

# SENATE BILL REPORT

## HB 2398

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As Reported By Senate Committee On:  
Judiciary, February 25, 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:** Representatives Upthegrove, Delvin, Dickerson, Chase, Schual-Berke, Hudgins, Kessler and Morrell.

**Brief History:**

**Committee Activity:** Judiciary: 2/19/04, 2/25/04 [DP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

**Staff:** Jinnah Rose-McFadden (786-7421)

**Background:** Under the Domestic Violence Act, a victim of domestic violence may seek an order for protection by filing a petition with a court. The court may issue an ex parte temporary order for protection pending a full hearing on the petition. The petitioner must be personally served at least five court days prior to the hearing. If timely personal service cannot be made, the court must set a new hearing date and require additional attempts at personal service or allow service by publication or mail. If the court orders service by publication or mail, the hearing date must be set no later than 24 days from the date of that order.

The Domestic Violence Act allows protection orders to be modified after notice is provided to all parties and a hearing is held. However, the statute does not provide guidelines for the timeliness of service in petitions for modification.

**Summary of Bill:** A petition to modify a protection order must be personally served on the respondent at least five court days prior to the hearing. If timely personal service cannot be made, the court must set a new hearing date and require additional attempts at personal service or permit service by publication or mail. If the court allows service by publication or mail, the hearing date must be set no later than 24 days from the date of that order.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Domestic violence advocates have been notified of cases where individuals who have petitioned for, and been granted, protection orders were not provided with notification when their order was either modified or terminated. While current law requires that courts provide notice to a non-moving party where modification of a protection order is sought, the notice requirement is not defined. The courts are left to determine when to stop attempts at personal service. This bill requires that the non-moving party be personally served at least five days prior to a hearing, adding finality and structure to the modification process.

**Testimony Against:** None.

**Testified:** PRO: Grace Huang, WA State Coalition Against Domestic Violence; Tom McBride, WA Association of Prosecuting Attorneys; Tammy Fellin, Association of Washington Cities.