
SUBSTITUTE HOUSE BILL 2563

State of Washington 60th Legislature 2008 Regular Session

By House Judiciary (originally sponsored by Representatives
Upthegrove and Lantz)

READ FIRST TIME 01/28/08.

1 AN ACT Relating to service of process in domestic violence cases;
2 and amending RCW 26.50.050 and 26.50.130.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 26.50.050 and 1995 c 246 s 6 are each amended to read
5 as follows:

6 Upon receipt of the petition, the court shall order a hearing which
7 shall be held not later than fourteen days from the date of the order.
8 The court may schedule a hearing by telephone pursuant to local court
9 rule, to reasonably accommodate a disability, or in exceptional
10 circumstances to protect a petitioner from further acts of domestic
11 violence. The court shall require assurances of the petitioner's
12 identity before conducting a telephonic hearing. Except as provided in
13 RCW 26.50.085 and 26.50.123, personal service shall be made upon the
14 respondent not less than five court days prior to the hearing. If
15 timely personal service cannot be made, the court shall set a new
16 hearing date and shall ~~((either))~~ require one additional attempt~~((s))~~
17 at obtaining personal service ~~((or))~~. If timely personal service still
18 cannot be made, the court shall permit service by publication as
19 provided in RCW 26.50.085 or service by mail as provided in RCW

1 26.50.123 unless the petitioner requests additional time to attempt
2 personal service. If the court permits service by publication or by
3 mail, the court shall set the new hearing date not later than twenty-
4 four days from the date of the order. The court may issue an ex parte
5 order for protection pending the hearing as provided in RCW 26.50.070,
6 26.50.085, and 26.50.123.

7 **Sec. 2.** RCW 26.50.130 and 1984 c 263 s 14 are each amended to read
8 as follows:

9 (1) Upon application with notice to all parties and after a
10 hearing, the court may modify the terms of an existing order for
11 protection.

12 (2) Except as provided in RCW 26.50.085 and 26.50.123, personal
13 service shall be made upon the nonmoving party not less than five court
14 days prior to the hearing to modify.

15 (a) If timely personal service cannot be made, the court shall set
16 a new hearing date and shall require one additional attempt at
17 obtaining personal service.

18 (b) If timely personal service still cannot be made, the court
19 shall permit service by publication as provided in RCW 26.50.085 or
20 service by mail as provided in RCW 26.50.123 unless the moving party
21 requests additional time to attempt personal service.

22 (c) If the court permits service by publication or by mail, the
23 court shall set the hearing date not later than twenty-four days from
24 the date of the order permitting service by publication or by mail.

25 (3) In any situation where an order is terminated or modified
26 before its expiration date, the clerk of the court shall forward on or
27 before the next judicial day a true copy of the modified order or the
28 termination order to the appropriate law enforcement agency specified
29 in the modified or termination order. Upon receipt of the order, the
30 law enforcement agency shall promptly enter it in the law enforcement
31 information system.

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