

FINAL BILL REPORT

SHB 1591

C 311 L 01

Synopsis as Enacted

Brief Description: Revising requirements for service of orders in harassment matters.

Sponsors: By House Committee on Judiciary (originally sponsored by Representatives Esser, Lantz, O'Brien, Lisk, Kirby, B. Chandler, Linville and Doumit).

House Committee on Judiciary
Senate Committee on Judiciary

Background:

A person who is the victim of unlawful harassment may petition the court for a civil anti-harassment protection order. A person seeking an anti-harassment protection order may obtain a temporary order by filing an affidavit that shows reasonable proof of unlawful harassment and irreparable harm if the temporary order is not granted. Notice of the petition, the hearing, and any temporary order must be personally served on the alleged harasser (respondent). Service of the summons by publication is authorized in limited circumstances. The summons must contain specified information, including a statement that an anti-harassment protection order will be issued for a period of one year if the person does not respond to the petition.

An anti-harassment protection order must be personally served on the respondent except under two circumstances: (1) if the order recites that the respondent appeared in person before the court, the order does not have to be served; and (2) if the court previously allowed service by publication of the notice of hearing and temporary order, the court may permit service by publication.

A respondent who willfully disobeys an anti-harassment protection order is guilty of a gross misdemeanor. The person must know of the order in order to be guilty of the crime.

Summary:

A civil anti-harassment protection order does not require personal service on a respondent who failed to appear at the hearing if the material terms of the order have not changed from the temporary order and the respondent has previously been personally served with the temporary order.

The notice of hearing that must be personally served on the respondent must contain the

following information: date and time of the hearing; notice that an ex parte order will be issued for a period of one year if the respondent fails to appear; a brief statement of the provisions of the ex parte order; and notice that the ex parte order has been filed with the clerk of the court.

Votes on Final Passage:

House 95 0

Senate 48 0 (Senate amended)

House 93 0 (House concurred)

Effective: July 22, 2001