

HOUSE BILL REPORT

HB 2398

As Passed House:

February 10, 2004

Title: An act relating to providing notice of a modification or termination of a protection order.

Brief Description: Revising provisions relating to providing notice of a modification or termination of a protection order.

Sponsors: By Representatives Upthegrove, Delvin, Dickerson, Chase, Schual-Berke, Hudgins, Kessler and Morrell.

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 1/21/04, 1/27/04 [DP].

Floor Activity:

Passed House: 2/10/04, 95-0.

Brief Summary of Bill

- Requires personal service on the respondent of a petition to modify or terminate a protection order, and allows for service by publication or mail if personal service cannot be made.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: Do pass. Signed by 7 members: Representatives Dickerson, Chair; Pettigrew, Vice Chair; Delvin, Ranking Minority Member; Carrell, Hinkle, Lovick and Upthegrove.

Staff: Trudes Tango Hutcheson (786-7384).

Background:

Under the Domestic Violence Prevention Act, a person may seek an order for protection by filing a petition with a court alleging that the person has been the victim of domestic violence committed by the respondent. The court will then set a hearing date on the petition and may issue an ex parte temporary order for protection pending the hearing.

The respondent must be personally served with the petition and notice of the hearing not less than five court days prior to the hearing. If timely personal service cannot be made, the court must set a new hearing date and either require additional attempts at personal service or allow service by publication or mail. If service is by publication or mail, the court must set the hearing date not later than 24 days from the date the order is entered allowing such service.

Summary of Bill:

The petition to modify or terminate a protection order must be personally served on the respondent not less than five court days before the hearing to modify or terminate the order. If timely personal service cannot be made, the court must set a new hearing date and either require additional attempts at personal service or permit service by publication or mail. If the court allows service by publication or mail, the court must set the hearing date no later than 24 days from the date the order is entered allowing such service.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This clarifies that notice must be given as a matter of fairness and due process. This will help a victim when the abuser seeks to modify the protection order. The victim should be given notice that the court has changed the protection order.

Testimony Against: None.

Persons Testifying: (In support) Grace Huang, Washington State Coalition Against Domestic Violence; and Toni Lembke, Connections of Ferry County.

Persons Signed In To Testify But Not Testifying: None.