

2 **SHB 2756 - H AMD 874 WITHDRAWN 2-13-98**

3 By Representative Costa

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 10.31.100 and 1997 c 66 s 10 are each amended to read  
8 as follows:

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

15 (1) Any police officer having probable cause to believe that a  
16 person has committed or is committing a misdemeanor or gross  
17 misdemeanor, involving physical harm or threats of harm to any person  
18 or property or the unlawful taking of property or involving the use or  
19 possession of cannabis, or involving the acquisition, possession, or  
20 consumption of alcohol by a person under the age of twenty-one years  
21 under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070  
22 or 9A.52.080, shall have the authority to arrest the person.

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

26 (a) An order has been issued of which the person has knowledge  
27 under RCW 10.99.040(2), 10.99.050, 26.09.050, 26.09.060, 26.10.040,  
28 26.10.115, 26.44.063, chapter 26.26 RCW, or chapter 26.50 RCW  
29 restraining the person and the person has violated the terms of the  
30 order restraining the person from acts or threats of violence, from  
31 contacting or coming within a specified distance of another person with  
32 the intent of intimidating, harassing, or frightening the other person  
33 or if the person knows or reasonably should have known that the other  
34 person is afraid, intimidated, or harassed even if that person did not  
35 intend to place the other person in fear, or intimidate or harass the  
36 other person, or ((restraining the person)) from going onto the grounds

1 of ~~((or))~~, entering, or coming within a specified distance of a  
2 residence, workplace, school, or day care or, in the case of an order  
3 issued under RCW 26.44.063, imposing any other restrictions or  
4 conditions upon the person; or

5 (b) The person is sixteen years or older and within the preceding  
6 four hours has assaulted a family or household member as defined in RCW  
7 10.99.020 and the officer believes: (i) A felonious assault has  
8 occurred; (ii) an assault has occurred which has resulted in bodily  
9 injury to the victim, whether the injury is observable by the  
10 responding officer or not; or (iii) that any physical action has  
11 occurred which was intended to cause another person reasonably to fear  
12 imminent serious bodily injury or death. Bodily injury means physical  
13 pain, illness, or an impairment of physical condition. When the  
14 officer has probable cause to believe that family or household members  
15 have assaulted each other, the officer is not required to arrest both  
16 persons. The officer shall arrest the person whom the officer believes  
17 to be the primary physical aggressor. In making this determination,  
18 the officer shall make every reasonable effort to consider: (i) The  
19 intent to protect victims of domestic violence under RCW 10.99.010;  
20 (ii) the comparative extent of injuries inflicted or serious threats  
21 creating fear of physical injury; and (iii) the history of domestic  
22 violence between the persons involved.

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

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

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

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

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

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

36 (f) RCW 46.61.5249, relating to operating a motor vehicle in a  
37 negligent manner.

38 (4) A law enforcement officer investigating at the scene of a motor  
39 vehicle accident may arrest the driver of a motor vehicle involved in

1 the accident if the officer has probable cause to believe that the  
2 driver has committed in connection with the accident a violation of any  
3 traffic law or regulation.

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

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

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

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

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

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

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

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

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

37 **Sec. 2.** RCW 26.50.060 and 1996 c 248 s 13 are each amended to read  
38 as follows:

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

3 (a) Restrain the respondent from committing acts of domestic  
4 violence;

5 (b) (~~Exclude~~) Restrain the respondent from going onto the grounds  
6 of, entering, or coming within a specified distance of the dwelling  
7 which the parties share, (~~from~~) the residence, workplace, or school  
8 of the petitioner, or (~~from~~) the day care or school of a child;

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

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

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

18 (f) Require the respondent to pay the administrative court costs  
19 and service fees, as established by the county or municipality  
20 incurring the expense and to reimburse the petitioner for costs  
21 incurred in bringing the action, including a reasonable attorney's fee;

22 (g) Restrain the respondent from having any contact with or coming  
23 within a specified distance of the victim of domestic violence or the  
24 victim's children or members of the victim's household with the intent  
25 of intimidating, harassing, or frightening the victim, the victim's  
26 children, or members of the victim's household or if the respondent  
27 knows or reasonably should have known that the victim, the victim's  
28 children, or members of the victim's household are afraid, intimidated,  
29 or harassed even if the respondent did not intend to place the victim,  
30 the victim's children, or members of the victim's household in fear, or  
31 intimidate or harass the victim, the victim's children, or members of  
32 the victim's household;

33 (h) Require the respondent to submit to electronic monitoring. The  
34 order shall specify who shall provide the electronic monitoring  
35 services and the terms under which the monitoring must be performed.  
36 The order also may include a requirement that the respondent pay the  
37 costs of the monitoring. The court shall consider the ability of the  
38 respondent to pay for electronic monitoring;

39 (i) Consider the provisions of RCW 9.41.800;

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

4 (k) Order use of a vehicle.

5 (2) If a restraining order restrains the respondent from contacting  
6 the respondent's minor children the restraint shall be for a fixed  
7 period not to exceed one year. This limitation is not applicable to  
8 orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW.  
9 With regard to other relief, if the petitioner has petitioned for  
10 relief on his or her own behalf or on behalf of the petitioner's family  
11 or household members or minor children, and the court finds that the  
12 respondent is likely to resume acts of domestic violence against the  
13 petitioner or the petitioner's family or household members or minor  
14 children when the order expires, the court may either grant relief for  
15 a fixed period or enter a permanent order of protection.

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

22 (3) If the court grants an order for a fixed time period, the  
23 petitioner may apply for renewal of the order by filing a petition for  
24 renewal at any time within the three months before the order expires.  
25 The petition for renewal shall state the reasons why the petitioner  
26 seeks to renew the protection order. Upon receipt of the petition for  
27 renewal the court shall order a hearing which shall be not later than  
28 fourteen days from the date of the order. Except as provided in RCW  
29 26.50.085, personal service shall be made on the respondent not less  
30 than five days before the hearing. If timely service cannot be made  
31 the court shall set a new hearing date and shall either require  
32 additional attempts at obtaining personal service or permit service by  
33 publication as provided in RCW 26.50.085 or by mail as provided in RCW  
34 26.50.123. If the court permits service by publication or mail, the  
35 court shall set the new hearing date not later than twenty-four days  
36 from the date of the order. If the order expires because timely  
37 service cannot be made the court shall grant an ex parte order of  
38 protection as provided in RCW 26.50.070. The court shall grant the  
39 petition for renewal unless the respondent proves by a preponderance of

1 the evidence that the respondent will not resume acts of domestic  
2 violence against the petitioner or the petitioner's children or family  
3 or household members when the order expires. The court may renew the  
4 protection order for another fixed time period or may enter a permanent  
5 order as provided in this section. The court may award court costs,  
6 service fees, and reasonable attorneys' fees as provided in subsection  
7 (1)(f) of this section.

8 (4) In providing relief under this chapter, the court may realign  
9 the designation of the parties as "petitioner" and "respondent" where  
10 the court finds that the original petitioner is the abuser and the  
11 original respondent is the victim of domestic violence and may issue an  
12 ex parte temporary order for protection in accordance with RCW  
13 26.50.070 on behalf of the victim until the victim is able to prepare  
14 a petition for an order for protection in accordance with RCW  
15 26.50.030.

16 (5) Except as provided in subsection (4) of this section, no order  
17 for protection shall grant relief to any party except upon notice to  
18 the respondent and hearing pursuant to a petition or counter-petition  
19 filed and served by the party seeking relief in accordance with RCW  
20 26.50.050.

21 (6) The court order shall specify the date the order expires if  
22 any. The court order shall also state whether the court issued the  
23 protection order following personal service, service by publication, or  
24 service by mail and whether the court has approved service by  
25 publication or mail of an order issued under this section.

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

29 **Sec. 3.** RCW 26.50.070 and 1996 c 248 s 14 are each amended to read  
30 as follows:

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

37 (a) Restraining any party from committing acts of domestic  
38 violence;

1 (b) Restraining any party from going onto the grounds of ~~((or))~~,  
2 entering, or coming within a specified distance of the dwelling that  
3 the parties share, from the residence, workplace, or school of the  
4 other, or from the day care or school of a child until further order of  
5 the court;

6 (c) Restraining any party from interfering with the other's custody  
7 of the minor children or from removing the children from the  
8 jurisdiction of the court;

9 (d) Restraining any party from having any contact with or coming  
10 within a specified distance of the victim of domestic violence or the  
11 victim's children or members of the victim's household with the intent  
12 of intimidating, harassing, or frightening the victim, the victim's  
13 children, or members of the victim's household or if the party knows or  
14 reasonably should have known that the victim, victim's children, or  
15 members of the victim's household are afraid, intimidated, or harassed  
16 even if the party did not intend to place the victim, victim's  
17 children, or members of the victim's household in fear, or intimidate  
18 or harass the victim, victim's children, or members of the victim's  
19 household; and

20 (e) Considering the provisions of RCW 9.41.800.

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

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

28 (4) An ex parte temporary order for protection shall be effective  
29 for a fixed period not to exceed fourteen days or twenty-four days if  
30 the court has permitted service by publication under RCW 26.50.085 or  
31 by mail under RCW 26.50.123. The ex parte order may be reissued. A  
32 full hearing, as provided in this chapter, shall be set for not later  
33 than fourteen days from the issuance of the temporary order or not  
34 later than twenty-four days if service by publication or by mail is  
35 permitted. Except as provided in RCW 26.50.050, 26.50.085, and  
36 26.50.123, the respondent shall be personally served with a copy of the  
37 ex parte order along with a copy of the petition and notice of the date  
38 set for the hearing.

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

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

9 **Sec. 4.** RCW 26.50.110 and 1996 c 248 s 16 are each amended to read  
10 as follows:

11 (1) Whenever an order for protection is granted under this chapter  
12 and the respondent or person to be restrained knows of the order, a  
13 violation of ~~((the))~~ any restraint provision~~((s or of))~~ including a  
14 provision ~~((excluding))~~ restraining the person from going onto the  
15 grounds of, entering, or coming within a specified distance of a  
16 residence, workplace, school, or day care is a gross misdemeanor except  
17 as provided in subsections (4) and (5) of this section. Upon  
18 conviction, and in addition to any other penalties provided by law, the  
19 court may require that the respondent submit to electronic monitoring.  
20 The court shall specify who shall provide the electronic monitoring  
21 services, and the terms under which the monitoring shall be performed.  
22 The order also may include a requirement that the respondent pay the  
23 costs of the monitoring. The court shall consider the ability of the  
24 convicted person to pay for electronic monitoring.

25 (2) A peace officer shall arrest without a warrant and take into  
26 custody a person whom the peace officer has probable cause to believe  
27 has violated an order issued under this chapter that restrains the  
28 person ~~((or excludes the person))~~ in any manner including from going  
29 onto the grounds of, entering, or coming within a specified distance of  
30 a residence, workplace, school, or day care, if the person restrained  
31 knows of the order. Presence of the order in the law enforcement  
32 computer-based criminal intelligence information system is not the only  
33 means of establishing knowledge of the order.

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

36 (4) Any assault that is a violation of an order issued under this  
37 chapter and that does not amount to assault in the first or second  
38 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any



1 conduct in violation of a protective order issued under this chapter  
2 that is reckless and creates a substantial risk of death or serious  
3 physical injury to another person is a class C felony.

4 (5) A violation of a court order issued under this chapter is a  
5 class C felony if the offender has at least two previous convictions  
6 for violating the provisions of a no-contact order issued under chapter  
7 10.99 RCW, a domestic violence protection order issued under chapter  
8 26.09, 26.10, or 26.26 RCW or this chapter, or any federal or out-of-  
9 state order that is comparable to a no-contact or protection order  
10 issued under Washington law. The previous convictions may involve the  
11 same victim or other victims specifically protected by the no-contact  
12 orders or protection orders the offender violated.

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

22 **Sec. 5.** RCW 26.50.160 and 1995 c 246 s 18 are each amended to read  
23 as follows:

24 Notwithstanding any statutes to the contrary, to prevent the  
25 issuance of competing protection and custody orders in different courts  
26 and to give courts needed information for issuance of orders, ((the  
27 judicial information system shall be available in each district,  
28 municipal, and superior court by July 1, 1997, and shall include a data  
29 base containing the following information:

30 (1) The names of the parties and the cause number for)) the  
31 legislature finds it is necessary and in the public's interest for  
32 courts to collect and enter into the judicial information system  
33 personal identifiers on all parties and other persons named in orders  
34 in the following actions: Every order of protection issued under this  
35 title, every criminal no-contact order issued under chapter 10.99 RCW,  
36 every antiharassment order issued under chapter 10.14 RCW, every  
37 dissolution action under chapter 26.09 RCW involving either minor  
38 children or a restraining order wherein the court restricts personal

1 contact, every third-party custody action under chapter 26.10 RCW,  
2 ((and)) every parentage action under chapter ((26.10)) 26.26 RCW((+)  
3 (2) A criminal history of the parties; and  
4 (3) Other relevant information necessary to assist courts in  
5 issuing orders under this chapter as determined by the judicial  
6 information system committee)) upon entry of the final judgment and  
7 order, every child custody action under chapter 26.27 RCW, every  
8 dependency and termination of parent-child relationship action under  
9 chapter 13.34 RCW, and every at-risk youth and child in need of  
10 services action under chapter 13.32A RCW in which a residential  
11 placement decision is made. The data shall include full legal name,  
12 names also known by or previously known by, case number and date of  
13 birth, and one other identifier to be determined by the judicial  
14 information system. This information shall be entered on all parties  
15 to the case and for other persons named in the order. This  
16 information, along with the judicial information criminal case history  
17 of the parties, and the order history for each case type named, shall  
18 be shared with all municipal, district, and superior courts in the  
19 state.

20 Collecting information and entering it in the judicial information  
21 system under this section does not constitute the practice of law, and  
22 clerks are not responsible for incorrect or incomplete information  
23 provided by the litigants and entered in the judicial information  
24 system. County clerks are not liable for unauthorized release of  
25 information outside their office by court personnel. Sharing this  
26 information with other courts in the state of Washington does not  
27 violate statutory confidentiality restrictions, provided that juvenile  
28 dependency records covered by RCW 13.50.100 may be shared only among  
29 superior courts.

30 **Sec. 6.** RCW 26.50.135 and 1995 c 246 s 19 are each amended to read  
31 as follows:

32 (1) Notwithstanding any statutes to the contrary, before granting  
33 an order under this chapter directing residential placement of a child  
34 or restraining or limiting a party's contact with a child, the court  
35 shall consult the judicial information system, if available, to  
36 determine the pendency of other proceedings involving the residential  
37 placement of any child of the parties for whom residential placement  
38 has been requested. Providing to the court judicial information from

1 the judicial information system under this section does not constitute  
2 the practice of law by the clerks, and clerks are not responsible for  
3 incorrect information. County clerks are not liable for unauthorized  
4 release of court information outside their office by court personnel.  
5 Sharing information from the judicial information system with other  
6 courts in the state of Washington does not violate statutory  
7 confidentiality restrictions; however, juvenile dependency records  
8 covered by RCW 13.50.100 may be shared only among superior courts.

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

13 **Sec. 7.** RCW 26.50.025 and 1995 c 246 s 2 are each amended to read  
14 as follows:

15 (1) Any order available under this chapter may be issued in actions  
16 under chapter 26.09, 26.10, or 26.26 RCW after entry of the judgment  
17 and order determining the parent and child relationship. If an order  
18 for protection is issued in an action under chapter 26.09, 26.10, or  
19 26.26 RCW, the order shall be issued on the forms mandated by RCW  
20 26.50.035(1). An order issued in accordance with this subsection is  
21 fully enforceable and shall be enforced under the provisions of this  
22 chapter.

23 (2) If a party files an action under chapter 26.09, 26.10, or 26.26  
24 RCW, an order issued previously under this chapter between the same  
25 parties may be consolidated by the court under that action and cause  
26 number. Any order issued under this chapter after consolidation shall  
27 contain the original cause number and the cause number of the action  
28 under chapter 26.09, 26.10, or 26.26 RCW. Relief under this chapter  
29 shall not be denied or delayed on the grounds that the relief is  
30 available in another action.

31 **Sec. 8.** RCW 26.09.050 and 1995 c 93 s 2 are each amended to read  
32 as follows:

33 (1) In entering a decree of dissolution of marriage, legal  
34 separation, or declaration of invalidity, the court shall determine the  
35 marital status of the parties, make provision for a parenting plan for  
36 any minor child of the marriage, make provision for the support of any  
37 child of the marriage entitled to support, consider or approve

1 provision for the maintenance of either spouse, make provision for the  
2 disposition of property and liabilities of the parties, make provision  
3 for the allocation of the children as federal tax exemptions, make  
4 provision for any necessary continuing restraining orders including the  
5 provisions contained in RCW 9.41.800, make provision for the issuance  
6 within this action of the restraint provisions of a domestic violence  
7 protection order under chapter 26.50 RCW or an antiharassment  
8 protection order under chapter 10.14 RCW, and make provision for the  
9 change of name of any party.

10 (2) Restraining orders issued under this section restraining the  
11 person from acts or threats of violence or molesting or disturbing  
12 another party, from contacting or coming within a specified distance of  
13 another party with the intent of intimidating, harassing, or  
14 frightening the party or if the person knows or reasonably should have  
15 known that the party is afraid, intimidated, or harassed even if that  
16 person did not intend to place the other party in fear, or intimidate  
17 or harass the other party, or from going onto the grounds of ((or)),  
18 entering, or coming within a specified distance of the home, workplace,  
19 or school of the other party or the day care or school of any child  
20 shall prominently bear on the front page of the order the legend:  
21 VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL  
22 OFFENSE UNDER CHAPTER 26.09 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

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

34 **Sec. 9.** RCW 26.09.060 and 1995 c 246 s 26 are each amended to read  
35 as follows:

36 (1) In a proceeding for:

37 (a) Dissolution of marriage, legal separation, or a declaration of  
38 invalidity; or

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

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

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

17 (b) Acts or threats of violence or molesting or disturbing the  
18 peace of the other party or of any child;

19 (c) Going onto the grounds of ((~~or~~)), entering, or coming within a  
20 specified distance of the home, workplace, or school of the other party  
21 or the day care or school of any child upon a showing of the necessity  
22 therefor;

23 (d) Removing a child from the jurisdiction of the court;

24 (e) Contacting or coming within a specified distance of another  
25 party with the intent of intimidating, harassing, or frightening the  
26 party or if the person knows or reasonably should have known that the  
27 other party is afraid, intimidated, or harassed even if that person did  
28 not intend to place the other party in fear, or intimidate or harass  
29 the other party.

30 (3) Either party may request a domestic violence protection order  
31 under chapter 26.50 RCW or an antiharassment protection order under  
32 chapter 10.14 RCW on a temporary basis. The court may grant any of the  
33 relief provided in RCW 26.50.060 except relief pertaining to  
34 residential provisions for the children which provisions shall be  
35 provided for under this chapter, and any of the relief provided in RCW  
36 10.14.080. Ex parte orders issued under this subsection shall be  
37 effective for a fixed period not to exceed fourteen days, or upon court  
38 order, not to exceed twenty-four days if necessary to ensure that all  
39 temporary motions in the case can be heard at the same time.

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

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

8 (6) The court may issue a temporary restraining order or  
9 preliminary injunction and an order for temporary maintenance or  
10 support in such amounts and on such terms as are just and proper in the  
11 circumstances. The court may in its discretion waive the filing of the  
12 bond or the posting of security.

13 (7) Restraining orders issued under this section restraining the  
14 person from acts or threats of violence or molesting or disturbing  
15 another party, from contacting or coming within a specified distance of  
16 another party with the intent of intimidating, harassing, or  
17 frightening the party or if the person knows or reasonably should have  
18 known that the other party is afraid, intimidated, or harassed even if  
19 that person did not intend to place the other party in fear, or  
20 intimidate or harass the other party, or from going onto the grounds of  
21 ((or)), entering, or coming within a specified distance of the home,  
22 workplace, or school of the other party or the day care or school of  
23 any child shall prominently bear on the front page of the order the  
24 legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A  
25 CRIMINAL OFFENSE UNDER CHAPTER 26.09 RCW AND WILL SUBJECT A VIOLATOR TO  
26 ARREST.

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

1 (9) A temporary order, temporary restraining order, or preliminary  
2 injunction:

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

5 (b) May be revoked or modified;

6 (c) Terminates when the final decree is entered, except as provided  
7 under subsection (10) of this section, or when the petition for  
8 dissolution, legal separation, or declaration of invalidity is  
9 dismissed;

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

12 (10) Delinquent support payments accrued under an order for  
13 temporary support remain collectible and are not extinguished when a  
14 final decree is entered unless the decree contains specific language to  
15 the contrary. A support debt under a temporary order owed to the state  
16 for public assistance expenditures shall not be extinguished by the  
17 final decree if:

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

20 (b) The temporary order directs the obligor to make support  
21 payments to the office of support enforcement or the Washington state  
22 support registry.

23 **Sec. 10.** RCW 26.09.300 and 1996 c 248 s 9 are each amended to read  
24 as follows:

25 (1) Whenever a restraining order is issued under this chapter, and  
26 the person to be restrained knows of the order, a violation of the  
27 provisions restricting the person from acts or threats of violence or  
28 molesting or disturbing another party, from contacting or coming within  
29 a specified distance of another party with the intent of intimidating,  
30 harassing, or frightening the party or if the person knows or  
31 reasonably should have known that the other party is afraid,  
32 intimidated, or harassed even if that person did not intend to place  
33 the other party in fear, or intimidate or harass the other party, or  
34 ((of a provision restraining the person)) from going onto the grounds  
35 of ((or)), entering, or coming within a specified distance of the  
36 residence, workplace, school, or day care of another is a misdemeanor.

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

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

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

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

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

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

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

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

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

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

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

23 (c) The person to be arrested has violated the terms of the order  
24 restraining the person from acts or threats of violence or molesting or  
25 disturbing another, from contacting or coming within a specified  
26 distance of another party with the intent of intimidating, harassing,  
27 or frightening the party or if the person knows or reasonably should  
28 have known that the other party is afraid, intimidated, or harassed  
29 even if that person did not intend to place the other party in fear, or  
30 intimidate or harass the other party, or ((restraining the person))  
31 from going onto the grounds of ((~~or~~)), entering, or coming within a  
32 specified distance of the residence, workplace, school, or day care of  
33 another.

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. 11.** RCW 26.10.040 and 1995 c 93 s 3 are each amended to read  
2 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       (3) Any necessary continuing restraining orders, including the  
9 provisions contained in RCW 9.41.800;

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

16       (5) Restraining orders issued under this section restraining the  
17 person from acts or threats of violence or molesting or disturbing  
18 another party, from contacting or coming within a specified distance of  
19 another party with the intent of intimidating, harassing, or  
20 frightening the party or if the person knows or reasonably should have  
21 known that the other party is afraid, intimidated, or harassed even if  
22 that person did not intend to place the other party in fear, or  
23 intimidate or harass the other party, or from going onto the grounds of  
24 ((or)), entering, or coming within a specified distance of the home,  
25 workplace, or school of the other party or the day care or school of  
26 any child shall prominently bear on the front page of the order the  
27 legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A  
28 CRIMINAL OFFENSE UNDER CHAPTER 26.10 RCW AND WILL SUBJECT A VIOLATOR TO  
29 ARREST;

30       (6) The court shall order that any restraining order bearing a  
31 criminal offense legend, any domestic violence protection order, or any  
32 antiharassment protection order granted under this section, in addition  
33 to the law enforcement information sheet or proof of service of the  
34 order, be forwarded by the clerk of the court on or before the next  
35 judicial day to the appropriate law enforcement agency specified in the  
36 order. Upon receipt of the order, the law enforcement agency shall  
37 forthwith enter the order into any computer-based criminal intelligence  
38 information system available in this state used by law enforcement

1 agencies to list outstanding warrants. The order is fully enforceable  
2 in any county in the state.

3 **Sec. 12.** RCW 26.10.115 and 1995 c 246 s 29 are each amended to  
4 read as follows:

5 (1) In a proceeding under this chapter either party may file a  
6 motion for temporary support of children entitled to support. The  
7 motion shall be accompanied by an affidavit setting forth the factual  
8 basis for the motion and the amount requested.

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

13 (a) Acts or threats of violence or molesting or disturbing the  
14 peace of the other party or of any child;

15 (b) (~~Entering the family home or the home of the other party~~)  
16 Going onto the grounds of, entering, or coming within a specified  
17 distance of the home, workplace, or school of another party or the day  
18 care or school of any child upon a showing of the necessity therefor;

19 (c) Removing a child from the jurisdiction of the court;

20 (d) Contacting or coming within a specified distance of another  
21 party with the intent of intimidating, harassing, or frightening the  
22 party or if the person knows or reasonably should have known that the  
23 other party is afraid, intimidated, or harassed even if that person did  
24 not intend to place the other party in fear, or intimidate or harass  
25 the other party.

26 (3) Either party may request a domestic violence protection order  
27 under chapter 26.50 RCW or an antiharassment protection order under  
28 chapter 10.14 RCW on a temporary basis. The court may grant any of the  
29 relief provided in RCW 26.50.060 except relief pertaining to  
30 residential provisions for the children which provisions shall be  
31 provided for under this chapter, and any of the relief provided in RCW  
32 10.14.080. Ex parte orders issued under this subsection shall be  
33 effective for a fixed period not to exceed fourteen days, or upon court  
34 order, not to exceed twenty-four days if necessary to ensure that all  
35 temporary motions in the case can be heard at the same time.

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

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

6 (6) The court may issue a temporary restraining order or  
7 preliminary injunction and an order for temporary support in such  
8 amounts and on such terms as are just and proper in the circumstances.

9 (7) Restraining orders issued under this section restraining the  
10 person from acts or threats of violence or molesting or disturbing  
11 another party, from contacting or coming within a specified distance of  
12 another party with the intent of intimidating, harassing, or  
13 frightening the party or if the person knows or reasonably should have  
14 known that the other party is afraid, intimidated, or harassed even if  
15 that person did not intend to place the other party in fear, or  
16 intimidate or harass the other party, or from going onto the grounds of  
17 ((or)), entering, or coming within a specified distance of the home,  
18 workplace, or school of the other party or the day care or school of  
19 any child shall prominently bear on the front page of the order the  
20 legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A  
21 CRIMINAL OFFENSE UNDER CHAPTER 26.10 RCW AND WILL SUBJECT A VIOLATOR TO  
22 ARREST.

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

35 (9) A temporary order, temporary restraining order, or preliminary  
36 injunction:

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

39 (b) May be revoked or modified;

1 (c) Terminates when the final order is entered or when the motion  
2 is dismissed;

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

5 (10) A support debt owed to the state for public assistance  
6 expenditures which has been charged against a party pursuant to RCW  
7 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise  
8 extinguished by, the final decree or order, unless the office of  
9 support enforcement has been given notice of the final proceeding and  
10 an opportunity to present its claim for the support debt to the court  
11 and has failed to file an affidavit as provided in this subsection.  
12 Notice of the proceeding shall be served upon the office of support  
13 enforcement personally, or by certified mail, and shall be given no  
14 fewer than thirty days prior to the date of the final proceeding. An  
15 original copy of the notice shall be filed with the court either before  
16 service or within a reasonable time thereafter. The office of support  
17 enforcement may present its claim, and thereby preserve the support  
18 debt, by filing an affidavit setting forth the amount of the debt with  
19 the court, and by mailing a copy of the affidavit to the parties or  
20 their attorney prior to the date of the final proceeding.

21 **Sec. 13.** RCW 26.10.220 and 1996 c 248 s 10 are each amended to  
22 read as follows:

23 (1) Whenever a restraining order is issued under this chapter, and  
24 the person to be restrained knows of the order, a violation of the  
25 provisions restricting the person from acts or threats of violence or  
26 molesting or disturbing another party, from contacting or coming within  
27 a specified distance of another party with the intent of intimidating,  
28 harassing, or frightening the party or if the person knows or  
29 reasonably should have known that the other party is afraid,  
30 intimidated, or harassed even if that person did not intend to place  
31 the other party in fear, or intimidate or harass the other party, or  
32 ((of a provision restraining the person)) from going onto the grounds  
33 of ((~~or~~)), entering, or coming within a specified distance of the  
34 residence, workplace, school, or day care 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 molesting or  
23 disturbing another party, from contacting or coming within a specified  
24 distance of another party with the intent of intimidating, harassing,  
25 or frightening the party or if the person knows or reasonably should  
26 have known that the other party is afraid, intimidated, or harassed  
27 even if that person did not intend to place the other party in fear, or  
28 intimidate or harass the other party, or restraining the person from  
29 going onto the grounds of ((e)), entering, or coming within a  
30 specified distance of the residence, workplace, school, or day care of  
31 another.

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

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

37 **Sec. 14.** RCW 26.26.130 and 1997 c 58 s 947 are each amended to  
38 read as follows:

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

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

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

18 (4) The judgment and order shall contain the social security  
19 numbers of all parties to the order.

20 (5) 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 (6) 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 (7) 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 (8) 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 (9) 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 (10) Restraining orders issued under this section restraining the  
10 person from acts or threats of violence or molesting or disturbing  
11 another party, from contacting or coming within a specified distance of  
12 another party with the intent of intimidating, harassing, or  
13 frightening the party or if the person knows or reasonably should have  
14 known that the other party is afraid, intimidated, or harassed even if  
15 that person did not intend to place the other party in fear, or  
16 intimidate or harass the other party, or from going onto the grounds of  
17 ~~((or))~~, entering, or coming within a specified distance of the home,  
18 workplace, or school of the other party or the day care or school of  
19 any child shall prominently bear on the front page of the order the  
20 legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A  
21 CRIMINAL OFFENSE UNDER CHAPTER 26.26 RCW AND WILL SUBJECT A VIOLATOR TO  
22 ARREST.

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

33 **Sec. 15.** RCW 26.26.137 and 1995 c 246 s 32 are each amended to  
34 read as follows:

35 (1) If the court has made a finding as to the paternity of a child,  
36 or if a party's acknowledgment of paternity has been filed with the  
37 court, or a party alleges he is the father of the child, any party may  
38 move for temporary support for the child prior to the date of entry of

1 the final order. The motion shall be accompanied by an affidavit  
2 setting forth the factual basis for the motion and the amounts  
3 requested.

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

7 (a) Acts or threats of violence or molesting or disturbing the  
8 peace of another party;

9 (b) Going onto the grounds of ((~~or~~)), entering, or coming within a  
10 specified distance of the home, workplace, or school of another party  
11 or the day care or school of any child; ((~~or~~))

12 (c) Removing a child from the jurisdiction of the court; or

13 (d) Contacting or coming within a specified distance of another  
14 party with the intent of intimidating, harassing, or frightening the  
15 party or if the person knows or reasonably should have known that the  
16 other party is afraid, intimidated, or harassed even if that person did  
17 not intend to place the other party in fear, or intimidate or harass  
18 the other party.

19 Orders issued under (c) of this subsection will not be entered into  
20 the judicial information system.

21 (3) Either party may request a domestic violence protection order  
22 under chapter 26.50 RCW or an antiharassment protection order under  
23 chapter 10.14 RCW on a temporary basis. However, until final judgment  
24 is entered, domestic violence protection orders and antiharassment  
25 protection orders will be filed as separate civil causes of action.  
26 The court may grant any of the relief provided in RCW 26.50.060 except  
27 relief pertaining to residential provisions for the children which  
28 provisions shall be provided for under this chapter, and any of the  
29 relief provided in RCW 10.14.080. Ex parte orders issued under this  
30 subsection shall be effective for a fixed period not to exceed fourteen  
31 days, or upon court order, not to exceed twenty-four days if necessary  
32 to ensure that all temporary motions in the case can be heard at the  
33 same time.

34 (4) Restraining orders issued under this section restraining the  
35 person from acts or threats of violence or molesting or disturbing  
36 another party, contacting or coming within a specified distance of  
37 another party with the intent of intimidating, harassing, or  
38 frightening the party or if the person knows or reasonably should have  
39 known that the other party is afraid, intimidated, or harassed even if



1 that person did not intend to place the other party in fear, or  
2 intimidate or harass the other party, or from going onto the grounds of  
3 ((or)), entering, or coming within a specified distance of the home,  
4 workplace, or school of the other party or the day care or school of  
5 any child shall prominently bear on the front page of the order the  
6 legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A  
7 CRIMINAL OFFENSE UNDER CHAPTER 26.26 RCW AND WILL SUBJECT A VIOLATOR TO  
8 ARREST.

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

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

24 (7) The court may issue a temporary restraining order or  
25 preliminary injunction and an order for temporary support in such  
26 amounts and on such terms as are just and proper in the circumstances.  
27 In issuing the order, the court shall consider the provisions of RCW  
28 9.41.800.

29 (8) A temporary order, temporary restraining order, or preliminary  
30 injunction:

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

33 (b) May be revoked or modified;

34 (c) Terminates when the final order is entered or when the petition  
35 is dismissed; and

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

38 (9) A support debt owed to the state for public assistance  
39 expenditures which has been charged against a party pursuant to RCW

1 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise  
2 extinguished by, the final decree or order, unless the office of  
3 support enforcement has been given notice of the final proceeding and  
4 an opportunity to present its claim for the support debt to the court  
5 and has failed to file an affidavit as provided in this subsection.  
6 Notice of the proceeding shall be served upon the office of support  
7 enforcement personally, or by certified mail, and shall be given no  
8 fewer than thirty days prior to the date of the final proceeding. An  
9 original copy of the notice shall be filed with the court either before  
10 service or within a reasonable time thereafter. The office of support  
11 enforcement may present its claim, and thereby preserve the support  
12 debt, by filing an affidavit setting forth the amount of the debt with  
13 the court, and by mailing a copy of the affidavit to the parties or  
14 their attorney prior to the date of the final proceeding.

15 **Sec. 16.** RCW 26.26.138 and 1996 c 248 s 11 are each amended to  
16 read as follows:

17 (1) Whenever a restraining order is issued under this chapter, and  
18 the person to be restrained knows of the order, a violation of the  
19 provisions restricting the person from acts or threats of violence or  
20 molesting or disturbing another party, or contacting or coming within  
21 a specified distance of another party with the intent of intimidating,  
22 harassing, or frightening the party or if the person knows or  
23 reasonably should have known that the other party is afraid,  
24 intimidated, or harassed even if that person did not intend to place  
25 the other party in fear, or intimidate or harass the other party, or of  
26 a provision restraining the person from going onto the grounds of  
27 ((or)), entering, or coming within a specified distance of the  
28 residence, workplace, school, or day care of another is a misdemeanor.

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

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

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

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

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

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

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

5 (b) Obtaining a certified copy of the order, certified to be an  
6 accurate copy of the original by a notary public or by the clerk of the  
7 court.

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

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

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

14 (c) The person to be arrested has violated the terms of the order  
15 restraining the person from acts or threats of violence or molesting or  
16 disturbing another party, from contacting or coming within a specified  
17 distance of another party with the intent of intimidating, harassing,  
18 or frightening the party or if the person knows or reasonably should  
19 have known that the other party is afraid, intimidated, or harassed  
20 even if that person did not intend to place the other party in fear, or  
21 intimidate or harass the party, or ((restraining the person)) from  
22 going onto the grounds of ((œ)), entering, or coming within a  
23 specified distance of the residence, workplace, school, or day care of  
24 another.

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

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

30 **Sec. 17.** RCW 26.44.063 and 1993 c 412 s 15 are each amended to  
31 read as follows:

32 (1) It is the intent of the legislature to minimize trauma to a  
33 child involved in an allegation of sexual or physical abuse. The  
34 legislature declares that removing the child from the home often has  
35 the effect of further traumatizing the child. It is, therefore, the  
36 legislature's intent that the alleged offender, rather than the child,  
37 shall be removed from the home and that this should be done at the

1 earliest possible point of intervention in accordance with RCW  
2 10.31.100, 13.34.130, this section, and RCW 26.44.130.

3 (2) In any judicial proceeding in which it is alleged that a child  
4 has been subjected to sexual or physical abuse, if the court finds  
5 reasonable grounds to believe that an incident of sexual or physical  
6 abuse has occurred, the court may, on its own motion, or the motion of  
7 the guardian ad litem or other parties, issue a temporary restraining  
8 order or preliminary injunction restraining or enjoining the person  
9 accused of committing the abuse from:

10 (a) Acts or threats of violence or molesting or disturbing the  
11 peace of the alleged victim;

12 (b) Going onto the grounds of, entering, or coming within a  
13 specified distance of the family home, school, or day care of the  
14 alleged victim except as specifically authorized by the court; or

15 (c) Having any contact with or coming within a specified distance  
16 of the alleged victim with the intent of intimidating, harassing, or  
17 frightening the alleged victim or if the person knows or reasonably  
18 should have known that the alleged victim is afraid, intimidated, or  
19 harassed even if that person did not intend to place the alleged victim  
20 in fear, or intimidate or harass the alleged victim, except as  
21 specifically authorized by the court.

22 (3) In issuing a temporary restraining order or preliminary  
23 injunction, the court may impose any additional restrictions that the  
24 court in its discretion determines are necessary to protect the child  
25 from further abuse or emotional trauma pending final resolution of the  
26 abuse allegations.

27 (4) The court shall issue a temporary restraining order prohibiting  
28 a person from entering the family home if the court finds that the  
29 order would eliminate the need for an out-of-home placement to protect  
30 the child's right to nurturance, health, and safety and is sufficient  
31 to protect the child from further sexual or physical abuse or coercion.

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

37 (6) A temporary restraining order or preliminary injunction:

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

1 (b) May be revoked or modified.

2 (7) The person having physical custody of the child shall have an  
3 affirmative duty to assist in the enforcement of the restraining order  
4 including but not limited to a duty to notify the court as soon as  
5 practicable of any violation of the order, a duty to request the  
6 assistance of law enforcement officers to enforce the order, and a duty  
7 to notify the department of social and health services of any violation  
8 of the order as soon as practicable if the department is a party to the  
9 action. Failure by the custodial party to discharge these affirmative  
10 duties shall be subject to contempt proceedings.

11 (8) Willful violation of a court order entered under this section  
12 is a misdemeanor. A written order shall contain the court's directive  
13 and shall bear the legend: "Violation of this order with actual notice  
14 of its terms is a criminal offense under chapter 26.44 RCW, is also  
15 subject to contempt proceedings, and will subject a violator to  
16 arrest."

17 **Sec. 18.** RCW 10.99.040 and 1997 c 338 s 54 are each amended to  
18 read as follows:

19 (1) Because of the serious nature of domestic violence, the court  
20 in domestic violence actions:

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

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

25 (c) Shall waive any requirement that the victim's location be  
26 disclosed to any person, other than the attorney of a criminal  
27 defendant, upon a showing that there is a possibility of further  
28 violence: PROVIDED, That the court may order a criminal defense  
29 attorney not to disclose to his or her client the victim's location;  
30 and

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

33 (2) Because of the likelihood of repeated violence directed at  
34 those who have been victims of domestic violence in the past, when any  
35 person charged with or arrested for a crime involving domestic violence  
36 is held in or released from custody before arraignment or trial on bail  
37 or personal recognizance, the court (~~authorizing the release~~) may  
38 prohibit that person from having any contact with the victim or coming

1 within a specified distance of the victim with the intent of  
2 intimidating, harassing, or frightening the victim or if the person  
3 knows or reasonably should have known that the victim is afraid,  
4 intimidated, or harassed even if that person did not intend to place  
5 the victim in fear, or intimidate or harass the victim. The  
6 jurisdiction authorizing the release or in which the person is held in  
7 custody shall determine whether that person should be prohibited from  
8 having any contact with the victim or coming within a specified  
9 distance of the victim with the intent of intimidating, harassing, or  
10 frightening the victim or if the person knows or reasonably should have  
11 known that the victim is afraid, intimidated, or harassed even if that  
12 person did not intend to place the victim in fear, or intimidate or  
13 harass the victim. If there is no outstanding restraining or  
14 protective order prohibiting that person from having contact with the  
15 victim or coming within a specified distance of the victim, the court  
16 (~~authorizing release~~) may issue, by telephone, a no-contact order  
17 prohibiting the person charged or arrested from having contact with the  
18 victim or coming within a specified distance of the victim with the  
19 intent of intimidating, harassing, or frightening the victim or if the  
20 person knows or reasonably should have known that the victim is afraid,  
21 intimidated, or harassed even if that person did not intend to place  
22 the victim in fear, or intimidate or harass the victim. In issuing the  
23 order, the court shall consider the provisions of RCW 9.41.800. The  
24 (~~no-contact~~) order shall also be issued in writing as soon as  
25 possible.

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

36 (4)(a) Willful violation of a court order issued under subsection  
37 (2) or (3) of this section is a gross misdemeanor except as provided in  
38 (b) and (c) of this subsection (4). Upon conviction and in addition to  
39 other penalties provided by law, the court may require that the

1 defendant submit to electronic monitoring. The court shall specify who  
2 shall provide the electronic monitoring services and the terms under  
3 which the monitoring must be performed. The court also may include a  
4 requirement that the defendant pay the costs of the monitoring. The  
5 court shall consider the ability of the convicted person to pay for  
6 electronic monitoring.

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

14 (c) A willful violation of a court order issued under this section  
15 is a class C felony if the offender has at least two previous  
16 convictions for violating the provisions of ~~((a no-contact))~~ an order  
17 issued under this chapter, a domestic violence protection order issued  
18 under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-  
19 of-state order that is comparable to a no-contact order or protection  
20 order issued under Washington law. The previous convictions may  
21 involve the same victim or other victims specifically protected by the  
22 ~~((no-contact orders or protection))~~ orders the offender violated.

23 (d) The written order releasing or holding in custody the person  
24 charged or arrested shall contain the court's directives and shall bear  
25 the legend: "Violation of this order is a criminal offense under  
26 chapter 10.99 RCW and will subject a violator to arrest; any assault,  
27 drive-by shooting, or reckless endangerment that is a violation of this  
28 order is a felony. You can be arrested even if any person protected by  
29 the order invites or allows you to violate the order's prohibitions.  
30 You have the sole responsibility to avoid or refrain from violating the  
31 order's provisions. Only the court can change the order." A certified  
32 copy of the order shall be provided to the victim. If ~~((a no-contact  
33 order))~~ an order prohibiting contact with or coming within a specified  
34 distance of the victim with the intent of intimidating, harassing, or  
35 frightening the victim or if the person knows or reasonably should have  
36 known that the victim is afraid, intimidated, or harassed even if that  
37 person did not intend to place the victim in fear, or intimidate or  
38 harass the victim has been issued prior to charging, that order shall  
39 expire at arraignment or within seventy-two hours if charges are not

1 filed. Such orders need not be entered into the computer-based  
2 criminal intelligence information system in this state which is used by  
3 law enforcement agencies to list outstanding warrants.

4 (5) Whenever an order prohibiting contact with or coming within a  
5 specified distance of the victim with the intent of intimidating,  
6 harassing, or frightening the victim or if the person knows or  
7 reasonably should have known that the victim is afraid, intimidated, or  
8 harassed even if that person did not intend to place the victim in  
9 fear, or intimidate or harass the victim is issued, modified, or  
10 terminated under subsection (2) or (3) of this section, the clerk of  
11 the court shall forward a copy of the order on or before the next  
12 judicial day to the appropriate law enforcement agency specified in the  
13 order. Upon receipt of the copy of the order the law enforcement  
14 agency shall forthwith enter the order for one year or until the  
15 expiration date specified on the order into any computer-based criminal  
16 intelligence information system available in this state used by law  
17 enforcement agencies to list outstanding warrants. Entry into the law  
18 enforcement information system constitutes notice to all law  
19 enforcement agencies of the existence of the order. The order is fully  
20 enforceable in any jurisdiction in the state.

21 **Sec. 19.** RCW 10.99.050 and 1997 c 338 s 55 are each amended to  
22 read as follows:

23 (1) When a defendant is found guilty of a crime and a condition of  
24 the sentence restricts the defendant's ability to have contact with the  
25 victim or to come within a specified distance of the victim with the  
26 intent of intimidating, harassing, or frightening the victim or if the  
27 defendant knows or reasonably should have known that the victim is  
28 afraid, intimidated, or harassed even if the defendant did not intend  
29 to place the victim in fear, or intimidate or harass the victim, such  
30 condition shall be recorded and a written certified copy of that order  
31 shall be provided to the victim.

32 (2) Willful violation of a court order issued under this section is  
33 a gross misdemeanor. Any assault that is a violation of an order  
34 issued under this section and that does not amount to assault in the  
35 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C  
36 felony, and any conduct in violation of a protective order issued under  
37 this section that is reckless and creates a substantial risk of death  
38 or serious physical injury to another person is a class C felony. A



1 willful violation of a court order issued under this section is also a  
2 class C felony if the offender has at least two previous convictions  
3 for violating the provisions of (~~a no-contact~~) an order issued under  
4 this chapter, or a domestic violence protection order issued under  
5 chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-  
6 state order that is comparable to a no-contact order or protection  
7 order that is issued under Washington law. The previous convictions  
8 may involve the same victim or other victims specifically protected by  
9 the (~~no-contact orders or protection~~) orders the offender violated.

10 The written order shall contain the court's directives and shall  
11 bear the legend: Violation of this order is a criminal offense under  
12 chapter 10.99 RCW and will subject a violator to arrest; any assault,  
13 drive-by shooting, or reckless endangerment that is a violation of this  
14 order is a felony.

15 (3) Whenever an order prohibiting contact with or coming within a  
16 specified distance of the victim with the intent of intimidating,  
17 harassing, or frightening the victim or if the person knows or  
18 reasonably should have known that the victim is afraid, intimidated, or  
19 harassed even if that person did not intend to place the victim in  
20 fear, or intimidate or harass the victim is issued pursuant to this  
21 section, the clerk of the court shall forward a copy of the order on or  
22 before the next judicial day to the appropriate law enforcement agency  
23 specified in the order. Upon receipt of the copy of the order the law  
24 enforcement agency shall forthwith enter the order for one year into  
25 any computer-based criminal intelligence information system available  
26 in this state used by law enforcement agencies to list outstanding  
27 warrants. Entry into the law enforcement information system  
28 constitutes notice to all law enforcement agencies of the existence of  
29 the order. The order is fully enforceable in any jurisdiction in the  
30 state."

31 EFFECT: Technical amendment to correct grammar in many identical  
32 provisions throughout the bill.

--- END ---