PM

WHITMAN COUNTY DISTRICT COURT
D O C K E T

PAGE: 2

CASE: ST0082522
Civil

PLAINTIFF/PETITIONER
PET 01 WANG, ERIC SHING-SUAN

DEFENDANT/RESPONDENT
RSP 01 HUANG, HEYAN

ADDITIONAL CASE DATA - Continued

Judgments

01 Trial Judgment 09/06/2022 by JHH

Hearing Summary
Held

ON 09/06/2022 AT 11:00 AM IN ROOM P WITH JHH

Order Summary

Decision Date Expire Date

Order Type: STALKING PROTECTION ORD 09/06/2022 09/06/2099

End of docket report for this case

2

WHITMAN COUNTY DISTRICT COURT
WHITMAN COUNTY, STATE OF WASHINGTON

[] STATE OF WASHINGTON,
[]:

DISTRICT COURT
CASE NO. ST082522

Heyan Huang "Jenny" Huang
~~Respondent~~ Plaintiff,

SUPERIOR COURT
CASE NO. _____

vs.

Eric Shing-suan Wang,
Petitioner Defendant.

NOTICE OF APPEAL

FILED

SEP 06 2022

The Appellant (Please Print Your Name) Heyan Huang seeks review by the Whitman County

Superior Court of the decision rendered in Whitman County District Court Court under

Case No: ST082522 entered on Sep 6th 2022 in the above named Court.
(date)

Type of Case Appealed:

[] Criminal (RALJ) _____
(include charge description)

☒ Civil (RALJ) [] Infraction (RALJ) [] Small Claim (De Novo On the Record)

Designate each decision to be reviewed:

① I came as an international student into US. During past temp. perm protection orders, I had NOT been given/offered the chance to hearing. I do NOT have the chance to learn the importance/severity of the cases. ② As an foreigner, I do NOT have the common sense that any protection order is forever, even the permanent protection order expires on 3/21/2017. I do NOT have the common sense that I can NOT enter to his residence properties, nor that I had any common sense that I could NOT enter any person's drive way/back yard. ③ The court sets up hearing only after July holiday, I had NOT have the chance to learn nor correct myself before the hearing. And once I could realize the severity, I corrected myself during this Early Sep WSU visit already. ④ End date of Sep 6, 2022 is way too much destroying innocent person's life. If any order has to be established, please help review and shorten it to be as short as possible.

Appellant or Attorney for Appellant Name: <u>Heyan Huang</u>	Attorney for Respondent Name: _____
Address: <u>32476 Deborah Drive</u> <u>Union City OR 94587</u>	Address: _____
Bar No. _____	Bar No. _____
Telephone: <u>1 (669) 212-1755</u>	Telephone: _____

Respondent or

Your address: (If not provided above) _____

SIS

DISTRICT _____ Court of Washington, County of WHITMAN _____

ERIC SHING-SUAN WANG 06/17/1966
Petitioner, Date of Birth

vs.

HEYAN "JENNY" HUANG 06/22/1979
Respondent Date of Birth

No. ST082522

Protection Order (OR-)

☐ Domestic Violence (PRT)
☐ Sexual Assault (SXP) ☐ Harassment (AH)

☒ Stalking (PSTK)

☐ Vulnerable Adult (PRTVA)

Clerk's action required: 5.B., 10, 11, 12, 14

Protection Order

1. **This order is effective immediately and for one year from today's date, unless a different end date is listed here (end date): September 6, 2099** _____

This protection order complies with the Violence Against Women Act and shall be enforced throughout the United States. See last page.

2. **This order restrains (name): Heyan "Jenny" Huang**

3. also known as (list any known aliases) _____

The restrained person must obey the restraints ordered in section 8.

Sex F Race A Height 5'5" Weight 130 Hair blk
Eyes brn

Noticeable features (Ex.: tattoos, scars, birthmarks): _____

Has access to ☐ firearms ☐ other weapons ☒ unknown

Surrender weapons ordered: ☐ Yes ☒ No

4. **This order protects (name): _____**
and the following children who are under 18 (if any) ☐ no minors

Child's name	Age	Child's name	Age
1. _____	_____	2. _____	_____
3. _____	_____	4. _____	_____
5. _____	_____	6. _____	_____

- ☐ someone else. The filing party has the right to petition on the protected person's behalf because:
- ☐ The filing party is a parent, legal guardian, or custodian of the minor protected person/s.
 - ☐ The filing party is age 18 or older and a family or household member of the minor protect person/s. *(For domestic violence orders only.)*
 - ☐ The filing party is age 15 to 17 and filed on behalf of a minor family or household member. The filing party has been chosen by the minor, and is capable of pursuing the minor's stated interest in this case.
 - ☐ The protected person is a vulnerable adult and the filing party is
 - ☐ the vulnerable adult's guardian, conservator, or legal fiduciary, or
 - ☐ an interested person as defined by RCW 7.105.010(18), or
 - ☐ WA Department of Social and Health Services.
 - ☐ The protected person is an adult who does not meet the definition of a vulnerable adult, but who cannot file the petition themselves because of age, disability, health, or inaccessibility *(Do not check this for vulnerable adult or domestic violence petitions.)*

Warnings to the Restrained Person



You can be arrested even if the protected person or persons invite or allow you to violate the order. You alone are responsible for following the order. Only the court may change the order. Requests for changes must be made in writing.

If you do not obey this order, you can be arrested and charged with a crime.

- The crime may be a misdemeanor, gross misdemeanor, or felony depending on the circumstances. You may also be found in contempt of court.
- You can go to jail or prison, lose your right to possess a firearm or ammunition, and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.



Firearms and Weapons. Under federal law, you may not be able to get or have a, firearm, other dangerous weapon, ammunition, or concealed pistol license for as long as the protection order is in place, even if the court did **not** issue an Order to Surrender and Prohibit Weapons. 18 U.S.C. § 922(g)(8)

Findings

5. Notice and Hearing

The restrained person had reasonable notice and opportunity to participate. Notice of this hearing was served on the restrained person by:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> electronic service | <input type="checkbox"/> personal service | <input type="checkbox"/> service by mail |
| <input type="checkbox"/> service by publication | <input type="checkbox"/> other _____ | |

The restrained person ☐ did ☐ did not have **actual notice** of this hearing.

The court held a hearing before issuing this full protection order. These people attended:

<input checked="" type="checkbox"/> Protected Person	<input checked="" type="checkbox"/> in person	<input type="checkbox"/> by phone	<input type="checkbox"/> by video
<input type="checkbox"/> Protected Person's Lawyer	<input type="checkbox"/> in person	<input type="checkbox"/> by phone	<input type="checkbox"/> by video
<input type="checkbox"/> Petitioner (<i>if not the protected person</i>)	<input type="checkbox"/> in person	<input type="checkbox"/> by phone	<input type="checkbox"/> by video
<input checked="" type="checkbox"/> Restrained Person	<input checked="" type="checkbox"/> in person	<input type="checkbox"/> by phone	<input type="checkbox"/> by video
<input type="checkbox"/> Restrained Person's Lawyer	<input type="checkbox"/> in person	<input type="checkbox"/> by phone	<input type="checkbox"/> by video
<input type="checkbox"/> Other: _____	<input type="checkbox"/> in person	<input type="checkbox"/> by phone	<input type="checkbox"/> by video

6. Basis and type of protection order

A. The restrained person and protected person/s are (*check all that apply*):

Intimate Partners

- ☐ current or former spouses or domestic partners
- ☐ parents of a child-in-common (*unless child was conceived through sexual assault*)
- ☐ current or former dating relationship (age 13 or older) who
 - ☐ never lived together
 - ☐ live or have lived together

Family or household members

- ☐ parent and child
- ☐ grandparent and grandchild
- ☐ current or former cohabitants as roommates
- ☐ person who is or has been a legal guardian
- ☒ related by blood or marriage (*specify how*) parties may be related as cousins_____
- ☐ stepparent and stepchild
- ☐ parent's intimate partner and child

Other (*examples: coworkers, neighbors, acquaintances, strangers*)

B. Based upon the petition, testimony, case record, and response, if any, the court finds by a preponderance of evidence that the protected person (or petitioner on their behalf) has proved the required criteria for the following protection order under Chapter 7.105 RCW. Check only one!

- ☐ **Domestic Violence Protection Order** – The restrained person has subjected the protected person to domestic violence: physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking. (*For intimate partners or family or household members only*)
- ☐ **Sexual Assault Protection Order** – The restrained person has subjected the protected person to nonconsensual sexual conduct or nonconsensual sexual penetration.
- ☒ **Stalking Protection Order** – The restrained person has subjected the protected person to stalking.
- ☐ **Vulnerable Adult Protection Order** – The restrained person has subjected the protected person to acts of abandonment, abuse, financial exploitation, or neglect. The protected person is a vulnerable adult as defined in Chapter 7.105 RCW because the protected person:

- ☐ Is over 60 years old and does not have the functional, mental, or physical ability to care for himself or herself.
- ☐ Is an individual subject to guardianship under 11.130.25 or an individual subject to conservatorship under 11.130.360 RCW
- ☐ Has a developmental disability as defined in RCW 71A.10.020.
- ☐ Self-directs their own care and receives services from a personal aide under RCW 74.39.
- ☐ Is receiving services from a home health, hospice, or home care agency licensed or required to be licensed under RCW 70.127.
- ☐ Is receiving in-home services from an individual provider under contract with DSHS.
- ☐ Has been admitted to an assisted living facility, nursing home, adult family home, soldiers' home, residential habilitation center or any other facility licensed by DSHS.

- ☐ **Vulnerable adult objects.** The petition was filed by someone other than the vulnerable adult and the vulnerable adult objects to some or all of the order. The court finds by clear, cogent and convincing evidence the petitioner established that there is abandonment, abuse, financial exploitation, or neglect of a vulnerable adult and the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect their person or estate in connection with the issues raised in the petition or order based on the following evidence:

- ☐ **Antiharassment Protection Order** – The restrained person has subjected the protected person to unlawful harassment.

- ☐ No fee required (*stalking, hate crime, single act/threat of violence including malicious and intentional threat or presence of firearm/weapon causing substantial emotional distress, family or household member engaged in domestic violence, or nonconsensual sexual conduct or penetration or a sex offense. RCW 7.105.105(9).*)

7. Jurisdiction

The court has jurisdiction over the parties and the subject matter.

- ☐ **Minors:** Washington state ☐ has exclusive continuing jurisdiction; ☐ is the home state; ☐ has temporary emergency jurisdiction over the children.

Temporary Emergency Jurisdiction: The petitioner has until (date) _____ to return to (state/court with jurisdiction) _____ over the minors to seek any court orders about these minors:

The Washington order will terminate on that date for the minors. RCW 26.27.231

- ☐ **The person who filed is not a parent** of one or more children listed above.
(**Important!** Complete Attachment A: Non-Parent.)

8. Other Findings

☐ **Credible Threat:** The restrained person represents a credible threat to the physical safety of the protected person/s.

☐ **The restrained person is under 18 years of age.** The court

☐ appointed (name) _____ as guardian ad litem to represent the restrained person in this proceeding.

☐ did not appoint someone to represent the restrained person because:

☐ Other: _____

Restraints (Check all that apply)

9. The court orders: To the restrained person:

General Restraints

A. ☒ **No Harm:** Do not cause any physical harm, bodily injury, assault, nonconsensual sexual conduct or nonconsensual sexual penetration, and do not harass, threaten, or stalk

☒ the protected person ☐ the minors named in section 3 above

☐ these minors only: _____

B. ☒ **No Contact:** Do not attempt or have any contact, including nonphysical contact, directly, indirectly, or through third parties, regardless of whether those third parties know of the order, except for service of court documents with

☒ the protected person ☐ the minors named in section 3 above

☐ these minors only: _____

☐ **Exception (if any):** Only this type of contact is allowed: _____

C. ☒ **Exclude and Stay Away:** Do not enter, return to, knowingly come within, or knowingly remain within 1,000 feet or other distance (*specify*) _____ of

☒ the protected person ☐ protected person's vehicle

☐ protected person's school ☐ protected person's workplace

☒ protected person's residence ☐ protected person's adult day program

☐ the shared residence

☐ the residence, daycare, or school of ☐ the minors named in section 3 above

☐ these minors only: _____

☐ other: _____

Address: The protected person chooses to (*check one*)

☐ keep their address confidential ☒ list their address here:

460 NW Sunset Driver, Pullman, WA

- D. ☐ **Vacate shared residence:** The protected person has exclusive right to the residence that the protected person and restrained person share (as listed in the Law Enforcement and Confidential Information form, PO 003). The restrained person must immediately vacate the residence. The restrained person may take the restrained person's clothing, personal items needed during the duration of the order, and the following items (*specify*): _____ from the residence while a law enforcement officer is present.
- E. ☒ **Stalking Behavior:** Do not harass, follow, monitor, keep under physical or electronic surveillance, cyber harass (as defined in RCW 9A.90.120), or use phone, video, audio or other electronic means to record, photograph, or track locations or communication, including digital, wire, or electronic communication, of
☒ the protected person ☐ the minors named in section 3 above
☐ these minors only: _____
☐ these members of the protected person's household : _____
- F. ☐ **Intimate Images:** Do not possess or distribute intimate images of a protected person, as defined in RCW 9A.86.010. The restrained person must take down and delete all intimate images and recordings of a protected person in the restrained person's possession or control and cease any and all disclosure of those intimate images.
- G. ☐ **Electronic Monitoring:** You must submit to electronic monitoring. (*Restrained person must be age 18 or older.*)
- H. ☐ **Evaluation:** The restrained person shall get an evaluation for: ☐ mental health
☐ chemical dependency (drugs) at: _____
The evaluation shall answer the following question/s:

An evaluation is necessary because:

- I. ☐ **Treatment:** The restrained person shall participate in state-certified treatment as follows:
☐ domestic violence perpetrator treatment program approved under RCW 43.20A.725 at _____
☐ sex offender treatment program approved under RCW 18.155.070 at: _____
- J. ☐ **Personal Belongings:** The protected person shall have possession of essential personal belongings, including the following:

- K. ☐ **Transfer of Assets:** Do not transfer jointly owned assets.
- L. ☐ **Vehicle:** The protected person shall have use of the following vehicle:
Year, Make & Model _____ License No. _____

- M. ☐ **Restrict Abusive Litigation:** Comply with the Order on Motion to Restrict Abusive Litigation (FL All Family 155), filed separately.
- N. ☐ **Pay Fees and Costs:** The protected person is granted judgment against the restrained person as provided in the Judgment (PO 005), filed separately. The court finds that the restrained person is not under active duty in military or SCRA has been complied with. 50 USC § 3931.

Firearms and Other Dangerous Weapons

- O. ☐ **Surrender Weapons:**

Important! Also use form Order to Surrender and Prohibit Weapons, WS 001.

Findings. The Court (*check all that apply*):

- ☐ **must** issue the orders referred to above because:
- ☐ the court ordered the **No Harm** restraints above (section 8.A.) and the court finds that the restrained person had **actual notice** and an **opportunity to participate**. AND:
- the restrained person represents a **credible threat** to the physical safety of a protected person, OR
 - This order explicitly prohibits the use, attempted use, or threatened use of **physical force** against any protected person.
- Therefore, weapons restrictions are required by state law. RCW 9.41.800(2).
- ☐ the court finds by a preponderance of the evidence that the restrained person:
- ☐ has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or
- ☐ is ineligible to possess a firearm under RCW 9.41.040.
- ☐ **may** issue the orders referred to above because the court finds by a preponderance of evidence that the restrained person presents a serious and imminent threat to public health or safety, or the health or safety of any individual by possessing a firearm or other dangerous weapon.

The restrained person must:

- Immediately surrender to law enforcement and not access, possess, have in their custody or control, purchase, receive, or attempt to purchase or receive firearms, other dangerous weapons, or concealed pistol licenses; and
- Comply with the Order to Surrender and Prohibit Weapons filed separately.

Minors

- P. ☐ **Custody:** The protected person is granted temporary care, custody, and control of
- ☐ the minors named in section 3 above
- ☐ these minors only: _____

(Only for children the protected and restrained person have in common.)

To comply with the Child Relocation Act, anyone with majority or substantially equal residential time (at least 45 percent) who wants to move with the child must notify every other person who has court-ordered time with the child. Specific exemptions from notification may be available if the court finds unreasonable risk to health or safety. Persons entitled to time with the child under a court order may object to the proposed relocation. See RCW 26.09.405 - .560 for more information.

- Q. [] Interference:** Do not interfere with the protected person's physical or legal custody of
[] the minors named in section 3 above
[] these minors only: _____
- R. [] Removal from State:** Do not remove from the state:
[] the minors named in section 3 above
[] these minors only: _____
- S. [] School Attendance:** Do not attend the elementary, middle, or high school (school name) _____, that a protected person attends.
(Only if both the restrained person and a protected person are students at the same school. Can apply to students 18 or older. Includes public and private schools. Complete form Appendix A School Attendance.)

Pets

- T. [] Custody:** The protected person shall have exclusive custody and control of the following pet/s owned, possessed, leased, kept, or held by the protected person, restrained person, or a minor child who lives with either the protected or restrained person. (Specify name of pet and type of animal.):

- U. [] Interference:** Do not interfere with the protected person's efforts to get the pet/s named above.
- V. [] Stay Away:** Do not knowingly come within, or knowingly remain within (distance) _____ of the following locations where the pet/s are regularly found:
[] Protected person's residence (home address may be kept confidential)
[] Other (specify): _____

Vulnerable Adult

- W. [] Safety:** Do not commit or threaten to commit acts of abandonment, neglect, financial exploitation, or abuse, including sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraints, against the vulnerable adult.
- X. [] Accounting:** You must provide an accounting of the disposition of the vulnerable adult's income or other resources by (date) _____
- Y. [] Property Transfer:** Do not transfer the property of:
[] the vulnerable adult [] the restrained person
This restraint is valid until (specify date, not to exceed 90 days) _____

Other

- Z.** _____

Other Orders (Check all that apply)

10. ☐ Law enforcement must help the protected person with (per RCW 7.105.320)

- ☐ Possession of the protected person's residence.
☐ Possession of the vehicle listed in section L above.
☐ Possession of the protected person's essential personal belongings located at
 ☐ the shared residence ☐ the restrained person's residence
 ☐ other location _____
☐ Custody of ☐ the minors named in section 3 above
☐ these minors only _____
☐ Other: _____

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

Clerk's Action. The court clerk shall forward a copy of this order immediately to the following law enforcement agency (county or city) Pullman _____
(check only one): ☐ Sheriff's Office or ☒ Police Department
(List the same agency that entered the temporary order, if any)

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

12. Service on the Restrained Person

☐ **Required.** The restrained person must be served with a copy of this order and any order to surrender and prohibit weapons.

- ☐ The **law enforcement agency** where the restrained person lives or can be served shall serve the restrained person with a copy of this order and shall promptly complete and return proof of service to this court.

Law enforcement agency: (county or city) _____
(check only one): ☐ Sheriff's Office or ☐ Police Department

- ☐ The **protected person** (or person filing on their behalf) shall make private arrangements for service and have proof of service returned to this court.
(This is not an option if this order requires: weapon surrender, vacating a shared residence, transfer of child custody, or if the restrained person is incarcerated. In these circumstances, law enforcement must serve, unless the court allows alternative service.)

Clerk's Action. The court clerk shall forward a copy of this order and any order to surrender and prohibit weapons on or before the next judicial day to the agency and/or party checked above. The court clerk shall also provide a copy of these orders to the protected person.

- ☐ **Alternative Service Allowed.** The court authorizes alternative service by separate order (specify): _____

☒ **Not required.** See section 4 above for appearances.

- ☒ The restrained person appeared at the hearing where this order was issued and received a copy.
- ☐ The restrained person appeared at the hearing where this order was issued but refused to accept a copy of this order. Additional service is not required.
- ☐ The restrained person appeared remotely or left the hearing early but received actual notice of the order. Additional service is not required.
- ☐ The restrained person did **not** appear at the hearing. However, the material terms of this order have not changed from the Temporary Protection Order that was served on the restrained person. Additional service is not required.

13. ☐ Service on Others (Vulnerable Adult or Restrained Person under age 18)

Service on the ☐ vulnerable adult ☐ adult's guardian/conservator ☐ restrained person's parent/s or legal guardian/s (*name/s*) _____ is:

☐ **Required.**

- ☐ The **law enforcement agency** where the person to be served lives or can be served shall serve a copy of this order and shall promptly complete and return proof of service to this court.

Law enforcement agency: (*county or city*) _____
(*check only one*): ☐ Sheriff's Office or ☐ Police Department

- ☐ The **protected person** or person filing on their behalf shall make private arrangements for service and have proof of service returned to this court.

Clerk's Action. The court clerk shall forward a copy of this order on or before the next judicial day to the agency and/or party checked above.

☒ **Not required.** They appeared at the hearing where this order was issued and received a copy. *- She refused to sign.*

14. Other Orders (if any):

15. Review Hearing

☐ No review hearing is scheduled.

☐ The court schedules a review hearing on (date): _____ at (time): _____

For (purpose): _____

Ordered.

Dated: September 6, 2022 at 12:46 p.m.



Judge

Court Phone: _____

JOHN E H HART
Print Judge

Court Address: _____

I received a copy of this Order:

Signature of Respondent/Lawyer su #13 WSBA No. _____

Print Name _____ Date _____

Signature of Petitioner/Lawyer Eric Wang WSBA No. _____

Print Name ERIC WANG Date 2022/08/06

Protected person must complete a Law Enforcement and Confidential Information form, PO 003, and give it to the court clerk.

Important! Protected Person, if you ask for it, you have the right to be notified if the restrained person gets their surrendered firearms back. You must contact the law enforcement agency that has the firearms to ask for this notice. The Proof of Surrender in the court file should say which agency has the firearms. RCW 9.41.340.

Certificate of Compliance With VAWA. This protection order meets all "full faith and credit" requirements of the Violence Against Women Act, 18 USC § 2265 (1994) (VAWA) upon notice to the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is enforceable in all 50 states, Indian tribal lands, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, American Samoa, the Northern Mariana Islands, and Guam, as if it were an order of that jurisdiction.

Savannah Boyle

From: Heyan Huang <heyang.huang2020@gmail.com>
Sent: Friday, August 26, 2022 3:55 PM
To: Savannah Boyle
Subject: Re: Whitman County District Court-

Follow Up Flag: Follow up
Flag Status: Flagged

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#)

Hi Savannah,

I am writing to respond to this email and acknowledge that I have received this notice.

I am wondering if there is any possibility that this hearing can be moved slightly earlier, for example: sometime on Friday Sep 2nd. I am planning a trip on the long weekend, and I prefer that the hearing can be offered earlier on Friday rather than Tuesday, if it is possible, so that I could potentially attend the hearing physically in court room.

I feel I have NOT had the chance to attend any of such hearings when previous orders were set up, which were all expired now. But anyway, thanks for letting me know this time. I appreciate it.

As I am immigrating here in the US and may not be able to understand these terms legally, may I ask if there is anything that I can do in order to cancel the petition, without making it legal?

Thanks, and I look forward to hearing from you.

Heyan Huang

On Fri, Aug 26, 2022 at 3:37 PM Savannah Boyle <savannahboyle@whitmancounty.net> wrote:

Hello,

A petition for protection has been filed against you, please review the attached document setting a hearing that you may either appear virtually or in person for.

Please respond to this email to acknowledge that you have received this notice, I will also be sending this information over to law enforcement for service.

Sincerely,

5

FILED
AUG 26 2022
WHITMAN COUNTY DISTRICT
COURT

DISTRICT Court of Washington, County of WHITMAN

ERIC SHING-SUAN WANG 06/17/1966
Petitioner DOB

No. ST082522

vs.

HEYAN HUANG 06/22/1979
Respondent DOB

**NOTICE OF HEARING
(NTHG)**

(Optional Use)
(Clerk's Action Required)

TO: Heyan Huang _____

(Name of Petitioner/Respondent) Eric Shing-Suan Wang _____

has filed a motion for the following relief (name of Petition/Motion):

Petition for a Stalking Order for Protection

A hearing will be held on (date) September 6, 2022_, at 11:00 _____ [x] a.m. at
(location) Whitman County District Court, 325 SE Paradise Street, Pullman, WA 99163,
ZOOM Meeting # 813 277 701, Password 591 097_ to determine whether the requested
relief should be granted. **IF YOU DO NOT APPEAR, THE COURT MAY ENTER AN
ORDER GRANTING THE RELIEF REQUESTED.**

Dated: 8/26/22

Savannah Boyle
Judicial Process Specialist

By: [Signature]
Judicial Process Specialist

**This document must be served on the other party, and
proof of service must be in the court file prior to the hearing.**

District Court, County of Whitman

ERIC SHING-SUAN WANG 1966/06/17

Petitioner (Person starting this case)

DOB

Case No.

Petition for Protection Order

Clerk's Action: 1

ST0082522

vs.

Heyan "Jenny" HUANG

Respondent (Person responding to this case)

DOB

Petition for Protection Order

What kind protection order do you want? There are different orders based on the type of harm and how the parties know each other. See definitions in Attachments A and B.

1. Choose the type of protection order that best fits your situation. Check only one.

- ☐ Domestic Violence – Protection from an intimate partner or family or household member who has committed domestic violence, nonconsensual sexual conduct or penetration, unlawful harassment, or stalking. (PTORPRT)
- ☐ Sexual Assault – Protection from someone who has committed sexual assault. (PTORSXP)
- ☒ Stalking – Protection from someone who has committed stalking. (PTORSTK)
- ☐ Vulnerable Adult – Protection from someone who has abandoned, abused, financially exploited, or neglected a vulnerable adult (or threatened to do so). (PTORVA)

Important! If you are asking for a Vulnerable Adult Protection Order, you must complete **Attachment B: Vulnerable Adult** as part of this Petition.

- ☐ Anti-Harassment – Protection from someone who has committed unlawful harassment. (PTORAH) (fee required)
The conduct also includes (if applicable): ☐ stalking ☐ hate crime
☐ single act/threat of violence including malicious and intentional threat or presence of firearm/weapon causing substantial emotional distress
☐ family or household member engaged in domestic violence
☐ nonconsensual sexual conduct or penetration or a sex offense

2. If more than one of the protection order types listed above fits your situation, list any additional order types here: _____

Who are the people involved? These are the "parties" to the case.

3. Who should the order restrain? ("Restrained Person")

Name: Heyan "Jenny" Huang

Restrained Person's age: ☐ Under 13 ☐ 13 to 17 ☒ 18 or over ☐ unknown

4. Who should the order protect? ("Protected Person") (Check all that apply.)

☒ **Me.** My name is ERIC SHING-SUAN WANG
(You must be age 15 or older.)

☐ **Minor Children.**

☐ I am the minor's ☐ parent ☐ legal guardian ☐ custodian.

☐ I am age 18 or older and the minor is a member of my family or household.
(For domestic violence petitions only.)

☐ I am age 15 to 17. The minor is a member of my family or household. I have been chosen by the minor and am capable of pursuing their stated interest in this case.

Child's Name	Age	Sex	Lives With	How related to you	How related to Restrained Person

Important! If the restrained person is a parent of any of the children, complete **Attachment C: Child Custody**. If you are **not** a parent of any of the children, complete **Attachment D: Non-parents protecting children (ICWA)**. You must include these Attachment/s with your Petition if they apply.

☐ **Someone else.** (List your name as Petitioner at the beginning of this form. Describe who you are filing for here.) I am filing to protect:

☐ a vulnerable adult (name) _____
(See definition and complete Attachment B.)

☐ an adult (name) _____
who does not meet the definition of a vulnerable adult, but who cannot file the petition themselves because of age, disability, health, or inaccessibility
(Do not check this for vulnerable adult or domestic violence petitions.).

What is the age, disability, health or inaccessibility concern that makes the adult unable to file themselves? (Examples: the adult is hospitalized, temporarily incapacitated, or in jail/prison.)

5. **Service address.** What is your address for receiving legal documents? You have the right to keep your residential address private. You may use a different mailing address.

Mail: 460 NW Sunset Drive, Pullman, WA 99163-3211

Email (if you agree to be served by email): erw90@hotmail.com

6. **Interpreter**

Do you need an interpreter? ☒ No ☐ Yes, Language: _____

Important! You may need to request an interpreter separately. You will get instructions with an order setting your hearing.

How do the parties know each other?

7. Check all the ways the protected person is connected or related to the restrained person:

Intimate Partners – Protected person and 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)
☐ current or former dating relationship (age 13 or older) who
☐ never lived together ☐ live or have lived together

Family or household members - Protected person and restrained person are family or household members because they are:

- ☐ parent and child ☐ stepparent and stepchild
☐ parent's intimate partner and child ☐ grandparent and grandchild
☐ current or former cohabitants as roommates
☐ person who is or has been a legal guardian

? → ☒ related by blood or marriage (specify how) (Allegedly) common grandfather(*)

Other (examples: coworker, neighbor, acquaintance, stranger)

* But we have no confirmation of this, nor evidence.

Connection to Washington State. This helps decide if the court has authority (jurisdiction).

8. **Why are you filing in this county and state?** Check all that apply.

- ☒ The protected person lives in this county now, or used to live in this county but left because of abuse.
☒ An incident that made me want this protection order happened in this county or state.

9. **Restrained Person's residence.** Where does the restrained person live?

- ☐ In Washington State in (city or county): _____
☒ Outside of Washington State ☐ Unknown

Are there other court cases involving the parties or any children?

10. **Other court cases.** Have there been any other court cases between any of the people involved in this case or about any children? Include court cases happening now and in the past and requests for protection that were denied or have expired. (Examples: criminal no contact order, civil protection order, family law restraining order, protection order from another state, tribal order, military orders, parenting plans, divorce, landlord-tenant, employment, property, assault, police investigations. File copies in this court case of everything you want the court to review.)

☐ No ☒ Yes. If yes, fill out the following.

Type of Case (see examples)	Court Location (City or County and State)	Court Type (Superior / District / Municipal / Tribal / Military)	Case Number (if known)	Status (active / dismissed / pending / expired, unknown)
violation of Anti-Harassment	Whitman, WA	District	P14-1307	Expired
Criminal Trespass	Whitman, WA	District	P22-1162 P22-1146	Pending Active

Other details: _____

What protections do you need? Check everything you want the court to order.

11. I ask for a protection order with these restraints:

General Restraints

- A. ☐ **No Harm:** Do not cause any physical harm, bodily injury, assault, nonconsensual sexual conduct or nonconsensual sexual penetration, and do not harass, threaten, or stalk ☐ protected person ☐ the minors named in section 4 above
☐ these minors only: _____
- B. ☒ **No Contact:** Do not make any attempts or have any contact, including nonphysical contact, directly, indirectly, or through third parties, regardless of whether those third parties know of the order, except for service of court documents with
☒ protected person ☐ the minors named in section 4 above
☐ these minors only: _____
☐ **Exception** (if any): Only this type of contact is allowed: _____
- C. ☒ **Exclude and Stay Away:** Do not enter, return to, knowingly come within, or knowingly remain within 1,000 feet or other distance (*specify*) _____ of
☒ the protected person ☐ protected person's vehicle
☐ protected person's school ☒ protected person's workplace
☒ protected person's residence ☐ protected person's adult day program
☐ the shared residence
☐ the residence, daycare, or school of ☐ the minors named in section 4 above
☐ these minors only: _____
☐ other: _____
- Address:** The protected person chooses to (*check one*)
☐ keep their address confidential ☒ list their address here:
460 NW Sunset Dr, Pullman, WA 99163-3211
- D. ☐ **Vacate shared residence:** The protected person has exclusive right to the residence that the protected person and restrained person share. The restrained person must immediately vacate the residence. The restrained person may take the restrained person's clothing, personal items needed during the duration of the order, and these items (*specify*): _____
from the residence while a law enforcement officer is present.
- E. ☒ **Stalking Behavior:** Do not harass, follow, monitor, keep under physical or electronic surveillance, cyber harass (as defined in RCW 9A.90.XXX), or use phone, video, audio or other electronic means to record, photograph, or track locations or communication, including digital, wire, or electronic communication of
☒ the protected person ☐ the minors named in section 5 above
☐ these minors only: _____
☐ these members of the protected person's household: _____
- F. ☐ **Intimate Images:** Do not possess or distribute intimate images of a protected person, as defined in RCW 9A.86.010. The restrained person must take down and delete all intimate images and recordings of a protected person in the restrained person's possession or control and cease any all disclosure of those intimate images.

- G. ☐ **Electronic Monitoring:** The restrained person must submit to electronic monitoring. (*Restrained person must be age 18 or older.*)
- H. ☐ **Evaluation:** The restrained person shall get an evaluation for:
☐ mental health ☐ chemical dependency (drugs)
- I. ☐ **Treatment:** The restrained person shall participate in state-certified treatment for:
☐ sex offender ☐ domestic violence perpetrator
- J. ☐ **Personal Belongings:** The protected person shall have possession of essential personal belongings, including the following:

- K. ☐ **Transfer of Assets:** Do not transfer jointly owned assets.
- L. ☐ **Vehicle:** The protected person shall have use of the following vehicle:
Year, Make & Model _____ License No. _____
- M. ☐ **Restrict Abusive Litigation:** Do not engage in abusive litigation as set forth in chapter 26.51 RCW or in frivolous filings against the protected person, making harassing or libelous communications about the protected person to third parties, or making false reports to investigative agencies.
- N. ☐ **Pay Fees and Costs:** The restrained person must pay fees and costs of this action. This may include administrative court costs, service fees, and the protected person's costs including lawyer fees.

Firearms and Other Dangerous Weapons

- O. ☐ **Surrender Weapons:** The restrained person must immediately surrender to law enforcement and not access, possess, have in their custody or control, purchase, receive, or attempt to purchase or receive firearms, other dangerous weapons, or concealed pistol licenses.

Important! *The court may be required to order the restrained person to surrender firearms, other dangerous weapons, or concealed pistol licenses even if you do not request it.*

Does the restrained person have or own firearms?

☐ Yes ☒ No ☐ Unknown

Would the restrained person's use of firearms or other dangerous weapons be a serious and immediate threat to anyone's health or safety?

☐ Yes ☒ No ☐ Unknown

Even if the restrained person does not have firearms now, has the restrained person ever used firearms, other weapons or objects to threaten or harm you?

☐ Yes ☒ No

If Yes, describe what happened.

Is the restrained person already not allowed to have firearms?

☐ Yes ☐ No ☒ Unknown

If Yes, why?

Minors

- P. ☐ **Custody:** The protected person is granted temporary care, custody and control of
☐ the minors named in section 4 above
☐ these minors only: _____
(Only for children the protected and restrained person have together.)
- Q. ☐ **Interference:** Do not interfere with the protected person's physical or legal custody of
☐ the minors named in section 4 above
☐ these minors only: _____
- R. ☐ **Removal from State:** Do not remove from the state:
☐ the minors named in section 4 above
☐ these minors only: _____
- S. ☐ **School Attendance:** Do not attend the elementary, middle, or high school (school name) _____, that a protected person attends.
(Only if both the restrained person and a protected person are students at the same school. Can apply to students 18 or older. Includes public and private schools.)

Describe any continuing physical danger, emotional distress, or educational disruption to a protected person that would happen if the restrained person attends the same school.

Pets

- T. ☐ **Custody:** The protected person shall have exclusive custody and control of the following pet/s owned, possessed, leased, kept, or held by the protected person, restrained person, or a minor child who lives with either the protected or restrained person. (Specify name of pet and type of animal.):

- U. ☐ **Interference:** Do not interfere with the protected person's efforts to get the pet/s named above.
- V. ☐ **Stay Away:** Do not knowingly come within, or knowingly remain within _____ of the (distance) _____ of the following locations where the pet/s are regularly found:
☐ Protected person's residence (home address may be kept confidential.)
☐ Other (specify): _____

Vulnerable Adult

- W. ☐ **Safety:** Do not commit or threaten to commit acts of abandonment, neglect, financial exploitation, or abuse, including sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraints, against the vulnerable adult.
- X. ☐ **Accounting:** Provide an accounting of the disposition of the vulnerable adult's income or other resources.
- Y. ☐ **Property Transfer:** Do not transfer the property of ☐ the vulnerable adult ☐ the restrained person. This restraint can last for up to 90 days.

Other

Z. _____

Do you need help from law enforcement? They may help you get the things you asked for.

12. **Law Enforcement Help:** Do you want the court to order the appropriate law enforcement agency to help you with any of the things listed below?

Check all that apply.

- ☐ Possession of my residence.
☐ Possession of the vehicle I asked for in section L above.
☐ Possession of my essential personal belongings that are located at
 ☐ the shared residence
 ☐ the restrained person's residence
 ☐ other location _____
☐ Custody of ☐ the minors named in section 4 above
 ☐ these minors only _____
☐ Other: _____

How long do you need this order to last?

13. **Length of Order**

*(The order will last for **at least one year** unless you ask for something different. Orders restraining a parent from contacting their own children may not exceed one year.)*

I need this order to last for: ☐ 1 year ☒ more than 1 year ☐ less than 1 year (*specify how long*): _____

If you checked more or less than one year, briefly explain why.

Respondent's behavior has persisted since 2009.
She interprets the expiration of P14-BOT as permission to resume trying.
I prefer to prevent her future behavior in perpetuity.

Do you need immediate protection? If needed, you can ask for a Temporary Protection Order that starts now, before the restrained person gets notice. This protection can last up to 14 days or until the court hearing (whichever comes first).

14. **Immediate Protection:** Do you need a Temporary Protection Order to start immediately, without prior notice to the restrained person? ☐ Yes ☒ No

15. **Immediate Weapons Surrender:** Do you want a temporary order that requires the restrained person give up all firearms, other dangerous weapons, and concealed pistol licenses right away, and prohibits the restrained person from getting more?

☐ Yes ☒ No

If Yes to 14 or 15, explain why: What serious immediate harm or irreparable injury could occur if an order is not issued immediately without prior notice to the restrained person?

(Briefly explain how you or anyone else might be harmed if you do not get protection now.)

Why do you need a protection order? What happened? This is your statement, where you tell your experience.

Be as specific and descriptive as possible. Put the date, names, what happened and where. Use names rather than pronouns (he/she/they) as much as possible. If you cannot remember the date, put the time of year it happened (around a holiday, winter, summer, how old your child was) or about how long ago.

For all of the questions below, include details:

- Who did what?
- When did this happen?
- How were any statements made? (in person, mail, text, phone, email, social media)
- How did this make you, the minor, or the vulnerable adult feel?

If you need more space to answer any of the questions below, use form PO 010 Statement or attach additional pages.

16. **Most Recent Incident.** What happened most recently that made you want a protection order? This could include violent acts, fear or threats of violence, coercive control, nonconsensual sexual conduct or penetration, sexual abuse, harassment, stalking, hate crimes. For a vulnerable adult, include incidents or threats of abandonment, abuse, neglect and/or financial exploitation. Include specific date/s and details of the incident.

1. Around 2022/06/01, Heyan violated a no-trespass order and rang our house's doorbell. We threatened her with arrest, and she left. Later that evening, Pullman P.D. Ofc. Romanov located her (at a local hotel?), but we chose not to arrest her then.
 2. On 2022/06/17, Heyan rang our doorbell again. We called 911 and Pullman PD arrested her (case 22-P05351). She was assigned Whitman CDC #P22-1146 for Criminal Trespass in the Second Degree, with court date 2022/07/19. There was no property damage or threat.
 3. On 2022/07/02 Sat, I was performing yard work, balancing precariously on cinder blocks on a steep hillside. Heyan snuck up behind me and bear-hugged me from behind, ignoring my several years' worth of forbidding her to touch me. I turned and broke her grip, then retreated into my house, ~~and called 911~~.
 4. On 2022/07/03 Sun, I glanced out through my kitchen window and saw Heyan walking up our driveway. I called 911, and she heard me and walked away. Pullman PD found her nearby and arrested her again, P22-1162.
- She is not deterred by no-trespass orders, arrest, or pending court cases. The only measure that has worked previously is a Protection Order (P14-1307).

17. **Past Incidents.** What happened in the past that makes you want a protection order? This could include violent acts, fear or threats of violence, coercive control, nonconsensual sexual conduct or penetration, sexual abuse, harassment, stalking, hate crimes. For a vulnerable adult, include incidents or threats of abandonment, abuse, neglect and/or financial exploitation. Include specific date/s and details of the incidents.

1. Heyan previously stalked me ~~physic~~ from 2010-2013 at WSU, physically, via phone, e-mail, and online. I repeatedly told her, verbally and in writing, to cease, with no effect.
2. On 2011/08/06, Heyan drove unannounced from CA, and snuck into my lab office at WSU while I was in the restroom. I lured her out of my office, closed the door behind her (it locks), and left for home. Heyan drove to our home (460 Sunset Dr), doorbell-ambushed and forced entry past my elderly mother, and barricaded herself in my father's bedroom/study. Pullman PD responded (11-906258), and removed her from our house. We chose not to arrest her then.
+ This establishes her doorbell-ambush trick to force entry into a house.
3. On 2013/03/21, Whitman CDC issued an Order for Protection-Harassment against Heyan, forbidding contact (AH-0117YB)
4. Around 2014/12/27, Heyan violated the Order for Protection, and was cited for Violation of Anti-Harassment Order (PI4-1307).
5. At trial on 2015/03/21, it was agreed to dismiss the case in 2 years if no violations occurred.
6. On 2017/03/22, Whitman CDC dismissed PI4-1307. ~~sto~~

18. **Medical Treatment.** Describe any medical treatment you received for issues related to your request for protection. *n/a*

19. **Suicidal Behavior.** Describe any threats of self-harm or suicide attempts by the restrained person.

20. **Restrained Person's Substance Abuse**

- Is substance abuse involved? ☐ Yes ☐ No ☒ Unknown
- If yes, what type of substance abuse? ☐ Alcohol ☐ Drugs ☐ Other

21. Minors Needing Protection, if any (If the information is not already included above.)

Has there been any violence or threats towards children? How have the children been affected by the restrained person's behavior? Were the children present during any of the incidents described above? Describe and give details.

22. Supporting Evidence (If you have anything else you want the court to see that helps prove what you are saying is true.)

☐ I am attaching the following evidence to this Petition (check all that apply):

- ☐ Pictures
- ☐ Text / email / social media messages
- ☐ Voice messages (written transcript)
- ☐ Written notes / letters / mail
- ☐ Police report
- ☐ Declaration or statement from witness (name/s): _____

☐ Other (describe): _____

Privacy Warning! The restrained person will see this Petition and any other evidence you file with the court. This information is also available to the public for anyone to see.
Before you file any attachments, you can black out (redact) any sensitive information.
Examples: your home address and account numbers (leave last four digits).

certify under penalty of perjury under the laws of the state of Washington that all the information provided in this petition and any attachments is true and correct.

☐ I have attached (number): _____ pages.

Signed at (City and State): Pullman, WA Date: 2022/08/25

Sign here Eric Wang Print name ERTC SHING-SUAN WANG

Attachment A: Definitions

"Domestic violence" means:

- (a) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one intimate partner by another intimate partner; or
- (b) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one family or household member by another family or household member.

"Sexual conduct" means any of the following:

- (a) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing;
- (b) Any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent;
- (c) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent;
- (d) Any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others;
- (e) Any intentional or knowing touching of the clothed or unclothed body of a child under the age of 16, if done for the purpose of sexual gratification or arousal of the respondent or others; or Any coerced or forced touching or fondling by a child under the age of 16, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.

"Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person including, but not limited to, cunnilingus, fellatio, or anal penetration.

Evidence of emission of semen is not required to prove sexual penetration.

"Stalking" means any of the following:

- (a) Any act of stalking as defined under RCW 9A.46.110;
- (b) Any act of cyber harassment as defined under RCW 9A.90.XXX; or
- (c) Any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, surveillance, keeping under observation, disrupting activities in a harassing manner, or following of another person that:
 - (i) Would cause a reasonable person to feel intimidated, frightened, under duress, significantly disrupted, or threatened and that actually causes such a feeling;
 - (ii) Serves no lawful purpose; and
 - (iii) The respondent knows, or reasonably should know, threatens, frightens, or intimidates the person, even if the respondent did not intend to intimidate, frighten, or threaten the person.

"Unlawful harassment" means:

- (a) A knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner; or
- (b) A single act of violence or threat of violence directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose, which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner. A single threat of violence must include:
 - (i) A malicious and intentional threat as described in RCW 9A.36.080(1)(c); or
 - (ii) the presence of a firearm or other weapon.

Attachment B: Vulnerable Adult

Does your case involve a vulnerable adult? If yes, complete this attachment and submit it as part of your petition. If no, skip this attachment.

1. What qualifies the adult as a vulnerable adult? The adult (*check all that apply*):

- ☐ Is over 60 years old and does not have the functional, mental, or physical ability to care for himself or herself.
- ☐ Is an individual subject to guardianship under 11.130.25 or an individual subject to conservatorship under 11.130.360 RCW
- ☐ Has a developmental disability as defined in RCW 71A.10.020.
- ☐ Self-directs their own care and receives services from a personal aide under RCW 74.39.
- ☐ Is receiving services from a home health, hospice, or home care agency licensed or required to be licensed under RCW 70.127.
- ☐ Is receiving in-home services from an individual provider under contract with DSHS.
- ☐ Has been admitted to an assisted living facility, nursing home, adult family home, soldiers' home, residential habilitation center or any other facility licensed by DSHS.

2. Does the vulnerable adult know you will be filing this petition?

- ☐ Yes ☐ No If no, what efforts did you make to notify the vulnerable adult?
- _____
- _____

3. Connection to Washington. Does the vulnerable adult live in Washington State?

- ☐ Yes ☐ No If no, are you asking to protect any **family members** of the vulnerable adult who:

- ☐ Live in Washington State, and
- ☐ Have been affected by the restrained person's actions

☐ Yes ☐ No

4. What is your relationship to the vulnerable adult?

- ☐ DSHS is filing this petition for a vulnerable adult who ☐ has consented ☐ lacks capacity or ability to consent to this petition.

- ☐ I am the vulnerable adult's guardian/conservator, or limited guardian/conservator.

I was appointed in (county and state) _____

in Case Number _____

on or about (date) _____

(*Attach a copy of your letters or order appointing guardian/conservator, if available.*)

- ☐ To protect the vulnerable adult, I imposed an **emergency restriction** on the vulnerable adult's right to associate with the restrained person on (date) _____

[] I am the vulnerable adult's legal fiduciary. I was appointed [] trustee [] power of attorney on or about (date) _____.
(Attach a copy of your relevant documents, if available.)

[] I am interested in the welfare of the vulnerable adult. I have a good faith belief that the court's intervention is necessary and that the vulnerable adult is unable at this time to protect their own interests, due to incapacity, undue influence, or duress.

What is the nature of your relationship to the vulnerable adult? How long has this relationship lasted? (Describe)

What is the incapacity, undue influence, or duress that makes the vulnerable adult unable to protect their own interests? (Describe)

Definitions For Vulnerable Adult Protection Orders:

"Vulnerable adult" includes a person:

- (a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or
- (b) Subject to a guardianship under RCW 11.130.265 or adult subject to conservatorship under RCW 11.130.360; or
- (c) Who has a developmental disability as defined under RCW 71A.10.020; or
- (d) Admitted to any facility; or
- (e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or
- (f) Receiving services from a person under contract with the department of social and health services to provide services in the home under chapter 74.09 or 74.39A RCW; or
- (g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

"Abuse," for the purposes of a vulnerable adult protection order, means intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a

vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish.

"Abuse" includes sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraint against a **vulnerable adult**, which have the following meanings:

- (a) "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline, or in a manner that:
 - (i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW;
 - (ii) is not medically authorized; or
 - (iii) otherwise constitutes abuse under this section.
- (b) "Mental abuse" means an intentional, willful, or reckless verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. "Mental abuse" may

include ridiculing, yelling, swearing, or withholding or tampering with prescribed medications or their dosage.

- (c) "Personal exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.
- (d) "Physical abuse" means the intentional, willful, or reckless action of inflicting bodily injury or physical mistreatment. "Physical abuse" includes, but is not limited to, striking with or without an object, slapping, pinching, strangulation, suffocation, kicking, shoving, or prodding.
- (e) "Sexual abuse" means any form of nonconsensual sexual conduct including, but not limited to, unwanted or inappropriate touching, rape, molestation, indecent liberties, sexual coercion, sexually explicit photographing or recording, voyeurism, indecent exposure, and sexual harassment. "Sexual abuse" also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not the sexual conduct is consensual.

"Financial exploitation" means the illegal or improper use of, control over, or withholding of, the property, income, resources, or trust funds of the **vulnerable adult** by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

- (a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, government benefits, health insurance benefits, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;
- (b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship or conservatorship appointment, that results in the unauthorized appropriation, sale, or transfer of the property,

income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

- (c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of the vulnerable adult's property, income, resources, or trust funds.

"Neglect" means:

- (a) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain the physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or
- (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety including, but not limited to, conduct prohibited under RCW 9A.42.100.

Attachment C: Child Custody

Are you asking to protect any of the restrained person's children? ☐ Yes ☐ No

If **Yes**, complete this attachment and file it as part of your petition. If **No**, skip this attachment.

Does a Washington Court have authority over the children? Before the court can protect a child, you must tell the court about the children's connection to Washington State. See instructions for help.

1. Children's Home/s

At any time during the past 5 years have the children lived:

- ☐ on an Indian reservation,
- ☐ outside Washington state,
- ☐ in a foreign country, or
- ☐ with anyone who is not a party to this case?

☐ No. (Skip to 2)

☐ Yes. (Fill out below to show where the children have lived during the last 5 years.)

Dates	Children	Lived with	In which state, Indian reservation, or foreign country
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Initials):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Initials):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Initials):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Initials):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Initials):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	

2. Other people with a legal right to spend time with the children

Do you know of anyone besides yourself and Respondent who has or claims to have a legal right to spend time with the children?

☐ No.

☐ Yes. (Name/s) _____ has or claims to have a legal right to spend time with the children because:

3. Authority over the children (Jurisdiction) (RCW 26.27.201 – .221, .231, .261, .271)

The court can make an order protecting the children because:

- ☐ **Exclusive, continuing jurisdiction** – A Washington court has already made a custody order or parenting plan for the children, and the court still has authority to make other orders for the children.
- ☐ **Home state jurisdiction** – Washington is the child's home state because *(check all that apply)*:
- ☐ The children lived in Washington with a parent or someone acting as a parent for at least the 6 months just before this case was filed, or if a child is less than 6 months old, the child has lived in Washington with a parent or someone acting as a parent since birth.
 - ☐ There were times the children were not in Washington in the 6 months just before this case was filed (or since birth if a child is less than 6 months old), but those were temporary absences.
 - ☐ The children do not live in Washington right now, but Washington was the children's home state sometime in the 6 months just before this case was filed, and a parent or someone acting as a parent of the children still lives in Washington.
 - ☐ The children do not have another home state.
- ☐ **No home state or home state declined** – No court of any other state (or tribe) has the jurisdiction to make decisions for the children **or** a court in the children's home state (or tribe) decided it is better to have this case in Washington **and**:
- The children and a parent or someone acting as a parent have ties to Washington beyond just living here; **and**
 - There is a lot of information (substantial evidence) about the children's care, protection, education, and relationships in this state.
- ☐ **Other state declined** – The courts in other states (or tribes) that might be the children's home state have refused to take this case because it is better to have this case in Washington.
- ☐ **Temporary emergency jurisdiction** – The court can make decisions for the children because the children are in this state now **and** were abandoned here **or** need emergency protection because the children (or their parent, brother, or sister) was abused or threatened with abuse. *(Check one)*:
- ☐ A custody case involving the children was filed in the children's home state *(name of state or tribe)*: _____. Washington should take temporary emergency jurisdiction over the children until the Petitioner can get a court order from the children's home state (or tribe).
 - ☐ There is **no** valid custody order or open custody case in the children's home state *(name of state or tribe)*: _____. If no case is filed *in the child's home state (or tribe)* by the time the children has been in Washington for 6 months, *(date)*: _____, Washington should have final jurisdiction over the children.
- ☐ Other reason *(specify)*: _____

Attachment D: Non-Parents Protecting Children (ICWA)

Are you asking to protect any children who are **not** your own? ☐ Yes ☐ No

If **Yes**, complete this attachment and file it as part of your petition. If **No**, skip this attachment.

Non-Parents must comply with the Indian Child Welfare Acts (ICWA). If you are not a legal parent of a minor child you are asking to protect, you must find out if the minor is or may be an Indian child. If so, the federal and state Indian Child Welfare Acts will apply to your case. This does not apply to parents.

Parents: you do **not** have to answer these questions about your own children.

1. Tribal Heritage

If there is a reason to know that a child has **tribal heritage** (including ancestry or familial political affiliation), the court must treat the child as an Indian child unless and until the affected tribe/s decide otherwise or decline to respond after receiving proper notice.

An **Indian child** is a child who is a member of an Indian tribe, or who is the biological child of an Indian tribe member and is eligible for membership. Tribes decide their own membership.

Could any of the children be Indian children? (Check all that apply)

☐ **No.** These children are not Indian children (name/s): _____

I know this because (Explain if the children have no tribal heritage, or if any possible tribal heritage has already been explored and decided in another court proceeding that complied with ICWA. Attach orders): _____

☐ **Yes or maybe.** These children are or may be Indian children. They have or may have heritage from the tribe/s listed below:

Children	Tribes
<input type="checkbox"/> All <input type="checkbox"/> (name/s):	
<input type="checkbox"/> All <input type="checkbox"/> (name/s):	

I will provide the *Indian Child Welfare Act Notice* (form GDN M 401) and a copy of this *Petition* to the tribe/s named above and other necessary people or agencies.

☐ **I do not know** if any of the children are Indian children or have tribal heritage. I have done the following things to find out:

Warning! You must find out if any of these children have tribal ancestry before a full order is issued.

2. Authority Over Indian Children (Jurisdiction)

- ☐ Does not apply. None of the children are Indian children.
- ☐ A state court can decide this case for any children who are or may be Indian children because:
- ☐ *(Children's Initials):* _____ are **not** domiciled or living on an Indian reservation, and are not wards of a tribal court. (25 USC §1911)
- ☐ *(Children's Initials):* _____ are domiciled or living on an Indian reservation, and *(check all that apply)*:
- ☐ The children's tribe agrees to Washington State's concurrent jurisdiction.
- ☐ The children's tribe decided not to use its exclusive jurisdiction (expressly declined). (RCW 13.38.060)
- ☐ Washington State should exercise **emergency jurisdiction** for Indian children temporarily located off the reservation to protect the children from immediate physical damage or harm. (RCW 13.38.140)