
SENATE BILL 5213

State of Washington 65th Legislature 2017 Regular Session

By Senators Wilson and Zeiger

Read first time 01/17/17. Referred to Committee on Law & Justice.

1 AN ACT Relating to the award of fees for limited license legal
2 technicians in certain domestic violence cases; and amending RCW
3 26.50.060.

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

5 **Sec. 1.** RCW 26.50.060 and 2010 c 274 s 304 are each amended to
6 read as follows:

7 (1) Upon notice and after hearing, the court may provide relief
8 as follows:

9 (a) Restrain the respondent from committing acts of domestic
10 violence;

11 (b) Exclude the respondent from the dwelling that the parties
12 share, from the residence, workplace, or school of the petitioner, or
13 from the day care or school of a child;

14 (c) Prohibit the respondent from knowingly coming within, or
15 knowingly remaining within, a specified distance from a specified
16 location;

17 (d) On the same basis as is provided in chapter 26.09 RCW, the
18 court shall make residential provision with regard to minor children
19 of the parties. However, parenting plans as specified in chapter
20 26.09 RCW shall not be required under this chapter;

1 (e) Order the respondent to participate in a domestic violence
2 perpetrator treatment program approved under RCW 26.50.150;

3 (f) Order other relief as it deems necessary for the protection
4 of the petitioner and other family or household members sought to be
5 protected, including orders or directives to a peace officer, as
6 allowed under this chapter;

7 (g) Require the respondent to pay the administrative court costs
8 and service fees, as established by the county or municipality
9 incurring the expense and to reimburse the petitioner for costs
10 incurred in bringing the action, including reasonable attorneys' fees
11 or limited license legal technician fees when such fees are incurred
12 by a person licensed and practicing in accordance with the state
13 supreme court's admission to practice rule 28, the limited practice
14 rule for limited license legal technicians;

15 (h) Restrain the respondent from having any contact with the
16 victim of domestic violence or the victim's children or members of
17 the victim's household;

18 (i) Restrain the respondent from harassing, following, keeping
19 under physical or electronic surveillance, cyberstalking as defined
20 in RCW 9.61.260, and using telephonic, audiovisual, or other
21 electronic means to monitor the actions, location, or communication
22 of a victim of domestic violence, the victim's children, or members
23 of the victim's household. For the purposes of this subsection,
24 "communication" includes both "wire communication" and "electronic
25 communication" as defined in RCW 9.73.260;

26 (j) Require the respondent to submit to electronic monitoring.
27 The order shall specify who shall provide the electronic monitoring
28 services and the terms under which the monitoring must be performed.
29 The order also may include a requirement that the respondent pay the
30 costs of the monitoring. The court shall consider the ability of the
31 respondent to pay for electronic monitoring;

32 (k) Consider the provisions of RCW 9.41.800;

33 (l) Order possession and use of essential personal effects. The
34 court shall list the essential personal effects with sufficient
35 specificity to make it clear which property is included. Personal
36 effects may include pets. The court may order that a petitioner be
37 granted the exclusive custody or control of any pet owned, possessed,
38 leased, kept, or held by the petitioner, respondent, or minor child
39 residing with either the petitioner or respondent and may prohibit
40 the respondent from interfering with the petitioner's efforts to

1 remove the pet. The court may also prohibit the respondent from
2 knowingly coming within, or knowingly remaining within, a specified
3 distance of specified locations where the pet is regularly found; and

4 (m) Order use of a vehicle.

5 (2) If a protection order restrains the respondent from
6 contacting the respondent's minor children the restraint shall be for
7 a fixed period not to exceed one year. This limitation is not
8 applicable to orders for protection issued under chapter 26.09,
9 26.10, or 26.26 RCW. With regard to other relief, if the petitioner
10 has petitioned for relief on his or her own behalf or on behalf of
11 the petitioner's family or household members or minor children, and
12 the court finds that the respondent is likely to resume acts of
13 domestic violence against the petitioner or the petitioner's family
14 or household members or minor children when the order expires, the
15 court may either grant relief for a fixed period or enter a permanent
16 order of protection.

17 If the petitioner has petitioned for relief on behalf of the
18 respondent's minor children, the court shall advise the petitioner
19 that if the petitioner wants to continue protection for a period
20 beyond one year the petitioner may either petition for renewal
21 pursuant to the provisions of this chapter or may seek relief
22 pursuant to the provisions of chapter 26.09 or 26.26 RCW.

23 (3) If the court grants an order for a fixed time period, the
24 petitioner may apply for renewal of the order by filing a petition
25 for renewal at any time within the three months before the order
26 expires. The petition for renewal shall state the reasons why the
27 petitioner seeks to renew the protection order. Upon receipt of the
28 petition for renewal the court shall order a hearing which shall be
29 not later than fourteen days from the date of the order. Except as
30 provided in RCW 26.50.085, personal service shall be made on the
31 respondent not less than five days before the hearing. If timely
32 service cannot be made the court shall set a new hearing date and
33 shall either require additional attempts at obtaining personal
34 service or permit service by publication as provided in RCW 26.50.085
35 or by mail as provided in RCW 26.50.123. If the court permits service
36 by publication or mail, the court shall set the new hearing date not
37 later than twenty-four days from the date of the order. If the order
38 expires because timely service cannot be made the court shall grant
39 an ex parte order of protection as provided in RCW 26.50.070. The
40 court shall grant the petition for renewal unless the respondent

1 proves by a preponderance of the evidence that the respondent will
2 not resume acts of domestic violence against the petitioner or the
3 petitioner's children or family or household members when the order
4 expires. The court may renew the protection order for another fixed
5 time period or may enter a permanent order as provided in this
6 section. The court may award court costs, service fees, and
7 reasonable attorneys' fees as provided in subsection (1)(g) of this
8 section.

9 (4) In providing relief under this chapter, the court may realign
10 the designation of the parties as "petitioner" and "respondent" where
11 the court finds that the original petitioner is the abuser and the
12 original respondent is the victim of domestic violence and may issue
13 an ex parte temporary order for protection in accordance with RCW
14 26.50.070 on behalf of the victim until the victim is able to prepare
15 a petition for an order for protection in accordance with RCW
16 26.50.030.

17 (5) Except as provided in subsection (4) of this section, no
18 order for protection shall grant relief to any party except upon
19 notice to the respondent and hearing pursuant to a petition or
20 counter-petition filed and served by the party seeking relief in
21 accordance with RCW 26.50.050.

22 (6) The court order shall specify the date the order expires if
23 any. The court order shall also state whether the court issued the
24 protection order following personal service, service by publication,
25 or service by mail and whether the court has approved service by
26 publication or mail of an order issued under this section.

27 (7) If the court declines to issue an order for protection or
28 declines to renew an order for protection, the court shall state in
29 writing on the order the particular reasons for the court's denial.

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