
ENGROSSED SUBSTITUTE SENATE BILL 5219

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By Senate Committee on Law & Justice (originally sponsored by Senators Smith, Roach, C. Anderson, Long, Haugen, McCaslin, Spanel, Drew, Winsley, Kohl and Sheldon)

Read first time 02/17/95.

1 AN ACT Relating to domestic violence; amending RCW 26.50.030,
2 26.50.035, 26.50.040, 26.50.050, 26.50.060, 26.50.070, 26.50.080,
3 26.50.090, 26.50.095, 26.50.100, 26.50.110, 26.50.115, 26.50.125,
4 10.99.020, 10.99.030, 10.99.040, 26.09.050, 26.09.060, 26.09.300,
5 26.10.040, 26.10.115, 26.10.220, 26.26.130, 26.26.137, 4.24.130,
6 10.14.080, and 26.50.150; reenacting and amending RCW 26.50.010 and
7 10.31.100; adding new sections to chapter 26.50 RCW; adding a new
8 section to chapter 26.26 RCW; adding a new section to chapter 10.14
9 RCW; creating a new section; and prescribing penalties.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

11 **Sec. 1.** RCW 26.50.010 and 1992 c 111 s 7 and 1992 c 86 s 3 are
12 each reenacted and amended to read as follows:

13 As used in this chapter, the following terms shall have the
14 meanings given them:

15 (1) "Domestic violence" means: (a) Physical harm, bodily injury,
16 assault, or the infliction of fear of imminent physical harm, bodily
17 injury or assault, between family or household members; ~~((or))~~ (b)
18 sexual assault of one family or household member by another; or (c)

1 stalking as defined in RCW 9A.46.110 of one family or household member
2 by another family or household member.

3 (2) "Family or household members" means spouses, former spouses,
4 persons who have a child in common regardless of whether they have been
5 married or have lived together at any time, adult persons related by
6 blood or marriage, adult persons who are presently residing together or
7 who have resided together in the past, persons sixteen years of age or
8 older who are presently residing together or who have resided together
9 in the past and who have or have had a dating relationship, persons
10 sixteen years of age or older with whom a respondent sixteen years of
11 age or older has or has had a dating relationship, and persons who have
12 a biological or legal parent-child relationship, including stepparents
13 and stepchildren and grandparents and grandchildren.

14 (3) "Dating relationship" means a social relationship of a romantic
15 nature. Factors that the court may consider in making this
16 determination include: (a) The length of time the relationship has
17 existed; (b) the nature of the relationship; and (c) the frequency of
18 interaction between the parties.

19 (4) "Court" includes the superior, district, and municipal courts
20 of the state of Washington.

21 (5) "Judicial day" does not include Saturdays, Sundays, or legal
22 holidays.

23 (6) "Electronic monitoring" means a program in which a person's
24 presence at a particular location is monitored from a remote location
25 by use of electronic equipment.

26 (7) "Essential personal effects" means those items necessary for a
27 person's immediate health, welfare, and livelihood. "Essential
28 personal effects" includes but is not limited to clothing, cribs,
29 bedding, documents, medications, and personal hygiene items.

30 NEW SECTION. Sec. 2. A new section is added to chapter 26.50 RCW
31 to read as follows:

32 (1) Any order available under this chapter may be issued in actions
33 under chapter 26.09, 26.10, or 26.26 RCW. If an order for protection
34 is issued in an action under chapter 26.09, 26.10, or 26.26 RCW, the
35 order shall be issued on the forms mandated by RCW 26.50.035(1). An
36 order issued in accordance with this subsection is fully enforceable
37 and shall be enforced under the provisions of this chapter.

1 (2) If a party files an action under chapter 26.09, 26.10, or 26.26
2 RCW, an order issued previously under this chapter between the same
3 parties may be consolidated by the court under that action and cause
4 number. Any order issued under this chapter after consolidation shall
5 contain the original cause number and the cause number of the action
6 under chapter 26.09, 26.10, or 26.26 RCW. Relief under this chapter
7 shall not be denied or delayed on the grounds that the relief is
8 available in another action.

9 **Sec. 3.** RCW 26.50.030 and 1992 c 111 s 2 are each amended to read
10 as follows:

11 There shall exist an action known as a petition for an order for
12 protection in cases of domestic violence.

13 (1) A petition for relief shall allege the existence of domestic
14 violence, and shall be accompanied by an affidavit made under oath
15 stating the specific facts and circumstances from which relief is
16 sought. Petitioner and respondent shall disclose the existence of any
17 other litigation concerning the custody or residential placement of a
18 child of the parties as set forth in RCW 26.27.090.

19 (2) A petition for relief may be made regardless of whether or not
20 there is a pending lawsuit, complaint, petition, or other action
21 between the parties except in cases where the court realigns petitioner
22 and respondent in accordance with RCW 26.50.060(~~(+3)~~)(4).

23 (3) Within ninety days of receipt of the master copy from the
24 administrator for the courts, all court clerk's offices shall make
25 available the standardized forms, instructions, and informational
26 brochures required by RCW 26.50.035 and shall fill in and keep current
27 specific program names and telephone numbers for community resources.
28 Any assistance or information provided by clerks under this section
29 does not constitute the practice of law and clerks are not responsible
30 for incorrect information contained in a petition.

31 (4) (~~(A)~~) No filing fee (~~(of twenty dollars shall)~~) may be charged
32 for proceedings under this section. (~~(No filing fee may be charged~~
33 ~~for:—(a) A petition filed in an existing action or under an existing~~
34 ~~cause number brought under this chapter in the jurisdiction where the~~
35 ~~relief is sought; or (b) the transfer of a case from district or~~
36 ~~municipal court to superior court under RCW 26.50.020(2).)~~) Forms and
37 instructional brochures shall be provided free of charge.

1 (5) A person is not required to post a bond to obtain relief in any
2 proceeding under this section.

3 **Sec. 4.** RCW 26.50.035 and 1993 c 350 s 2 are each amended to read
4 as follows:

5 (1) By July 1, 1994, the administrator for the courts shall develop
6 and prepare instructions and informational brochures required under RCW
7 26.50.030(4), standard petition and order for protection forms, and a
8 court staff handbook on domestic violence and the protection order
9 process. The standard petition and order for protection forms must be
10 used after September 1, 1994, for all petitions filed and orders issued
11 under this chapter. The instructions, brochures, forms, and handbook
12 shall be prepared in consultation with interested persons, including a
13 representative of the state domestic violence coalition, judges, and
14 law enforcement personnel.

15 (a) The instructions shall be designed to assist petitioners in
16 completing the petition, and shall include a sample of standard
17 petition and order for protection forms.

18 (b) The informational brochure shall describe the use of and the
19 process for obtaining a protection order, a no-contact order as
20 provided by RCW 10.99.040, a restraining order as provided by RCW
21 26.09.060, and an antiharassment protection order as provided by
22 chapter 10.14 RCW.

23 (c) The order for protection form shall include, in a conspicuous
24 location, notice of criminal penalties resulting from violation of the
25 order, and the following statement: "You can be arrested even if the
26 person or persons who obtained the order invite or allow you to violate
27 the order's prohibitions. The respondent has the sole responsibility
28 to avoid or refrain from violating the order's provisions. Only the
29 court can change the order upon written application."

30 (d) The court staff handbook shall allow for the addition of a
31 community resource list by the court clerk.

32 (2) All court clerks shall obtain a community resource list from a
33 domestic violence program, defined in RCW 70.123.020, serving the
34 county in which the court is located. The community resource list
35 shall include the names and telephone numbers of domestic violence
36 programs serving the community in which the court is located, including
37 law enforcement agencies, domestic violence agencies, sexual assault
38 agencies, legal assistance programs, interpreters, multicultural

1 programs, and batterers' treatment programs. The court shall make the
2 community resource list available as part of or in addition to the
3 informational brochures described in subsection (1) of this section.

4 (3) The administrator for the courts shall distribute a master copy
5 of the petition and order forms, instructions, and informational
6 brochures to all court clerks and shall distribute a master copy of the
7 petition and order forms to all superior, district, and municipal
8 courts.

9 (4) For purposes of this section, "court clerks" means court
10 administrators in courts of limited jurisdiction and elected court
11 clerks.

12 (~~(The administrator for the courts shall arrange for~~
13 ~~translation of the instructions and informational brochures required by~~
14 ~~this section, which shall contain a sample of the standard petition and~~
15 ~~order for protection forms, into Spanish, Vietnamese, Laotian,~~
16 ~~Cambodian, and Chinese, and shall distribute a master copy of the~~
17 ~~translated instructions and informational brochures to all court clerks~~
18 ~~by January 1, 1995.))~~ The administrator for the courts shall determine
19 the significant non-English-speaking or limited English-speaking
20 populations in the state. The administrator shall then arrange for
21 translation of the instructions and informational brochures required by
22 this section, which shall contain a sample of the standard petition and
23 order for protection forms, into the languages spoken by those
24 significant non-English-speaking populations and shall distribute a
25 master copy of the translated instructions and informational brochures
26 to all court clerks by January 1, 1997.

27 (6) The administrator for the courts shall update the instructions,
28 brochures, standard petition and order for protection forms, and court
29 staff handbook when changes in the law make an update necessary.

30 **Sec. 5.** RCW 26.50.040 and 1985 c 303 s 4 are each amended to read
31 as follows:

32 (~~((1) Persons seeking relief under this chapter may file an~~
33 ~~application for leave to proceed in forma pauperis on forms supplied by~~
34 ~~the court. If the court determines that a petitioner lacks the funds~~
35 ~~to pay the costs of filing, the petitioner shall be granted leave to~~
36 ~~proceed in forma pauperis and no filing fee or any other court related~~
37 ~~fees shall be charged by the court to the petitioner for relief sought~~
38 ~~under this chapter. If the petitioner is granted leave to proceed in~~

1 forma pauperis, then no fees for service may be charged to the
2 petitioner.

3 (2) For the purpose of determining whether a petitioner has the
4 funds available to pay the costs of filing an action under this
5 chapter, the income of the household or family member named as the
6 respondent is not considered.)) No fees for filing or service of
7 process may be charged by a public agency to petitioners seeking relief
8 under this chapter. Petitioners shall be provided the necessary number
9 of certified copies at no cost.

10 **Sec. 6.** RCW 26.50.050 and 1992 c 143 s 1 are each amended to read
11 as follows:

12 Upon receipt of the petition, the court shall order a hearing which
13 shall be held not later than fourteen days from the date of the order.
14 The court may schedule a hearing by telephone pursuant to local court
15 rule, to reasonably accommodate a disability, or in exceptional
16 circumstances to protect a petitioner from further acts of domestic
17 violence. The court shall require assurances of the petitioner's
18 identity before conducting a telephonic hearing. Except as provided in
19 RCW 26.50.085 and section 16 of this act, personal service shall be
20 made upon the respondent not less than five court days prior to the
21 hearing. If timely personal service cannot be made, the court shall
22 set a new hearing date and shall either require additional attempts at
23 obtaining personal service or permit service by publication as provided
24 in RCW 26.50.085 or service by mail as provided in section 16 of this
25 act. If the court permits service by publication or by mail, the court
26 shall set the hearing date not later than twenty-four days from the
27 date of the order. The court may issue an ex parte order for
28 protection pending the hearing as provided in RCW 26.50.070 ((and)),
29 26.50.085, and section 16 of this act.

30 **Sec. 7.** RCW 26.50.060 and 1994 sp.s. c 7 s 457 are each amended to
31 read as follows:

32 (1) Upon notice and after hearing, the court may provide relief as
33 follows:

34 (a) Restrain the respondent from committing acts of domestic
35 violence;

1 (b) Exclude the respondent from the dwelling which the parties
2 share ~~((or))~~, from the residence, workplace, or school of the
3 petitioner, or from the daycare or school of a child;

4 (c) On the same basis as is provided in chapter 26.09 RCW, the
5 court shall make residential provision with regard to minor children of
6 the parties. However, parenting plans as specified in chapter 26.09
7 RCW shall not be required under this chapter;

8 (d) Order the respondent to participate in batterers' treatment;

9 (e) Order other relief as it deems necessary for the protection of
10 the petitioner and other family or household members sought to be
11 protected, including orders or directives to a peace officer, as
12 allowed under this chapter;

13 (f) Require the respondent to pay the ~~((filing fee and))~~
14 administrative court costs~~((, including))~~ and service fees, as
15 established by the county or municipality incurring the expense and to
16 reimburse the petitioner for costs incurred in bringing the action,
17 including a reasonable attorney's fee~~((. If the petitioner has been~~
18 ~~granted leave to proceed in forma pauperis, the court may require the~~
19 ~~respondent to pay the filing fee and costs, including services fees, to~~
20 ~~the county or municipality incurring the expense))~~;

21 (g) Restrain the respondent from having any contact with the victim
22 of domestic violence or the victim's children or members of the
23 victim's household;

24 (h) Require the respondent to submit to electronic monitoring. The
25 order shall specify who shall provide the electronic monitoring
26 services and the terms under which the monitoring must be performed.
27 The order also may include a requirement that the respondent pay the
28 costs of the monitoring. The court shall consider the ability of the
29 respondent to pay for electronic monitoring; ~~((and))~~

30 (i) Consider the provisions of RCW 9.41.800;

31 (j) Order possession and use of essential personal effects. The
32 court shall list the essential personal effects with sufficient
33 specificity to make it clear which property is included; and

34 (k) Order use of a vehicle.

35 (2) ~~((Any relief granted by the order for protection, other than a~~
36 ~~judgment for costs, shall be for a fixed period not to exceed one~~
37 ~~year)) If ((the)) a restraining order restrains the respondent from~~
38 contacting the respondent's minor children the restraint shall be for
39 a fixed period not to exceed one year. This limitation is not

1 applicable to orders for protection issued under chapter 26.09, 26.10,
2 or 26.26 RCW. With regard to other relief, if the petitioner has
3 petitioned for relief on his or her own behalf or on behalf of the
4 petitioner's family or household members or minor children (~~that are~~
5 ~~not also the respondent's minor children~~)), and the court finds that
6 the respondent is likely to resume acts of domestic violence against
7 the petitioner or the petitioner's family or household members or minor
8 children when the order expires, the court may either ((+a)) grant
9 relief for a fixed period (~~not to exceed one year; (b) grant relief~~
10 ~~for a fixed period in excess of one year;~~) or ((+c)) enter a
11 permanent order of protection.

12 If the petitioner has petitioned for relief on behalf of the
13 respondent's minor children, the court shall advise the petitioner that
14 if the petitioner wants to continue protection for a period beyond one
15 year the petitioner may either petition for renewal pursuant to the
16 provisions of this chapter or may seek relief pursuant to the
17 provisions of chapter 26.09 or 26.26 RCW.

18 (3) If the court grants an order for a fixed time period, the
19 petitioner may apply for renewal of the order by filing a petition for
20 renewal at any time within the three months before the order expires.
21 The petition for renewal shall state the reasons why the petitioner
22 seeks to renew the protection order. Upon receipt of the petition for
23 renewal the court shall order a hearing which shall be not later than
24 fourteen days from the date of the order. Except as provided in RCW
25 26.50.085, personal service shall be made on the respondent not less
26 than five days before the hearing. If timely service cannot be made
27 the court shall set a new hearing date and shall either require
28 additional attempts at obtaining personal service or permit service by
29 publication as provided in RCW 26.50.085. If the court permits service
30 by publication, the court shall set the new hearing date not later than
31 twenty-four days from the date of the order. If the order expires
32 because timely service cannot be made the court shall grant an ex parte
33 order of protection as provided in RCW 26.50.070. The court shall
34 grant the petition for renewal unless the respondent proves by a
35 preponderance of the evidence that the respondent will not resume acts
36 of domestic violence against the petitioner or the petitioner's
37 children or family or household members when the order expires. The
38 court may renew the protection order for another fixed time period or
39 may enter a permanent order as provided in this section. The court may

1 award court costs, service fees, and reasonable attorneys' fees as
2 provided in subsection (1)(f) of this section.

3 (4) In providing relief under this chapter, the court may realign
4 the designation of the parties as "petitioner" and "respondent" where
5 the court finds that the original petitioner is the abuser and the
6 original respondent is the victim of domestic violence and may issue an
7 ex parte temporary order for protection in accordance with RCW
8 26.50.070 on behalf of the victim until the victim is able to prepare
9 a petition for an order for protection in accordance with RCW
10 26.50.030.

11 (5) Except as provided in subsection (4) of this section, no order
12 for protection shall grant relief to any party except upon notice to
13 the respondent and hearing pursuant to a petition or counter-petition
14 filed and served by the party seeking relief in accordance with RCW
15 26.50.050.

16 (6) The court order shall specify the date the order expires if
17 any. The court order shall also state whether the court issued the
18 protection order following personal service or service by publication
19 and whether the court has approved service by publication of an order
20 issued under this section.

21 (7) If the court declines to issue an order for protection or
22 declines to renew an order for protection, the court shall state in
23 writing on the order the particular reasons for the court's denial.

24 **Sec. 8.** RCW 26.50.070 and 1994 sp.s. c 7 s 458 are each amended to
25 read as follows:

26 (1) Where an application under this section alleges that
27 irreparable injury could result from domestic violence if an order is
28 not issued immediately without prior notice to the respondent, the
29 court may grant an ex parte temporary order for protection, pending a
30 full hearing, and grant relief as the court deems proper, including an
31 order:

32 (a) Restraining any party from committing acts of domestic
33 violence;

34 (b) Excluding any party from the dwelling shared or from the
35 residence of the other until further order of the court;

36 (c) Restraining any party from interfering with the other's custody
37 of the minor children or from removing the children from the
38 jurisdiction of the court;

1 (d) Restraining any party from having any contact with the victim
2 of domestic violence or the victim's children or members of the
3 victim's household; and

4 (e) Considering the provisions of RCW 9.41.800.

5 (2) Irreparable injury under this section includes but is not
6 limited to situations in which the respondent has recently threatened
7 petitioner with bodily injury or has engaged in acts of domestic
8 violence against the petitioner.

9 (3) The court shall hold an ex parte hearing in person or by
10 telephone on the day the petition is filed or on the following judicial
11 day.

12 (4) An ex parte temporary order for protection shall be effective
13 for a fixed period not to exceed fourteen days or twenty-four days if
14 the court has permitted service by publication under RCW 26.50.085 or
15 by mail under section 16 of this act. The ex parte order may be
16 reissued. A full hearing, as provided in this chapter, shall be set
17 for not later than fourteen days from the issuance of the temporary
18 order or not later than twenty-four days if service by publication or
19 by mail is permitted. Except as provided in RCW 26.50.050 ~~((and)),~~
20 26.50.085, and section 16 of this act, the respondent shall be
21 personally served with a copy of the ex parte order along with a copy
22 of the petition and notice of the date set for the hearing.

23 (5) Any order issued under this section shall contain the date and
24 time of issuance and the expiration date and shall be entered into a
25 state-wide judicial information system by the clerk of the court within
26 one judicial day after issuance.

27 (6) If the court declines to issue an ex parte temporary order for
28 protection the court shall state the particular reasons for the court's
29 denial. The court's denial of a motion for an ex parte order of
30 protection shall be filed with the court.

31 **Sec. 9.** RCW 26.50.080 and 1984 c 263 s 9 are each amended to read
32 as follows:

33 (1) When an order is issued under this chapter upon request of the
34 petitioner, the court may order a peace officer to accompany the
35 petitioner and assist in placing the petitioner in possession of ((the
36 dwelling or residence,)) those items indicated in the order or to
37 otherwise assist in the execution of the order of protection. The
38 order shall list all items that are to be included with sufficient

1 specificity to make it clear which property is included. Orders issued
2 under this chapter shall include a designation of the appropriate law
3 enforcement agency to execute, serve, or enforce the order.

4 (2) Upon order of a court, a peace officer shall accompany the
5 petitioner in an order of protection and assist in placing the
6 petitioner in possession of all items listed in the order and to
7 otherwise assist in the execution of the order.

8 **Sec. 10.** RCW 26.50.090 and 1992 c 143 s 6 are each amended to read
9 as follows:

10 (1) An order issued under this chapter shall be personally served
11 upon the respondent, except as provided in subsections (6) and (8) of
12 this section.

13 (2) The sheriff of the county or the peace officers of the
14 municipality in which the respondent resides shall serve the respondent
15 personally unless the petitioner elects to have the respondent served
16 by a private party.

17 (3) If service by a sheriff or municipal peace officer is to be
18 used, the clerk of the court shall have a copy of any order issued
19 under this chapter forwarded on or before the next judicial day to the
20 appropriate law enforcement agency specified in the order for service
21 upon the respondent. Service of an order issued under this chapter
22 shall take precedence over the service of other documents unless they
23 are of a similar emergency nature.

24 (4) If the sheriff or municipal peace officer cannot complete
25 service upon the respondent within ten days, the sheriff or municipal
26 peace officer shall notify the petitioner. The petitioner shall
27 provide information sufficient to permit notification.

28 (5) Returns of service under this chapter shall be made in
29 accordance with the applicable court rules.

30 (6) If an order entered by the court recites that the respondent
31 appeared in person before the court, the necessity for further service
32 is waived and proof of service of that order is not necessary.

33 (~~(7) ((Except in cases where the petitioner is granted leave to~~
34 ~~proceed in forma pauperis,))~~ Municipal police departments serving
35 documents as required under this chapter may collect from respondents
36 ordered to pay fees under RCW 26.50.060 the same fees for service and
37 mileage authorized by RCW 36.18.040 to be collected by sheriffs.

1 (8) If the court previously entered an order allowing service ((by
2 publication)) of the notice of hearing and temporary order of
3 protection by publication pursuant to RCW 26.50.085 or by mail pursuant
4 to section 16 of this act, the court may permit service by publication
5 or by mail of the order of protection issued under RCW 26.50.060.
6 Service by publication must comply with the requirements of RCW
7 26.50.085 and service by mail must comply with the requirements of
8 section 16 of this act. The court order must state whether the court
9 permitted service by publication or by mail.

10 NEW SECTION. Sec. 11. A new section is added to chapter 26.50 RCW
11 to read as follows:

12 (1) Pursuant to chapter 2.42 RCW, an interpreter shall be appointed
13 for any party who, because of a hearing or speech impairment, cannot
14 readily understand or communicate in spoken language.

15 (2) Pursuant to chapter 2.43 RCW, an interpreter shall be appointed
16 for any party who cannot readily speak or understand the English
17 language.

18 (3) The interpreter shall translate or interpret for the party in
19 preparing forms, participating in the hearing and court-ordered
20 assessments, and translating any orders.

21 **Sec. 12.** RCW 26.50.095 and 1992 c 143 s 5 are each amended to read
22 as follows:

23 Following completion of service by publication as provided in RCW
24 26.50.085 or by mail as provided in section 16 of this act, if the
25 respondent fails to appear at the hearing, the court may issue an order
26 of protection as provided in RCW 26.50.060. That order must be served
27 pursuant to RCW 26.50.090, and forwarded to the appropriate law
28 enforcement agency pursuant to RCW 26.50.100.

29 **Sec. 13.** RCW 26.50.100 and 1992 c 143 s 7 are each amended to read
30 as follows:

31 (1) A copy of an order for protection granted under this chapter
32 shall be forwarded by the clerk of the court on or before the next
33 judicial day to the appropriate law enforcement agency specified in the
34 order.

35 Upon receipt of the order, the law enforcement agency shall
36 forthwith enter the order into any computer-based criminal intelligence

1 information system available in this state used by law enforcement
2 agencies to list outstanding warrants. The order shall remain in the
3 computer for the period stated in the order. The law enforcement
4 agency shall only expunge ((expired)) from the computer-based criminal
5 intelligence information system orders ((from the computer system))
6 that are expired, vacated, or superseded. Entry into the law
7 enforcement information system constitutes notice to all law
8 enforcement agencies of the existence of the order. The order is fully
9 enforceable in any county in the state.

10 (2) The information entered into the computer-based criminal
11 intelligence information system shall include notice to law enforcement
12 whether the order was personally served or served by publication.

13 **Sec. 14.** RCW 26.50.110 and 1992 c 86 s 5 are each amended to read
14 as follows:

15 (1) Whenever an order for protection is granted under this chapter
16 and the respondent or person to be restrained knows of the order, a
17 violation of the restraint provisions or of a provision excluding the
18 person from a residence, workplace, school, or daycare is a gross
19 misdemeanor. Upon conviction, and in addition to any other penalties
20 provided by law, the court may require that the respondent submit to
21 electronic monitoring. The court shall specify who shall provide the
22 electronic monitoring services, and the terms under which the
23 monitoring shall be performed. The order also may include a
24 requirement that the respondent pay the costs of the monitoring. The
25 court shall consider the ability of the convicted person to pay for
26 electronic monitoring.

27 (2) A peace officer shall arrest without a warrant and take into
28 custody a person whom the peace officer has probable cause to believe
29 has violated an order issued under this chapter that restrains the
30 person or excludes the person from a residence, workplace, school, or
31 daycare, if the person restrained knows of the order. Presence of the
32 order in the law enforcement computer-based criminal intelligence
33 information system is not the only means of establishing knowledge of
34 the order.

35 (3) A violation of an order for protection shall also constitute
36 contempt of court, and is subject to the penalties prescribed by law.

37 (4) Any assault that is a violation of an order issued under this
38 chapter and that does not amount to assault in the first or second

1 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any
2 conduct in violation of a protective order issued under this chapter
3 that is reckless and creates a substantial risk of death or serious
4 physical injury to another person is a class C felony.

5 (5) Upon the filing of an affidavit by the petitioner or any peace
6 officer alleging that the respondent has violated an order for
7 protection granted under this chapter, the court may issue an order to
8 the respondent, requiring the respondent to appear and show cause
9 within fourteen days why the respondent should not be found in contempt
10 of court and punished accordingly. The hearing may be held in the
11 court of any county or municipality in which the petitioner or
12 respondent temporarily or permanently resides at the time of the
13 alleged violation.

14 **Sec. 15.** RCW 26.50.115 and 1992 c 143 s 8 are each amended to read
15 as follows:

16 (1) When the court issues an ex parte order pursuant to RCW
17 26.50.070 or an order of protection ordered issued pursuant to RCW
18 26.50.060, the court shall advise the petitioner that the respondent
19 may not be subjected to the penalties set forth in RCW 26.50.110 for a
20 violation of the order unless the respondent knows of the order.

21 (2) When a peace officer investigates a report of an alleged
22 violation of an order for protection issued under this chapter the
23 officer shall attempt to determine whether the respondent knew of the
24 existence of the protection order. ~~((If the officer determines that
25 the respondent did not or probably did not know about the protection
26 order, the officer shall make reasonable efforts to obtain a copy of
27 the protection order and serve it on the respondent during the
28 investigation.))~~ If the law enforcement officer determines that the
29 respondent did not or probably did not know about the protection order
30 and the officer is provided a current copy of the order, the officer
31 shall serve the order on the respondent if the respondent is present.
32 If the respondent is not present, the officer shall make reasonable
33 efforts to serve a copy of the order on the respondent. If the officer
34 serves the respondent with the petitioner's copy of the order, the
35 officer shall give petitioner a receipt indicating that petitioner's
36 copy has been served on the respondent.

37 (3) Presentation of an unexpired, certified copy of a protection
38 order is sufficient for a law enforcement officer to enforce the terms

1 of the order regardless of the presence of the order in the law
2 enforcement computer-based criminal intelligence information system.

3 NEW SECTION. Sec. 16. A new section is added to chapter 26.50 RCW
4 to read as follows:

5 (1) In circumstances justifying service by publication under RCW
6 26.50.085(1), if the serving party files an affidavit stating facts
7 from which the court determines that service by mail is just as likely
8 to give actual notice as service by publication and that the serving
9 party is unable to afford the cost of service by publication, the court
10 may order that service be made by mail. Such service shall be made by
11 any person over eighteen years of age, who is competent to be a
12 witness, other than a party, by mailing copies of the order and other
13 process to the party to be served at his or her last known address or
14 any other address determined by the court to be appropriate. Two
15 copies shall be mailed, postage prepaid, one by ordinary first class
16 mail and the other by a form of mail requiring a signed receipt showing
17 when and to whom it was delivered. The envelopes must bear the return
18 address of the sender.

19 (2) Proof of service under this section shall be consistent with
20 court rules for civil proceedings.

21 (3) Service under this section may be used in the same manner and
22 shall have the same jurisdictional effect as service by publication for
23 purposes of this chapter. Service shall be deemed complete upon the
24 mailing of two copies as prescribed in this section.

25 **Sec. 17.** RCW 26.50.125 and 1992 c 143 s 9 are each amended to read
26 as follows:

27 The court may permit service by publication or by mail under this
28 chapter only if the petitioner pays the cost of publication or mailing
29 unless the county legislative authority allocates funds for service of
30 process by publication or by mail for indigent petitioners (~~who are~~
31 ~~granted leave to proceed in forma pauperis~~)).

32 NEW SECTION. Sec. 18. A new section is added to chapter 26.50 RCW
33 to read as follows:

34 To prevent the issuance of competing protection orders in different
35 courts and to give courts needed information for issuance of orders,
36 the judicial information system shall be available in each district,

1 municipal, and superior court by July 1, 1997, and shall include a
2 database containing the following information:

3 (1) The names of the parties and the cause number for every order
4 of protection issued under this title, every criminal no-contact order
5 issued under chapter 10.99 RCW, every antiharassment order issued under
6 chapter 10.14 RCW, every dissolution action under chapter 26.09 RCW,
7 every third-party custody action under chapter 26.10 RCW, and every
8 parentage action under chapter 26.10 RCW;

9 (2) A criminal history of the parties; and

10 (3) Other relevant information necessary to assist courts in
11 issuing orders under this chapter as determined by the judicial
12 information system committee.

13 NEW SECTION. **Sec. 19.** A new section is added to chapter 26.50 RCW
14 to read as follows:

15 (1) Before granting an order under this chapter directing
16 residential placement of a child or restraining or limiting a party's
17 contact with a child, the court shall consult the judicial information
18 system, if available, to determine the pendency of other proceedings
19 involving the residential placement of any child of the parties for
20 whom residential placement has been requested.

21 (2) Jurisdictional issues regarding out-of-state proceedings
22 involving the custody or residential placement of any child of the
23 parties shall be governed by the uniform child custody jurisdiction
24 act, chapter 26.27 RCW.

25 **Sec. 20.** RCW 10.31.100 and 1993 c 209 s 1 and 1993 c 128 s 5 are
26 each reenacted and amended to read as follows:

27 A police officer having probable cause to believe that a person has
28 committed or is committing a felony shall have the authority to arrest
29 the person without a warrant. A police officer may arrest a person
30 without a warrant for committing a misdemeanor or gross misdemeanor
31 only when the offense is committed in the presence of the officer,
32 except as provided in subsections (1) through (10) of this section.

33 (1) Any police officer having probable cause to believe that a
34 person has committed or is committing a misdemeanor or gross
35 misdemeanor, involving physical harm or threats of harm to any person
36 or property or the unlawful taking of property or involving the use or
37 possession of cannabis, or involving the acquisition, possession, or

1 consumption of alcohol by a person under the age of twenty-one years
2 under RCW 66.44.270 shall have the authority to arrest the person.

3 (2) A police officer shall arrest and take into custody, pending
4 release on bail, personal recognizance, or court order, a person
5 without a warrant when the officer has probable cause to believe that:

6 (a) An order has been issued of which the person has knowledge
7 under RCW 10.99.040(2), 10.99.050, 26.09.050, 26.09.060, 26.10.040,
8 26.10.115, 26.44.063, chapter 26.26 RCW, or chapter 26.50 RCW
9 restraining the person and the person has violated the terms of the
10 order restraining the person from acts or threats of violence or
11 excluding the person from a residence, workplace, school, or day care
12 or, in the case of an order issued under RCW 26.44.063, imposing any
13 other restrictions or conditions upon the person; or (b) The person
14 is ((~~eighteen~~)) sixteen years or older and within the preceding four
15 hours has assaulted ((~~that person's spouse, former spouse, or a person~~
16 ~~eighteen years or older with whom the person resides or has formerly~~
17 ~~resided~~)) a family or household member as defined in RCW 10.99.020 and
18 the officer believes: (i) A felonious assault has occurred; (ii) an
19 assault has occurred which has resulted in bodily injury to the victim,
20 whether the injury is observable by the responding officer or not; or
21 (iii) that any physical action has occurred which was intended to cause
22 another person reasonably to fear imminent serious bodily injury or
23 death. Bodily injury means physical pain, illness, or an impairment of
24 physical condition. When the officer has probable cause to believe
25 that spouses, former spouses, or other persons who reside together or
26 formerly resided together have assaulted each other, the officer is not
27 required to arrest both persons. The officer shall arrest the person
28 whom the officer believes to be the primary physical aggressor. In
29 making this determination, the officer shall make every reasonable
30 effort to consider: (i) The intent to protect victims of domestic
31 violence under RCW 10.99.010; (ii) the comparative extent of injuries
32 inflicted or serious threats creating fear of physical injury; and
33 (iii) the history of domestic violence between the persons involved.

34 (3) Any police officer having probable cause to believe that a
35 person has committed or is committing a violation of any of the
36 following traffic laws shall have the authority to arrest the person:

37 (a) RCW 46.52.010, relating to duty on striking an unattended car
38 or other property;

1 (b) RCW 46.52.020, relating to duty in case of injury to or death
2 of a person or damage to an attended vehicle;

3 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
4 racing of vehicles;

5 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
6 influence of intoxicating liquor or drugs;

7 (e) RCW 46.20.342, relating to driving a motor vehicle while
8 operator's license is suspended or revoked;

9 (f) RCW 46.61.525, relating to operating a motor vehicle in a
10 negligent manner.

11 (4) A law enforcement officer investigating at the scene of a motor
12 vehicle accident may arrest the driver of a motor vehicle involved in
13 the accident if the officer has probable cause to believe that the
14 driver has committed in connection with the accident a violation of any
15 traffic law or regulation.

16 (5) Any police officer having probable cause to believe that a
17 person has committed or is committing a violation of RCW ((88.12.100))
18 88.12.025 shall have the authority to arrest the person.

19 (6) An officer may act upon the request of a law enforcement
20 officer in whose presence a traffic infraction was committed, to stop,
21 detain, arrest, or issue a notice of traffic infraction to the driver
22 who is believed to have committed the infraction. The request by the
23 witnessing officer shall give an officer the authority to take
24 appropriate action under the laws of the state of Washington.

25 (7) Any police officer having probable cause to believe that a
26 person has committed or is committing any act of indecent exposure, as
27 defined in RCW 9A.88.010, may arrest the person.

28 (8) A police officer may arrest and take into custody, pending
29 release on bail, personal recognizance, or court order, a person
30 without a warrant when the officer has probable cause to believe that
31 an order has been issued of which the person has knowledge under
32 chapter 10.14 RCW and the person has violated the terms of that order.

33 (9) Any police officer having probable cause to believe that a
34 person has, within twenty-four hours of the alleged violation,
35 committed a violation of RCW 9A.50.020 may arrest such person.

36 (10) A police officer having probable cause to believe that a
37 person illegally possesses or illegally has possessed a firearm or
38 other dangerous weapon on private or public elementary or secondary
39 school premises shall have the authority to arrest the person.

1 For purposes of this subsection, the term "firearm" has the meaning
2 defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning
3 defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

4 (11) Except as specifically provided in subsections (2), (3), (4),
5 and (6) of this section, nothing in this section extends or otherwise
6 affects the powers of arrest prescribed in Title 46 RCW.

7 (12) No police officer may be held criminally or civilly liable for
8 making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police
9 officer acts in good faith and without malice.

10 **Sec. 21.** RCW 10.99.020 and 1994 c 121 s 4 are each amended to read
11 as follows:

12 Unless the context clearly requires otherwise, the definitions in
13 this section apply throughout this chapter.

14 (1) "Family or household members" means spouses, former spouses,
15 persons who have a child in common regardless of whether they have been
16 married or have lived together at any time, adult persons related by
17 blood or marriage, ~~((and))~~ adult persons who are presently residing
18 together or who have resided together in the past, persons sixteen
19 years of age or older who are presently residing together or who have
20 resided together in the past and who have or have had a dating
21 relationship, persons sixteen years of age or older with whom a
22 respondent sixteen years of age or older has or has had a dating
23 relationship, and persons who have a biological or legal parent-child
24 relationship, including stepparents and stepchildren and grandparents
25 and grandchildren.

26 (2) "Dating relationship" has the same meaning as in RCW 26.50.010.

27 (3) "Domestic violence" includes but is not limited to any of the
28 following crimes when committed by one family or household member
29 against another:

30 (a) Assault in the first degree (RCW 9A.36.011);

31 (b) Assault in the second degree (RCW 9A.36.021);

32 (c) Assault in the third degree (RCW 9A.36.031);

33 (d) Assault in the fourth degree (RCW 9A.36.041);

34 (e) Reckless endangerment in the first degree (RCW 9A.36.045);

35 (f) Reckless endangerment in the second degree (RCW 9A.36.050);

36 (g) Coercion (RCW 9A.36.070);

37 (h) Burglary in the first degree (RCW 9A.52.020);

38 (i) Burglary in the second degree (RCW 9A.52.030);

1 (j) Criminal trespass in the first degree (RCW 9A.52.070);
2 (k) Criminal trespass in the second degree (RCW 9A.52.080);
3 (l) Malicious mischief in the first degree (RCW 9A.48.070);
4 (m) Malicious mischief in the second degree (RCW 9A.48.080);
5 (n) Malicious mischief in the third degree (RCW 9A.48.090);
6 (o) Kidnapping in the first degree (RCW 9A.40.020);
7 (p) Kidnapping in the second degree (RCW 9A.40.030);
8 (q) Unlawful imprisonment (RCW 9A.40.040);
9 (r) Violation of the provisions of a restraining order restraining
10 the person or excluding the person from a residence (RCW 26.09.300);
11 (s) Violation of the provisions of a protection order or no-contact
12 order restraining the person or excluding the person from a residence
13 (RCW 26.50.060, 26.50.070, ~~((or))~~ 26.50.130, or 10.99.040);
14 (t) Rape in the first degree (RCW 9A.44.040);
15 (u) Rape in the second degree (RCW 9A.44.050); ~~((and))~~
16 (v) Residential burglary (RCW 9A.52.025); and
17 (w) Stalking (RCW 9A.46.110).
18 ~~((+3))~~ (4) "Victim" means a family or household member who has
19 been subjected to domestic violence.

20 **Sec. 22.** RCW 10.99.030 and 1993 c 350 s 3 are each amended to read
21 as follows:

22 (1) All training relating to the handling of domestic violence
23 complaints by law enforcement officers shall stress enforcement of
24 criminal laws in domestic situations, availability of community
25 resources, and protection of the victim. Law enforcement agencies and
26 community organizations with expertise in the issue of domestic
27 violence shall cooperate in all aspects of such training.

28 (2) The criminal justice training commission shall implement by
29 January 1, 1997, a course of instruction for the training of law
30 enforcement officers in Washington in the handling of domestic violence
31 complaints. The basic law enforcement curriculum of the criminal
32 justice training commission shall include at least twenty hours of
33 basic training instruction on the law enforcement response to domestic
34 violence. The course of instruction, the learning and performance
35 objectives, and the standards for the training shall be developed by
36 the commission and focus on enforcing the criminal laws, safety of the
37 victim, and holding the perpetrator accountable for the violence. The
38 curriculum shall include training on the extent and prevalence of

1 domestic violence, the importance of criminal justice intervention,
2 techniques for responding to incidents that minimize the likelihood of
3 officer injury and that promote victim safety, investigation and
4 interviewing skills, evidence gathering and report writing, assistance
5 to and services for victims and children, verification and enforcement
6 of court orders, liability, and any additional provisions that are
7 necessary to carry out the intention of this subsection.

8 (3) The criminal justice training commission shall develop and
9 update annually an in-service training program to familiarize law
10 enforcement officers with the domestic violence laws. The program
11 shall include techniques for handling incidents of domestic violence
12 that minimize the likelihood of injury to the officer and that promote
13 the safety of all parties. The commission shall make the training
14 program available to all law enforcement agencies in the state.

15 (4) Development of the training in subsections (2) and (3) of this
16 section shall be conducted in conjunction with agencies having a
17 primary responsibility for serving victims of domestic violence with
18 emergency shelter and other services, and representatives to the state-
19 wide organization providing training and education to these
20 organizations and to the general public.

21 ~~((+2))~~ (5) The primary duty of peace officers, when responding to
22 a domestic violence situation, is to enforce the laws allegedly
23 violated and to protect the complaining party.

24 ~~((+3))~~ (6)(a) When a peace officer responds to a domestic violence
25 call and has probable cause to believe that a crime has been committed,
26 the peace officer shall exercise arrest powers with reference to the
27 criteria in RCW 10.31.100. The officer shall notify the victim of the
28 victim's right to initiate a criminal proceeding in all cases where the
29 officer has not exercised arrest powers or decided to initiate criminal
30 proceedings by citation or otherwise. The parties in such cases shall
31 also be advised of the importance of preserving evidence.

32 (b) A peace officer responding to a domestic violence call shall
33 take a complete offense report including the officer's disposition of
34 the case.

35 ~~((+4))~~ (7) When a peace officer responds to a domestic violence
36 call, the officer shall advise victims of all reasonable means to
37 prevent further abuse, including advising each person of the
38 availability of a shelter or other services in the community, and
39 giving each person immediate notice of the legal rights and remedies

1 available. The notice shall include handing each person a copy of the
2 following statement:

3 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the
4 city or county prosecuting attorney to file a criminal
5 complaint. You also have the right to file a petition in
6 superior, district, or municipal court requesting an order for
7 protection from domestic abuse which could include any of the
8 following: (a) An order restraining your abuser from further
9 acts of abuse; (b) an order directing your abuser to leave your
10 household; (c) an order preventing your abuser from entering
11 your residence, school, business, or place of employment; (d)
12 an order awarding you or the other parent custody of or
13 visitation with your minor child or children; and (e) an order
14 restraining your abuser from molesting or interfering with
15 minor children in your custody. The forms you need to obtain
16 a protection order are available in any municipal, district, or
17 superior court.

18 Information about shelters and alternatives to domestic
19 violence is available from a state-wide twenty-four-hour toll-
20 free hotline at ~~((1-800-562-6025))~~ (include appropriate phone
21 number). The battered women's shelter and other resources in
22 your area are (include local information)"

23 ~~((+5))~~ (8) The peace officer may offer, arrange, or facilitate
24 transportation for the victim to a hospital for treatment of injuries
25 or to a place of safety or shelter.

26 ~~((+6))~~ (9) The law enforcement agency shall forward the offense
27 report to the appropriate prosecutor within ten days of making such
28 report if there is probable cause to believe that an offense has been
29 committed, unless the case is under active investigation.

30 ~~((+7))~~ (10) Each law enforcement agency shall make as soon as
31 practicable a written record and shall maintain records of all
32 incidents of domestic violence reported to it.

33 ~~((+8))~~ (11) Records kept pursuant to subsections ~~((+3) and (+7))~~
34 (6) and (10) of this section shall be made identifiable by means of a
35 departmental code for domestic violence.

36 ~~((+9))~~ (12) Commencing January 1, 1994, records of incidents of
37 domestic violence shall be submitted, in accordance with procedures
38 described in this subsection, to the Washington association of sheriffs

1 and police chiefs by all law enforcement agencies. The Washington
2 criminal justice training commission shall amend its contract for
3 collection of state-wide crime data with the Washington association of
4 sheriffs and police chiefs:

5 (a) To include a table, in the annual report of crime in Washington
6 produced by the Washington association of sheriffs and police chiefs
7 pursuant to the contract, showing the total number of actual offenses
8 and the number and percent of the offenses that are domestic violence
9 incidents for the following crimes: (i) Criminal homicide, with
10 subtotals for murder and nonnegligent homicide and manslaughter by
11 negligence; (ii) forcible rape, with subtotals for rape by force and
12 attempted forcible rape; (iii) robbery, with subtotals for firearm,
13 knife or cutting instrument, or other dangerous weapon, and strongarm
14 robbery; (iv) assault, with subtotals for firearm, knife or cutting
15 instrument, other dangerous weapon, hands, feet, aggravated, and other
16 nonaggravated assaults; (v) burglary, with subtotals for forcible
17 entry, nonforcible unlawful entry, and attempted forcible entry; (vi)
18 larceny theft, except motor vehicle theft; (vii) motor vehicle theft,
19 with subtotals for autos, trucks and buses, and other vehicles; and
20 (viii) arson;

21 (b) To require that the table shall continue to be prepared and
22 contained in the annual report of crime in Washington until that time
23 as comparable or more detailed information about domestic violence
24 incidents is available through the Washington state incident based
25 reporting system and the information is prepared and contained in the
26 annual report of crime in Washington; and

27 (c) To require that, in consultation with interested persons, the
28 Washington association of sheriffs and police chiefs prepare and
29 disseminate procedures to all law enforcement agencies in the state as
30 to how the agencies shall code and report domestic violence incidents
31 to the Washington association of sheriffs and police chiefs.

32 **Sec. 23.** RCW 10.99.040 and 1994 sp.s. c 7 s 449 are each amended
33 to read as follows:

34 (1) Because of the serious nature of domestic violence, the court
35 in domestic violence actions:

36 (a) Shall not dismiss any charge or delay disposition because of
37 concurrent dissolution or other civil proceedings;

1 (b) Shall not require proof that either party is seeking a
2 dissolution of marriage prior to instigation of criminal proceedings;

3 (c) Shall waive any requirement that the victim's location be
4 disclosed to any person, other than the attorney of a criminal
5 defendant, upon a showing that there is a possibility of further
6 violence: PROVIDED, That the court may order a criminal defense
7 attorney not to disclose to his or her client the victim's location;
8 and

9 (d) Shall identify by any reasonable means on docket sheets those
10 criminal actions arising from acts of domestic violence.

11 (2) Because of the likelihood of repeated violence directed at
12 those who have been victims of domestic violence in the past, when any
13 person charged with or arrested for a crime involving domestic violence
14 is released from custody before arraignment or trial on bail or
15 personal recognizance, the court authorizing the release may prohibit
16 that person from having any contact with the victim. The jurisdiction
17 authorizing the release shall determine whether that person should be
18 prohibited from having any contact with the victim. If there is no
19 outstanding restraining or protective order prohibiting that person
20 from having contact with the victim, the court authorizing release may
21 issue, by telephone, a no-contact order prohibiting the person charged
22 or arrested from having contact with the victim. In issuing the order,
23 the court shall consider the provisions of RCW 9.41.800. The no-
24 contact order shall also be issued in writing as soon as possible.

25 (3) At the time of arraignment the court shall determine whether a
26 no-contact order shall be issued or extended. If a no-contact order is
27 issued or extended, the court may also include in the conditions of
28 release a requirement that the defendant submit to electronic
29 monitoring. If electronic monitoring is ordered, the court shall
30 specify who shall provide the monitoring services, and the terms under
31 which the monitoring shall be performed. Upon conviction, the court
32 may require as a condition of the sentence that the defendant reimburse
33 the providing agency for the costs of the electronic monitoring.

34 (4)(a) Willful violation of a court order issued under subsection
35 (2) or (3) of this section is a gross misdemeanor. Upon conviction and
36 in addition to other penalties provided by law, the court may require
37 that the defendant submit to electronic monitoring. The court shall
38 specify who shall provide the electronic monitoring services and the
39 terms under which the monitoring must be performed. The court also may

1 include a requirement that the defendant pay the costs of the
2 monitoring. The court shall consider the ability of the convicted
3 person to pay for electronic monitoring.

4 (b) Any assault that is a violation of an order issued under this
5 section and that does not amount to assault in the first or second
6 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable
7 under chapter 9A.20 RCW, and any conduct in violation of a protective
8 order issued under this section that is reckless and creates a
9 substantial risk of death or serious physical injury to another person
10 is a class C felony punishable under chapter 9A.20 RCW.

11 (c) The written order releasing the person charged or arrested
12 shall contain the court's directives and shall bear the legend:
13 "Violation of this order is a criminal offense under chapter 10.99 RCW
14 and will subject a violator to arrest; any assault or reckless
15 endangerment that is a violation of this order is a felony. You can be
16 arrested even if any person protected by the order invites or allows
17 you to violate the order's prohibitions. You have the sole
18 responsibility to avoid or refrain from violating the order's
19 provisions. Only the court can change the order." A certified copy of
20 the order shall be provided to the victim. If a no-contact order has
21 been issued prior to charging, that order shall expire at arraignment
22 or within seventy-two hours if charges are not filed. Such orders need
23 not be entered into the computer-based criminal intelligence
24 information system in this state which is used by law enforcement
25 agencies to list outstanding warrants.

26 (5) Whenever an order prohibiting contact is issued, modified, or
27 terminated under subsection (2) or (3) of this section, the clerk of
28 the court shall forward a copy of the order on or before the next
29 judicial day to the appropriate law enforcement agency specified in the
30 order. Upon receipt of the copy of the order the law enforcement
31 agency shall forthwith enter the order for one year or until the
32 expiration date specified on the order into any computer-based criminal
33 intelligence information system available in this state used by law
34 enforcement agencies to list outstanding warrants. Entry into the law
35 enforcement information system constitutes notice to all law
36 enforcement agencies of the existence of the order. The order is fully
37 enforceable in any jurisdiction in the state.

1 NEW SECTION. **Sec. 24.** (1) By January 1, 1997, the criminal
2 justice training commission shall develop an educational manual and a
3 training curriculum for prosecutors in Washington state regarding
4 domestic violence. The manual and curriculum shall include but not be
5 limited to: The nature, extent, and causes of domestic violence; laws
6 on domestic violence; practices designed to promote safety of the
7 victim and other family and household members, including safety plans;
8 the responsibility and authority of the criminal justice system to
9 intervene in domestic violence; considerations that should go into
10 screening and charging decisions; violations of court orders; trial
11 tactics; evidence collection; victim advocates; considerations that
12 should go into effective sentencing dispositions related to victim
13 safety and perpetrator accountability; lethality; and community
14 resources for victims, perpetrators, and children.

15 (2) By July 1, 1998, the commission shall distribute a copy of the
16 manual and curriculum specified in subsection (1) of this section to
17 the prosecuting attorney for each county and unit of government for
18 their use in education and training.

19 (3) The manual and curriculum specified in subsection (1) of this
20 section shall be developed in conjunction with agencies responsible for
21 prosecuting domestic violence cases, agencies having a primary
22 responsibility for serving victims of domestic violence with emergency
23 shelter and other services, representatives of the state-wide
24 organization providing training and education to these organizations
25 and the general public, and others with a demonstrated expertise on
26 domestic violence and the criminal justice system.

27 **Sec. 25.** RCW 26.09.050 and 1994 sp.s. c 7 s 451 are each amended
28 to read as follows:

29 (1) In entering a decree of dissolution of marriage, legal
30 separation, or declaration of invalidity, the court shall determine the
31 marital status of the parties, make provision for a parenting plan for
32 any minor child of the marriage, make provision for the support of any
33 child of the marriage entitled to support, consider or approve
34 provision for the maintenance of either spouse, make provision for the
35 disposition of property and liabilities of the parties, make provision
36 for the allocation of the children as federal tax exemptions, make
37 provision for any necessary continuing restraining orders including the
38 provisions contained in RCW 9.41.800, make provision for the issuance

1 within this action of the restraint provisions of a domestic violence
2 protection order under chapter 26.50 RCW or an antiharassment
3 protection order under chapter 10.14 RCW, and make provision for the
4 change of name of any party.

5 (2) Restraining orders issued under this section restraining the
6 person from molesting or disturbing another party or from going onto
7 the grounds of or entering the home, workplace, or school of the other
8 party or the day care or school of any child shall prominently bear on
9 the front page of the order the legend: VIOLATION OF THIS ORDER WITH
10 ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.09
11 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

12 (3) The court shall order that any restraining order bearing a
13 criminal offense legend, any domestic violence protection order, or any
14 antiharassment protection order granted under this section be forwarded
15 by the clerk of the court on or before the next judicial day to the
16 appropriate law enforcement agency specified in the order. Upon
17 receipt of the order, the law enforcement agency shall forthwith enter
18 the order into any computer-based criminal intelligence information
19 system available in this state used by law enforcement agencies to list
20 outstanding warrants. The order is fully enforceable in any county in
21 the state.

22 **Sec. 26.** RCW 26.09.060 and 1994 sp.s. c 7 s 452 are each amended
23 to read as follows:

24 (1) In a proceeding for:

25 (a) Dissolution of marriage, legal separation, or a declaration of
26 invalidity; or

27 (b) Disposition of property or liabilities, maintenance, or support
28 following dissolution of the marriage by a court which lacked personal
29 jurisdiction over the absent spouse; either party may move for
30 temporary maintenance or for temporary support of children entitled to
31 support. The motion shall be accompanied by an affidavit setting forth
32 the factual basis for the motion and the amounts requested.

33 (2) As a part of a motion for temporary maintenance or support or
34 by independent motion accompanied by affidavit, either party may
35 request the court to issue a temporary restraining order or preliminary
36 injunction, providing relief proper in the circumstances, and
37 restraining or enjoining any person from:

1 (a) Transferring, removing, encumbering, concealing, or in any way
2 disposing of any property except in the usual course of business or for
3 the necessities of life, and, if so restrained or enjoined, requiring
4 him or her to notify the moving party of any proposed extraordinary
5 expenditures made after the order is issued;

6 (b) Molesting or disturbing the peace of the other party or of any
7 child;

8 (c) (~~(Entering the family home or the home))~~ Going onto the grounds
9 of or entering the home, workplace, or school of the other party or the
10 day care or school of any child upon a showing of the necessity
11 therefor;

12 (d) Removing a child from the jurisdiction of the court.

13 (3) Either party may request a domestic violence protection order
14 under chapter 26.50 RCW or an antiharassment protection order under
15 chapter 10.14 RCW on a temporary basis. The court may grant any of the
16 relief provided in RCW 26.50.060 except relief pertaining to
17 residential provisions for the children which provisions shall be
18 provided for under this chapter, and any of the relief provided in RCW
19 10.14.080. Ex parte orders issued under this subsection shall be
20 effective for a fixed period not to exceed fourteen days, or upon court
21 order, not to exceed twenty-four days if necessary to ensure that all
22 temporary motions in the case can be heard at the same time.

23 (4) In issuing the order, the court shall consider the provisions
24 of RCW 9.41.800.

25 (~~(+4))~~ (5) The court may issue a temporary restraining order
26 without requiring notice to the other party only if it finds on the
27 basis of the moving affidavit or other evidence that irreparable injury
28 could result if an order is not issued until the time for responding
29 has elapsed.

30 (~~(+5))~~ (6) The court may issue a temporary restraining order or
31 preliminary injunction and an order for temporary maintenance or
32 support in such amounts and on such terms as are just and proper in the
33 circumstances. The court may in its discretion waive the filing of the
34 bond or the posting of security.

35 (~~(+6))~~ (7) Restraining orders issued under this section
36 restraining the person from molesting or disturbing another party or
37 from (~~entering a party's home~~) going onto the grounds of or entering
38 the home, workplace, or school of the other party or the day care or
39 school of any child shall prominently bear on the front page of the

1 order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS
2 TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.09 RCW AND WILL SUBJECT A
3 VIOLATOR TO ARREST.

4 (~~(7)~~) (8) The court (~~may~~) shall order that any temporary
5 restraining order bearing a criminal offense legend, any domestic
6 violence protection order, or any antiharassment protection order
7 granted under this section be forwarded by the clerk of the court on or
8 before the next judicial day to the appropriate law enforcement agency
9 specified in the order. Upon receipt of the order, the law enforcement
10 agency shall forthwith enter the order (~~for one year~~) into any
11 computer-based criminal intelligence information system available in
12 this state used by law enforcement agencies to list outstanding
13 warrants. Entry into the law enforcement information system
14 constitutes notice to all law enforcement agencies of the existence of
15 the order. The order is fully enforceable in any county in the state.

16 (~~(8)~~) (9) A temporary order, temporary restraining order, or
17 preliminary injunction:

18 (a) Does not prejudice the rights of a party or any child which are
19 to be adjudicated at subsequent hearings in the proceeding;

20 (b) May be revoked or modified;

21 (c) Terminates when the final decree is entered, except as provided
22 under subsection (~~(9)~~) (10) of this section, or when the petition for
23 dissolution, legal separation, or declaration of invalidity is
24 dismissed;

25 (d) May be entered in a proceeding for the modification of an
26 existing decree.

27 (~~(9)~~) (10) Delinquent support payments accrued under an order for
28 temporary support remain collectible and are not extinguished when a
29 final decree is entered unless the decree contains specific language to
30 the contrary. A support debt under a temporary order owed to the state
31 for public assistance expenditures shall not be extinguished by the
32 final decree if:

33 (a) The obligor was given notice of the state's interest under
34 chapter 74.20A RCW; or

35 (b) The temporary order directs the obligor to make support
36 payments to the office of support enforcement or the Washington state
37 support registry.

1 **Sec. 27.** RCW 26.09.300 and 1984 c 263 s 28 are each amended to
2 read as follows:

3 (1) Whenever a restraining order is issued under this chapter, and
4 the person to be restrained knows of the order, a violation of the
5 provisions restricting the person from acts or threats of violence or
6 of a provision excluding the person from the residence, workplace,
7 school, or daycare of another is a misdemeanor.

8 (2) A person is deemed to have notice of a restraining order if:

9 (a) The person to be restrained or the person's attorney signed the
10 order;

11 (b) The order recites that the person to be restrained or the
12 person's attorney appeared in person before the court;

13 (c) The order was served upon the person to be restrained; or

14 (d) The peace officer gives the person oral or written evidence of
15 the order by reading from it or handing to the person a certified copy
16 of the original order, certified to be an accurate copy of the original
17 by a notary public or by the clerk of the court.

18 (3) A peace officer shall verify the existence of a restraining
19 order by:

20 (a) Obtaining information confirming the existence and terms of the
21 order from a law enforcement agency; or

22 (b) Obtaining a certified copy of the order, certified to be an
23 accurate copy of the original by a notary public or by the clerk of the
24 court.

25 (4) A peace officer shall arrest and take into custody, pending
26 release on bail, personal recognizance, or court order, a person
27 without a warrant when the officer has probable cause to believe that:

28 (a) A restraining order has been issued under this chapter;

29 (b) The respondent or person to be restrained knows of the order;
30 and

31 (c) The person to be arrested has violated the terms of the order
32 restraining the person from acts or threats of violence or excluding
33 the person from the residence.

34 (5) It is a defense to prosecution under subsection (1) of this
35 section that the court order was issued contrary to law or court rule.

36 (6) No peace officer may be held criminally or civilly liable for
37 making an arrest under subsection (4) of this section if the officer
38 acts in good faith and without malice.

1 **Sec. 28.** RCW 26.10.040 and 1994 sp.s. c 7 s 453 are each amended
2 to read as follows:

3 In entering an order under this chapter, the court shall consider,
4 approve, or make provision for:

5 (1) Child custody, visitation, and the support of any child
6 entitled to support;

7 (2) The allocation of the children as a federal tax exemption;
8 (~~and~~)

9 (3) Any necessary continuing restraining orders, including the
10 provisions contained in RCW 9.41.800;

11 (4) A domestic violence protection order under chapter 26.50 RCW or
12 an antiharassment protection order under chapter 10.14 RCW. The court
13 may grant any of the relief provided in RCW 26.50.060 except relief
14 pertaining to residential provisions for the children which provisions
15 shall be provided for under this chapter, and any of the relief
16 provided in RCW 10.14.080;

17 (5) Restraining orders issued under this section restraining the
18 person from molesting or disturbing another party or from going onto
19 the grounds of or entering the home, workplace, or school of the other
20 party or the day care or school of any child shall prominently bear on
21 the front page of the order the legend: VIOLATION OF THIS ORDER WITH
22 ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.10
23 RCW AND WILL SUBJECT A VIOLATOR TO ARREST;

24 (6) The court shall order that any restraining order bearing a
25 criminal offense legend, any domestic violence protection order, or any
26 antiharassment protection order granted under this section be forwarded
27 by the clerk of the court on or before the next judicial day to the
28 appropriate law enforcement agency specified in the order. Upon
29 receipt of the order, the law enforcement agency shall forthwith enter
30 the order into any computer-based criminal intelligence information
31 system available in this state used by law enforcement agencies to list
32 outstanding warrants. The order is fully enforceable in any county in
33 the state.

34 **Sec. 29.** RCW 26.10.115 and 1994 sp.s. c 7 s 454 are each amended
35 to read as follows:

36 (1) In a proceeding under this chapter either party may file a
37 motion for temporary support of children entitled to support. The

1 motion shall be accompanied by an affidavit setting forth the factual
2 basis for the motion and the amount requested.

3 (2) In a proceeding under this chapter either party may file a
4 motion for a temporary restraining order or preliminary injunction,
5 providing relief proper in the circumstances, and restraining or
6 enjoining any person from:

7 (a) Molesting or disturbing the peace of the other party or of any
8 child;

9 (b) Entering the family home or the home of the other party upon a
10 showing of the necessity therefor;

11 (c) Removing a child from the jurisdiction of the court.

12 (3) Either party may request a domestic violence protection order
13 under chapter 26.50 RCW or an antiharassment protection order under
14 chapter 10.14 RCW on a temporary basis. The court may grant any of the
15 relief provided in RCW 26.50.060 except relief pertaining to
16 residential provisions for the children which provisions shall be
17 provided for under this chapter, and any of the relief provided in RCW
18 10.14.080. Ex parte orders issued under this subsection shall be
19 effective for a fixed period not to exceed fourteen days, or upon court
20 order, not to exceed twenty-four days if necessary to ensure that all
21 temporary motions in the case can be heard at the same time.

22 (4) In issuing the order, the court shall consider the provisions
23 of RCW 9.41.800.

24 ~~((+4))~~ (5) The court may issue a temporary restraining order
25 without requiring notice to the other party only if it finds on the
26 basis of the moving affidavit or other evidence that irreparable injury
27 could result if an order is not issued until the time for responding
28 has elapsed.

29 ~~((+5))~~ (6) The court may issue a temporary restraining order or
30 preliminary injunction and an order for temporary support in such
31 amounts and on such terms as are just and proper in the circumstances.

32 ~~((+6))~~ (7) Restraining orders issued under this section
33 restraining the person from molesting or disturbing another party or
34 from ~~((entering a party's home))~~ going onto the grounds of or entering
35 the home, workplace, or school of the other party or the day care or
36 school of any child shall prominently bear on the front page of the
37 order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS
38 TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.10 RCW AND WILL SUBJECT A
39 VIOLATOR TO ARREST.

1 (~~(7)~~) (8) The court (~~(may)~~) shall order that any temporary
2 restraining order bearing a criminal offense legend, any domestic
3 violence protection order, or any antiharassment protection order
4 granted under this section be forwarded by the clerk of the court on or
5 before the next judicial day to the appropriate law enforcement agency
6 specified in the order. Upon receipt of the order, the law enforcement
7 agency shall forthwith enter the order (~~(for one year)~~) into any
8 computer-based criminal intelligence information system available in
9 this state used by law enforcement agencies to list outstanding
10 warrants. Entry into the law enforcement information system
11 constitutes notice to all law enforcement agencies of the existence of
12 the order. The order is fully enforceable in any county in the state.

13 (~~(8)~~) (9) A temporary order, temporary restraining order, or
14 preliminary injunction:

15 (a) Does not prejudice the rights of a party or any child which are
16 to be adjudicated at subsequent hearings in the proceeding;

17 (b) May be revoked or modified;

18 (c) Terminates when the final order is entered or when the motion
19 is dismissed;

20 (d) May be entered in a proceeding for the modification of an
21 existing order.

22 (~~(9)~~) (10) A support debt owed to the state for public assistance
23 expenditures which has been charged against a party pursuant to RCW
24 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
25 extinguished by, the final decree or order, unless the office of
26 support enforcement has been given notice of the final proceeding and
27 an opportunity to present its claim for the support debt to the court
28 and has failed to file an affidavit as provided in this subsection.
29 Notice of the proceeding shall be served upon the office of support
30 enforcement personally, or by certified mail, and shall be given no
31 fewer than thirty days prior to the date of the final proceeding. An
32 original copy of the notice shall be filed with the court either before
33 service or within a reasonable time thereafter. The office of support
34 enforcement may present its claim, and thereby preserve the support
35 debt, by filing an affidavit setting forth the amount of the debt with
36 the court, and by mailing a copy of the affidavit to the parties or
37 their attorney prior to the date of the final proceeding.

1 **Sec. 30.** RCW 26.10.220 and 1987 c 460 s 50 are each amended to
2 read as follows:

3 (1) Whenever a restraining order is issued under this chapter, and
4 the person to be restrained knows of the order, a violation of the
5 provisions restricting the person from acts or threats of violence or
6 of a provision excluding the person from the residence, workplace,
7 school, or daycare of another is a misdemeanor.

8 (2) A person is deemed to have notice of a restraining order if:

9 (a) The person to be restrained or the person's attorney signed the
10 order;

11 (b) The order recites that the person to be restrained or the
12 person's attorney appeared in person before the court;

13 (c) The order was served upon the person to be restrained; or

14 (d) The peace officer gives the person oral or written evidence of
15 the order by reading from it or handing to the person a certified copy
16 of the original order, certified to be an accurate copy of the original
17 by a notary public or by the clerk of the court.

18 (3) A peace officer shall verify the existence of a restraining
19 order by:

20 (a) Obtaining information confirming the existence and terms of the
21 order from a law enforcement agency; or

22 (b) Obtaining a certified copy of the order, certified to be an
23 accurate copy of the original by a notary public or by the clerk of the
24 court.

25 (4) A peace officer shall arrest and take into custody, pending
26 release on bail, personal recognizance, or court order, a person
27 without a warrant when the officer has probable cause to believe that:

28 (a) A restraining order has been issued under this chapter;

29 (b) The respondent or person to be restrained knows of the order;
30 and

31 (c) The person to be arrested has violated the terms of the order
32 restraining the person from acts or threats of violence or excluding
33 the person from the residence.

34 (5) It is a defense to prosecution under subsection (1) of this
35 section that the court order was issued contrary to law or court rule.

36 (6) No peace officer may be held criminally or civilly liable for
37 making an arrest under subsection (4) of this section if the officer
38 acts in good faith and without malice.

1 **Sec. 31.** RCW 26.26.130 and 1994 sp.s. c 7 s 455 are each amended
2 to read as follows:

3 (1) The judgment and order of the court determining the existence
4 or nonexistence of the parent and child relationship shall be
5 determinative for all purposes.

6 (2) If the judgment and order of the court is at variance with the
7 child's birth certificate, the court shall order that an amended birth
8 certificate be issued.

9 (3) The judgment and order shall contain other appropriate
10 provisions directed to the appropriate parties to the proceeding,
11 concerning the duty of current and future support, the extent of any
12 liability for past support furnished to the child if that issue is
13 before the court, the furnishing of bond or other security for the
14 payment of the judgment, or any other matter in the best interest of
15 the child. The judgment and order may direct the father to pay the
16 reasonable expenses of the mother's pregnancy and confinement. The
17 judgment and order may include a continuing restraining order or
18 injunction. In issuing the order, the court shall consider the
19 provisions of RCW 9.41.800.

20 (4) Support judgment and orders shall be for periodic payments
21 which may vary in amount. The court may limit the father's liability
22 for the past support to the child to the proportion of the expenses
23 already incurred as the court deems just. The court shall not limit or
24 affect in any manner the right of nonparties including the state of
25 Washington to seek reimbursement for support and other services
26 previously furnished to the child.

27 (5) After considering all relevant factors, the court shall order
28 either or both parents to pay an amount determined pursuant to the
29 schedule and standards contained in chapter 26.19 RCW.

30 (6) On the same basis as provided in chapter 26.09 RCW, the court
31 shall make residential provisions with regard to minor children of the
32 parties, except that a parenting plan shall not be required unless
33 requested by a party.

34 (7) In any dispute between the natural parents of a child and a
35 person or persons who have (a) commenced adoption proceedings or who
36 have been granted an order of adoption, and (b) pursuant to a court
37 order, or placement by the department of social and health services or
38 by a licensed agency, have had actual custody of the child for a period
39 of one year or more before court action is commenced by the natural

1 parent or parents, the court shall consider the best welfare and
2 interests of the child, including the child's need for situation
3 stability, in determining the matter of custody, and the parent or
4 person who is more fit shall have the superior right to custody.

5 (8) In entering an order under this chapter, the court may issue
6 any necessary continuing restraining orders, including the restraint
7 provisions of domestic violence protection orders under chapter 26.50
8 RCW or antiharassment protection orders under chapter 10.14 RCW.

9 (9) Restraining orders issued under this section restraining the
10 person from molesting or disturbing another party or from going onto
11 the grounds of or entering the home, workplace, or school of the other
12 party or the day care or school of any child shall prominently bear on
13 the front page of the order the legend: VIOLATION OF THIS ORDER WITH
14 ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.26
15 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

16 (10) The court shall order that any restraining order bearing a
17 criminal offense legend, any domestic violence protection order, or any
18 antiharassment protection order granted under this section be forwarded
19 by the clerk of the court on or before the next judicial day to the
20 appropriate law enforcement agency specified in the order. Upon
21 receipt of the order, the law enforcement agency shall forthwith enter
22 the order into any computer-based criminal intelligence information
23 system available in this state used by law enforcement agencies to list
24 outstanding warrants. The order is fully enforceable in any county in
25 the state.

26 **Sec. 32.** RCW 26.26.137 and 1994 sp.s. c 7 s 456 are each amended
27 to read as follows:

28 (1) If the court has made a finding as to the paternity of a child,
29 or if a party's acknowledgment of paternity has been filed with the
30 court, or a party alleges he is the father of the child, any party may
31 move for temporary support for the child prior to the date of entry of
32 the final order. The motion shall be accompanied by an affidavit
33 setting forth the factual basis for the motion and the amounts
34 requested.

35 (2) Any party may request the court to issue a temporary
36 restraining order or preliminary injunction, providing relief proper in
37 the circumstances, and restraining or enjoining any party from:

38 (a) Molesting or disturbing the peace of another party;

1 (b) ~~((Entering the home))~~ Going onto the grounds of or entering the
2 home, workplace, or school of another party or the day care or school
3 of any child; or

4 (c) Removing a child from the jurisdiction of the court.

5 (3) Either party may request a domestic violence protection order
6 under chapter 26.50 RCW or an antiharassment protection order under
7 chapter 10.14 RCW on a temporary basis. The court may grant any of the
8 relief provided in RCW 26.50.060 except relief pertaining to
9 residential provisions for the children which provisions shall be
10 provided for under this chapter, and any of the relief provided in RCW
11 10.14.080. Ex parte orders issued under this subsection shall be
12 effective for a fixed period not to exceed fourteen days, or upon court
13 order, not to exceed twenty-four days if necessary to ensure that all
14 temporary motions in the case can be heard at the same time.

15 (4) Restraining orders issued under this section restraining the
16 person from molesting or disturbing another party or from going onto
17 the grounds of or entering the home, workplace, or school of the other
18 party or the day care or school of any child shall prominently bear on
19 the front page of the order the legend: VIOLATION OF THIS ORDER WITH
20 ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.26
21 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

22 (5) The court shall order that any temporary restraining order
23 bearing a criminal offense legend, any domestic violence protection
24 order, or any antiharassment protection order granted under this
25 section be forwarded by the clerk of the court on or before the next
26 judicial day to the appropriate law enforcement agency specified in the
27 order. Upon receipt of the order, the law enforcement agency shall
28 forthwith enter the order into any computer-based criminal intelligence
29 information system available in this state used by law enforcement
30 agencies to list outstanding warrants. The order is fully enforceable
31 in any county in the state.

32 (6) The court may issue a temporary restraining order without
33 requiring notice to the other party only if it finds on the basis of
34 the moving affidavit or other evidence that irreparable injury could
35 result if an order is not issued until the time for responding has
36 elapsed.

37 ~~((+4))~~ (7) The court may issue a temporary restraining order or
38 preliminary injunction and an order for temporary support in such
39 amounts and on such terms as are just and proper in the circumstances.

1 In issuing the order, the court shall consider the provisions of RCW
2 9.41.800.

3 ~~((+5+))~~ (8) A temporary order, temporary restraining order, or
4 preliminary injunction:

5 (a) Does not prejudice the rights of a party or any child which are
6 to be adjudicated at subsequent hearings in the proceeding;

7 (b) May be revoked or modified;

8 (c) Terminates when the final order is entered or when the petition
9 is dismissed; and

10 (d) May be entered in a proceeding for the modification of an
11 existing order.

12 ~~((+6+))~~ (9) A support debt owed to the state for public assistance
13 expenditures which has been charged against a party pursuant to RCW
14 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
15 extinguished by, the final decree or order, unless the office of
16 support enforcement has been given notice of the final proceeding and
17 an opportunity to present its claim for the support debt to the court
18 and has failed to file an affidavit as provided in this subsection.
19 Notice of the proceeding shall be served upon the office of support
20 enforcement personally, or by certified mail, and shall be given no
21 fewer than thirty days prior to the date of the final proceeding. An
22 original copy of the notice shall be filed with the court either before
23 service or within a reasonable time thereafter. The office of support
24 enforcement may present its claim, and thereby preserve the support
25 debt, by filing an affidavit setting forth the amount of the debt with
26 the court, and by mailing a copy of the affidavit to the parties or
27 their attorney prior to the date of the final proceeding.

28 NEW SECTION. Sec. 33. A new section is added to chapter 26.26 RCW
29 to read as follows:

30 (1) Whenever a restraining order is issued under this chapter, and
31 the person to be restrained knows of the order, a violation of the
32 provisions restricting the person from acts or threats of violence or
33 of a provision excluding the person from the residence, workplace,
34 school, or daycare of another is a misdemeanor.

35 (2) A person is deemed to have notice of a restraining order if:

36 (a) The person to be restrained or the person's attorney signed the
37 order;

1 (b) The order recites that the person to be restrained or the
2 person's attorney appeared in person before the court;

3 (c) The order was served upon the person to be restrained; or

4 (d) The peace officer gives the person oral or written evidence of
5 the order by reading from it or handing to the person a certified copy
6 of the original order, certified to be an accurate copy of the original
7 by a notary public or by the clerk of the court.

8 (3) A peace officer shall verify the existence of a restraining
9 order by:

10 (a) Obtaining information confirming the existence and terms of the
11 order from a law enforcement agency; or

12 (b) Obtaining a certified copy of the order, certified to be an
13 accurate copy of the original by a notary public or by the clerk of the
14 court.

15 (4) A peace officer shall arrest and take into custody, pending
16 release on bail, personal recognizance, or court order, a person
17 without a warrant when the officer has probable cause to believe that:

18 (a) A restraining order has been issued under this chapter;

19 (b) The respondent or person to be restrained knows of the order;
20 and

21 (c) The person to be arrested has violated the terms of the order
22 restraining the person from acts or threats of violence or excluding
23 the person from the residence.

24 (5) It is a defense to prosecution under subsection (1) of this
25 section that the court order was issued contrary to law or court rule.

26 (6) No peace officer may be held criminally or civilly liable for
27 making an arrest under subsection (4) of this section if the officer
28 acts in good faith and without malice.

29 **Sec. 34.** RCW 4.24.130 and 1992 c 30 s 1 are each amended to read
30 as follows:

31 (1) Any person desiring a change of his or her name or that of his
32 or her child or ward, may apply therefor to the district court of the
33 judicial district in which he or she resides, by petition setting forth
34 the reasons for such change; thereupon such court in its discretion may
35 order a change of the name and thenceforth the new name shall be in
36 place of the former.

37 The district court shall collect the fees authorized by RCW
38 36.18.010 for filing and recording a name change order, and transmit

1 the fee and the order to the county auditor. The court may collect a
2 reasonable fee to cover the cost of transmitting the order to the
3 county auditor.

4 (2) Name change petitions may be filed and shall be heard in
5 superior court when the person desiring a change of his or her name or
6 that of his or her child or ward is a victim of domestic violence as
7 defined in RCW 26.50.010(1) and the person seeks to have the name
8 change file sealed due to reasonable fear for his or her safety or that
9 of his or her child or ward. Upon granting the name change, the
10 superior court shall seal the file if the court finds that the safety
11 of the person seeking the name change or his or her child or ward
12 warrants sealing the file. In all cases filed under this subsection,
13 whether or not the name change petition is granted, there shall be no
14 public access to any court record of the name change filing,
15 proceeding, or order, unless the name change is granted but the file is
16 not sealed.

17 NEW SECTION. Sec. 35. A new section is added to chapter 10.14 RCW
18 to read as follows:

19 Any order available under this chapter may be issued in actions
20 under chapter 26.09, 26.10, or 26.26 RCW. An order available under
21 this chapter that is issued under those chapters shall be fully
22 enforceable and shall be enforced pursuant to the provisions of this
23 chapter.

24 **Sec. 36.** RCW 10.14.080 and 1994 sp.s. c 7 s 448 are each amended
25 to read as follows:

26 (1) Upon filing a petition for a civil antiharassment protection
27 order under this chapter, the petitioner may obtain an ex parte
28 temporary antiharassment protection order. An ex parte temporary
29 antiharassment protection order may be granted with or without notice
30 upon the filing of an affidavit which, to the satisfaction of the
31 court, shows reasonable proof of unlawful harassment of the petitioner
32 by the respondent and that great or irreparable harm will result to the
33 petitioner if the temporary antiharassment protection order is not
34 granted.

35 (2) An ex parte temporary antiharassment protection order shall be
36 effective for a fixed period not to exceed fourteen days or twenty-four
37 days if the court has permitted service by publication under RCW

1 10.14.085. The ex parte order may be reissued. A full hearing, as
2 provided in this chapter, shall be set for not later than fourteen days
3 from the issuance of the temporary order or not later than twenty-four
4 days if service by publication is permitted. Except as provided in RCW
5 10.14.070 and 10.14.085, the respondent shall be personally served with
6 a copy of the ex parte order along with a copy of the petition and
7 notice of the date set for the hearing.

8 (3) At the hearing, if the court finds by a preponderance of the
9 evidence that unlawful harassment exists, a civil antiharassment
10 protection order shall issue prohibiting such unlawful harassment.

11 (4) An order issued under this chapter shall be effective for not
12 more than one year unless the court finds that the respondent is likely
13 to resume unlawful harassment of the petitioner when the order expires.
14 If so, the court may enter an order for a fixed time exceeding one year
15 or may enter a permanent antiharassment protection order. The court
16 shall not enter an order that is effective for more than one year if
17 the order restrains the respondent from contacting the respondent's
18 minor children. This limitation is not applicable to civil
19 antiharassment protection orders issued under chapter 26.09, 26.10, or
20 26.26 RCW. If the petitioner seeks relief for a period longer than one
21 year on behalf of the respondent's minor children, the court shall
22 advise the petitioner that the petitioner may apply for renewal of the
23 order as provided in this chapter or if appropriate may seek relief
24 pursuant to chapter 26.09 or 26.10 RCW.

25 (5) At any time within the three months before the expiration of
26 the order, the petitioner may apply for a renewal of the order by
27 filing a petition for renewal. The petition for renewal shall state
28 the reasons why the petitioner seeks to renew the protection order.
29 Upon receipt of the petition for renewal, the court shall order a
30 hearing which shall be not later than fourteen days from the date of
31 the order. Except as provided in RCW 10.14.085, personal service shall
32 be made upon the respondent not less than five days before the hearing.
33 If timely service cannot be made the court shall set a new hearing date
34 and shall either require additional attempts at obtaining personal
35 service or permit service by publication as provided by RCW 10.14.085.
36 If the court permits service by publication, the court shall set the
37 new hearing date not later than twenty-four days from the date of the
38 order. If the order expires because timely service cannot be made the
39 court shall grant an ex parte order of protection as provided in this

1 section. The court shall grant the petition for renewal unless the
2 respondent proves by a preponderance of the evidence that the
3 respondent will not resume harassment of the petitioner when the order
4 expires. The court may renew the protection order for another fixed
5 time period or may enter a permanent order as provided in subsection
6 (4) of this section.

7 (6) The court, in granting an ex parte temporary antiharassment
8 protection order or a civil antiharassment protection order, shall have
9 broad discretion to grant such relief as the court deems proper,
10 including an order:

11 (a) Restraining the respondent from making any attempts to contact
12 the petitioner;

13 (b) Restraining the respondent from making any attempts to keep the
14 petitioner under surveillance;

15 (c) Requiring the respondent to stay a stated distance from the
16 petitioner's residence and workplace; and

17 (d) Considering the provisions of RCW 9.41.800.

18 (7) A petitioner may not obtain an ex parte temporary
19 antiharassment protection order against a respondent if the petitioner
20 has previously obtained two such ex parte orders against the same
21 respondent but has failed to obtain the issuance of a civil
22 antiharassment protection order unless good cause for such failure can
23 be shown.

24 (8) The court order shall specify the date an order issued pursuant
25 to subsections (4) and (5) of this section expires if any. The court
26 order shall also state whether the court issued the protection order
27 following personal service or service by publication and whether the
28 court has approved service by publication of an order issued under this
29 section.

30 **Sec. 37.** RCW 26.50.150 and 1991 c 301 s 7 are each amended to read
31 as follows:

32 The department of social and health services shall adopt rules for
33 standards of approval of domestic violence perpetrator programs that
34 accept perpetrators of domestic violence into treatment to satisfy
35 court orders or that represent the programs as ones that treat domestic
36 violence perpetrators. The treatment must meet the following minimum
37 qualifications:

1 (1) All treatment must be based upon a full, complete clinical
2 intake including: Current and past violence history; a lethality risk
3 assessment; a complete diagnostic evaluation; a substance abuse
4 assessment; criminal history; assessment of cultural issues, learning
5 disabilities, literacy, and special language needs; and a treatment
6 plan that adequately and appropriately addresses the treatment needs of
7 the individual.

8 (2) To facilitate communication necessary for periodic safety
9 checks and case monitoring, the program must require the perpetrator to
10 sign the following releases:

11 (a) A release for the program to inform the victim and victim's
12 community and legal advocates that the perpetrator is in treatment with
13 the program, and to provide information, for safety purposes, to the
14 victim and victim's community and legal advocates;

15 (b) A release to prior and current treatment agencies to provide
16 information on the perpetrator to the program; and

17 (c) A release for the program to provide information on the
18 perpetrator to relevant legal entities including: Lawyers, courts,
19 parole, probation, child protective services, and child welfare
20 services.

21 (3) Treatment must be for a minimum treatment period defined by the
22 secretary of the department by rule. The weekly treatment sessions
23 must be in a group unless there is a documented, clinical reason for
24 another modality. Any other therapies, such as individual, marital, or
25 family therapy, substance abuse evaluations or therapy, medication
26 reviews, or psychiatric interviews, may be concomitant with the weekly
27 group treatment sessions described in this section but not a substitute
28 for it.

29 (4) The treatment must focus primarily on ending the violence,
30 holding the perpetrator accountable for his or her violence, and
31 changing his or her behavior. The treatment must be based on
32 nonvictim-blaming strategies and philosophies and shall include
33 education about the individual, family, and cultural dynamics of
34 domestic violence.

35 (5) Satisfactory completion of treatment must be contingent upon
36 the perpetrator meeting specific criteria, defined by rule by the
37 secretary of the department, and not just upon the end of a certain
38 period of time or a certain number of sessions.

1 (6) The program must have policies and procedures for dealing with
2 reoffenses and noncompliance.

3 (7) All evaluation and treatment services must be provided by, or
4 under the supervision of, qualified personnel.

5 (8) The secretary of the department may adopt rules and establish
6 fees as necessary to implement this section.

7 (9) A county may create a review board to evaluate the
8 qualifications of any domestic violence perpetrator program within that
9 county that seeks state approval to accept perpetrators of domestic
10 violence into treatment to satisfy court orders or to represent itself
11 as a program that treats domestic violence perpetrators. The role of
12 the review board is to provide input to the department of social and
13 health services using the standards set out in chapter 388-60 WAC. The
14 members of the board shall include but need not be limited to a
15 probation officer, victim advocate, and perpetrator treatment provider.
16 If a county creates a review board, the department of social and health
17 services shall seek input from the county review board before approving
18 any domestic violence perpetrator program in that county. If the
19 department approves a program over the objection of a county review
20 board, the department shall inform the county review board in writing
21 of the reasons for its approval of the program and shall certify the
22 program for twelve months only. At the end of the twelve-month period,
23 the department shall seek input from the county review board to
24 determine whether to approve or disapprove the program.

25 NEW SECTION. Sec. 38. The office of the administrator for the
26 courts shall report to the appropriate standing committees of the
27 legislature at the beginning of the 1996 legislative session on the
28 status of the work required under section 18 of this act.

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