

# FINAL BILL REPORT

## ESB 6357

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### C 287 L 08

Synopsis as Enacted

**Brief Description:** Regarding service of process in domestic violence cases.

**Sponsors:** Senators Kohl-Welles, Keiser, Regala, Kline, Murray, Fairley, McDermott, Hargrove, McCaslin, Tom, Marr and Rasmussen.

**Senate Committee on Judiciary**  
**House Committee on Judiciary**

**Background:** In domestic violence cases, a court is authorized to provide protective relief to a petitioner, such as restraining the respondent from committing domestic violence and excluding the respondent from the residence, workplace, or school of the petitioner.

When a person petitions for relief from domestic violence, a hearing is required to be held on the petition within 14 days of the date of the order. The petitioner must personally serve the respondent with this order no less than five days before the hearing date. If timely personal service cannot be made, the court must set a new hearing date. The court must either require additional attempts to obtain personal service or permit service by newspaper publication or mail. If the court permits service by publication or mail, the court must set the hearing no later than 24 days from the date of the order. The court may issue a temporary order for protection pending the hearing.

Following service by publication or mail, if the respondent fails to appear at the hearing, the court may issue a permanent order providing protective relief to the petitioner. The order must be personally served upon the respondent, or served by publication or mail if the court previously authorized such service for purposes of the hearing.

Rebecca Jane Griego, a University of Washington employee, had obtained a temporary protection order against the man who eventually shot her and himself. Ms. Griego returned to court numerous times because the man could not be served, and she did not have a permanent protection order hearing.

Some courts allow for service by publication or mail if service of process fails after an unspecified number of attempts at service.

**Summary:** If timely personal service of the order setting the hearing cannot be made, the court must set a new hearing date and either require one additional attempt to obtain personal service or permit service by publication or mail. The court must not require more than two attempts to obtain personal service, and must permit service by publication or mail, unless the petitioner requests additional time to attempt personal service. These rules also apply if one seeks to modify a protection order. The requirements for service of notice for a modification hearing are made consistent with the requirements for service of notice for a hearing on a petition for relief from domestic violence.

This act shall be known as the Rebecca Jane Griego Act.

**Votes on Final Passage:**

Senate	45	0	
House	95	0	(House amended)
Senate	46	0	(Senate concurred)

**Effective:** June 12, 2008