

# FINAL BILL REPORT

## EHB 2655

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Synopsis as Enacted

**Brief Description:** Waiving filing fees and costs for certain protection orders.

**Sponsors:** By Representatives Schual-Berke, Esser, Lantz, Chase, Lysen, Nixon and Rockefeller; by request of Office of Community Development.

**House Committee on Judiciary**

**House Committee on Appropriations**

**Senate Committee on Judiciary**

### **Background:**

A person being unlawfully harassed by another may petition the court for a civil anti-harassment protection order. A court may grant both an ex parte temporary protection order and, after a full hearing, a longer-term anti-harassment protection order. Both orders require the respondent to refrain from engaging in harassment.

A petitioner seeking an anti-harassment protection order is required to pay a filing fee to initiate the action. The filing fee is \$41 but is not imposed on the petitioner under certain circumstances. First, the fee may not be charged for a petition filed in an existing action or under an existing cause number where the protection order is sought in the same jurisdiction. Second, the fee may be waived if the petitioner can demonstrate that he or she lacks the funds to pay the filing fee and obtains leave of the court to proceed. Third, the court may require the respondent to cover the petitioner's filing expenses.

A petitioner seeking an anti-harassment protection order is also required to pay for costs related to service of process. When an ex parte temporary order is issued, the respondent must be personally served with a copy of the order, a copy of the petition, and notice of the date of hearing. The sheriff of the county or peace officer of the municipality in which the respondent resides is required to personally serve process, except in cases where the petitioner elects to have a private party serve the respondent. Sheriffs and municipal police departments are authorized to collect fees for service and mileage. A petitioner may avoid service of process costs if he or she demonstrates a lack of funds to pay and obtains leave of the court to proceed, or if the court requires the respondent to cover the petitioner's service of process costs.

In some cases, service of process is not made in a timely manner. In these situations, the court must set a new hearing date and either require additional attempts at obtaining personal service or allow for service by publication. A court may only permit service by

publication if the petitioner pays the cost of publication. These costs are avoidable only if the county legislative authority allocates funds for service of process by publication and the petitioner has demonstrated a lack of funds to pay, thereby obtaining leave of the court to proceed. An identical requirement applies to service of process in an action for a domestic violence protection order.

**Summary:**

The filing fee and service of process costs are waived if the petitioner is seeking an anti-harassment protection order to obtain relief from: (1) a person who has stalked him or her; (2) a person who has engaged in conduct that would constitute a sex offense; or (3) a family or household member who has engaged in conduct that constitutes domestic violence.

In addition, in an action for a domestic violence protection order or an anti-harassment protection order, the court may allow service of process by publication if the petitioner's costs have been waived under these circumstances.

**Votes on Final Passage:**

House 97 0  
Senate 49 0 (Senate amended)  
House 97 0 (House concurred)

**Effective:** June 13, 2002