

2SHB 1320 - H AMD 450

By Representative Walsh

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 7.90.020 and 2019 c 258 s 2 are each amended to
4 read as follows:

5 There shall exist an action known as a petition for a sexual
6 assault protection order.

7 (1) A petition for relief shall allege the existence of
8 nonconsensual sexual conduct or nonconsensual sexual penetration, and
9 shall be accompanied by an affidavit or declaration made under oath
10 stating the specific facts and circumstances from which relief is
11 sought. Petitioner and respondent shall disclose the existence of any
12 other litigation or of any other restraining, protection, or no-
13 contact orders between the parties.

14 (2) A petition for relief may be made regardless of whether or
15 not there is a pending lawsuit, complaint, petition, or other action
16 between the parties.

17 (3) Within (~~ninety~~) 90 days of receipt of the master copy from
18 the administrative office of the courts, all court clerk's offices
19 shall make available the standardized forms, instructions, and
20 informational brochures required by RCW 7.90.180 and shall fill in
21 and keep current specific program names and telephone numbers for
22 community resources. Any assistance or information provided by clerks
23 under this section does not constitute the practice of law and clerks
24 are not responsible for incorrect information contained in a
25 petition.

26 (4) Forms and instructional brochures and the necessary number of
27 certified copies shall be provided free of charge. The filing fee
28 must be waived.

29 (5) A person is not required to post a bond to obtain relief in
30 any proceeding under this section.

31 (6) If the petition states that disclosure of the petitioner's
32 address would risk abuse of the petitioner or any member of the

1 petitioner's family or household, that address may be omitted from
2 all documents filed with the court. If the petitioner has not
3 disclosed an address under this subsection, the petitioner shall
4 designate an alternative address at which the respondent may serve
5 notice of any motions.

6 **Sec. 2.** RCW 7.90.030 and 2007 c 212 s 2 are each amended to read
7 as follows:

8 (1) A petition for a sexual assault protection order may be filed
9 by a person:

10 (a) Who does not qualify for a protection order under chapter
11 26.50 RCW and who is a victim of nonconsensual sexual conduct or
12 nonconsensual sexual penetration, including a single incident of
13 nonconsensual sexual conduct or nonconsensual sexual penetration; or

14 (b) On behalf of any of the following persons who is a victim of
15 nonconsensual sexual conduct or nonconsensual sexual penetration and
16 who does not qualify for a protection order under chapter 26.50 RCW:

17 (i) A minor child;

18 (ii) A vulnerable adult as defined in RCW 74.34.020 (~~or~~
19 ~~74.34.021~~); or

20 (iii) Any other adult who, because of age, disability, health, or
21 inaccessibility, cannot file the petition.

22 (2) Minor children must be referred to in all publicly available
23 filed documents by their initials and age.

24 **Sec. 3.** RCW 7.90.040 and 2013 c 74 s 1 are each amended to read
25 as follows:

26 (1) Any person may seek relief under this chapter by filing a
27 petition with a court alleging that the person has been the victim of
28 nonconsensual sexual conduct or nonconsensual sexual penetration
29 committed by the respondent.

30 (2) A (~~person under eighteen years of age who is sixteen~~) minor
31 16 years of age or older may seek relief under this chapter and is
32 not required to seek relief by a guardian or next friend. This does
33 not preclude a parent or legal custodian of a victim 16 or 17 years
34 of age from seeking relief on behalf of the minor.

35 (3) No guardian or guardian ad litem need be appointed on behalf
36 of a respondent to an action under this chapter who is under
37 (~~eighteen~~) 18 years of age if such respondent is (~~sixteen~~) 16
38 years of age or older.

1 (4) The court may, if it deems necessary, appoint a guardian ad
2 litem for a petitioner or respondent who is a party to an action
3 under this chapter. The appointment shall be at no cost to either
4 party.

5 ~~(5) ((Jurisdiction of the courts over proceedings under this
6 chapter shall be the same as jurisdiction over domestic violence
7 protection orders under RCW 26.50.020(5)).~~

8 ~~(6) An action under this chapter shall be filed in the county or
9 the municipality where the petitioner resides)) District courts have
10 jurisdiction over all civil actions and proceedings brought under
11 this chapter, except as provided in subsection (7) of this section.~~

12 (6) Municipal courts may exercise jurisdiction over all civil
13 actions and proceedings brought under this chapter, except as
14 provided in subsection (7) of this section, by adoption of local
15 court rule.

16 (7) Only superior courts have jurisdiction over civil actions and
17 proceedings brought under this chapter where: (a) The respondent is
18 under 18 years of age; (b) the action involves title to or possession
19 of real property, including exclusion from a dwelling; (c) the
20 superior court has exercised or is exercising jurisdiction over a
21 proceeding involving the parties; or (d) the action involves
22 interference with a respondent's care, control, or custody of the
23 respondent's minor child or children. District and municipal courts
24 have jurisdiction over such cases limited to issuing and reissuing
25 temporary orders of protection, scheduling hearings in superior court
26 according to the superior court's practice, and transferring cases to
27 the superior court. If the superior court determines that a petition
28 has been filed in superior court, but the petitioner has not
29 established any ground for superior court jurisdiction under (a)
30 through (d) of this subsection, the court may for good cause,
31 including timely resolution of the petition, hear the merits of the
32 petition and has jurisdiction to do so, or the court may dismiss the
33 petition without prejudice for refileing in an appropriate court. When
34 the jurisdiction of a district court or municipal court is limited to
35 the issuance and enforcement of a temporary order, the district court
36 or municipal court shall set the full hearing in superior court and
37 transfer the case. If the notice and order are not served on the
38 respondent in time for the full hearing, the issuing court has
39 concurrent jurisdiction with the superior court to extend the order
40 for protection.

1 (8) Enforcement of protection orders issued under this chapter
2 must comply with general criminal jurisdiction and venue laws, rules,
3 and procedures.

4 (9) An action under this chapter must be filed in the county or
5 the municipality where the petitioner resides, unless the petitioner
6 has left the residence or household to avoid acts of sexual assault.
7 In that case, the petitioner may bring the action in the county or
8 municipality of the previous or new household or residence.

9 **Sec. 4.** RCW 7.90.050 and 2013 c 74 s 2 are each amended to read
10 as follows:

11 Upon receipt of the petition, the court shall order a hearing
12 which shall be held not later than (~~fourteen~~) 14 days from the date
13 (~~of the order~~) the petition is received. The court may schedule a
14 hearing in person or by telephone (~~pursuant to local court rule, to~~
15 ~~reasonably accommodate a disability, or in exceptional circumstances~~
16 ~~to protect a petitioner from further nonconsensual sexual conduct or~~
17 ~~nonconsensual sexual penetration. The court shall require assurances~~
18 ~~of the petitioner's identity before conducting a telephonic hearing.~~
19 ~~Personal~~), video, or electronic means with appropriate safeguards as
20 determined by the court. Except as provided in RCW 7.90.052, personal
21 service shall be made upon the respondent not less than five court
22 days prior to the hearing unless waived by the respondent. If timely
23 personal service cannot be made, the court shall set a new hearing
24 date and shall either require additional attempts at obtaining
25 personal service or permit service by mail, electronic means, or
26 publication as provided in RCW 7.90.052 (~~or service by mail as~~
27 ~~provided in RCW 7.90.053)). The court shall not require more than two~~
28 ~~attempts at obtaining personal service and shall permit service by~~
29 mail, electronic means, or publication (~~or service by mail unless~~
30 ~~the petitioner requests additional time to attempt personal service.~~
31 ~~If the court permits service by publication or service by mail, the~~
32 ~~court shall set the hearing date not later than twenty-four days from~~
33 ~~the date of the order)) unless the petitioner requests additional~~
34 time to attempt personal service. In cases where personal service was
35 not made, the court shall set the next hearing date: (1) Within 14
36 days from the date of the order; (2) to an available date mutually
37 agreed to by the parties and accepted by the court; or (3) not later
38 than 24 days from the date of the order upon a showing of good cause

1 to facilitate service. The court may issue an ex parte temporary
2 sexual assault order pending the hearing as provided in RCW 7.90.110.

3 **Sec. 5.** RCW 7.90.052 and 2013 c 74 s 6 are each amended to read
4 as follows:

5 (1) ~~((The court may order service by publication instead of~~
6 ~~personal service under the following circumstances))~~ If the
7 respondent was not personally served with a petition authorized by
8 this chapter, a notice of hearing, and any ex parte protection order
9 before the hearing, the court shall set a new hearing date as
10 provided in RCW 7.90.050 and shall either permit additional personal
11 service attempts or order service by mail, electronic means, or
12 publication instead of personal service under the following
13 circumstances established by affidavit or declaration:

14 (a) The court determines that the petitioner was unable to
15 personally serve the respondent after a diligent effort and the
16 proposed alternate service is reasonably probable to provide actual
17 notice based upon consideration of the following:

18 (i) A means of service other than personal service is reasonably
19 calculated to provide notice under the circumstances, including the
20 inability to timely personally serve the respondent;

21 (ii) A description of the number and types of attempts made to
22 complete personal service;

23 (iii) A description of the respondent's known address or
24 addresses, contact information, and electronic addresses or
25 electronic accounts;

26 (iv) A description of communications with the respondent;

27 (v) Information concerning the respondent's whereabouts; and

28 (vi) Any other information relating to the inability to
29 personally serve the respondent and the reasonable probability that
30 alternate service will provide actual notice; or

31 (b) The court determines that the respondent is avoiding personal
32 service, based upon consideration of the following:

33 ~~((a))~~ (i) The sheriff or municipal peace officer ~~((files an~~
34 ~~affidavit stating))~~ states that the officer was unable to complete
35 personal service upon the respondent ~~((The affidavit must describe))~~
36 and describes the number and type of attempts the officer made to
37 complete service;

38 ~~((b))~~ (ii) The petitioner ~~((files an affidavit stating))~~ states
39 that the petitioner believes the respondent is hiding from the server

1 to avoid service(~~(. The petitioner's affidavit must state)~~) and
2 states the reasons for the belief that the respondent is avoiding
3 service;

4 ~~((e))~~ (iii) The server has deposited a copy of the summons, in
5 substantially the form prescribed in subsection (3) of this section,
6 notice of hearing, and the ex parte order of protection in the post
7 office, directed to the respondent at the respondent's last known
8 address, unless the server states that he or she does not know the
9 respondent's address; and

10 ~~((d))~~ (iv) The court finds reasonable grounds exist to believe
11 the respondent is concealing himself or herself to avoid service, and
12 that further attempts to personally serve the respondent would be
13 futile or unduly burdensome.

14 (2) ~~((If the))~~ The court ~~((orders service by publication, it))~~
15 shall ~~((also))~~ reissue the temporary order of protection ~~((not to~~
16 ~~exceed another twenty-four days from the date of reissuing the ex~~
17 ~~parte protection order and order that service by publication be~~
18 ~~provided))~~ as provided in RCW 7.90.110 to allow additional service
19 attempts.

20 (3) ~~((The))~~ Service by publication must be made in a newspaper of
21 general circulation in the county where the petition was brought and
22 in the county of the last known address of the respondent once a week
23 for three consecutive weeks. The newspaper selected must be one of
24 the three most widely circulated papers in the county. The
25 publication of summons must not be made until the court orders
26 service by publication under this section. Service of the summons is
27 considered complete when the publication has been made for three
28 consecutive weeks. The summons must be signed by the petitioner. The
29 summons must contain the date of the first publication, and must
30 require the respondent upon whom service by publication is desired,
31 to appear and answer the petition on the date set for the hearing.
32 The summons must also contain a brief statement of the reason for the
33 petition and a summary of the provisions under the ex parte order.
34 The summons must be essentially in the following form:

35 In the court of the state of Washington
36 for the county of
37, Petitioner
38 vs. No.
39, Respondent

The state of Washington to (respondent):

You are hereby summoned to appear on the day of, (year), at a.m./p.m., and respond to the petition. If you fail to respond, an order of protection will be issued against you pursuant to the provisions of the sexual assault protection order act, chapter 7.90 RCW, for a minimum of one year from the date you are required to appear. A temporary order of protection has been issued against you, restraining you from the following: (Insert a brief statement of the provisions of the ex parte order). A copy of the petition, notice of hearing, and ex parte order has been filed with the clerk of this court.

.....
Petitioner.....

(4) Service by electronic means includes service by email, text message, or social media applications. Service by mail must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address. In the case of mailing, two copies must be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender. Service by electronic means must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by transmitting copies of the order and other process to the party to be served at his or her electronic address or electronic account associated with email, text messaging, or social media applications. Sworn proof of service by law enforcement or an adult who is not the petitioner must be filed with the court.

(5) Service under this section may be used in the same manner and shall have the same jurisdictional effect as personal service for purposes of this chapter. Service shall be deemed complete upon the mailing or transmission as prescribed in this section.

(6) The court may authorize multiple methods of service permitted by this section and may consider use of any address determined by the court to be appropriate in order to authorize service that is reasonably probable to provide actual notice. The court shall favor

1 speedy and cost-effective methods of service to promote prompt and
2 accessible resolution of the merits of the petition.

3 **Sec. 6.** RCW 7.90.054 and 2013 c 74 s 8 are each amended to read
4 as follows:

5 Following completion of service by mail, electronic means, or
6 publication as provided in RCW 7.90.052 (~~(or service by mail as~~
7 ~~provided in RCW 7.90.053)~~), if the respondent fails to appear at the
8 hearing, the court may issue an order of protection as provided in
9 RCW 7.90.140. That order must be served pursuant to RCW 7.90.140 and
10 forwarded to the appropriate law enforcement agency pursuant to RCW
11 7.90.160.

12 **Sec. 7.** RCW 7.90.090 and 2019 c 245 s 4 are each amended to read
13 as follows:

14 (1) (a) If the court finds by a preponderance of the evidence that
15 the petitioner has been a victim of nonconsensual sexual conduct or
16 nonconsensual sexual penetration by the respondent, the court shall
17 issue a sexual assault protection order; provided that the petitioner
18 must also satisfy the requirements of RCW 7.90.110 for ex parte
19 temporary orders or RCW 7.90.120 for final orders.

20 (b) The petitioner shall not be denied a sexual assault
21 protection order because the petitioner or the respondent is a minor
22 or because the petitioner did not report the assault to law
23 enforcement. The court, when determining whether or not to issue a
24 sexual assault protection order, may not require proof of physical
25 injury on the person of the victim or proof that the petitioner has
26 reported the sexual assault to law enforcement. Modification and
27 extension of prior sexual assault protection orders shall be in
28 accordance with this chapter.

29 (2) The court (~~(may provide)~~) has broad discretion to grant such
30 relief as the court deems proper, including an order that provides
31 relief as follows:

32 (a) Restrain the respondent from (~~(having any)~~) making any
33 attempts to contact the petitioner, including nonphysical contact (~~(~~
34 ~~with the petitioner directly, indirectly, or)~~) and contact through
35 third parties regardless of whether those third parties know of the
36 order;

1 (b) Exclude the respondent from the petitioner's residence,
2 workplace, or school, or from the day care or school of a child, if
3 the victim is a child;

4 (c) Prohibit the respondent from knowingly coming within, or
5 knowingly remaining within, a specified distance from a specified
6 location including, but not limited to, a residence, school, day
7 care, workplace, and the protected party's person; and

8 (d) Order any other injunctive relief as necessary or appropriate
9 for the protection of the petitioner.

10 (3) In issuing the order, the court shall consider the provisions
11 of RCW 9.41.800, and shall order the respondent to surrender, and
12 prohibit the respondent from possessing, all firearms, dangerous
13 weapons, and any concealed pistol license as required in RCW
14 9.41.800.

15 (4) In cases where the petitioner and the respondent are under
16 the age of (~~eighteen~~) 18 and attend the same public or private
17 elementary, middle, or high school, the court, when issuing a
18 protection order and providing relief, shall consider, among the
19 other facts of the case, the severity of the act, any continuing
20 physical danger or emotional distress to the petitioner, and the
21 expense difficulty, and educational disruption that would be caused
22 by a transfer of the respondent to another school. The court may
23 order that the person restrained in the order not attend the public
24 or approved private elementary, middle, or high school attended by
25 the person under the age of (~~eighteen~~) 18 protected by the order.
26 In the event the court orders a transfer of the restrained person to
27 another school, the parents or legal guardians of the person
28 restrained in the order are responsible for transportation and other
29 costs associated with the change of school by the person restrained
30 in the order. The court shall send notice of the restriction on
31 attending the same school as the person protected by the order to the
32 public or approved private school the person restrained by the order
33 will attend and to the school the person protected by the order
34 attends.

35 (5) Denial of a remedy may not be based, in whole or in part, on
36 evidence that:

37 (a) The respondent was voluntarily intoxicated;

38 (b) The petitioner was voluntarily intoxicated; or

39 (c) The petitioner engaged in limited consensual sexual touching.

40 (6) Monetary damages are not recoverable as a remedy.

1 (7) A knowing violation of a court order issued under this
2 section is punishable under RCW 26.50.110.

3 (8) If the court declines to issue a protection order, the court
4 shall state in writing on the order the particular reasons for the
5 court's denial.

6 **Sec. 8.** RCW 7.90.110 and 2019 c 245 s 5 are each amended to read
7 as follows:

8 (1) An ex parte temporary sexual assault protection order shall
9 issue if the petitioner satisfies the requirements of this subsection
10 by a preponderance of the evidence. The petitioner shall establish
11 that:

12 (a) The petitioner has been a victim of nonconsensual sexual
13 conduct or nonconsensual sexual penetration by the respondent; and

14 (b) There is good cause to grant the remedy, regardless of the
15 lack of prior service of process or of notice upon the respondent,
16 because the harm which that remedy is intended to prevent would be
17 likely to occur if the respondent were given any prior notice, or
18 greater notice than was actually given, of the petitioner's efforts
19 to obtain judicial relief.

20 (2) In issuing the order, the court shall consider the provisions
21 of RCW 9.41.800, and shall order the respondent to surrender, and
22 prohibit the respondent from possessing, all firearms, dangerous
23 weapons, and any concealed pistol license as required in RCW
24 9.41.800.

25 (3) If the respondent appears in court for this hearing for an ex
26 parte temporary order, he or she may elect to file a general
27 appearance and testify under oath. Any resulting order may be an ex
28 parte temporary order, governed by this section.

29 (4) If the court declines to issue an ex parte temporary sexual
30 assault protection order, the court shall state the particular
31 reasons for the court's denial. The court's denial of a motion for an
32 ex parte temporary order shall be filed with the court.

33 (5) A knowing violation of a court order issued under this
34 section is punishable under RCW 26.50.110.

35 (6) When an ex parte temporary protection order has been entered
36 without notice to the respondent or an ability for the respondent to
37 participate in the ex parte hearing, the respondent may file a motion
38 to terminate or modify the order prior to a final hearing on the
39 grounds that the ex parte temporary protection order is not

1 meritorious and will cause imminent harm to the respondent before the
2 hearing can occur or that the order or its remedy is not authorized
3 by this chapter. The respondent shall provide advance notice to the
4 petitioner of the time and place for presentation of the motion. The
5 motion must be heard expeditiously. The respondent is limited to one
6 motion to terminate or modify an ex parte temporary protection order.
7 If the court determines that the motion has been brought in bad
8 faith, the court may impose sanctions.

9 **Sec. 9.** RCW 7.90.120 and 2017 c 233 s 1 are each amended to read
10 as follows:

11 (1)(a) An ex parte temporary sexual assault protection order
12 shall be effective ~~((for a fixed period not to exceed fourteen days.~~
13 ~~A full hearing, as provided in this chapter, shall be set for not~~
14 ~~later than fourteen days from the issuance of the temporary order or~~
15 ~~not later than twenty-four days if service by publication or service~~
16 ~~by mail is permitted. If the court permits service by publication or~~
17 ~~service by mail, the court shall also reissue the ex parte temporary~~
18 ~~protection order not to exceed another twenty-four days from the date~~
19 ~~of reissuing the ex parte protection order)) until the next hearing~~

20 date. Except as provided in RCW 7.90.050~~((7))~~ or 7.90.052, ~~((7~~
21 ~~7.90.053~~7~~))~~ the respondent shall be personally served with a copy of
22 the ex parte temporary sexual assault protection order along with a
23 copy of the petition and notice of the date set for the hearing.

24 (b) Any ex parte temporary order issued under this section shall
25 contain the date and time of issuance and the expiration date and
26 shall be entered into a statewide judicial information system by the
27 clerk of the court within one judicial day after issuance.

28 (2) Except as otherwise provided in this section or RCW 7.90.150,
29 a final sexual assault protection order shall be effective for a
30 fixed period of time or be permanent.

31 (3) Any sexual assault protection order which would expire on a
32 court holiday shall instead expire at the close of the next court
33 business day.

34 (4) The practice of dismissing or suspending a criminal
35 prosecution in exchange for the issuance of a sexual assault
36 protection order undermines the purposes of this chapter. This
37 section shall not be construed as encouraging that practice.

1 **Sec. 10.** RCW 7.90.121 and 2017 c 233 s 2 are each amended to
2 read as follows:

3 (1) Any (~~ex parte temporary or nonpermanent~~) final sexual
4 assault protection order may be renewed one or more times, as
5 required.

6 (2) The petitioner may apply for renewal of the order by filing a
7 motion for renewal at any time within the three months before the
8 order expires. The motion for renewal shall state the reasons why the
9 petitioner seeks to renew the protection order.

10 (3) (a) The court shall grant the motion for renewal unless the
11 respondent proves by a preponderance of the evidence that (~~there has~~
12 ~~been a material change in circumstances such that~~) the respondent is
13 not likely to engage in or attempt to engage in physical or
14 nonphysical contact with the petitioner when the order expires.

15 (b) (~~For purposes of this subsection (3), a court shall~~
16 ~~determine whether there has been a material change in circumstances~~
17 ~~by considering only factors which address whether the respondent is~~
18 ~~likely to engage in or attempt to engage in physical or nonphysical~~
19 ~~contact with the petitioner when the order expires. The passage of~~
20 ~~time and compliance with the existing protection order shall not,~~
21 ~~alone, be sufficient to meet this burden of proof.~~) The court may
22 renew the sexual assault protection order for another fixed time
23 period or may enter a permanent order as provided in (~~this section.~~

24 ~~(c) In determining whether there has been a material change in~~
25 ~~circumstances, the court may consider the following unweighted~~
26 ~~factors, and no inference is to be drawn from the order in which the~~
27 ~~factors are listed:~~

28 ~~(i) Whether the respondent has committed or threatened sexual~~
29 ~~assault, domestic violence, stalking, or other violent acts since the~~
30 ~~protection order was entered;~~

31 ~~(ii) Whether the respondent has violated the terms of the~~
32 ~~protection order and the time that has passed since the entry of the~~
33 ~~order;~~

34 ~~(iii) Whether the respondent has exhibited suicidal ideation or~~
35 ~~attempts since the protection order was entered;~~

36 ~~(iv) Whether the respondent has been convicted of criminal~~
37 ~~activity since the protection order was entered;~~

38 ~~(v) Whether the respondent has either acknowledged responsibility~~
39 ~~for acts of sexual assault that resulted in entry of the protection~~

1 ~~order or successfully completed sexual assault perpetrator treatment~~
2 ~~or counseling since the protection order was entered;~~

3 ~~(vi) Whether the respondent has a continuing involvement with~~
4 ~~drug or alcohol abuse, if such abuse was a factor in the protection~~
5 ~~order;~~

6 ~~(vii) Whether the respondent or petitioner has relocated to an~~
7 ~~area more distant from the other party, giving due consideration to~~
8 ~~the fact that acts of sexual assault may be committed from any~~
9 ~~distance such as via cybercrime;~~

10 ~~(viii) Other factors relating to a material change in~~
11 ~~circumstances) RCW 7.90.120.~~

12 ~~(4) (a) ((If the motion is contested, upon receipt of the motion,~~
13 ~~the court shall order that a hearing be held not later than fourteen~~
14 ~~days from the date of the order.~~

15 ~~(b) The)) Upon the filing of a request to renew the order, the~~
16 ~~court may schedule a hearing in person or by telephone ((pursuant to~~
17 ~~local court rule, to reasonably accommodate a disability, or in~~
18 ~~exceptional circumstances to protect a petitioner from further~~
19 ~~nonconsensual sexual conduct or nonconsensual sexual penetration. The~~
20 ~~court shall require assurances of the petitioner's identity before~~
21 ~~conducting a telephonic hearing)), video, or other electronic means~~
22 ~~with appropriate safeguards as determined by the court.~~

23 ~~((e)) (b) The respondent shall be personally served not less~~
24 ~~than five court days prior to the hearing, unless waived by the~~
25 ~~respondent. If timely personal service cannot be made, the court~~
26 ~~shall set a new hearing date and shall either require additional~~
27 ~~attempts at obtaining personal service or permit service by mail,~~
28 ~~electronic means, or publication as provided in RCW 7.90.052 (~~or~~~~
29 ~~service by mail as provided in RCW 7.90.053)). The court shall not~~
30 ~~require more than two attempts at obtaining personal service and~~
31 ~~shall permit service by mail, electronic means, or publication (~~or~~~~
32 ~~service by mail)) unless the petitioner requests additional time to~~
33 ~~attempt personal service. ((If the court permits service by~~
34 ~~publication or service by mail, the court shall set the hearing date~~
35 ~~not later than twenty-four days from the date of the order.~~

36 ~~(5) Renewals may be granted only in open court)) In cases where~~
37 ~~personal service cannot be made, the court shall set the next hearing~~
38 ~~date: (i) Within 14 days from the date of the order; (ii) to an~~
39 ~~available date mutually agreed to by the parties and accepted by the~~

1 court; or (iii) not later than 24 days from the date of the order
2 upon a showing of good cause to facilitate service.

3 **Sec. 11.** RCW 7.90.140 and 2019 c 245 s 6 are each amended to
4 read as follows:

5 (1) An order issued under this chapter shall be personally served
6 upon the respondent, except as provided in subsection (6) of this
7 section.

8 (2) The sheriff of the county or the peace officers of the
9 municipality in which the respondent resides shall serve the
10 respondent personally unless the petitioner elects to have the
11 respondent served by a private party. If the order includes a
12 requirement under RCW 9.41.800 for the immediate surrender of all
13 firearms, dangerous weapons, and any concealed pistol license, the
14 order must be served by a law enforcement officer.

15 (3) If service by a sheriff or municipal peace officer is to be
16 used, the clerk of the court shall have a copy of any order issued
17 under this chapter electronically forwarded on or before the next
18 judicial day to the appropriate law enforcement agency specified in
19 the order for service upon the respondent. Service of an order issued
20 under this chapter shall take precedence over the service of other
21 documents unless they are of a similar emergency nature.

22 (4) If the sheriff or municipal peace officer cannot complete
23 service upon the respondent within ten days, the sheriff or municipal
24 peace officer shall notify the petitioner. The petitioner shall
25 provide information sufficient to permit notification.

26 (5) Returns of service under this chapter shall be made in
27 accordance with the applicable court rules. Proof of service must
28 include all known information concerning receipt and responses from
29 the respondent, including for service by mail or electronic means.

30 (6) If an order entered by the court recites that the respondent
31 appeared (~~in person~~) before the court, the necessity for further
32 service is waived and proof of service of that order is not
33 necessary. The court's order, entered after a hearing, need not be
34 served on a respondent who fails to appear before the court if
35 material terms of the order have not changed from those contained in
36 the temporary order, and it is shown to the court's satisfaction that
37 the respondent has previously been served with the temporary order.

38 (7) If the court previously entered an order allowing service of
39 the notice of hearing and temporary order of protection by mail,

1 electronic means, or publication under RCW 7.90.052 (~~or service by~~
2 ~~mail under RCW 7.90.053~~)), the court may permit service by mail,
3 electronic means, or publication (~~or service by mail~~) of the order
4 of protection issued under this chapter, except that law enforcement
5 must personally serve a final order requiring the surrender of
6 weapons or requiring vacation of a shared residence. Service by mail,
7 electronic means, or publication must comply with the requirements of
8 RCW 7.90.052 (~~and service by mail must comply with the requirements~~
9 ~~of RCW 7.90.053~~). The court order must state whether the court
10 permitted service by publication or service by mail.

11 **Sec. 12.** RCW 7.90.160 and 2006 c 138 s 17 are each amended to
12 read as follows:

13 (1) A copy of a sexual assault protection order granted under
14 this chapter shall be forwarded by the clerk of the court on or
15 before the next judicial day to the appropriate law enforcement
16 agency specified in the order. Upon receipt of the order, the law
17 enforcement agency shall immediately enter the order into any
18 computer-based criminal intelligence information system available in
19 this state used by law enforcement agencies to list outstanding
20 warrants. The order shall remain in the computer for one year or
21 until the expiration date specified on the order. Upon receipt of
22 notice that an order has been terminated, the law enforcement agency
23 shall remove the order from the computer-based criminal intelligence
24 information system. The law enforcement agency shall only expunge
25 from the computer-based criminal intelligence information system
26 orders that are expired, vacated, terminated, or superseded. Entry
27 into the law enforcement information system constitutes notice to all
28 law enforcement agencies of the existence of the order. The order is
29 fully enforceable in any county in the state.

30 (2) The information entered into the computer-based criminal
31 intelligence information system shall include notice to law
32 enforcement whether the order was (~~personally~~) served personally,
33 (~~served~~) by publication, (~~or served~~) by mail, or by electronic
34 means.

35 **Sec. 13.** RCW 7.90.170 and 2017 c 233 s 3 are each amended to
36 read as follows:

37 (1) Upon a motion with notice to all parties and after a hearing,
38 the court may terminate or modify the terms of an existing sexual

1 assault protection order, including terms entered pursuant to RCW
2 9.41.800 related to firearms or other dangerous weapons or to
3 concealed pistol licenses.

4 (2)(a) A respondent's motion to terminate or modify a sexual
5 assault protection order must include a declaration setting forth
6 facts supporting the requested order for termination or modification.
7 The nonmoving parties to the proceeding may file opposing
8 declarations. The court shall deny the motion unless it finds that
9 adequate cause for hearing the motion is established by the
10 declarations. If the court finds that the respondent established
11 adequate cause, the court shall set a date for hearing the
12 respondent's motion.

13 (b) The court may terminate or modify the terms of a sexual
14 assault protection order, including terms entered pursuant to RCW
15 9.41.800 related to firearms or other dangerous weapons or to
16 concealed pistol licenses, if the respondent proves by a
17 preponderance of the evidence that there has been a material change
18 in circumstances such that the respondent is not likely to engage in
19 or attempt to engage in physical or nonphysical contact with the
20 persons protected by the protection order if the order is terminated
21 or modified. The petitioner bears no burden of proving that he or she
22 has a current reasonable fear of harm by the respondent.

23 (c) A respondent may file a motion to terminate or modify
24 pursuant to this section no more than once in every twelve-month
25 period that the order is in effect, starting from the date of the
26 order and continuing through any renewal.

27 (d) A court may require the respondent to pay the petitioner for
28 costs incurred in responding to a motion to terminate or modify
29 pursuant to this section, including reasonable attorneys' fees.

30 (e) The court shall determine whether there has been a material
31 change in circumstances by considering only factors that address
32 whether the respondent is likely to engage in or attempt to engage in
33 physical or nonphysical contact with the petitioner if the order were
34 modified or terminated. The passage of time and compliance with the
35 existing protection order shall not, alone, be sufficient to meet
36 this burden of proof. The court may renew the sexual assault
37 protection order for another fixed time period or may enter a
38 permanent order as provided in this section.

39 (f) In determining whether there has been a material change in
40 circumstances, the court may consider the following unweighted

1 factors, and no inference is to be drawn from the order in which the
2 factors are listed:

3 (i) Whether the respondent has committed or threatened sexual
4 assault, domestic violence, stalking, or other violent acts since the
5 protection order was entered;

6 (ii) Whether the respondent has violated the terms of the
7 protection order and the time that has passed since the entry of the
8 order;

9 (iii) Whether the respondent has exhibited suicidal ideation or
10 attempts since the protection order was entered;

11 (iv) Whether the respondent has been convicted of criminal
12 activity since the protection order was entered;

13 (v) Whether the respondent has either acknowledged responsibility
14 for acts of sexual assault that resulted in the entry of the
15 protection order or successfully completed sexual assault perpetrator
16 treatment or counseling since the protection order was entered;

17 (vi) Whether the respondent has a continuing involvement with
18 drug or alcohol abuse, if such abuse was a factor in the protection
19 order;

20 (vii) Whether the respondent or petitioner has relocated to an
21 area more distant from the other party, giving due consideration to
22 the fact that acts of sexual assault may be committed from any
23 distance such as through cybercrime; and

24 (viii) Other factors relating to a material change in
25 circumstances.

26 (3) The court shall order that a hearing on the motion for
27 termination or modification of the order be held not later than
28 ~~((fourteen))~~ 14 days from the date of the order. The nonmoving party
29 shall be personally served not less than five days before the
30 hearing, unless waived by the nonmoving party. If timely service
31 cannot be made, the court shall set a new hearing date and shall
32 either require additional attempts at obtaining personal service or
33 permit service by mail, electronic means, or publication as provided
34 in RCW 7.90.052 ~~((or service by mail as provided in RCW 7.90.053. If~~
35 ~~the court permits service by mail or service by publication, the~~
36 ~~court shall set the new hearing date not later than twenty-four days~~
37 ~~from the date of the order)).~~ The court shall not require more than
38 two attempts at obtaining personal service and shall permit service
39 by mail, electronic means, or publication unless the petitioner
40 requests additional time to attempt personal service. In cases where

1 personal service cannot be made, the court shall set the next hearing
2 date: (a) Within 14 days from the date of the order; (b) to an
3 available date mutually agreed to by the parties and accepted by the
4 court; or (c) not later than 24 days from the date of the order upon
5 a showing of good cause to facilitate service.

6 (4) In any situation where an order is terminated or modified
7 before its expiration date, the clerk of the court shall forward on
8 or before the next judicial day a true copy of the modified order or
9 the termination order to the appropriate law enforcement agency
10 specified in the modified or termination order. Upon receipt of the
11 order, the law enforcement agency shall promptly enter it in the
12 computer-based criminal intelligence information system, or if the
13 order is terminated, remove the order from the computer-based
14 criminal intelligence information system.

15 **Sec. 14.** RCW 7.92.030 and 2013 c 84 s 3 are each amended to read
16 as follows:

17 There shall exist an action known as a petition for a stalking
18 protection order.

19 (1) A petition for relief shall allege the existence of stalking
20 conduct and shall be accompanied by an affidavit or declaration made
21 under oath stating the specific reasons that have caused the
22 petitioner to become reasonably fearful that the respondent intends
23 to injure the petitioner or another person, or the petitioner's
24 property or the property of another. The petition shall disclose the
25 existence of any other litigation or of any other restraining,
26 protection, or no-contact orders between the parties.

27 (2) A petition for relief shall be filed as a separate, stand-
28 alone civil case and a petition for relief may be made regardless of
29 whether or not there is a pending lawsuit, complaint, petition, or
30 other action between the parties.

31 (3) Forms and instructional brochures and the necessary number of
32 certified copies shall be provided to the petitioner free of charge.
33 The filing fee must be waived.

34 (4) A person is not required to post a bond to obtain relief in
35 any proceeding under this section.

36 (5) If the petition states that disclosure of the petitioner's
37 address would risk abuse of the petitioner or any member of the
38 petitioner's family or household, that address may be omitted from
39 all documents filed with the court. If the petitioner has not

1 disclosed an address under this subsection, the petitioner shall
2 designate an alternative address at which the respondent may serve
3 notice of any motions.

4 **Sec. 15.** RCW 7.92.040 and 2013 c 84 s 4 are each amended to read
5 as follows:

6 (1) A petition for a stalking protection order may be filed by a
7 person:

8 ~~((1))~~ (a) Who does not qualify for a protection order under
9 chapter 26.50 RCW and who is a victim of stalking conduct; or

10 ~~((2))~~ (b) On behalf of any of the following persons who is a
11 victim of stalking conduct and who does not qualify for a protection
12 order under chapter 26.50 RCW:

13 ~~((a))~~ (i) A minor child, where the petitioner is a parent, a
14 legal custodian, or, where the respondent is not a parent, an adult
15 with whom the child is currently residing; or

16 ~~((b))~~ (ii) A vulnerable adult as defined in RCW 74.34.020 and
17 where the petitioner is an interested person as defined in RCW
18 74.34.020~~((10))~~.

19 (2) Minor children must be referred to in all publicly available
20 filed documents by their initials and age.

21 **Sec. 16.** RCW 7.92.050 and 2013 c 84 s 5 are each amended to read
22 as follows:

23 (1) Any person may seek relief under this chapter by filing a
24 petition with a court alleging that the person has been the victim of
25 stalking conduct committed by the respondent.

26 (2) A minor ~~((sixteen))~~ 16 years of age or older may seek relief
27 under this chapter and is not required to seek relief through a
28 guardian or next friend. This does not preclude a parent or legal
29 custodian of a victim ~~((sixteen))~~ 16 or ~~((seventeen))~~ 17 years of age
30 from seeking relief on behalf of the minor.

31 ~~((The district))~~ No guardian or guardian ad litem need be
32 appointed on behalf of a respondent to an action under this chapter
33 who is under 18 years of age if such respondent is 16 years of age or
34 older.

35 (4) The court may, if it deems necessary, appoint a guardian ad
36 litem for a petitioner or respondent who is a party to an action
37 under this chapter. The appointment shall be at no cost to either
38 party.

1 ~~(5) District courts shall have ((original)) jurisdiction ((and~~
2 ~~eognizance of any)) over all civil actions and proceedings brought~~
3 ~~under this chapter, except ((a district court shall transfer such~~
4 ~~actions and proceedings to the superior court when it is shown that~~
5 ~~(a) the petitioner, victim, or respondent to the petition is under~~
6 ~~eighteen years of age; (b) the action involves title or possession of~~
7 ~~real property; (c) a superior court has exercised or is exercising~~
8 ~~jurisdiction over a proceeding involving the parties; or (d) the~~
9 ~~action would have the effect of interfering with a respondent's care,~~
10 ~~control, or custody of the respondent's minor child.~~

11 ~~(4)) as provided in subsection (7) of this section.~~

12 ~~(6) Municipal courts may exercise jurisdiction ((and cognizance~~
13 ~~of any)) over all civil actions and proceedings brought under this~~
14 ~~chapter, except as provided in subsection (7) of this section, by~~
15 ~~adoption of local court rule((, except a municipal court shall~~
16 ~~transfer such actions and proceedings to the superior court when it~~
17 ~~is shown that (a) the petitioner, victim, or respondent to the~~
18 ~~petition is under eighteen years of age; (b) the action involves~~
19 ~~title or possession of real property; (c) a superior court has~~
20 ~~exercised or is exercising jurisdiction over a proceeding involving~~
21 ~~the parties; or (d) the action would have the effect of interfering~~
22 ~~with a respondent's care, control, or custody of the respondent's~~
23 ~~minor child.~~

24 ~~(5) Superior courts shall have concurrent jurisdiction to receive~~
25 ~~transfer of stalking petitions in cases where a district or municipal~~
26 ~~court judge makes findings of fact and conclusions of law showing~~
27 ~~that meritorious reasons exist for the transfer. The jurisdiction of~~
28 ~~district and municipal courts is limited to enforcement of RCW~~
29 ~~26.50.110(1), or the equivalent municipal ordinance, and the issuance~~
30 ~~and enforcement of temporary orders provided for in RCW 7.92.120 if~~
31 ~~the superior court is exercising jurisdiction over a proceeding under~~
32 ~~this chapter involving the parties.~~

33 ~~(6) No guardian or guardian ad litem need be appointed on behalf~~
34 ~~of a respondent to an action under this chapter if such respondent is~~
35 ~~sixteen years of age or older)).~~

36 ~~(7) ((If a guardian ad litem is appointed for the petitioner or~~
37 ~~respondent, the petitioner shall not be required to pay any fee~~
38 ~~associated with such appointment.~~

39 ~~(8)) Only superior courts shall have jurisdiction over civil~~
40 ~~actions and proceedings brought under this chapter where: (a) The~~

1 respondent is under 18 years of age; (b) the action involves title to
2 or possession of real property, including exclusion from a dwelling;
3 (c) the superior court has exercised or is exercising jurisdiction
4 over a proceeding involving the parties; or (d) the action involves
5 interference with a respondent's care, control, or custody of the
6 respondent's minor child or children. District and municipal courts
7 have jurisdiction over such cases limited to issuing and reissuing
8 temporary orders of protection, scheduling hearings in superior court
9 according to the superior court's practice, and transferring cases to
10 the superior court. If the superior court determines that a petition
11 has been filed in superior court, but the petitioner has not
12 established any grounds under (a) through (d) of this subsection for
13 superior court jurisdiction, the court may for good cause, including
14 timely resolution of the petition, hear the merits of the petition
15 and has jurisdiction to do so, or the court may transfer the petition
16 to an appropriate court. When the jurisdiction of a district or
17 municipal court is limited to the issuance and enforcement of a
18 temporary order, the district or municipal court shall set the full
19 hearing in superior court and transfer the case. If the notice and
20 order are not served on the respondent in time for the full hearing,
21 the issuing court has concurrent jurisdiction with the superior court
22 to extend the order for protection.

23 (8) Enforcement of orders issued under this chapter must comply
24 with general criminal jurisdiction and venue laws, rules, and
25 procedures.

26 (9) An action under this chapter shall be filed in the county or
27 the municipality where the petitioner resides, unless the petitioner
28 has left the residence or household to avoid stalking conduct. In
29 that case, the petitioner may bring an action in the county or
30 municipality of the previous or the new residence or household.

31 **Sec. 17.** RCW 7.92.060 and 2013 c 84 s 6 are each amended to read
32 as follows:

33 Upon receipt of the petition alleging a prima facie case of
34 stalking conduct by the respondent, the court shall order a hearing
35 which shall be held not later than ~~((fourteen))~~ 14 days from the date
36 of the order. The court may schedule a hearing in person or by
37 telephone, ~~((to reasonably accommodate a disability, or in~~
38 ~~exceptional circumstances to protect a petitioner from further~~
39 ~~stalking behavior. The court shall require assurances of the~~

1 ~~petitioner's identity before conducting a telephonic hearing))~~ video,
2 or other electronic means with appropriate safeguards as determined
3 by the court. Except as provided in RCW 7.92.150, personal service
4 shall be made upon the respondent not less than five court days prior
5 to the hearing unless waived by the respondent. If timely personal
6 service cannot be made, the court shall set a new hearing date and
7 shall require additional attempts at obtaining personal service or
8 other service as permitted under RCW 7.92.150. The court shall not
9 require more than two attempts at obtaining personal service and
10 shall permit service by mail, electronic means, or publication unless
11 the petitioner requests additional time to attempt personal service.
12 In cases where personal service was not made, the court shall set the
13 next hearing date: (1) Within 14 days from the date of the order; (2)
14 to an available date mutually agreed to by the parties and accepted
15 by the court; or (3) not later than 24 days from the date of the
16 order upon a showing of good cause to facilitate service. The court
17 may issue an ex parte temporary stalking order pending the hearing as
18 provided in RCW 7.92.120.

19 **Sec. 18.** RCW 7.92.100 and 2019 c 245 s 7 are each amended to
20 read as follows:

21 (1) (a) (~~(If)~~) After notice and a hearing, if the court finds by a
22 preponderance of the evidence that the petitioner has been a victim
23 of stalking conduct by the respondent, the court shall issue a
24 stalking protection order.

25 (b) The petitioner shall not be denied a stalking protection
26 order because the petitioner or the respondent is a minor or because
27 the petitioner did not report the stalking conduct to law
28 enforcement. The court, when determining whether or not to issue a
29 stalking protection order, may not require proof of the respondent's
30 intentions regarding the acts alleged by the petitioner. Modification
31 and extension of prior stalking protection orders shall be in
32 accordance with this chapter.

33 (2) The court (~~may provide~~) shall have broad discretion to
34 grant such relief as the court deems proper, including an order
35 granting relief as follows:

36 (a) Restrain the respondent from having any contact, including
37 nonphysical contact, with the petitioner directly, indirectly, or
38 through third parties regardless of whether those third parties know
39 of the order;

1 (b) Exclude the respondent from the petitioner's residence,
2 workplace, or school, or from the day care, workplace, or school of
3 the petitioner's minor children;

4 (c) Prohibit the respondent from knowingly coming within, or
5 knowingly remaining within, a specified distance from a specified
6 location including, but not limited to, a residence, school, day
7 care, workplace, and the protected party's person;

8 (d) Prohibit the respondent from keeping the petitioner and/or
9 the petitioner's minor children under surveillance, to include
10 electronic surveillance;

11 (e) Order any other injunctive relief as necessary or appropriate
12 for the protection of the petitioner, to include a mental health
13 and/or chemical dependency evaluation; and

14 (f) Require the respondent to pay the administrative court costs
15 and service fees, as established by the county or municipality
16 incurring the expense and to reimburse the petitioner for costs
17 incurred in bringing the action, including reasonable attorneys'
18 fees.

19 (3) In issuing the order, the court shall consider the provisions
20 of RCW 9.41.800, and shall order the respondent to surrender, and
21 prohibit the respondent from possessing, all firearms, dangerous
22 weapons, and any concealed pistol license as required in RCW
23 9.41.800.

24 (4) Unless otherwise stated in the order, when a person is
25 petitioning on behalf of a minor child or vulnerable adult, the
26 relief authorized in this section shall apply only for the protection
27 of the victim, and not the petitioner.

28 (5) In cases where the petitioner and the respondent attend the
29 same public or private elementary, middle, or high school, the court,
30 when issuing a protection order and providing relief, shall consider,
31 among the other facts of the case, the severity of the act, any
32 continuing physical danger or emotional distress to the petitioner,
33 and the expense difficulty, and educational disruption that would be
34 caused by a transfer of the respondent to another school. The court
35 may order that the person restrained in the order not attend the
36 public or approved private elementary, middle, or high school
37 attended by the person protected by the order. In the event the court
38 orders a transfer of the restrained person to another school, the
39 parents or legal guardians of the person restrained in the order are
40 responsible for transportation and other costs associated with the

1 change of school by the person restrained in the order. The court
2 shall send notice of the restriction on attending the same school as
3 the person protected by the order to the public or approved private
4 school the person restrained by the order will attend and to the
5 school the person protected by the order attends.

6 (6) If the court declines to issue a protection order, the court
7 shall state in writing on the order the particular reasons for the
8 court's denial.

9 **Sec. 19.** RCW 7.92.120 and 2019 c 245 s 8 are each amended to
10 read as follows:

11 (1) Where it appears from the petition and any additional
12 evidence that the respondent has engaged in stalking conduct and that
13 irreparable injury could result if an order is not issued immediately
14 without prior notice, the court may grant an ex parte temporary order
15 for protection, pending a full hearing and grant such injunctive
16 relief as it deems proper, including the relief as specified under
17 RCW 7.92.100 (2) (a) through (d) and ~~((+4))~~ (5).

18 (2) Irreparable injury under this section includes, but is not
19 limited to, situations in which the respondent has recently
20 threatened the petitioner with bodily injury or has engaged in acts
21 of stalking conduct against the petitioner.

22 (3) In issuing the order, the court shall consider the provisions
23 of RCW 9.41.800, and shall order the respondent to surrender, and
24 prohibit the respondent from possessing, all firearms, dangerous
25 weapons, and any concealed pistol license as required in RCW
26 9.41.800.

27 (4) The court shall hold an ex parte hearing in person or by
28 telephone, video, or other electronic means, with appropriate
29 safeguards as determined by the court, on the day the petition is
30 filed or on the following judicial day.

31 (5) An ex parte temporary stalking protection order shall be
32 effective ~~((for a fixed period not to exceed fourteen days or twenty-~~
33 ~~four days if the court has permitted service by publication or mail))~~
34 until the next hearing. The ex parte order may be reissued. A full
35 hearing ~~((, as provided in this chapter,))~~ shall be set ~~((for not~~
36 ~~later than fourteen days from the issuance of the temporary order or~~
37 ~~not later than twenty-four days if service by publication or by mail~~
38 ~~is permitted))~~ as provided in RCW 7.92.060. Unless the court has
39 permitted service by mail, electronic means, or publication ~~((or~~

1 ~~mail~~)), the respondent shall be personally served with a copy of the
2 ex parte order along with a copy of the petition and notice of the
3 date set for the hearing.

4 (6) Any order issued under this section shall contain the date
5 and time of issuance and the expiration date and shall be entered
6 into a statewide judicial information system by the clerk of the
7 court within one judicial day after issuance.

8 (7) If the court declines to issue an ex parte temporary stalking
9 protection order, the court shall state the particular reasons for
10 the court's denial. The court's denial of a motion for an ex parte
11 temporary order shall be filed with the court.

12 (8) A knowing violation of a court order issued under this
13 section is punishable under RCW 26.50.110.

14 (9) When an ex parte temporary protection order has been entered
15 without notice to the respondent or an ability for the respondent to
16 participate in the ex parte hearing, the respondent may file a motion
17 to terminate or modify the order prior to a final hearing on the
18 grounds that the ex parte temporary protection order is not
19 meritorious and will cause imminent harm to the respondent before the
20 hearing can occur or that the order or its remedy is not authorized
21 by this chapter. The respondent shall provide advance notice to the
22 petitioner of the time and place for presentation of the motion. The
23 motion shall be heard expeditiously. The respondent is limited to one
24 motion to terminate or modify an ex parte temporary protection order.
25 If the court determines that the motion has been brought in bad
26 faith, the court may impose sanctions.

27 **Sec. 20.** RCW 7.92.130 and 2013 c 84 s 13 are each amended to
28 read as follows:

29 (1) Except as otherwise provided in this section or RCW 7.92.160,
30 a final stalking protection order shall be effective for a fixed
31 period of time or be permanent.

32 (2) Any (~~ex parte temporary or~~) final stalking protection order
33 may be renewed one or more times. The petitioner may apply for
34 renewal of the order by filing a petition for renewal at any time
35 within the three months before the order expires. (~~If the motion for~~
36 ~~renewal is uncontested and the petitioner seeks no modification of~~
37 ~~the order, the order may be renewed on the basis of the petitioner's~~
38 ~~motion or affidavit stating that there has been no material change in~~
39 ~~relevant circumstances since entry of the order and stating the~~

1 ~~reason for the requested renewal.~~) The court shall grant the
2 petition for renewal unless the respondent opposes the petition for
3 nonrenewal and proves by a preponderance of the evidence that the
4 respondent will not resume acts of stalking conduct against the
5 petitioner or the petitioner's children or family or household
6 members when the order expires. The court may renew the stalking
7 protection order for another fixed time period or may enter a
8 permanent order as provided in this section. The court may award
9 court costs, service fees, and reasonable attorneys' fees as provided
10 in RCW 7.92.100.

11 (3) Any stalking protection order which would expire on a court
12 holiday shall instead expire at the close of the next court business
13 day.

14 (4) The practice of dismissing or suspending a criminal
15 prosecution in exchange for the issuance of a stalking protection
16 order undermines the purposes of this chapter. This section shall not
17 be construed as encouraging that practice.

18 (5) If the court declines to issue an order for protection or
19 declines to renew an order for protection, the court shall state in
20 writing on the order the particular reasons for the court's denial.

21 **Sec. 21.** RCW 7.92.140 and 2013 c 84 s 14 are each amended to
22 read as follows:

23 (1) Any stalking protection order shall describe each remedy
24 granted by the court, in reasonable detail and not by reference to
25 any other document, so that the respondent may clearly understand
26 what he or she must do or refrain from doing.

27 (2) A stalking protection order shall further state the
28 following:

29 (a) The name of the petitioner that the court finds was the
30 victim of stalking by the respondent;

31 (b) The date and time the stalking protection order was issued,
32 whether it is an ex parte temporary or final order, and the duration
33 of the order;

34 (c) The date, time, and place for any scheduled hearing for
35 renewal of that stalking protection order or for another order of
36 greater duration or scope; and

37 (d) For each remedy in an ex parte temporary stalking protection
38 order, the reason for entering that remedy without prior notice to
39 the respondent or greater notice than was actually given(~~+~~

1 ~~(e) For ex parte temporary stalking protection orders, that the~~
2 ~~respondent may petition the court, to modify or terminate the order~~
3 ~~if he or she did not receive actual prior notice of the hearing and~~
4 ~~if the respondent alleges that he or she had a meritorious defense to~~
5 ~~the order or that the order or its remedy is not authorized by this~~
6 ~~chapter)).~~

7 (3) A stalking protection order shall include the following
8 notice, printed in conspicuous type: "A knowing violation of this
9 stalking protection order is a criminal offense under chapter 26.50
10 RCW and will subject a violator to arrest. You can be arrested even
11 if any person protected by the order invites or allows you to violate
12 the order's prohibitions. You have the sole responsibility to avoid
13 or refrain from violating the order's provisions. Only the court can
14 change the order."

15 **Sec. 22.** RCW 7.92.150 and 2019 c 245 s 9 are each amended to
16 read as follows:

17 (1) An order issued under this chapter shall be personally served
18 upon the respondent, except as provided in subsection (6), (7), (~~(8)~~
19 ~~(8))~~) (9), (10), or (11) of this section. The court order must state
20 whether the court issued the protection order following personal
21 service or service by mail, electronic means, or publication, and
22 whether the court has approved service by mail, electronic means, or
23 publication of an order issued under this section. If the respondent
24 is a minor, the respondent's parent or legal custodian shall also be
25 (~~personally~~) served by a method authorized by this section.

26 (2) The sheriff of the county or the peace officers of the
27 municipality in which the respondent resides shall serve the
28 respondent personally unless the petitioner elects to have the
29 respondent served by a private party. If the order includes a
30 requirement under RCW 9.41.800 for the immediate surrender of all
31 firearms, dangerous weapons, and any concealed pistol license, the
32 order must be served by a law enforcement officer.

33 (3) If service by a sheriff or municipal peace officer is to be
34 used, the clerk of the court shall have a copy of any order issued
35 under this chapter electronically forwarded on or before the next
36 judicial day to the appropriate law enforcement agency specified in
37 the order for service upon the respondent. Service of an order issued
38 under this chapter shall take precedence over the service of other
39 documents unless they are of a similar emergency nature.

1 (4) If the sheriff or municipal peace officer cannot complete
2 service upon the respondent within (~~ten~~) 10 days, the sheriff or
3 municipal peace officer shall notify the petitioner. The petitioner
4 shall provide information sufficient to permit notification.

5 (5) Returns of service under this chapter shall be made in
6 accordance with the applicable court rules. Returns of service must
7 include all known information concerning receipt and responses from
8 the respondent, including for service by mail or electronic means.

9 (6) If an order entered by the court recites that the respondent
10 appeared (~~in person~~) before the court, the necessity for further
11 service is waived and proof of service of that order is not
12 necessary. The court's order, entered after a hearing, need not be
13 served on a respondent who fails to appear before the court if
14 material terms of the order have not changed from those contained in
15 the temporary order, and it is shown to the court's satisfaction that
16 the respondent has previously been served with the temporary order,
17 except that law enforcement must attempt to personally serve a final
18 order that includes an order to surrender weapons.

19 (7) If the respondent was not personally served with (~~the~~) a
20 petition authorized under this chapter, a notice of hearing, and any
21 ex parte order before the hearing, the court shall (~~reset the~~) set
22 a new hearing (~~for twenty-four days from the date of entry of the~~
23 order and may) date as provided in RCW 7.92.060 and shall either
24 permit additional personal service attempts or order service by mail,
25 electronic means, or publication instead of personal service under
26 the following circumstances established by affidavit or declaration:

27 (a) The court determines that the petitioner was unable to
28 personally serve the respondent after a diligent effort and the
29 proposed alternate service is reasonably probable to provide actual
30 notice based upon consideration of the following:

31 (i) A means of service other than personal service is reasonably
32 calculated to provide notice under the circumstances, including the
33 inability to timely personally serve the respondent;

34 (ii) A description of the number and types of attempts made to
35 complete personal service;

36 (iii) A description of the respondent's known address or
37 addresses, contact information, and electronic addresses or
38 electronic accounts;

39 (iv) A description of communications with the respondent;

40 (v) Information concerning the respondent's whereabouts; and

1 (vi) Any other information relating to the inability to
2 personally serve the respondent and the reasonable probability that
3 alternate service will provide actual notice; or

4 (b) The court determines that the respondent is avoiding personal
5 service, based upon consideration of the following:

6 (i) The sheriff or municipal officer or private process server
7 ((files an affidavit stating)) states that the officer or private
8 process server was unable to complete personal service upon the
9 respondent((. The affidavit must describe)) and describes the number
10 and types of attempts the officer or private process server made to
11 complete service;

12 ((b)) (ii) The petitioner ((files an affidavit stating)) states
13 that the petitioner believes that the respondent is hiding from the
14 server to avoid service((. The petitioner's affidavit must state))
15 and states the reasons for the belief that the respondent is avoiding
16 service;

17 ((e)) (iii) The server has deposited a copy of the petition,
18 notice of hearing, and the ex parte order of protection in the post
19 office, directed to the respondent at the respondent's last known
20 address, unless the server states that the server does not know the
21 respondent's address; and

22 ((d)) (iv) The court finds reasonable grounds exist to believe
23 that the respondent is concealing himself or herself to avoid
24 service, and that further attempts to personally serve the respondent
25 would be futile or unduly burdensome((
26 e))).

27 (8) The court shall reissue ((the)) any temporary order of
28 protection ((not to exceed another twenty-four days from the date of
29 reissuing the ex parte protection order and order to provide service
30 by publication; and)) as provided in RCW 7.92.120 to allow additional
31 service attempts.

32 ((f) The) (9) Service by publication shall be made in a
33 newspaper of general circulation in the county where the petition was
34 brought and in the county of the last known address of the respondent
35 once a week for three consecutive weeks. The newspaper selected must
36 be one of the three most widely circulated papers in the county. The
37 publication of summons shall not be made until the court orders
38 service by publication under this section. Service of the summons
39 shall be considered complete when the publication has been made for
40 three consecutive weeks. The summons must be signed by the

1 petitioner. The summons shall contain the date of the first
2 publication, and shall require the respondent upon whom service by
3 publication is desired, to appear and answer the petition on the date
4 set for the hearing. The summons shall also contain a brief statement
5 of the reason for the petition and a summary of the provisions under
6 the ex parte order. The summons shall be essentially in the following
7 form:

8 In the court of the state of Washington
9 for the county of

10 , Petitioner

11 vs. No.

12 , Respondent

13 The state of Washington to
14 (respondent):

15 You are hereby summoned to appear on the
16 day of, 20 .., at a.m./p.m., and respond to
17 the petition. If you fail to respond, an order of protection
18 will be issued against you pursuant to the provisions of
19 the stalking protection order act, chapter 7.92 RCW, for a
20 minimum of one year from the date you are required to
21 appear. A temporary order of protection has been issued
22 against you, restraining you from the following: (Insert a
23 brief statement of the provisions of the ex parte order.) A
24 copy of the petition, notice of hearing, and ex parte order
25 has been filed with the clerk of this court.

26

27 Petitioner

28 ~~((8) In circumstances justifying service by publication under~~
29 ~~subsection (7) of this section, if the serving party files an~~
30 ~~affidavit stating facts from which the court determines that service~~
31 ~~by mail is just as likely to give actual notice as service by~~
32 ~~publication and that the serving party is unable to afford the cost~~
33 ~~of service by publication, the court may order that service be made~~
34 ~~by mail. Such service shall be made by any person over eighteen years~~
35 ~~of age, who is competent to be a witness, other than a party, by~~
36 ~~mailing copies of the order and other process to the party to be~~
37 ~~served at his or her last known address or any other address~~

1 ~~determined by the court to be appropriate. Two copies shall be~~
2 ~~mailed, postage prepaid, one by ordinary first-class mail and the~~
3 ~~other by a form of mail requiring a signed receipt showing when and~~
4 ~~to whom it was delivered. The envelopes must bear the return address~~
5 ~~of the sender.~~

6 ~~(a) Proof of service under this section shall be consistent with~~
7 ~~court rules for civil proceedings.~~

8 ~~(b) Service under this section may be used in the same manner and~~
9 ~~shall have the same jurisdictional effect as service by publication~~
10 ~~for purposes of this chapter. Service shall be deemed complete upon~~
11 ~~the mailing of two copies as prescribed in this section.))~~

12 (10) Service by electronic means includes service by email, text
13 message, or social media applications. Service by mail must be made
14 by any person over 18 years of age, who is competent to be a witness,
15 other than a party, by mailing copies of the order and other process
16 to the party to be served at his or her last known address. In the
17 case of mailing, two copies shall be mailed, postage prepaid, one by
18 ordinary first-class mail and the other by a form of mail requiring a
19 signed receipt showing when and to whom it was delivered. The
20 envelopes must bear the return address of the sender. Service by
21 electronic means shall be made by any person over 18 years of age,
22 who is competent to be a witness, other than a party, by transmitting
23 copies of the order and other process to the party to be served at
24 his or her electronic address or electronic account associated with
25 email, text messaging, or social media applications. Sworn proof of
26 service by law enforcement or an adult who is not the petitioner must
27 be filed with the court. Service shall be deemed complete upon the
28 mailing or transmission as prescribed in this section.

29 (11) Service under this section may be used in the same manner
30 and shall have the same jurisdictional effect as personal service for
31 purposes of this chapter. The court may authorize multiple methods of
32 service permitted by this section and may consider the use of any
33 address determined by the court to be appropriate in order to
34 authorize service that is reasonably probable to provide actual
35 notice. The court shall favor speedy and cost-effective methods of
36 service to promote prompt and accessible resolution of the merits of
37 the petition.

38 **Sec. 23.** RCW 7.92.180 and 2013 c 84 s 18 are each amended to
39 read as follows:

1 (1) A copy of a stalking protection order or stalking no-contact
2 order granted under this chapter shall be forwarded by the clerk of
3 the court on or before the next judicial day to the appropriate law
4 enforcement agency specified in the order. Upon receipt of the order,
5 the law enforcement agency shall immediately enter the order into any
6 computer-based criminal intelligence information system available in
7 this state used by law enforcement agencies to list outstanding
8 warrants. The order shall remain in the computer for one year unless
9 a different expiration date is specified on the order. Upon receipt
10 of notice that an order has been terminated, the law enforcement
11 agency shall remove the order from the computer-based criminal
12 intelligence information system. The law enforcement agency shall
13 only expunge from the computer-based criminal intelligence
14 information system orders that are expired, vacated, terminated, or
15 superseded. Entry into the law enforcement information system
16 constitutes notice to all law enforcement agencies of the existence
17 of the order. The order is fully enforceable in any county in the
18 state.

19 (2) The information entered into the computer-based criminal
20 intelligence information system shall include notice to law
21 enforcement whether the order was (~~personally~~) served personally,
22 (~~served~~) by publication, (~~or served~~) by mail, or by electronic
23 means.

24 **Sec. 24.** RCW 7.92.190 and 2019 c 245 s 10 are each amended to
25 read as follows:

26 (1) Upon application with notice to all parties and after a
27 hearing, the court may modify the terms of an existing stalking
28 protection order.

29 (2) A respondent's motion to modify or terminate an existing
30 stalking protection order must include a declaration setting forth
31 facts supporting the requested order for termination or modification.
32 The nonmoving parties to the proceeding may file opposing
33 declarations. The court shall deny the motion unless it finds that
34 adequate cause for hearing the motion is established by the
35 declarations. If the court finds that the respondent established
36 adequate cause, the court shall set a date for hearing the
37 respondent's motion.

38 (3) The court may not terminate or modify an existing stalking
39 protection order unless the respondent proves by a preponderance of

1 the evidence that there has been a (~~substantial~~) material change in
2 circumstances such that the respondent will not resume acts of
3 stalking conduct against the petitioner or those persons protected by
4 the protection order if the order is terminated or modified. The
5 passage of time and compliance with the existing protection order
6 shall not, alone, be sufficient to meet this burden of proof. The
7 petitioner bears no burden of proving that he or she has a current
8 reasonable fear of harm by the respondent.

9 (4) In determining whether there has been a material change in
10 circumstances, the court may consider the following unweighted
11 factors, and no inference is to be drawn from the order in which the
12 factors are listed:

13 (a) Whether the respondent has committed or threatened stalking
14 conduct or other threatening acts since the protection order was
15 entered;

16 (b) Whether the respondent has violated the terms of the
17 protection order and the time that has passed since the entry of the
18 order;

19 (c) Whether the respondent has exhibited suicidal ideation or
20 attempts since the protection order was entered;

21 (d) Whether the respondent has been convicted of criminal
22 activity since the protection order was entered;

23 (e) Whether the respondent has either acknowledged responsibility
24 for stalking conduct that resulted in the entry of the protection
25 order or successfully completed treatment or counseling since the
26 protection order was entered;

27 (f) Whether the respondent has a continuing involvement with drug
28 or alcohol abuse, if such abuse was a factor in the protection order;

29 (g) Whether the respondent or petitioner has relocated to an area
30 more distant from the other party, giving due consideration to the
31 fact that stalking conduct may be committed from any distance such as
32 via cybercrime; and

33 (h) Other factors relating to a material change in circumstances.

34 (5) A respondent may file a motion to terminate or modify an
35 order no more than once in every (~~twelve~~) 12-month period that the
36 order is in effect, starting from the date of the order and
37 continuing through any renewal.

38 (~~(5)~~) (6) A court may require the respondent to pay the
39 petitioner for costs incurred in responding to a motion to terminate

1 or modify a stalking protection order, including reasonable
2 attorneys' fees.

3 ~~((6))~~ (7) In any situation where an order is terminated or
4 modified before its expiration date, the clerk of the court shall
5 forward on or before the next judicial day a true copy of the
6 modified order or the termination order to the appropriate law
7 enforcement agency specified in the modified or termination order.
8 Upon receipt of the order, the law enforcement agency shall promptly
9 enter it in the computer-based criminal intelligence information
10 system, or if the order is terminated, remove the order from the
11 computer-based criminal intelligence information system.

12 **Sec. 25.** RCW 7.94.040 and 2019 c 246 s 3 are each amended to
13 read as follows:

14 (1) Upon receipt of the petition, the court shall order a hearing
15 to be held not later than fourteen days from the date of the order
16 and issue a notice of hearing to the respondent for the same.

17 (a) The court may schedule a hearing in person or by telephone
18 ~~((pursuant to local court rule, to reasonably accommodate a~~
19 ~~disability, or in exceptional circumstances to protect a petitioner~~
20 ~~from potential harm. The court shall require assurances of the~~
21 ~~petitioner's identity before conducting a telephonic hearing)),~~
22 video, or other electronic means with appropriate safeguards as
23 determined by the court.

24 (b) The court clerk shall cause a copy of the notice of hearing
25 and petition to be forwarded on or before the next judicial day to
26 the appropriate law enforcement agency for service upon the
27 respondent.

28 (c) Personal service of the notice of hearing and petition shall
29 be made upon the respondent by a law enforcement officer not less
30 than five court days prior to the hearing unless waived by the
31 respondent. Service issued under this section takes precedence over
32 the service of other documents, unless the other documents are of a
33 similar emergency nature. If timely personal service cannot be made,
34 the court shall set a new hearing date and shall either require
35 additional attempts at obtaining personal service or permit service
36 by mail, electronic means, or publication ~~((or mail))~~ as provided in
37 RCW 7.94.070. The court shall not require more than two attempts at
38 obtaining personal service and shall permit service by mail,
39 electronic means, or publication ~~((or mail))~~ after two attempts at

1 obtaining personal service unless the petitioner requests additional
2 time to attempt personal service. If the court issues an order
3 permitting service by mail, electronic means, or publication (~~or~~
4 ~~mail~~)), the court shall set the new hearing date: (i) Within 14 days
5 from the date of the order; (ii) to an available date mutually agreed
6 to by the parties and accepted by the court; or (iii) not later than
7 ((~~twenty-four~~)) 24 days from the date of the order ((issues)) upon a
8 showing of good cause to facilitate service.

9 (d) The court may, as provided in RCW 7.94.050, issue an ex parte
10 extreme risk protection order pending the hearing ordered under this
11 subsection (1). Such ex parte order must be served concurrently with
12 the notice of hearing and petition.

13 (2) Upon hearing the matter, if the court finds by a
14 preponderance of the evidence that the respondent poses a significant
15 danger of causing personal injury to self or others by having in his
16 or her custody or control, purchasing, possessing, or receiving a
17 firearm, the court shall issue an extreme risk protection order for a
18 period of one year.

19 (3) In determining whether grounds for an extreme risk protection
20 order exist, the court may consider any relevant evidence including,
21 but not limited to, any of the following:

22 (a) A recent act or threat of violence by the respondent against
23 self or others, whether or not such violence or threat of violence
24 involves a firearm;

25 (b) A pattern of acts or threats of violence by the respondent
26 within the past twelve months including, but not limited to, acts or
27 threats of violence by the respondent against self or others;

28 (c) Any behaviors that present an imminent threat of harm to self
29 or others;

30 (d) A violation by the respondent of a protection order or a no-
31 contact order issued under chapter 7.90, 7.92, 10.14, 9A.46, 10.99,
32 26.50, or 26.52 RCW;

33 (e) A previous or existing extreme risk protection order issued
34 against the respondent;

35 (f) A violation of a previous or existing extreme risk protection
36 order issued against the respondent;

37 (g) A conviction of the respondent for a crime that constitutes
38 domestic violence as defined in RCW 10.99.020;

39 (h) A conviction of the respondent under RCW 9A.36.080;

1 (i) The respondent's ownership, access to, or intent to possess
2 firearms;

3 (j) The unlawful or reckless use, display, or brandishing of a
4 firearm by the respondent;

5 (k) The history of use, attempted use, or threatened use of
6 physical force by the respondent against another person, or the
7 respondent's history of stalking another person;

8 (l) Any prior arrest of the respondent for a felony offense or
9 violent crime;

10 (m) Corroborated evidence of the abuse of controlled substances
11 or alcohol by the respondent; and

12 (n) Evidence of recent acquisition of firearms by the respondent.

13 (4) The court may:

14 (a) Examine under oath the petitioner, the respondent, and any
15 witnesses they may produce, or, in lieu of examination, consider
16 sworn affidavits of the petitioner, the respondent, and any witnesses
17 they may produce; and

18 (b) Ensure that a reasonable search has been conducted for
19 criminal history records related to the respondent.

20 (5) In a hearing under this chapter, the rules of evidence apply
21 to the same extent as in a domestic violence protection order
22 proceeding under chapter 26.50 RCW.

23 (6) During the hearing, the court shall consider whether a
24 behavioral health evaluation is appropriate, and may order such
25 evaluation if appropriate.

26 (7) An extreme risk protection order must include:

27 (a) A statement of the grounds supporting the issuance of the
28 order;

29 (b) The date and time the order was issued;

30 (c) The date and time the order expires;

31 (d) Whether a behavioral health evaluation of the respondent is
32 required;

33 (e) The address of the court in which any responsive pleading
34 should be filed;

35 (f) A description of the requirements for relinquishment of
36 firearms under RCW 7.94.090; and

37 (g) The following statement: "To the subject of this protection
38 order: This order will last until the date and time noted above. If
39 you have not done so already, you must surrender to the (insert name
40 of local law enforcement agency) all firearms in your custody,

1 control, or possession and any concealed pistol license issued to you
2 under RCW 9.41.070 immediately. You may not have in your custody or
3 control, purchase, possess, receive, or attempt to purchase or
4 receive, a firearm while this order is in effect. You have the right
5 to request one hearing to terminate this order every twelve-month
6 period that this order is in effect, starting from the date of this
7 order and continuing through any renewals. You may seek the advice of
8 an attorney as to any matter connected with this order."

9 (8) When the court issues an extreme risk protection order, the
10 court shall inform the respondent that he or she is entitled to
11 request termination of the order in the manner prescribed by RCW
12 7.94.080. The court shall provide the respondent with a form to
13 request a termination hearing.

14 (9) If the court declines to issue an extreme risk protection
15 order, the court shall state the particular reasons for the court's
16 denial.

17 **Sec. 26.** RCW 7.94.050 and 2017 c 3 s 6 are each amended to read
18 as follows:

19 (1) A petitioner may request that an ex parte extreme risk
20 protection order be issued before a hearing for an extreme risk
21 protection order, without notice to the respondent, by including in
22 the petition detailed allegations based on personal knowledge that
23 the respondent poses a significant danger of causing personal injury
24 to self or others in the near future by having in his or her custody
25 or control, purchasing, possessing, or receiving a firearm.

26 (2) In considering whether to issue an ex parte extreme risk
27 protection order under this section, the court shall consider all
28 relevant evidence, including the evidence described in RCW
29 7.94.040(3).

30 (3) If a court finds there is reasonable cause to believe that
31 the respondent poses a significant danger of causing personal injury
32 to self or others in the near future by having in his or her custody
33 or control, purchasing, possessing, or receiving a firearm, the court
34 shall issue an ex parte extreme risk protection order.

35 (4) The court shall hold an ex parte extreme risk protection
36 order hearing in person or by telephone, video, or other electronic
37 means, with appropriate safeguards as determined by the court, on the
38 day the petition is filed or on the judicial day immediately
39 following the day the petition is filed.

1 (5) In accordance with RCW 7.94.040(1), the court shall schedule
2 a hearing (~~within fourteen days of the issuance of an ex parte~~
3 ~~extreme risk protection order~~) to determine if a one-year extreme
4 risk protection order should be issued under this chapter.

5 (6) An ex parte extreme risk protection order shall include:

6 (a) A statement of the grounds asserted for the order;

7 (b) The date and time the order was issued;

8 (c) The date and time the order expires;

9 (d) The address of the court in which any responsive pleading
10 should be filed;

11 (e) The date and time of the scheduled hearing;

12 (f) A description of the requirements for surrender of firearms
13 under RCW 7.94.090; and

14 (g) The following statement: "To the subject of this protection
15 order: This order is valid until the date and time noted above. You
16 are required to surrender all firearms in your custody, control, or
17 possession. You may not have in your custody or control, purchase,
18 possess, receive, or attempt to purchase or receive, a firearm while
19 this order is in effect. You must surrender to the (insert name of
20 local law enforcement agency) all firearms in your custody, control,
21 or possession and any concealed pistol license issued to you under
22 RCW 9.41.070 immediately. A hearing will be held on the date and at
23 the time noted above to determine if an extreme risk protection order
24 should be issued. Failure to appear at that hearing may result in a
25 court making an order against you that is valid for one year. You may
26 seek the advice of an attorney as to any matter connected with this
27 order."

28 (7) Any ex parte extreme risk protection order issued expires
29 upon the hearing on the extreme risk protection order.

30 (8) An ex parte extreme risk protection order shall be served by
31 a law enforcement officer in the same manner as provided for in RCW
32 7.94.040 for service of the notice of hearing and petition, and shall
33 be served concurrently with the notice of hearing and petition.

34 (9) If the court declines to issue an ex parte extreme risk
35 protection order, the court shall state the particular reasons for
36 the court's denial.

37 (10) When an ex parte extreme risk protection order has been
38 entered without notice to the respondent or an ability for the
39 respondent to participate in the ex parte hearing, the respondent may
40 file a motion to terminate or modify the order prior to a final

1 hearing on the grounds that the ex parte order is not meritorious and
2 will cause imminent harm to the respondent before the hearing can
3 occur or that the order or its remedy is not authorized by this
4 chapter. The respondent shall provide advance notice to the
5 petitioner of the time and place for presentation of the motion. The
6 motion shall be heard expeditiously. The respondent is limited to one
7 motion to terminate or modify an ex parte order. If the court
8 determines that the motion has been brought in bad faith, the court
9 may impose sanctions.

10 **Sec. 27.** RCW 7.94.070 and 2017 c 3 s 8 are each amended to read
11 as follows:

12 (1) (~~The court may order service by publication or service by~~
13 mail under the circumstances permitted for such service in RCW
14 7.90.052, 7.90.053, 26.50.123, or 26.50.085, except any)) If the
15 respondent was not personally served with a petition authorized under
16 this chapter and a notice of hearing, the court shall set a new
17 hearing date as provided in RCW 7.94.040 and shall either permit
18 additional personal service attempts or order service by mail,
19 electronic means, or publication instead of personal service under
20 either or both of the following circumstances established by
21 affidavit or declaration:

22 (a) The court determines that the petitioner was unable to
23 personally serve the respondent after a diligent effort and the
24 proposed alternate service is reasonably probable to provide actual
25 notice based upon consideration of the following:

26 (i) A means of service other than personal service is reasonably
27 calculated to provide notice under the circumstances, including the
28 inability to timely personally serve the respondent;

29 (ii) A description of the number and types of attempts made to
30 complete personal service;

31 (iii) A description of the respondent's known address or
32 addresses, contact information, and electronic addresses or
33 electronic accounts;

34 (iv) A description of communications with the respondent;

35 (v) Information concerning the respondent's whereabouts; and

36 (vi) Any other information relating to the inability to
37 personally serve the respondent and the reasonable probability that
38 alternate service will provide actual notice; or

1 (b) The court determines that the respondent is avoiding personal
2 service, based upon consideration of the following:

3 (i) The sheriff or municipal officer states that the officer was
4 unable to complete personal service upon the respondent and describes
5 the number and types of attempts the officer made to complete
6 service;

7 (ii) The petitioner states that the petitioner believes that the
8 respondent is hiding from the server to avoid service and states the
9 reasons for the belief that the respondent is avoiding service;

10 (iii) The server has deposited a copy of the summons, in
11 substantially the form prescribed in subsection (2) of this section,
12 the notice of hearing, and the ex parte extreme risk protection order
13 in the post office, directed to the respondent at the respondent's
14 last known address, unless the server states that the server does not
15 know the respondent's address; and

16 (iv) The court finds reasonable grounds exist to believe that the
17 respondent is concealing himself or herself to avoid service, and
18 that further attempts to personally serve the respondent would be
19 futile or unduly burdensome.

20 (2) Service by publication shall be made in a newspaper of
21 general circulation in the county where the petition was brought and
22 in the county of the last known address of the respondent once a week
23 for three consecutive weeks. The newspaper selected must be one of
24 the three most widely circulated papers in the county. The
25 publication of summons shall not be made until the court orders
26 service by publication under this section. Service of the summons
27 shall be considered complete when the publication has been made for
28 three consecutive weeks. The summons must be signed by the
29 petitioner. The summons must contain the date of the first
30 publication, and must require the respondent, upon whom service by
31 publication is desired, to appear and answer the petition on the date
32 set for the hearing. The summons must also contain a brief statement
33 of the reason for the petition and a summary of the provisions under
34 the ex parte extreme risk protection order. The summons must be
35 essentially in the following form:

36 In the court of the state of Washington
37 for the county of
38, Petitioner
39 vs. No.

....., Respondent

The state of Washington to (respondent):

You are hereby summoned to appear on the day of, (year), at a.m./p.m., and respond to the petition. If you fail to respond, an extreme risk protection order may be issued against you pursuant to the provisions of the extreme risk protection order act, chapter 7.94 RCW, for one year from the date you are required to appear. (An ex parte extreme risk protection order has been issued against you, restraining you from having in your custody or control, purchasing, possessing, or receiving any firearms. You must surrender to the (insert name of local law enforcement agency) all firearms in your custody, control, or possession and any concealed pistol license issued to you under RCW 9.41.070 within forty-eight hours. A copy of the notice of hearing, petition, and ex parte extreme risk protection order has been filed with the clerk of this court.) (A copy of the notice of hearing and petition has been filed with the clerk of this court.)

.....
Petitioner

((+2)) (3) Service by electronic means includes service by email, text message, or social media applications. Service by mail must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address. In the case of mailing, two copies shall be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender. Service by electronic means must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by transmitting copies of the order and other process to the party to be served at his or her electronic address or electronic account associated with email, text messaging, or social media applications. Sworn proof of service by law enforcement or an adult who is not the petitioner must be filed with the court. Service under this section may be used in the same manner and shall have the same jurisdictional

1 effect as personal service for purposes of this chapter. Service
2 shall be deemed complete upon the mailing or transmission as
3 prescribed in this section.

4 (4) The court may authorize multiple methods of service permitted
5 by this section and may consider use of any address determined by the
6 court to be appropriate in order to authorize service that is
7 reasonably probable to provide actual notice. The court shall favor
8 speedy and cost-effective methods of service to promote prompt and
9 accessible resolution of the merits of the petition.

10 (5) If the court orders service by mail, electronic means, or
11 publication (~~or mail~~) for notice of an extreme risk protection
12 order hearing, it shall also reissue the ex parte extreme risk
13 protection order, if issued, to expire on the date of the extreme
14 risk protection order hearing.

15 (~~(3)~~) (6) Following completion of service by mail, electronic
16 means, or publication (~~or by mail~~) for notice of an extreme risk
17 protection order hearing, if the respondent fails to appear at the
18 hearing, the court may issue an extreme risk protection order as
19 provided in RCW 7.94.040. The court's order, entered after a hearing,
20 need not be served on a respondent who fails to appear before the
21 court if material terms of the order have not changed from those
22 contained in the temporary order, and it is shown to the court's
23 satisfaction that the respondent has previously been served with the
24 temporary order. If an order entered by the court recites that the
25 respondent appeared before the court, the necessity for further
26 service is waived and proof of service of the order is not necessary.

27 **Sec. 28.** RCW 7.94.080 and 2017 c 3 s 9 are each amended to read
28 as follows:

29 (1) The respondent may submit one written request for a hearing
30 to terminate an extreme risk protection order issued under this
31 chapter every (~~twelve~~) 12-month period that the order is in effect,
32 starting from the date of the order and continuing through any
33 renewals.

34 (a) Upon receipt of the request for a hearing to terminate an
35 extreme risk protection order, the court shall set a date for a
36 hearing. Notice of the request must be served on the petitioner in
37 accordance with RCW 4.28.080. The hearing shall occur no sooner than
38 (~~fourteen~~) 14 days and no later than (~~thirty~~) 30 days from the
39 date of service of the request upon the petitioner.

1 (b) The respondent shall have the burden of proving by a
2 preponderance of the evidence that the respondent does not pose a
3 significant danger of causing personal injury to self or others by
4 having in his or her custody or control, purchasing, possessing, or
5 receiving a firearm. The court may consider any relevant evidence,
6 including evidence of the considerations listed in RCW 7.94.040(3).

7 (c) If the court finds after the hearing that the respondent has
8 met his or her burden, the court shall terminate the order.

9 (2) The court must notify the petitioner of the impending
10 expiration of an extreme risk protection order. Notice must be
11 received by the petitioner (~~(one hundred five)~~) 105 calendar days
12 before the date the order expires.

13 (3) A family or household member of a respondent or a law
14 enforcement officer or agency may by motion request a renewal of an
15 extreme risk protection order at any time within (~~(one hundred five)~~)
16 105 calendar days before the expiration of the order.

17 (a) Upon receipt of the motion to renew, the court shall order
18 that a hearing be held not later than (~~(fourteen)~~) 14 days from the
19 date the order issues.

20 (i) The court may schedule a hearing by telephone in the manner
21 prescribed by RCW 7.94.040(1)(a).

22 (ii) The respondent shall be personally served in the same manner
23 prescribed by RCW 7.94.040(1)(b) and (c).

24 (b) In determining whether to renew an extreme risk protection
25 order issued under this section, the court shall consider all
26 relevant evidence presented by the petitioner and follow the same
27 procedure as provided in RCW 7.94.040.

28 (c) If the court finds by a preponderance of the evidence that
29 the requirements for issuance of an extreme risk protection order as
30 provided in RCW 7.94.040 continue to be met, the court shall renew
31 the order. However, if, after notice, the motion for renewal is
32 uncontested and the petitioner seeks no modification of the order,
33 the order may be renewed on the basis of the petitioner's motion or
34 affidavit stating that there has been no material change in relevant
35 circumstances since entry of the order and stating the reason for the
36 requested renewal.

37 (d) The renewal of an extreme risk protection order has a
38 duration of one year, subject to termination as provided in
39 subsection (1) of this section or further renewal by order of the
40 court.

1 (4) Any protection order issued under this chapter that would
2 expire on a court holiday shall instead expire at the close of the
3 next court business day.

4 **Sec. 29.** RCW 10.14.040 and 2002 c 117 s 1 are each amended to
5 read as follows:

6 There shall exist an action known as a petition for an order for
7 protection in cases of unlawful harassment.

8 (1) A petition for relief shall allege the existence of
9 harassment and shall be accompanied by an affidavit made under oath
10 stating the specific facts and circumstances from which relief is
11 sought.

12 (2) A petition for relief may be made regardless of whether or
13 not there is a pending lawsuit, complaint, petition, or other action
14 between the parties.

15 (3) All court clerks' offices shall make available simplified
16 forms and instructional brochures. Any assistance or information
17 provided by clerks under this section does not constitute the
18 practice of law and clerks are not responsible for incorrect
19 information contained in a petition.

20 (4) Filing fees are set in RCW 36.18.020, but no filing fee may
21 be charged for a petition filed in an existing action or under an
22 existing cause number brought under this chapter in the jurisdiction
23 where the relief is sought or as provided in RCW 10.14.055. Forms and
24 instructional brochures shall be provided free of charge.

25 (5) A person is not required to post a bond to obtain relief in
26 any proceeding under this section.

27 (6) The parent or guardian of a child under age (~~eighteen~~) 18
28 may petition for an order of protection to restrain a person age
29 (~~eighteen~~) 18 years or over from contact with that child upon a
30 showing that contact with the person to be enjoined is detrimental to
31 the welfare of the child.

32 (7) A party or parent may petition for an order of protection
33 where the parties do not qualify for a domestic violence protection
34 order under chapter 26.50 RCW, a sexual assault protection order
35 under chapter 7.90 RCW, or stalking protection order under chapter
36 7.92 RCW.

37 (8) A minor 16 years of age or older may seek relief under this
38 chapter and is not required to seek relief by a guardian or next
39 friend. This does not preclude a parent or legal custodian of a

1 victim 16 or 17 years of age from seeking relief on behalf of the
2 minor.

3 (9) No guardian or guardian ad litem need be appointed on behalf
4 of a respondent to an action under this chapter who is under 18 years
5 of age if such respondent is 16 years of age or older.

6 (10) The court may, if it deems necessary, appoint a guardian ad
7 litem for a petitioner or respondent who is a party to an action
8 under this chapter. The appointment shall be at no cost to either
9 party.

10 (11) The parent or guardian of a child under the age of
11 ((eighteen)) 18 may petition in superior court for an order of
12 protection to restrain a person under the age of ((eighteen)) 18
13 years from contact with that child only in cases where the person to
14 be restrained has been adjudicated of an offense against the child
15 protected by the order, or is under investigation or has been
16 investigated for such an offense. In issuing a protection order under
17 this subsection, the court shall consider, among the other facts of
18 the case, the severity of the alleged offense, any continuing
19 physical danger or emotional distress to the alleged victim, and the
20 expense, difficulty, and educational disruption that would be caused
21 by a transfer of the alleged offender to another school. The court
22 may order that the person restrained in the order not attend the
23 public or approved private elementary, middle, or high school
24 attended by the person under the age of ((eighteen)) 18 years
25 protected by the order. In the event that the court orders a transfer
26 of the restrained person to another school, the parents or legal
27 guardians of the person restrained in the order are responsible for
28 transportation and other costs associated with the change of school
29 by the person restrained in the order. The court shall send notice of
30 the restriction on attending the same school as the person protected
31 by the order to the public or approved private school the person
32 restrained by the order will attend and to the school the person
33 protected by the order attends.

34 (12) Minor children must be referred to in all publicly available
35 filed documents by their initials and age.

36 **Sec. 30.** RCW 10.14.070 and 2013 c 84 s 30 are each amended to
37 read as follows:

38 Upon receipt of the petition alleging a prima facie case of
39 harassment, ~~((other than a petition alleging a sex offense as defined~~

1 in ~~chapter 9A.44 RCW or a petition for a stalking protection order~~
2 ~~under chapter 7.92 RCW,~~) the court shall order a hearing which shall
3 be held not later than (~~fourteen~~) 14 days from the date of the
4 order. (~~If the petition alleges a sex offense as defined in chapter~~
5 ~~9A.44 RCW, the court shall order a hearing which shall be held not~~
6 ~~later than fourteen days from the date of the order.~~) The court may
7 order that the hearing occur in person or by telephone, video, or
8 other electronic means with appropriate safeguards as determined by
9 the court. Except as provided in RCW 10.14.085, personal service
10 shall be made upon the respondent not less than five court days
11 before the hearing unless waived by the respondent. If timely
12 personal service cannot be made, the court shall set a new hearing
13 date and shall either require additional attempts at obtaining
14 personal service or permit service by mail, electronic means, or
15 publication as provided by RCW 10.14.085. (~~If the court permits~~
16 ~~service by publication, the~~) The court shall not require more than
17 two attempts at obtaining personal service and shall permit service
18 by mail, electronic means, or publication unless the petitioner
19 requests additional time to attempt personal service. In cases where
20 personal service was not made, the court shall set the next hearing
21 date: (1) Within 14 days from the date of the order; (2) to an
22 available date mutually agreed to by the parties and accepted by the
23 court; or (3) not later than (~~twenty-four~~) 24 days from the date of
24 the order upon a showing of good cause to facilitate service. The
25 court may issue an ex parte order for protection pending the hearing
26 as provided in RCW 10.14.080 and 10.14.085.

27 **Sec. 31.** RCW 10.14.080 and 2019 c 245 s 11 and 2019 c 46 s 5011
28 are each reenacted and amended to read as follows:

29 (1) Upon filing a petition for a civil antiharassment protection
30 order under this chapter, the petitioner may obtain an ex parte
31 temporary antiharassment protection order. An ex parte temporary
32 antiharassment protection order may be granted with or without notice
33 upon the filing of an affidavit or declaration which, to the
34 satisfaction of the court, shows reasonable proof of unlawful
35 harassment of the petitioner by the respondent and that great or
36 irreparable harm will result to the petitioner if the temporary
37 antiharassment protection order is not granted. If the court declines
38 to issue an ex parte temporary antiharassment protection order, the
39 court shall state the particular reasons for the court's denial. The

1 court's denial of a motion for an ex parte temporary order shall be
2 filed with the court.

3 (2) An ex parte temporary antiharassment protection order shall
4 be effective ~~((for a fixed period not to exceed fourteen days or
5 twenty-four days if the court has permitted service by publication
6 under RCW 10.14.085))~~ until the next hearing date. The ex parte order
7 may be reissued. ~~((A full hearing, as provided in this chapter, shall
8 be set for not later than fourteen days from the issuance of the
9 temporary order or not later than twenty-four days if service by
10 publication is permitted.))~~ Except as provided in RCW 10.14.070 and
11 10.14.085, the respondent shall be personally served with a copy of
12 the ex parte order along with a copy of the petition and notice of
13 the date set for the hearing. The ex parte order and notice of
14 hearing shall include at a minimum the date and time of the hearing
15 set by the court to determine if the temporary order should be made
16 effective for one year or more, and notice that if the respondent
17 should fail to appear or otherwise not respond, an order for
18 protection will be issued against the respondent pursuant to the
19 provisions of this chapter, for a minimum of one year from the date
20 of the hearing. The notice shall also include a brief statement of
21 the provisions of the ex parte order and notify the respondent that a
22 copy of the ex parte order and notice of hearing has been filed with
23 the clerk of the court.

24 (3) ~~((At the))~~ When an ex parte order has been entered without
25 notice to the respondent or an ability for the respondent to
26 participate in the ex parte hearing, the respondent may file a motion
27 to terminate or modify the order prior to a final hearing on the
28 grounds that the ex parte order is not meritorious and will cause
29 imminent harm to the respondent before the hearing can occur or that
30 the order or its remedy is not authorized by this chapter. The
31 respondent shall provide advance notice to the petitioner of the time
32 and place for presentation of the motion. The motion shall be heard
33 expeditiously. The respondent is limited to one motion to terminate
34 or modify an ex parte order. If the court determines that the motion
35 has been brought in bad faith, the court may impose sanctions.

36 (4) After notice and a hearing, if the court finds by a
37 preponderance of the evidence that unlawful harassment exists, a
38 civil antiharassment protection order shall issue prohibiting such
39 unlawful harassment.

1 (~~(4)~~) (5) An order issued under this chapter shall be effective
2 for not more than one year unless the court finds that the respondent
3 is likely to resume unlawful harassment of the petitioner when the
4 order expires. If so, the court may enter an order for a fixed time
5 exceeding one year or may enter a permanent antiharassment protection
6 order. The court shall not enter an order that is effective for more
7 than one year if the order restrains the respondent from contacting
8 the respondent's minor children. This limitation is not applicable to
9 civil antiharassment protection orders issued under chapter 26.09,
10 (~~(26.10)~~) 26.26A, or 26.26B RCW. If the petitioner seeks relief for
11 a period longer than one year on behalf of the respondent's minor
12 children, the court shall advise the petitioner that the petitioner
13 may apply for renewal of the order as provided in this chapter or if
14 appropriate may seek relief pursuant to chapter 26.09 (~~(or 26.10)~~)
15 RCW.

16 (~~(5)~~) (6) At any time within the three months before the
17 expiration of the order, the petitioner may apply for a renewal of
18 the order by filing a petition for renewal. The petition for renewal
19 shall state the reasons why the petitioner seeks to renew the
20 protection order. Upon receipt of the petition for renewal, the court
21 shall order a hearing which shall be not later than (~~(fourteen)~~) 14
22 days from the date of the order. The court may order that the hearing
23 occur in person or by telephone, video, or other electronic means
24 with appropriate safeguards as determined by the court. Except as
25 provided in RCW 10.14.085, personal service shall be made upon the
26 respondent not less than five days before the hearing. If timely
27 service cannot be made, the court shall set a new hearing date and
28 (~~(shall either require additional attempts at obtaining personal~~
29 ~~service or permit service by publication as provided by RCW~~
30 ~~10.14.085. If the court permits service by publication, the court~~
31 ~~shall set the new hearing date not later than twenty-four days from~~
32 ~~the date of the order)~~) address service as provided in RCW 10.14.070
33 and 10.14.085. If the order expires because timely service cannot be
34 made, the court shall grant an ex parte order of protection as
35 provided in this section. The court shall grant the petition for
36 renewal unless the respondent proves by a preponderance of the
37 evidence that the respondent will not resume harassment of the
38 petitioner when the order expires. The court may renew the protection
39 order for another fixed time period or may enter a permanent order as
40 provided in subsection (~~(4)~~) (5) of this section.

1 ~~((6))~~ (7) The court, in granting an ex parte temporary
2 antiharassment protection order or a civil antiharassment protection
3 order, shall have broad discretion to grant such relief as the court
4 deems proper, including an order:

5 (a) Restraining the respondent from making any attempts to
6 contact the petitioner, including nonphysical contact and contact
7 through third parties regardless of whether those third parties know
8 of the order;

9 (b) Restraining the respondent from making any attempts to keep
10 the petitioner under surveillance; and

11 (c) Requiring the respondent to stay a stated distance from ~~(the~~
12 ~~petitioner's)~~ a specified location including, but not limited to, a
13 residence (and), school, day care, workplace, and the protected
14 party's person.

15 ~~((7))~~ (8) In issuing the order, the court shall consider the
16 provisions of RCW 9.41.800, and shall order the respondent to
17 surrender, and prohibit the respondent from possessing, all firearms,
18 dangerous weapons, and any concealed pistol license as required in
19 RCW 9.41.800.

20 ~~((8))~~ (9) The court in granting an ex parte temporary
21 antiharassment protection order or a civil antiharassment protection
22 order shall not prohibit the respondent from exercising
23 constitutionally protected free speech. Nothing in this section
24 prohibits the petitioner from utilizing other civil or criminal
25 remedies to restrain conduct or communications not otherwise
26 constitutionally protected.

27 ~~((9))~~ (10) The court in granting an ex parte temporary
28 antiharassment protection order or a civil antiharassment protection
29 order shall not prohibit the respondent from the use or enjoyment of
30 real property to which the respondent has a cognizable claim unless
31 that order is issued under chapter 26.09 RCW or under a separate
32 action commenced with a summons and complaint to determine title or
33 possession of real property.

34 ~~((10))~~ (11) The court in granting an ex parte temporary
35 antiharassment protection order or a civil antiharassment protection
36 order shall not limit the respondent's right to care, control, or
37 custody of the respondent's minor child, unless that order is issued
38 under chapter 13.32A, 26.09, ~~((26.10,))~~ 26.26A, or 26.26B RCW.

39 ~~((11))~~ (12) A petitioner may not obtain an ex parte temporary
40 antiharassment protection order against a respondent if the

1 petitioner has previously obtained two such ex parte orders against
2 the same respondent, but has failed to obtain the issuance of a civil
3 antiharassment protection order unless good cause for such failure
4 can be shown.

5 ~~((12))~~ (13) The court order shall specify the date an order
6 issued pursuant to subsections ~~((4) and)~~ (5) and (6) of this
7 section expires, if any. The court order shall also state whether the
8 court issued the protection order following personal service or
9 service by mail, electronic means, or publication and whether the
10 court has approved service by mail, electronic means, or publication
11 of an order issued under this section. Law enforcement shall attempt
12 to serve any order that includes an order to surrender weapons or
13 that requires vacating a shared residence.

14 (14) Any protection order issued under this chapter that would
15 expire on a court holiday shall instead expire at the close of the
16 next court business day.

17 **Sec. 32.** RCW 10.14.085 and 2016 c 202 s 4 are each amended to
18 read as follows:

19 (1) If the respondent was not personally served with ~~((the))~~ a
20 petition authorized by this chapter, notice of hearing, and any ex
21 parte order before the hearing, the court shall ~~((reset the hearing~~
22 ~~for twenty-four days from the date of entry of the order and may))~~
23 set a new hearing date as provided in RCW 10.14.070 and 10.14.080 and
24 shall either permit additional personal service attempts or order
25 service by mail, electronic means, or publication instead of personal
26 service under either or both of the following circumstances
27 established by affidavit or declaration:

28 (a) The court determines that the petitioner was unable to
29 personally serve the respondent after a diligent effort and the
30 proposed alternate service is reasonably probable to provide actual
31 notice based upon consideration of the following:

32 (i) A means of service other than personal service is reasonably
33 calculated to provide notice under the circumstances, including the
34 inability to timely personally serve the respondent;

35 (ii) A description of the number and types of attempts made to
36 complete personal service;

37 (iii) A description of the respondent's known address or
38 addresses, contact information, and electronic addresses or
39 electronic accounts;

1 (iv) A description of communications with the respondent;
2 (v) Information concerning the respondent's whereabouts; and
3 (vi) Any other information relating to the inability to
4 personally serve the respondent and the reasonable probability that
5 alternate service will provide actual notice; or

6 (b) The court determines that the respondent is avoiding personal
7 service, based upon consideration of the following:

8 (i) The sheriff or municipal officer ((files an affidavit
9 stating)) states that the officer was unable to complete personal
10 service upon the respondent((. The affidavit must describe)) and
11 describes the number and types of attempts the officer made to
12 complete service;

13 ((b)) (ii) The petitioner ((files an affidavit stating)) states
14 that the petitioner believes that the respondent is hiding from the
15 server to avoid service((. The petitioner's affidavit must state))
16 and states the reasons for the belief that the respondent is avoiding
17 service;

18 ((c)) (iii) The server has deposited a copy of the summons, in
19 substantially the form prescribed in subsection (3) of this section,
20 notice of hearing, and the ex parte order of protection in the post
21 office, directed to the respondent at the respondent's last known
22 address, unless the server states that the server does not know the
23 respondent's address; and

24 ((d)) (iv) The court finds reasonable grounds exist to believe
25 that the respondent is concealing himself or herself to avoid
26 service, and that further attempts to personally serve the respondent
27 would be futile or unduly burdensome.

28 (2) The court shall reissue ((the)) any temporary order of
29 protection ((not to exceed another twenty-four days from the date of
30 reissuing the ex parte protection order and order to provide service
31 by publication)) as provided in RCW 10.14.070 and 10.14.080 to allow
32 additional service attempts.

33 (3) ((The)) Service by publication shall be made in a newspaper
34 of general circulation in the county where the petition was brought
35 and in the county of the last known address of the respondent once a
36 week for three consecutive weeks. The newspaper selected must be one
37 of the three most widely circulated papers in the county. The
38 publication of summons shall not be made until the court orders
39 service by publication under this section. Service of the summons
40 shall be considered complete when the publication has been made for

1 three consecutive weeks. The summons must be signed by the
2 petitioner. The summons shall contain the date of the first
3 publication, and shall require the respondent upon whom service by
4 publication is desired, to appear and answer the petition on the date
5 set for the hearing. The summons shall also contain a brief statement
6 of the reason for the petition and a summary of the provisions under
7 the ex parte order. The summons shall be essentially in the following
8 form:

9 In the court of the state of Washington
10 for the county of

11 , Petitioner

12 vs. No.

13 , Respondent

14 The state of Washington to (respondent):

15 You are hereby summoned to appear on the
16 day of, (year), at a.m./p.m., and
17 respond to the petition. If you fail to respond, an order of
18 protection will be issued against you pursuant to the
19 provisions of chapter 10.14 RCW, for a minimum of one
20 year from the date you are required to appear. A
21 temporary order of protection has been issued against
22 you, restraining you from the following: (Insert a brief
23 statement of the provisions of the ex parte order). A copy
24 of the petition, notice of hearing, and ex parte order has
25 been filed with the clerk of this court.

26
27 Petitioner.....

28 (4) Service by electronic means includes service by email, text
29 message, or social media applications. Service by mail must be made
30 by any person over 18 years of age, who is competent to be a witness,
31 other than a party, by mailing copies of the order and other process
32 to the party to be served at his or her last known address. In the
33 case of mailing, two copies must be mailed, postage prepaid, one by
34 ordinary first-class mail and the other by a form of mail requiring a
35 signed receipt showing when and to whom it was delivered. The
36 envelopes must bear the return address of the sender. Service by
37 electronic means must be made by any person over 18 years of age, who

1 is competent to be a witness, other than a party, by transmitting
2 copies of the order and other process to the party to be served at
3 his or her electronic address or electronic account associated with
4 email, text messaging, or social media applications. Sworn proof of
5 service by law enforcement or an adult who is not the petitioner must
6 be filed with the court. Service under this section may be used in
7 the same manner and shall have the same jurisdictional effect as
8 personal service for purposes of this chapter. Service shall be
9 deemed complete upon the mailing or transmission as prescribed in
10 this section.

11 (5) The court may authorize multiple methods of service permitted
12 by this section and may consider the use of any address determined by
13 the court to be appropriate in order to authorize service that is
14 reasonably probable to provide actual notice. The court shall favor
15 speedy and cost-effective methods of service to promote prompt and
16 accessible resolution of the merits of the petition. Even where
17 alternate service has been authorized to commence the lawsuit, for
18 reasons of safety, law enforcement shall attempt to serve any order
19 that includes an order to surrender weapons or that requires vacating
20 a shared residence.

21 **Sec. 33.** RCW 10.14.100 and 2019 c 245 s 12 are each amended to
22 read as follows:

23 (1) An order issued under this chapter shall be personally served
24 upon the respondent, except as provided in subsections (5) and (7) of
25 this section or otherwise authorized pursuant to RCW 10.14.085.

26 (2) The sheriff of the county or the peace officers of the
27 municipality in which the respondent resides shall serve the
28 respondent personally unless the petitioner elects to have the
29 respondent served by a private party. If the order includes a
30 requirement under RCW 9.41.800 for the immediate surrender of all
31 firearms, dangerous weapons, and any concealed pistol license, the
32 order must be served by a law enforcement officer.

33 (3) If the sheriff or municipal peace officer cannot complete
34 service upon the respondent within (~~ten~~) 10 days, the sheriff or
35 municipal peace officer shall notify the petitioner.

36 (4) Returns of service under this chapter shall be made in
37 accordance with the applicable court rules. Returns of service must
38 include all known information concerning receipt and responses from
39 the respondent, including for service by mail or electronic means.

1 (5) If an order entered by the court recites that the respondent
2 appeared (~~(in person)~~) before the court, the necessity for further
3 service is waived and proof of service of that order is not
4 necessary. The court's order, entered after a hearing, need not be
5 served on a respondent who fails to appear before the court, if
6 material terms of the order have not changed from those contained in
7 the temporary order, and it is shown to the court's satisfaction that
8 the respondent has previously been (~~(personally)~~) served with the
9 temporary order.

10 (6) Except in cases where the petitioner has fees waived under
11 RCW 10.14.055 or is granted leave to proceed in forma pauperis,
12 municipal police departments serving documents as required under this
13 chapter may collect the same fees for service and mileage authorized
14 by RCW 36.18.040 to be collected by sheriffs.

15 (7) If the court previously entered an order allowing service by
16 mail, electronic means, or publication of the notice of hearing and
17 temporary order of protection pursuant to RCW 10.14.085, the court
18 may permit service by mail, electronic means, or publication of the
19 order of protection issued under RCW 10.14.080(~~(. Service by~~
20 ~~publication must comply with the requirements of RCW 10.14.085)),~~
21 except that law enforcement must personally serve a final order that
22 includes an order to surrender weapons or that requires vacating a
23 shared residence.

24 **Sec. 34.** RCW 10.14.105 and 1992 c 143 s 13 are each amended to
25 read as follows:

26 Following completion of service (~~(by publication)~~) as provided in
27 RCW 10.14.085, if the respondent fails to appear at the hearing, the
28 court may issue an order of protection as provided in RCW 10.14.080.
29 That order must be served pursuant to RCW 10.14.100, and forwarded to
30 the appropriate law enforcement agency pursuant to RCW 10.14.110.

31 **Sec. 35.** RCW 10.14.110 and 1992 c 143 s 16 are each amended to
32 read as follows:

33 (1) A copy of an antiharassment protection order granted under
34 this chapter shall be forwarded by the clerk of the court on or
35 before the next judicial day to the appropriate law enforcement
36 agency specified in the order.

37 Upon receipt of the order, the law enforcement agency shall
38 forthwith enter the order into any computer-based criminal

1 intelligence information system available in this state used by law
2 enforcement agencies to list outstanding warrants. The law
3 enforcement agency shall expunge expired orders from the computer
4 system. Entry into the law enforcement information system constitutes
5 notice to all law enforcement agencies of the existence of the order.
6 The order is fully enforceable in any county in the state.

7 (2) The information entered into the computer-based system shall
8 include notice to law enforcement whether the order was
9 ((personally)) served ((or served)) personally, by publication, by
10 mail, or by electronic means.

11 **Sec. 36.** RCW 10.14.130 and 2006 c 138 s 22 are each amended to
12 read as follows:

13 Protection orders authorized under this chapter shall not be
14 issued for any action specifically covered by chapter 7.90, 7.92,
15 10.99, or 26.50 RCW.

16 **Sec. 37.** RCW 10.14.150 and 2019 c 216 s 1 are each amended to
17 read as follows:

18 (1) ((The district)) District courts shall have ((original))
19 jurisdiction ((and cognizance of any)) over all civil actions and
20 proceedings brought under this chapter, except ((the district court
21 shall transfer such actions and proceedings to the superior court
22 when it is shown that (a) the respondent to the petition is under
23 eighteen years of age; (b) the action involves title or possession of
24 real property; (c) a superior court has exercised or is exercising
25 jurisdiction over a proceeding involving the parties; or (d) the
26 action would have the effect of interfering with a respondent's care,
27 control, or custody of the respondent's minor child)) as provided in
28 subsection (3) of this section.

29 (2) Municipal courts may exercise jurisdiction ((and cognizance
30 of any)) over all civil actions and proceedings brought under this
31 chapter, except as provided in subsection (3) of this section, by
32 adoption of local court rule ((, except the municipal court shall
33 transfer such actions and proceedings to the superior court when it
34 is shown that (a) the respondent to the petition is under eighteen
35 years of age; (b) the action involves title or possession of real
36 property; (c) a superior court has exercised or is exercising
37 jurisdiction over a proceeding involving the parties; or (d) the

1 ~~action would have the effect of interfering with a respondent's care,~~
2 ~~control, or custody of the respondent's minor child.~~

3 ~~(3) The civil jurisdiction of district and municipal courts under~~
4 ~~this chapter is limited to the issuance and enforcement of temporary~~
5 ~~orders for protection in cases that require transfer to superior~~
6 ~~court under subsections (1) and (2) of this section. The district or~~
7 ~~municipal court shall transfer the case to superior court after the~~
8 ~~temporary order is entered.~~

9 ~~(4) Superior courts shall have concurrent jurisdiction to receive~~
10 ~~transfer of antiharassment petitions in cases where a district or~~
11 ~~municipal court judge makes findings of fact and conclusions of law~~
12 ~~showing that meritorious reasons exist for the transfer.~~

13 ~~(5) The municipal and district courts shall have jurisdiction and~~
14 ~~cognizance of any criminal actions brought under RCW 10.14.120 and~~
15 ~~10.14.170).~~

16 (3) Only superior courts have jurisdiction over civil actions and
17 proceedings brought under this chapter where: (a) The respondent is
18 under 18 years of age; (b) the action involves title to or possession
19 of real property, including exclusion from a dwelling; (c) the
20 superior court has exercised or is exercising jurisdiction over a
21 proceeding involving the parties; or (d) the action involves
22 interference with a respondent's care, control, or custody of the
23 respondent's minor child or children. District and municipal courts
24 shall have jurisdiction over such cases limited to issuing and
25 reissuing temporary orders of protection, scheduling hearings in
26 superior court according to the superior court's practice, and
27 transferring cases to the superior court. If the superior court
28 determines that a petition has been filed in or transferred to the
29 superior court, but the petitioner has not established any grounds
30 under (a) through (d) of this subsection for superior court
31 jurisdiction, the court may for good cause, including timely
32 resolution of the petition, hear the merits of the petition and has
33 jurisdiction to do so, or the court may transfer the petition to an
34 appropriate court. When the jurisdiction of a district or municipal
35 court is limited and the notice and order are not served on the
36 respondent in time for the full hearing, the issuing court shall have
37 concurrent jurisdiction with the superior court to extend the order
38 for protection.

1 (4) Enforcement of orders issued under this chapter must comply
2 with general criminal jurisdiction and venue laws, rules, and
3 procedures.

4 **Sec. 38.** RCW 10.14.160 and 2005 c 196 s 2 are each amended to
5 read as follows:

6 (~~For the purposes of this chapter an~~) An action (~~may be~~
7 ~~brought in:~~

8 ~~(1) The judicial district of the county in which the alleged acts~~
9 ~~of unlawful harassment occurred;~~

10 ~~(2) The judicial district of the county where any respondent~~
11 ~~resides at the time the petition is filed;~~

12 ~~(3) The judicial district of the county where a respondent may be~~
13 ~~served if it is the same county or judicial district where a~~
14 ~~respondent resides;~~

15 ~~(4) The municipality in which the alleged acts of unlawful~~
16 ~~harassment occurred;~~

17 ~~(5) The municipality where any respondent resides at the time the~~
18 ~~petition is filed; or~~

19 ~~(6) The municipality where a respondent may be served if it is~~
20 ~~the same county or judicial district where a respondent resides))~~
21 under this chapter must be filed in the county or the municipality
22 where the petitioner resides, unless the petitioner has left the
23 residence or household to avoid harassment. In that case, the
24 petitioner may bring the action in the county or municipality of the
25 previous or new household or residence.

26 **Sec. 39.** RCW 26.50.010 and 2019 c 263 s 204 are each amended to
27 read as follows:

28 As used in this chapter, the following terms shall have the
29 meanings given them:

30 (1) "Court" includes the superior, district, and municipal courts
31 of the state of Washington.

32 (2) "Dating relationship" means a social relationship of a
33 romantic nature. Factors that the court may consider in making this
34 determination include: (a) The length of time the relationship has
35 existed; (b) the nature of the relationship; and (c) the frequency of
36 interaction between the parties.

37 (3) "Domestic violence" means: (a) Physical harm, bodily injury,
38 assault, or the infliction of fear of imminent physical harm, bodily

1 injury or assault, sexual assault, or stalking as defined in RCW
2 9A.46.110 of one intimate partner by another intimate partner; or (b)
3 physical harm, bodily injury, assault, or the infliction of fear of
4 imminent physical harm, bodily injury or assault, sexual assault, or
5 stalking as defined in RCW 9A.46.110 of one family or household
6 member by another family or household member.

7 (4) "Electronic monitoring" has the same meaning as in RCW
8 9.94A.030.

9 (5) "Essential personal effects" means those items necessary for
10 a person's immediate health, welfare, and livelihood. "Essential
11 personal effects" includes but is not limited to clothing, cribs,
12 bedding, documents, medications, and personal hygiene items.

13 (6) "Family or household members" means: (a) Adult persons
14 related by blood or marriage; (b) (~~adult~~) persons who are presently
15 residing together or who have resided together in the past; and (c)
16 persons who have a biological or legal parent-child relationship,
17 including stepparents and stepchildren and grandparents and
18 grandchildren.

19 (7) "Intimate partner" means: (a) Spouses, or domestic partners;
20 (b) former spouses, or former domestic partners; (c) persons who have
21 a child in common regardless of whether they have been married or
22 have lived together at any time; (d) adult persons presently or
23 previously residing together who have or have had a dating
24 relationship; (e) persons (~~sixteen~~) 16 years of age or older who
25 are presently residing together or who have resided together in the
26 past and who have or have had a dating relationship; and (f) persons
27 (~~sixteen~~) 16 years of age or older with whom a person (~~sixteen~~)
28 16 years of age or older has or has had a dating relationship.

29 (8) "Judicial day" does not include Saturdays, Sundays, or legal
30 holidays.

31 **Sec. 40.** RCW 26.50.020 and 2019 c 263 s 205 are each amended to
32 read as follows:

33 (1)(a) Any person may seek relief under this chapter by filing a
34 petition with a court alleging that the person has been the victim of
35 domestic violence committed by the respondent. The person may
36 petition for relief on behalf of himself or herself and on behalf of
37 minor family or household members.

38 (b) Any person (~~thirteen~~) 13 years of age or older may seek
39 relief under this chapter by filing a petition with a court alleging

1 that he or she has been the victim of violence in a dating
2 relationship and the respondent is (~~sixteen~~) 16 years of age or
3 older.

4 (2) (~~(a)~~) A (~~person under eighteen years of age~~) minor who is
5 (~~sixteen~~) 16 years of age or older may seek relief under this
6 chapter and is not required to seek relief by a guardian or next
7 friend.

8 (~~(b) A person under sixteen years of age who is seeking relief~~
9 ~~under subsection (1)(b) of this section is required to seek relief by~~
10 ~~a parent, guardian, guardian ad litem, or next friend.~~) This does
11 not preclude a parent or legal custodian of a victim 16 or 17 years
12 of age from seeking relief on behalf of the minor.

13 (3) No guardian or guardian ad litem need be appointed on behalf
14 of a respondent to an action under this chapter who is under
15 (~~eighteen~~) 18 years of age if such respondent is (~~sixteen~~) 16
16 years of age or older.

17 (4) The court may, if it deems necessary, appoint a guardian ad
18 litem for a petitioner or respondent who is a party to an action
19 under this chapter.

20 (5) Any petition filed under this chapter must specify whether
21 the victim and respondent of the alleged domestic violence are
22 intimate partners or family or household members within the meaning
23 of RCW 26.50.010.

24 (6) The courts defined in RCW 26.50.010 have jurisdiction over
25 proceedings under this chapter. The jurisdiction of district and
26 municipal courts under this chapter shall be limited to enforcement
27 of RCW 26.50.110(1), or the equivalent municipal ordinance, and the
28 issuance and enforcement of temporary orders for protection provided
29 for in RCW 26.50.070 if: (a) A superior court has exercised or is
30 exercising jurisdiction over a proceeding under this title or chapter
31 13.34 RCW involving the parties; (b) the petition for relief under
32 this chapter presents issues of residential schedule of and contact
33 with children of the parties; or (c) the petition for relief under
34 this chapter requests the court to exclude a party from the dwelling
35 which the parties share. When the jurisdiction of a district or
36 municipal court is limited to the issuance and enforcement of a
37 temporary order, the district or municipal court shall set the full
38 hearing provided for in RCW 26.50.050 in superior court and transfer
39 the case. If the notice and order are not served on the respondent in
40 time for the full hearing, the issuing court shall have concurrent

1 jurisdiction with the superior court to extend the order for
2 protection.

3 (7) An action under this chapter shall be filed in the county or
4 the municipality where the petitioner resides, unless the petitioner
5 has left the residence or household to avoid abuse. In that case, the
6 petitioner may bring an action in the county or municipality of the
7 previous or the new household or residence.

8 (8) A person's right to petition for relief under this chapter is
9 not affected by the person leaving the residence or household to
10 avoid abuse.

11 (9) For the purposes of this section "next friend" means any
12 competent individual, over (~~(eighteen)~~) 18 years of age, chosen by
13 the minor and who is capable of pursuing the minor's stated interest
14 in the action.

15 (10) Enforcement of orders issued under this chapter must comply
16 with general criminal jurisdiction and venue laws, rules, and
17 procedures.

18 **Sec. 41.** RCW 26.50.025 and 2019 c 46 s 5036 are each amended to
19 read as follows:

20 (1) Any order available under this chapter may be issued in
21 actions under chapter 26.09, (~~(26.10,)~~) 26.26A, or 26.26B RCW. If an
22 order for protection is issued in such an action (~~(under chapter~~
23 ~~26.09, 26.10, 26.26A, or 26.26B RCW)~~), the order shall be issued on
24 the forms mandated by RCW 26.50.035(1). An order issued in accordance
25 with this subsection is fully enforceable and shall be enforced under
26 the provisions of this chapter.

27 (2) If a party files an action under chapter 26.09, (~~(26.10,)~~)
28 26.26A, or 26.26B RCW, an order issued previously under this chapter
29 between the same parties may be consolidated by the court under that
30 action and cause number. Any order issued under this chapter after
31 consolidation shall contain the original cause number and the cause
32 number of the action under chapter 26.09, (~~(26.10,)~~) 26.26A, or
33 26.26B RCW. Relief under this chapter shall not be denied or delayed
34 on the grounds that the relief is available in another action.

35 **Sec. 42.** RCW 26.50.030 and 2005 c 282 s 39 are each amended to
36 read as follows:

37 There shall exist an action known as a petition for an order for
38 protection in cases of domestic violence.

1 (1) A petition for relief shall allege the existence of domestic
2 violence, and shall be accompanied by an affidavit made under oath
3 stating the specific facts and circumstances from which relief is
4 sought. Petitioner and respondent shall disclose the existence of any
5 other litigation concerning the custody or residential placement of a
6 child of the parties as set forth in RCW 26.27.281 and the existence
7 of any other restraining, protection, or no-contact orders between
8 the parties.

9 (2) A petition for relief may be made regardless of whether or
10 not there is a pending lawsuit, complaint, petition, or other action
11 between the parties except in cases where the court realigns
12 petitioner and respondent in accordance with RCW 26.50.060(4).

13 (3) Within (~~ninety~~) 90 days of receipt of the master copy from
14 the administrative office of the courts, all court clerk's offices
15 shall make available the standardized forms, instructions, and
16 informational brochures required by RCW 26.50.035 and shall fill in
17 and keep current specific program names and telephone numbers for
18 community resources. Any assistance or information provided by clerks
19 under this section does not constitute the practice of law and clerks
20 are not responsible for incorrect information contained in a
21 petition.

22 (4) No filing fee may be charged for proceedings under this
23 section. Forms and instructional brochures shall be provided free of
24 charge.

25 (5) A person is not required to post a bond to obtain relief in
26 any proceeding under this section.

27 (6) Minor children must be referred to in all publicly available
28 filed documents by their initials and age.

29 **Sec. 43.** RCW 26.50.035 and 2019 c 263 s 912 and 2019 c 46 s 5037
30 are each reenacted and amended to read as follows:

31 (1) The administrative office of the courts shall develop and
32 prepare instructions and informational brochures required under RCW
33 26.50.030(4), standard petition and order for protection forms, and a
34 court staff handbook on domestic violence and the protection order
35 process. The standard petition and order for protection forms must be
36 used after September 1, 1994, for all petitions filed and orders
37 issued under this chapter. The instructions, brochures, forms, and
38 handbook shall be prepared in consultation with interested persons,

1 including a representative of the state domestic violence coalition,
2 judges, and law enforcement personnel.

3 (a) The instructions shall be designed to assist petitioners in
4 completing the petition, and shall include a sample of standard
5 petition and order for protection forms.

6 (b) The informational brochure shall describe the use of and the
7 process for obtaining, modifying, and terminating a domestic violence
8 protection order as provided under this chapter, an antiharassment
9 no-contact order as provided under chapter 9A.46 RCW, a domestic
10 violence no-contact order as provided under chapter 10.99 RCW, a
11 restraining order as provided under chapters 26.09, ((26.10,))
12 26.26A, 26.26B, and 26.44 RCW, an antiharassment protection order as
13 provided by chapter 10.14 RCW, a foreign protection order as defined
14 in chapter 26.52 RCW, and a Canadian domestic violence protection
15 order as defined in RCW 26.55.010.

16 (c) The order for protection form shall include, in a conspicuous
17 location, notice of criminal penalties resulting from violation of
18 the order, and the following statement: "You can be arrested even if
19 the person or persons who obtained the order invite or allow you to
20 violate the order's prohibitions. The respondent has the sole
21 responsibility to avoid or refrain from violating the order's
22 provisions. Only the court can change the order upon written
23 application."

24 (d) The court staff handbook shall allow for the addition of a
25 community resource list by the court clerk.

26 (2) All court clerks shall obtain a community resource list from
27 a domestic violence program, defined in RCW 70.123.020, serving the
28 county in which the court is located. The community resource list
29 shall include the names and telephone numbers of domestic violence
30 programs serving the community in which the court is located,
31 including law enforcement agencies, domestic violence agencies,
32 sexual assault agencies, legal assistance programs, interpreters,
33 multicultural programs, and batterers' treatment programs. The court
34 shall make the community resource list available as part of or in
35 addition to the informational brochures described in subsection (1)
36 of this section.

37 (3) The administrative office of the courts shall distribute a
38 master copy of the petition and order forms, instructions, and
39 informational brochures to all court clerks and shall distribute a

1 master copy of the petition and order forms to all superior,
2 district, and municipal courts.

3 (4) For purposes of this section, "court clerks" means court
4 administrators in courts of limited jurisdiction and elected court
5 clerks.

6 (5) The administrative office of the courts shall determine the
7 significant non-English-speaking or limited English-speaking
8 populations in the state. The administrator shall then arrange for
9 translation of the instructions and informational brochures required
10 by this section, which shall contain a sample of the standard
11 petition and order for protection forms, into the languages spoken by
12 those significant non-English-speaking populations and shall
13 distribute a master copy of the translated instructions and
14 informational brochures to all court clerks by January 1, 1997.

15 (6) The administrative office of the courts shall update the
16 instructions, brochures, standard petition and order for protection
17 forms, and court staff handbook when changes in the law make an
18 update necessary.

19 **Sec. 44.** RCW 26.50.050 and 2008 c 287 s 2 are each amended to
20 read as follows:

21 Upon receipt of the petition, the court shall order a hearing
22 which shall be held not later than (~~fourteen~~) 14 days from the date
23 of the order. The court may schedule a hearing in person or by
24 telephone (~~pursuant to local court rule, to reasonably accommodate a~~
25 ~~disability, or in exceptional circumstances to protect a petitioner~~
26 ~~from further acts of domestic violence. The court shall require~~
27 ~~assurances of the petitioner's identity before conducting a~~
28 ~~telephonic hearing)), video, or other electronic means with
29 appropriate safeguards as determined by the court. Except as provided
30 in RCW 26.50.085 (~~and 26.50.123~~), personal service shall be made
31 upon the respondent not less than five court days prior to the
32 hearing unless waived by the respondent. If timely personal service
33 cannot be made, the court shall set a new hearing date and shall
34 either require an additional attempt at obtaining personal service or
35 permit service by mail, electronic means, or publication as provided
36 in RCW 26.50.085 (~~or service by mail as provided in RCW 26.50.123~~).
37 The court shall not require more than two attempts at obtaining
38 personal service and shall permit service by mail, electronic means,
39 or publication (~~or by mail~~) unless the petitioner requests~~

1 additional time to attempt personal service. (~~If the court permits~~
2 ~~service by publication or by mail~~) In cases where personal service
3 was not made, the court shall set the next hearing date: (1) Within
4 14 days from the date of the order; (2) to an available date mutually
5 agreed to by the parties and accepted by the court; or (3) not later
6 than (~~twenty-four~~) 24 days from the date of the order upon a
7 showing of good cause to facilitate service. The court may issue an
8 ex parte order for protection pending the hearing as provided in RCW
9 26.50.070(~~(r)~~) and 26.50.085(~~(r and 26.50.123)~~).

10 **Sec. 45.** RCW 26.50.060 and 2020 c 311 s 9 are each amended to
11 read as follows:

12 (1) Upon notice and after hearing, when the petitioner proves his
13 or her allegations by a preponderance of the evidence, the court
14 (~~may provide~~) has broad discretion to grant such relief as the
15 court deems proper, including an order that provides relief as
16 follows:

17 (a) Restrain the respondent from committing acts of domestic
18 violence;

19 (b) Exclude the respondent from the dwelling that the parties
20 share, from the residence, workplace, or school of the petitioner, or
21 from the day care or school of a child;

22 (c) (~~Prohibit~~) Restrain the respondent from knowingly coming
23 within, or knowingly remaining within, a specified distance from a
24 specified location including, but not limited to, a residence,
25 school, day care, workplace, and the protected party's person;

26 (d) Restrain the respondent from making any attempts to contact
27 the petitioner, including nonphysical contact and contact through
28 third parties regardless of whether those third parties know of the
29 order;

30 (e) Restrain the respondent from making any attempts to keep the
31 petitioner under surveillance;

32 (f) On the same basis as is provided in chapter 26.09 RCW, the
33 court shall make residential provision with regard to minor children
34 of the parties. However, parenting plans as specified in chapter
35 26.09 RCW shall not be required under this chapter;

36 (~~(e)~~) (g) Order the respondent to participate in a domestic
37 violence perpetrator treatment program approved under RCW 26.50.150;

38 (~~(f)~~) (h) Order other relief as it deems necessary for the
39 protection of the petitioner and other family or household members

1 sought to be protected, including orders or directives to a peace
2 officer, as allowed under this chapter;

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

11 ~~((h))~~ (j) Restrain the respondent from having any contact with
12 the victim of domestic violence or the victim's children or members
13 of the victim's household;

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

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

28 ~~((k))~~ (m) Consider the provisions of RCW 9.41.800 and order the
29 respondent to surrender, and prohibit the respondent from possessing,
30 all firearms, dangerous weapons, and any concealed pistol license as
31 required in RCW 9.41.800;

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

1 the respondent from knowingly coming within, or knowingly remaining
2 within, a specified distance of specified locations where the pet is
3 regularly found;

4 (~~(m)~~) (o) Order use of a vehicle; and

5 (~~(n)~~) (p) Enter an order restricting the respondent from
6 engaging in abusive litigation as set forth in chapter 26.51 RCW. A
7 petitioner may request this relief in the petition or by separate
8 motion. A petitioner may request this relief by separate motion at
9 any time within five years of the date the order for protection is
10 entered even if the order has since expired. A stand-alone motion for
11 an order restricting abusive litigation may be brought by a party who
12 meets the requirements of chapter 26.51 RCW regardless of whether the
13 party has previously sought an order for protection under this
14 chapter, provided the motion is made within five years of the date
15 the order that made a finding of domestic violence was entered. In
16 cases where a finding of domestic violence was entered pursuant to an
17 order under chapter 26.09, 26.26, or 26.26A RCW, a motion for an
18 order restricting abusive litigation may be brought under the family
19 law case or as a stand-alone action filed under this chapter, when it
20 is not reasonable or practical to file under the family law case.

21 (2) If a protection order restrains the respondent from
22 contacting the respondent's minor children the restraint shall be for
23 a fixed period not to exceed one year. This limitation is not
24 applicable to orders for protection issued under chapter 26.09,
25 (~~26.10,~~) 26.26A, or 26.26B RCW. With regard to other relief, if the
26 petitioner has petitioned for relief on his or her own behalf or on
27 behalf of the petitioner's family or household members or minor
28 children, and the court finds that the respondent is likely to resume
29 acts of domestic violence against the petitioner or the petitioner's
30 family or household members or minor children when the order expires,
31 the court may either grant relief for a fixed period or enter a
32 permanent order of protection.

33 If the petitioner has petitioned for relief on behalf of the
34 respondent's minor children, the court shall advise the petitioner
35 that if the petitioner wants to continue protection for a period
36 beyond one year the petitioner may either petition for renewal
37 pursuant to the provisions of this chapter or may seek relief
38 pursuant to the provisions of chapter 26.09, 26.26A, or 26.26B RCW.

39 (3) If the court grants an order for a fixed time period, the
40 petitioner may apply for renewal of the order by filing a petition

1 for renewal at any time within the three months before the order
2 expires. The petition for renewal shall state the reasons why the
3 petitioner seeks to renew the protection order. Upon receipt of the
4 petition for renewal the court shall order a hearing which shall be
5 not later than fourteen days from the date of the order. Except as
6 provided in RCW 26.50.085, personal service shall be made on the
7 respondent not less than five days before the hearing. If timely
8 service cannot be made, the court shall set a new hearing date and
9 (~~shall either require additional attempts at obtaining personal~~
10 ~~service or permit service by publication as provided in RCW 26.50.085~~
11 ~~or by mail as provided in RCW 26.50.123~~) address service as provided
12 in RCW 26.50.050. If the court permits service by mail, electronic
13 means, or publication (~~or mail~~), the court shall set the new
14 hearing date (~~not later than twenty-four days from the date of the~~
15 ~~order~~) as provided in RCW 26.50.050. If the order expires because
16 timely service cannot be made the court shall grant an ex parte order
17 of protection as provided in RCW 26.50.070. The court shall grant the
18 petition for renewal unless the respondent proves by a preponderance
19 of the evidence that the respondent will not resume acts of domestic
20 violence against the petitioner or the petitioner's children or
21 family or household members when the order expires. The court may
22 renew the protection order for another fixed time period or may enter
23 a permanent order as provided in this section. The court may award
24 court costs, service fees, and reasonable attorneys' fees as provided
25 in subsection (1) (~~(g)~~) (i) of this section.

26 (4) In providing relief under this chapter, the court may realign
27 the designation of the parties as "petitioner" and "respondent" where
28 the court finds that the original petitioner is the abuser and the
29 original respondent is the victim of domestic violence and may issue
30 an ex parte temporary order for protection in accordance with RCW
31 26.50.070 on behalf of the victim until the victim is able to prepare
32 a petition for an order for protection in accordance with RCW
33 26.50.030.

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

39 (6) The court order shall specify the date the order expires if
40 any. The court order shall also state whether the court issued the

1 protection order following personal service, (~~service by~~
2 ~~publication,~~) or service by mail, electronic means, or publication,
3 and whether the court has approved service by mail, electronic means,
4 or publication (~~or mail~~) of an order issued under this section.

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

8 **Sec. 46.** RCW 26.50.070 and 2019 c 245 s 14 are each amended to
9 read as follows:

10 (1) Where an application under this section alleges that
11 irreparable injury could result from domestic violence if an order is
12 not issued immediately without prior notice to the respondent, the
13 court may grant an ex parte temporary order for protection, pending a
14 full hearing, and grant relief as the court deems proper, including
15 an order:

16 (a) Restraining any party from committing acts of domestic
17 violence;

18 (b) Restraining any party from going onto the grounds of or
19 entering the dwelling that the parties share, from the residence,
20 workplace, or school of the other, or from the day care or school of
21 a child until further order of the court;

22 (c) Prohibiting any party from knowingly coming within, or
23 knowingly remaining within, a specified distance from a specified
24 location;

25 (d) Restraining any party from interfering with the other's
26 custody of the minor children or from removing the children from the
27 jurisdiction of the court;

28 (e) Restraining any party from having any contact with the victim
29 of domestic violence or the victim's children or members of the
30 victim's household; and

31 (f) Restraining the respondent from harassing, following, keeping
32 under physical or electronic surveillance, cyberstalking as defined
33 in RCW 9.61.260, and using telephonic, audiovisual, or other
34 electronic means to monitor the actions, location, or communication
35 of a victim of domestic violence, the victim's children, or members
36 of the victim's household. For the purposes of this subsection,
37 "communication" includes both "wire communication" and "electronic
38 communication" as defined in RCW 9.73.260.

1 (2) In issuing the order, the court shall consider the provisions
2 of RCW 9.41.800, and shall order the respondent to surrender, and
3 prohibit the respondent from possessing, all firearms, dangerous
4 weapons, and any concealed pistol license as required in RCW
5 9.41.800.

6 (3) Irreparable injury under this section includes but is not
7 limited to situations in which the respondent has recently threatened
8 petitioner with bodily injury or has engaged in acts of domestic
9 violence against the petitioner.

10 (4) The court shall hold an ex parte hearing in person or by
11 telephone, video, or electronic means with adequate safeguards as
12 determined by the court on the day the petition is filed or on the
13 following judicial day.

14 (5) An ex parte temporary order for protection shall be effective
15 ~~((for a fixed period not to exceed fourteen days or twenty-four days~~
16 ~~if the court has permitted service by publication under RCW 26.50.085~~
17 ~~or by mail under RCW 26.50.123))~~ until the next hearing date. The ex
18 parte temporary order may be reissued. ~~((A full hearing, as provided~~
19 ~~in this chapter, shall be set for not later than fourteen days from~~
20 ~~the issuance of the ex parte temporary order or not later than~~
21 ~~twenty-four days if service by publication or by mail is permitted.))~~
22 Except as provided in RCW 26.50.050(~~(r)~~) and 26.50.085(~~(r)~~
23 ~~and 26.50.123)), the respondent shall be personally served with a copy of~~
24 the ex parte temporary order along with a copy of the petition and
25 notice of the date set for the hearing.

26 (6) Any order issued under this section shall contain the date
27 and time of issuance ~~((and)),~~ the expiration date, the date and time
28 of the next hearing, and notice that, if the respondent should fail
29 to appear or otherwise respond, a protection order will be issued
30 against the respondent for a minimum of one year from the date of the
31 hearing. The order shall be entered into a statewide judicial
32 information system by the clerk of the court within one judicial day
33 after issuance.

34 (7) If the court declines to issue an ex parte temporary order
35 for protection the court shall state the particular reasons for the
36 court's denial. The court's denial of a motion for an ex parte
37 temporary order for protection shall be filed with the court.

38 (8) When an ex parte temporary order has been entered without
39 notice to the respondent or an ability for the respondent to
40 participate in the ex parte hearing, the respondent may file a motion

1 to terminate or modify the order prior to a final hearing on the
2 grounds that the ex parte temporary order is not meritorious and will
3 cause imminent harm to the respondent before the hearing can occur or
4 that the order or its remedy is not authorized by this chapter. The
5 respondent shall provide advance notice to the petitioner of the time
6 and place for presentation of the motion. The motion shall be heard
7 expeditiously. The respondent is limited to one motion to terminate
8 or modify an ex parte temporary order. If the court determines that
9 the motion has been brought in bad faith, the court may impose
10 sanctions.

11 **Sec. 47.** RCW 26.50.085 and 2016 c 202 s 25 are each amended to
12 read as follows:

13 (1) If the respondent was not personally served with ~~((the))~~ a
14 petition authorized by this chapter, a notice of hearing, and any ex
15 parte order before the hearing, the court shall ~~((reset the hearing~~
16 for twenty-four days from the date of entry of the order and may
17 order)) set a new hearing date as provided in RCW 26.50.070 and
18 26.50.080 and shall either permit additional personal service
19 attempts or order service by mail, electronic means, or publication
20 instead of personal service under the following circumstances
21 established by affidavit or declaration:

22 (a) The court determines that the petitioner was unable to
23 personally serve the respondent after a diligent effort and the
24 proposed alternate service is reasonably probable to provide actual
25 notice based upon consideration of the following:

26 (i) A means of service other than personal service is reasonably
27 calculated to provide notice under the circumstances, including the
28 inability to timely personally serve the respondent;

29 (ii) A description of the number and types of attempts made to
30 complete personal service;

31 (iii) A description of the respondent's known address or
32 addresses, contact information, and electronic addresses or
33 electronic accounts;

34 (iv) A description of communications with the respondent;

35 (v) Information concerning the respondent's whereabouts; and

36 (vi) Any other information relating to the inability to
37 personally serve the respondent and the reasonable probability that
38 alternate service will provide actual notice; or

1 (b) The court determines that the respondent is avoiding personal
2 service, based upon consideration of the following:

3 (i) The sheriff or municipal officer (~~((files an affidavit~~
4 ~~stating))~~ states that the officer was unable to complete personal
5 service upon the respondent(~~((The affidavit must describe))~~) and
6 describes the number and types of attempts the officer made to
7 complete service;

8 ~~((b))~~ (ii) The petitioner (~~((files an affidavit stating))~~) states
9 that the petitioner believes that the respondent is hiding from the
10 server to avoid service(~~((The petitioner's affidavit must state))~~)
11 and states the reasons for the belief that the respondent is avoiding
12 service;

13 ~~((c))~~ (iii) The server has deposited a copy of the summons, in
14 substantially the form prescribed in subsection (3) of this section,
15 notice of hearing, and the ex parte order of protection in the post
16 office, directed to the respondent at the respondent's last known
17 address, unless the server states that the server does not know the
18 respondent's address; and

19 ~~((d))~~ (iv) The court finds reasonable grounds exist to believe
20 that the respondent is concealing himself or herself to avoid
21 service, and that further attempts to personally serve the respondent
22 would be futile or unduly burdensome.

23 (2) The court shall reissue (~~((the))~~) any temporary order of
24 protection (~~((not to exceed another twenty-four days from the date of~~
25 ~~reissuing the ex parte protection order and order to provide service~~
26 ~~by publication))~~) as provided in RCW 26.50.070 and 26.50.080 to allow
27 additional service attempts.

28 (3) (~~((The))~~) Service by publication shall be made in a newspaper
29 of general circulation in the county where the petition was brought
30 and in the county of the last known address of the respondent once a
31 week for three consecutive weeks. The newspaper selected must be one
32 of the three most widely circulated papers in the county. The
33 publication of summons shall not be made until the court orders
34 service by publication under this section. Service of the summons
35 shall be considered complete when the publication has been made for
36 three consecutive weeks. The summons must be signed by the
37 petitioner. The summons shall contain the date of the first
38 publication, and shall require the respondent upon whom service by
39 publication is desired, to appear and answer the petition on the date
40 set for the hearing. The summons shall also contain a brief statement

1 of the reason for the petition and a summary of the provisions under
2 the ex parte order. The summons shall be essentially in the following
3 form:

4 In the court of the state of Washington
5 for the county of

6, Petitioner

7 vs. No.

8, Respondent

9 The state of Washington to
10 (respondent):

11 You are hereby summoned to appear on the
12 day of, (year), at a.m./p.m., and
13 respond to the petition. If you fail to respond, an order of
14 protection will be issued against you pursuant to the
15 provisions of the domestic violence protection act,
16 chapter 26.50 RCW, for a minimum of one year from the
17 date you are required to appear. A temporary order of
18 protection has been issued against you, restraining you
19 from the following: (Insert a brief statement of the
20 provisions of the ex parte order). A copy of the petition,
21 notice of hearing, and ex parte order has been filed with
22 the clerk of this court.

23

24 Petitioner.....

25 (4) Service by electronic means includes service by email, text
26 message, or social media applications. Service by mail must be made
27 by any person over 18 years of age, who is competent to be a witness,
28 other than a party, by mailing copies of the order and other process
29 to the party to be served at his or her last known address. In the
30 case of mailing, two copies must be mailed, postage prepaid, one by
31 ordinary first-class mail and the other by a form of mail requiring a
32 signed receipt showing when and to whom it was delivered. The
33 envelopes must bear the return address of the sender. Service by
34 electronic means shall be made by any person over 18 years of age,
35 who is competent to be a witness, other than a party, by transmitting
36 copies of the order and other process to the party to be served at
37 his or her electronic address or electronic account associated with

1 email, text messaging, or social media applications. Sworn proof of
2 service by law enforcement or an adult who is not the petitioner must
3 be filed with the court. Service under this section may be used in
4 the same manner and shall have the same jurisdictional effect as
5 personal service for purposes of this chapter. Service shall be
6 deemed complete upon the mailing or transmission as prescribed in
7 this section.

8 (5) The court may authorize multiple methods of service permitted
9 by this section and may consider the use of any address determined by
10 the court to be appropriate in order to authorize service that is
11 reasonably probable to provide actual notice. The court shall favor
12 speedy and cost-effective methods of service to promote prompt and
13 accessible resolution of the merits of the petition.

14 **Sec. 48.** RCW 26.50.090 and 2019 c 245 s 15 are each amended to
15 read as follows:

16 (1) An order issued under this chapter shall be personally served
17 upon the respondent, except as provided in subsections (6) and (8) of
18 this section.

19 (2) The sheriff of the county or the peace officers of the
20 municipality in which the respondent resides shall serve the
21 respondent personally unless the petitioner elects to have the
22 respondent served by a private party. If the order includes a
23 requirement under RCW 9.41.800 for the immediate surrender of all
24 firearms, dangerous weapons, and any concealed pistol license, the
25 order must be served by a law enforcement officer.

26 (3) If service by a sheriff or municipal peace officer is to be
27 used, the clerk of the court shall have a copy of any order issued
28 under this chapter electronically forwarded on or before the next
29 judicial day to the appropriate law enforcement agency specified in
30 the order for service upon the respondent. Service of an order issued
31 under this chapter shall take precedence over the service of other
32 documents unless they are of a similar emergency nature.

33 (4) If the sheriff or municipal peace officer cannot complete
34 service upon the respondent within (~~ten~~) 10 days, the sheriff or
35 municipal peace officer shall notify the petitioner. The petitioner
36 shall provide information sufficient to permit notification.

37 (5) Returns of service under this chapter shall be made in
38 accordance with the applicable court rules. Returns of service must

1 include all known information concerning receipt and responses from
2 the respondent, including for service by mail or electronic means.

3 (6) If an order entered by the court recites that the respondent
4 appeared (~~in person~~) before the court, the necessity for further
5 service is waived and proof of service of that order is not
6 necessary. The court's order, entered after a hearing, need not be
7 served on a respondent who fails to appear before the court, if
8 material terms of the order have not changed from those contained in
9 the temporary order, and it is shown to the court's satisfaction that
10 the respondent has previously been served with the temporary order.

11 (7) Municipal police departments serving documents as required
12 under this chapter may collect from respondents ordered to pay fees
13 under RCW 26.50.060 the same fees for service and mileage authorized
14 by RCW 36.18.040 to be collected by sheriffs.

15 (8) If the court previously entered an order allowing service of
16 the notice of hearing and temporary order of protection by mail,
17 electronic means, or publication pursuant to RCW 26.50.085 (~~or by~~
18 ~~mail pursuant to RCW 26.50.123~~), the court may permit the same means
19 of service ((by publication or by mail)) of the order of protection
20 issued under RCW 26.50.060, except that law enforcement must
21 personally serve a final order that includes an order to surrender
22 firearms, dangerous weapons, and any concealed pistol license, or
23 that requires vacating a shared residence or transferring the care,
24 control, or custody of children. ((Service by publication must comply
25 with the requirements of RCW 26.50.085 and service by mail must
26 comply with the requirements of RCW 26.50.123.)) The court order must
27 state (~~whether the court permitted service by publication or by~~
28 ~~mail~~) the approved means of service.

29 (9) Any protection order issued under this chapter that would
30 expire on a court holiday shall instead expire at the close of the
31 next court business day.

32 **Sec. 49.** RCW 26.50.095 and 1995 c 246 s 12 are each amended to
33 read as follows:

34 Following completion of service by mail, electronic means, or
35 publication (~~as provided in RCW 26.50.085 or by mail as provided in~~
36 ~~RCW 26.50.123~~), if the respondent fails to appear at the hearing,
37 the court may issue an order of protection as provided in RCW
38 26.50.060. That order must be served pursuant to RCW 26.50.090, and

1 forwarded to the appropriate law enforcement agency pursuant to RCW
2 26.50.100.

3 **Sec. 50.** RCW 26.50.100 and 1996 c 248 s 15 are each amended to
4 read as follows:

5 (1) A copy of an order for protection granted under this chapter
6 shall be forwarded by the clerk of the court on or before the next
7 judicial day to the appropriate law enforcement agency specified in
8 the order.

9 Upon receipt of the order, the law enforcement agency shall
10 forthwith enter the order into any computer-based criminal
11 intelligence information system available in this state used by law
12 enforcement agencies to list outstanding warrants. The order shall
13 remain in the computer for the period stated in the order. The law
14 enforcement agency shall only expunge from the computer-based
15 criminal intelligence information system orders that are expired,
16 vacated, or superseded. Entry into the law enforcement information
17 system constitutes notice to all law enforcement agencies of the
18 existence of the order. The order is fully enforceable in any county
19 in the state.

20 (2) The information entered into the computer-based criminal
21 intelligence information system shall include notice to law
22 enforcement whether the order was (~~personally~~) served personally,
23 (~~served~~) by mail, by electronic means, or by publication(~~(, or~~
24 ~~served by mail)~~)).

25 **Sec. 51.** RCW 26.50.110 and 2019 c 263 s 913 and 2019 c 46 s 5039
26 are each reenacted and amended to read as follows:

27 (1)(a) Whenever an order is granted under this chapter, chapter
28 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, (~~(26.10,)~~)
29 26.26A, 26.26B, or 74.34 RCW, any temporary order for protection is
30 granted under chapter 7.40 RCW pursuant to chapter 74.34 RCW, there
31 is a valid foreign protection order as defined in RCW 26.52.020, or
32 there is a valid Canadian domestic violence protection order as
33 defined in RCW 26.55.010, and the respondent or person to be
34 restrained knows of the order, a violation of any of the following
35 provisions of the order is a gross misdemeanor, except as provided in
36 subsections (4) and (5) of this section:

1 (i) The restraint provisions prohibiting acts or threats of
2 violence against, or stalking of, a protected party, or restraint
3 provisions prohibiting contact with a protected party;

4 (ii) A provision excluding the person from a residence,
5 workplace, school, or day care;

6 (iii) A provision prohibiting a person from knowingly coming
7 within, or knowingly remaining within, a specified distance of a
8 location;

9 (iv) A provision prohibiting interfering with the protected
10 party's efforts to remove a pet owned, possessed, leased, kept, or
11 held by the petitioner, respondent, or a minor child residing with
12 either the petitioner or the respondent; or

13 (v) A provision of a foreign protection order or a Canadian
14 domestic violence protection order specifically indicating that a
15 violation will be a crime.

16 (b) Upon conviction, and in addition to any other penalties
17 provided by law, the court:

18 (i) May require that the respondent submit to electronic
19 monitoring. The court shall specify who shall provide the electronic
20 monitoring services, and the terms under which the monitoring shall
21 be performed. The order also may include a requirement that the
22 respondent pay the costs of the monitoring. The court shall consider
23 the ability of the convicted person to pay for electronic monitoring.

24 (ii) Shall impose a fine of (~~fifteen dollars~~) \$15, in addition
25 to any penalty or fine imposed, for a violation of a domestic
26 violence protection order issued under this chapter. Revenue from the
27 (~~fifteen dollar~~) \$15 fine must be remitted monthly to the state
28 treasury for deposit in the domestic violence prevention account.

29 (2) A peace officer shall arrest without a warrant and take into
30 custody a person whom the peace officer has probable cause to believe
31 has violated an order issued under this chapter, chapter 7.92, 7.90,
32 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, (~~26.10,~~) 26.26A, 26.26B,
33 or 74.34 RCW, any temporary order for protection granted under
34 chapter 7.40 RCW pursuant to chapter 74.34 RCW, a valid foreign
35 protection order as defined in RCW 26.52.020, or a valid Canadian
36 domestic violence protection order as defined in RCW 26.55.010, that
37 restrains the person or excludes the person from a residence,
38 workplace, school, or day care, or prohibits the person from
39 knowingly coming within, or knowingly remaining within, a specified
40 distance of a location, if the person restrained knows of the order.

1 Presence of the order in the law enforcement computer-based criminal
2 intelligence information system is not the only means of establishing
3 knowledge of the order.

4 (3) A violation of an order issued under this chapter, chapter
5 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, (~~(26.107)~~)
6 26.26A, 26.26B, or 74.34 RCW, a valid foreign protection order as
7 defined in RCW 26.52.020, or a valid Canadian domestic violence
8 protection order as defined in RCW 26.55.010, shall also constitute
9 contempt of court, and is subject to the penalties prescribed by law.

10 (4) Any assault that is a violation of an order issued under this
11 chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99,
12 26.09, (~~(26.107)~~) 26.26A, 26.26B, or 74.34 RCW, a valid foreign
13 protection order as defined in RCW 26.52.020, or a valid Canadian
14 domestic violence protection order as defined in RCW 26.55.010, and
15 that does not amount to assault in the first or second degree under
16 RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in
17 violation of such an order that is reckless and creates a substantial
18 risk of death or serious physical injury to another person is a class
19 C felony.

20 (5) A violation of a court order issued under this chapter,
21 chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09,
22 (~~(26.107)~~) 26.26A, 26.26B, or 74.34 RCW, a valid foreign protection
23 order as defined in RCW 26.52.020, or a valid Canadian domestic
24 violence protection order as defined in RCW 26.55.010, is a class C
25 felony if the offender has at least two previous convictions for
26 violating the provisions of an order issued under this chapter,
27 chapter 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, (~~(26.107)~~)
28 26.26A, 26.26B, or 74.34 RCW, a valid foreign protection order as
29 defined in RCW 26.52.020 or a valid Canadian domestic violence
30 protection order as defined in RCW 26.55.010. The previous
31 convictions may involve the same victim or other victims specifically
32 protected by the orders the offender violated.

33 (6) Upon the filing of an affidavit by the petitioner or any
34 peace officer alleging that the respondent has violated an order
35 granted under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88,
36 9.94A, 10.99, 26.09, (~~(26.107)~~) 26.26A, 26.26B, or 74.34 RCW, a valid
37 foreign protection order as defined in RCW 26.52.020, or a valid
38 Canadian domestic violence protection order as defined in RCW
39 26.55.010, the court may issue an order to the respondent, requiring
40 the respondent to appear and show cause within (~~(fourteen)~~) 14 days

1 why the respondent should not be found in contempt of court and
2 punished accordingly. The hearing may be held in the court of any
3 county or municipality in which the petitioner or respondent
4 temporarily or permanently resides at the time of the alleged
5 violation.

6 **Sec. 52.** RCW 26.50.130 and 2019 c 245 s 16 are each amended to
7 read as follows:

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

11 (2) A respondent's motion to modify or terminate ~~((an))~~ a final
12 order for protection ~~((that is permanent or issued for a fixed period~~
13 ~~exceeding two years))~~ must include a declaration setting forth facts
14 supporting the requested order for termination or modification. The
15 motion and declaration must be served according to subsection (8) of
16 this section. The nonmoving parties to the proceeding may file
17 opposing declarations. The court shall deny the motion unless it
18 finds that adequate cause for hearing the motion is established by
19 the declarations. If the court finds that the respondent established
20 adequate cause, the court shall set a date for hearing the
21 respondent's motion.

22 (3) (a) The court may not terminate an order for protection that
23 is permanent or issued for a fixed period exceeding two years upon a
24 motion of the respondent unless the respondent proves by a
25 preponderance of the evidence that there has been a substantial
26 change in circumstances such that the respondent is not likely to
27 resume acts of domestic violence against the petitioner or those
28 persons protected by the protection order if the order is terminated.
29 In a motion by the respondent for such termination ~~((of an order for~~
30 ~~protection that is permanent or issued for a fixed period exceeding~~
31 ~~two years))~~, the petitioner bears no burden of proving that he or she
32 has a current reasonable fear of imminent harm by the respondent.

33 (b) For the purposes of this subsection, a court shall determine
34 whether there has been a "substantial change in circumstances" by
35 considering only factors which address whether the respondent is
36 likely to commit future acts of domestic violence against the
37 petitioner or those persons protected by the protection order.

38 (c) In determining whether there has been a substantial change in
39 circumstances the court may consider the following unweighted

1 factors, and no inference is to be drawn from the order in which the
2 factors are listed:

3 (i) Whether the respondent has committed or threatened domestic
4 violence, sexual assault, stalking, or other violent acts since the
5 protection order was entered;

6 (ii) Whether the respondent has violated the terms of the
7 protection order, and the time that has passed since the entry of the
8 order;

9 (iii) Whether the respondent has exhibited suicidal ideation or
10 attempts since the protection order was entered;

11 (iv) Whether the respondent has been convicted of criminal
12 activity since the protection order was entered;

13 (v) Whether the respondent has either acknowledged responsibility
14 for the acts of domestic violence that resulted in entry of the
15 protection order or successfully completed domestic violence
16 perpetrator treatment or counseling since the protection order was
17 entered;

18 (vi) Whether the respondent has a continuing involvement with
19 drug or alcohol abuse, if such abuse was a factor in the protection
20 order;

21 (vii) Whether the petitioner consents to terminating the
22 protection order, provided that consent is given voluntarily and
23 knowingly;

24 (viii) Whether the respondent or petitioner has relocated to an
25 area more distant from the other party, giving due consideration to
26 the fact that acts of domestic violence may be committed from any
27 distance;

28 (ix) Other factors relating to a substantial change in
29 circumstances.

30 (d) In determining whether there has been a substantial change in
31 circumstances, the court may not base its determination solely on:

32 (i) The fact that time has passed without a violation of the order;
33 or (ii) the fact that the respondent or petitioner has relocated to
34 an area more distant from the other party.

35 (e) Regardless of whether there is a substantial change in
36 circumstances, the court may decline to terminate a protection order
37 if it finds that the acts of domestic violence that resulted in the
38 issuance of the protection order were of such severity that the order
39 should not be terminated.

1 (4) The court may not modify an order for protection that is
2 permanent or issued for a fixed period exceeding two years upon a
3 motion of the respondent unless the respondent proves by a
4 preponderance of the evidence that the requested modification is
5 warranted. If the requested modification would reduce the duration of
6 the protection order or would eliminate provisions in the protection
7 order restraining the respondent from harassing, stalking,
8 threatening, or committing other acts of domestic violence against
9 the petitioner or the petitioner's children or family or household
10 members or other persons protected by the order, the court shall
11 consider the factors in subsection (3)(c) of this section in
12 determining whether the protection order should be modified. Upon a
13 motion by the respondent for such modification (~~(of an order for~~
14 ~~protection that is permanent or issued for a fixed period exceeding~~
15 ~~two years)~~), the petitioner bears no burden of proving that he or she
16 has a current reasonable fear of imminent harm by the respondent.

17 (5) A respondent may file a motion to terminate or modify an
18 order no more than once in every (~~twelve~~) 12-month period that the
19 order is in effect, starting from the date of the order and
20 continuing through any renewal.

21 (6) Upon a motion by a petitioner, the court may modify or
22 terminate an existing order for protection. The court shall hear the
23 motion without an adequate cause hearing.

24 (7) A court may require the respondent to pay court costs and
25 service fees, as established by the county or municipality incurring
26 the expense and to pay the petitioner for costs incurred in
27 responding to a motion to terminate or modify a protection order,
28 including reasonable attorneys' fees.

29 (8) Except as provided in RCW 26.50.085 (~~and 26.50.123~~), a
30 motion to modify or terminate an order for protection must be
31 personally served on the nonmoving party not less than five court
32 days prior to the hearing.

33 (a) If a moving party seeks to modify or terminate an order for
34 protection that is permanent or issued for a fixed period exceeding
35 two years, the sheriff of the county or the peace officers of the
36 municipality in which the nonmoving party resides or a licensed
37 process server shall serve the nonmoving party personally except when
38 a petitioner is the moving party and elects to have the nonmoving
39 party served by a private party. If the order includes a requirement
40 under RCW 9.41.800 for the immediate surrender of all firearms,

1 dangerous weapons, and any concealed pistol license, the order must
2 be served by a law enforcement officer.

3 (b) If the sheriff, municipal peace officer, or licensed process
4 server cannot complete service upon the nonmoving party within
5 (~~ten~~) 10 days, the sheriff, municipal peace officer, or licensed
6 process server shall notify the moving party. The moving party shall
7 provide information sufficient to permit notification by the sheriff,
8 municipal peace officer, or licensed process server.

9 (c) If timely personal service cannot be made, the court shall
10 set a new hearing date and shall either require an additional attempt
11 at obtaining personal service or permit service by publication as
12 provided in RCW 26.50.085 (~~or service by mail as provided in RCW~~
13 ~~26.50.123~~)).

14 (d) The court shall not require more than two attempts at
15 obtaining personal service and shall permit service by publication or
16 by mail unless the moving party requests additional time to attempt
17 personal service.

18 (e) If the court permits service by publication or by mail, the
19 court shall set the hearing date not later than (~~twenty-four~~) 24
20 days from the date of the order permitting service by publication or
21 by mail.

22 (9) Municipal police departments serving documents as required
23 under this chapter may recover from a respondent ordered to pay fees
24 under subsection (7) of this section the same fees for service and
25 mileage authorized by RCW 36.18.040 to be collected by sheriffs.

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

33 **Sec. 53.** RCW 26.50.160 and 2019 c 263 s 914 and 2019 c 46 s 5040
34 are each reenacted and amended to read as follows:

35 To prevent the issuance of competing protection orders in
36 different courts and to give courts needed information for issuance
37 of orders, the judicial information system shall be available in each
38 district, municipal, and superior court by July 1, 1997, and shall
39 include a database containing the following information:

1 (1) The names of the parties and the cause number for every order
2 of protection issued under this title, every sexual assault
3 protection order issued under chapter 7.90 RCW, every criminal no-
4 contact order issued under chapters 9A.46 and 10.99 RCW, every
5 antiharassment order issued under chapter 10.14 RCW, every
6 dissolution action under chapter 26.09 RCW, (~~every third-party~~
7 ~~eustody action under chapter 26.10 RCW,~~) every parentage action
8 under chapter 26.26A or 26.26B RCW, every restraining order issued on
9 behalf of an abused child or adult dependent person under chapter
10 26.44 RCW, every foreign protection order filed under chapter 26.52
11 RCW, every Canadian domestic violence protection order filed under
12 chapter 26.55 RCW, and every order for protection of a vulnerable
13 adult under chapter 74.34 RCW. When a guardian or the department of
14 social and health services or department of children, youth, and
15 families has petitioned for relief on behalf of an abused child,
16 adult dependent person, or vulnerable adult, the name of the person
17 on whose behalf relief was sought shall be included in the database
18 as a party rather than the guardian or appropriate department;

19 (2) A criminal history of the parties; and

20 (3) Other relevant information necessary to assist courts in
21 issuing orders under this chapter as determined by the judicial
22 information system committee.

23 **Sec. 54.** RCW 74.34.120 and 2007 c 312 s 5 are each amended to
24 read as follows:

25 (1) The court shall order a hearing on a petition under RCW
26 74.34.110 not later than (~~fourteen~~) 14 days from the date of filing
27 the petition. The court may order that the hearing occur in person or
28 by telephone, video, or other electronic means with appropriate
29 safeguards as determined by the court.

30 (2) Personal service shall be made upon the respondent not less
31 than (~~six~~) five court days before the hearing(~~. When good faith~~
32 ~~attempts to personally serve the respondent have been unsuccessful,~~
33 ~~the court shall permit service by mail or by publication)), unless
34 waived by the respondent. The sheriff of the county or the peace
35 officers of the municipality in which the respondent resides shall
36 serve the respondent personally unless the petitioner elects to have
37 the respondent served by a private party. If timely personal service
38 cannot be made, the court shall set a new hearing date and shall
39 either require additional attempts at obtaining personal service or~~

1 permit service by mail, electronic means, or publication, as provided
2 in this section. The court shall not require more than two attempts
3 at obtaining personal service and shall permit service by mail,
4 electronic means, or publication unless the petitioner requests
5 additional time to attempt personal service. In cases where personal
6 service was not made, the court shall set the next hearing date: (a)
7 Within 14 days from the date of the order; (b) to an available date
8 mutually agreed to by the parties and accepted by the court; or (c)
9 not later than 24 days from the date of the order upon a showing of
10 good cause to facilitate service.

11 (3) When a petition under RCW 74.34.110 is filed by someone other
12 than the vulnerable adult, notice of the petition and hearing must be
13 personally served upon the vulnerable adult not less than ~~((six))~~
14 five court days before the hearing unless waived by the respondent.
15 In addition to copies of all pleadings filed by the petitioner, the
16 petitioner shall provide a written notice to the vulnerable adult
17 using the standard notice form developed under RCW 74.34.115. ~~((When~~
18 ~~good faith attempts to personally serve the vulnerable adult have~~
19 ~~been unsuccessful, the court shall permit service by mail, or by~~
20 ~~publication if the court determines that personal service and service~~
21 ~~by mail cannot be obtained.))~~ If timely personal service cannot be
22 made, the court shall set a new hearing date and shall either require
23 additional attempts at obtaining personal service or permit service
24 by mail, electronic means, or publication, as provided in this
25 section. The court shall not require more than two attempts at
26 obtaining personal service and shall permit service by mail,
27 electronic means, or publication unless the petitioner requests
28 additional time to attempt personal service. In cases where personal
29 service was not made, the court shall set the next hearing date: (a)
30 Within 14 days from the date of the order; (b) to an available date
31 mutually agreed to by the parties and accepted by the court; or (c)
32 not later than 24 days from the date of the order upon a showing of
33 good cause to facilitate service.

34 (4) If timely service under subsections (2) and (3) of this
35 section cannot be made, the court shall continue the hearing date
36 until the substitute service approved by the court has been
37 satisfied.

38 (5) (a) A petitioner may move for temporary relief under chapter
39 7.40 RCW. The court may continue any temporary order for protection

1 granted under chapter 7.40 RCW until the hearing on a petition under
2 RCW 74.34.110 is held.

3 (b) Written notice of the request for temporary relief must be
4 provided to the respondent, and to the vulnerable adult if someone
5 other than the vulnerable adult filed the petition. A temporary
6 protection order may be granted without written notice to the
7 respondent and vulnerable adult if it clearly appears from specific
8 facts shown by affidavit or declaration that immediate and
9 irreparable injury, loss, or damage would result to the vulnerable
10 adult before the respondent and vulnerable adult can be served and
11 heard, or that show the respondent and vulnerable adult cannot be
12 served with notice, the efforts made to serve them, and the reasons
13 why prior notice should not be required. When an ex parte temporary
14 protection order has been entered without notice to the respondent or
15 an ability for the respondent to participate in the ex parte hearing,
16 the respondent or vulnerable adult may file a motion to terminate or
17 modify the order prior to a final hearing on the grounds that the ex
18 parte temporary protection order will cause imminent harm to the
19 respondent or vulnerable adult or that the order or its remedy is not
20 authorized by this chapter. The party moving to terminate or modify
21 the ex parte temporary protection order shall provide advance notice
22 to the petitioner of the time and place for presentation of the
23 motion. The motion must be heard expeditiously. A party is limited to
24 one motion to terminate or modify an ex parte temporary protection
25 order. If the court determines that the motion has been brought in
26 bad faith, the court may impose sanctions.

27 (6) If the respondent or, in cases where the petition is filed by
28 someone other than the vulnerable adult, the vulnerable adult, was
29 not personally served with a petition authorized by this chapter, a
30 notice of hearing, and any ex parte temporary protection order before
31 the hearing, the court shall set a new hearing date as provided in
32 this section and shall either permit additional personal service
33 attempts or order service by mail, electronic means, or publication
34 instead of personal service under the following circumstances
35 established by affidavit or declaration:

36 (a) The court determines that the party to be served could not be
37 personally served after a diligent effort and the proposed alternate
38 service is reasonably probable to provide actual notice based upon
39 consideration of the following:

1 (i) A means of service other than personal service is reasonably
2 calculated to provide notice under the circumstances, including the
3 inability to timely personally serve the party;

4 (ii) A description of the number and types of attempts made to
5 complete personal service;

6 (iii) A description of the party's known address or addresses,
7 contact information, and electronic addresses or electronic accounts;

8 (iv) A description of the communications with the party;

9 (v) Information concerning the party's whereabouts; and

10 (vi) Any other information relating to the inability to
11 personally serve the party and the reasonable probability that
12 alternate service will provide actual notice; or

13 (b) The court determines that the party to be served is avoiding
14 personal service, based upon consideration of the following:

15 (i) The sheriff or municipal officer states that the officer was
16 unable to complete personal service upon the party and describes the
17 number and types of attempts the officer made to complete service;

18 (ii) The petitioner states that the petitioner believes that the
19 party is hiding from the server to avoid service and states the
20 reasons for the belief that the party is avoiding service;

21 (iii) The server has deposited a copy of the summons, in
22 substantially the form prescribed in subsection (7) of this section,
23 the notice of hearing, and the ex parte temporary order of protection
24 in the post office, directed to the party at the party's last known
25 address, unless the server states that the server does not know the
26 party's address; and

27 (iv) The court finds reasonable grounds exist to believe that the
28 party is concealing himself or herself to avoid service, and that
29 further attempts to personally serve the party would be futile or
30 unduly burdensome.

31 (7) Service by publication must be made in a newspaper of general
32 circulation in the county where the petition was brought and in the
33 county of the last known address of the respondent once a week for
34 three consecutive weeks. The newspaper selected must be one of the
35 three most widely circulated papers in the county. The publication of
36 summons must not be made until the court orders service by
37 publication under this section. Service of the summons shall be
38 considered complete when the publication has been made for three
39 consecutive weeks. The summons must be signed by the petitioner. The
40 summons must contain the date of the first publication, and must

1 require the respondent, upon whom service by publication is desired,
2 to appear and answer the petition on the date set for the hearing.
3 The summons must also contain a brief statement of the reason for the
4 petition and a summary of the provisions under the ex parte temporary
5 order. The summons must be essentially in the following form:

6 In the court of the state of Washington for
7 the county of

8 Petitioner

9 vs. No.

10 Respondent

11 The state of Washington to (respondent):

12 You are hereby summoned to appear on the day of
13, (year), at a.m./p.m., and respond to the
14 petition. If you fail to respond, an order of protection will be
15 issued against you pursuant to the provisions of chapter
16 74.34 RCW, for a fixed period of time up to five years from
17 the date you are required to appear. A temporary order of
18 protection has been issued against you, restraining you from
19 the following: (Insert a brief statement of the provisions of
20 the ex parte order). A copy of the petition, notice of hearing,
21 and ex parte order has been filed with the clerk of this court.

22

23 Petitioner

24 (8) Service by electronic means includes service by email, text
25 message, or social media applications. Service by mail shall be made
26 by any person over 18 years of age, who is competent to be a witness,
27 other than a party, by mailing copies of the order and other process
28 to the party to be served at his or her last known address. In the
29 case of mailing, two copies shall be mailed, postage prepaid, one by
30 ordinary first-class mail and the other by a form of mail requiring a
31 signed receipt showing when and to whom it was delivered. The
32 envelopes must bear the return address of the sender. Service by
33 electronic means shall be made by any person over 18 years of age,
34 who is competent to be a witness, other than a party, by transmitting
35 copies of the order and other process to the party to be served at
36 his or her electronic address or electronic account associated with
37 email, text messaging, or social media applications. Sworn proof of

1 service by law enforcement or an adult who is not the petitioner must
2 be filed with the court. Service under this section may be used in
3 the same manner and shall have the same jurisdictional effect as
4 personal service for purposes of this chapter. Service shall be
5 deemed complete upon the mailing or transmission as prescribed in
6 this section.

7 (9) The court may authorize multiple methods of service permitted
8 by this section and may consider the use of any address determined by
9 the court to be appropriate in order to authorize service that is
10 reasonably probable to provide actual notice. The court shall favor
11 speedy and cost-effective methods of service to promote prompt and
12 accessible resolution of the merits of the petition.

13 (10) If the sheriff or municipal peace officer cannot complete
14 service upon the respondent within 10 days, the sheriff or municipal
15 peace officer shall notify the petitioner.

16 (11) Returns of service under this chapter must be made in
17 accordance with the applicable court rules. Returns of service must
18 include all known information concerning receipt and responses from
19 the respondent, including for service by mail or electronic means.

20 (12) If an order entered by the court recites that the party to
21 be served appeared before the court, the necessity for further
22 service is waived and proof of service of that order is not
23 necessary. The court's order, entered after a hearing, need not be
24 served on a respondent who fails to appear before the court, if
25 material terms of the order have not changed from those contained in
26 the temporary order, and it is shown to the court's satisfaction that
27 the respondent has previously been served with the temporary order,
28 except that law enforcement must personally serve a final order
29 requiring the vacation of a shared residence.

30 **Sec. 55.** RCW 74.34.130 and 2007 c 312 s 6 are each amended to
31 read as follows:

32 ((The)) (1) After notice and a hearing, if the court finds by a
33 preponderance of the evidence that a vulnerable adult has been
34 abandoned, abused, financially exploited, or neglected, or is
35 threatened with abandonment, abuse, financial exploitation, or
36 neglect by the respondent, the court may order relief as it deems
37 necessary for the protection of the vulnerable adult, including, but
38 not limited to the following:

1 ~~((1))~~ (a) Restraining respondent from committing acts of
2 abandonment, abuse, neglect, or financial exploitation against the
3 vulnerable adult;

4 ~~((2))~~ (b) Excluding the respondent from the vulnerable adult's
5 residence for a specified period or until further order of the court;

6 ~~((3))~~ (c) Prohibiting contact with the vulnerable adult by
7 respondent for a specified period or until further order of the
8 court, including nonphysical contact and contact through third
9 parties regardless of whether those third parties know of the order;

10 ~~((4))~~ (d) Prohibiting the respondent from knowingly coming
11 within, or knowingly remaining within, a specified distance from a
12 specified location including, but not limited to, a residence,
13 school, day care, workplace, and the protected party's person;

14 ~~((5))~~ (e) Requiring an accounting by respondent of the
15 disposition of the vulnerable adult's income or other resources;

16 ~~((6))~~ (f) Restraining the transfer of the respondent's and/or
17 vulnerable adult's property for a specified period not exceeding
18 ~~((ninety))~~ 90 days; and

19 ~~((7))~~ (g) Requiring the respondent to pay a filing fee and
20 court costs, including service fees, and to reimburse the petitioner
21 for costs incurred in bringing the action, including a reasonable
22 attorney's fee.

23 (2) If the court declines to issue an order for protection, the
24 court shall state in writing on the order the particular reasons for
25 the court's denial.

26 (3) Any relief granted by an order for protection, other than a
27 judgment for costs, shall be for a fixed period not to exceed five
28 years. Any final protection order may be renewed one or more times.
29 The petitioner may apply for renewal of the order by filing a
30 petition for renewal at any time within the three months before the
31 order expires. The court shall grant the petition for renewal unless
32 the respondent or, if the petitioner is someone other than the
33 vulnerable adult, the vulnerable adult, proves by a preponderance of
34 the evidence that the respondent will not resume acts of abandonment,
35 abuse, financial exploitation, or neglect against the vulnerable
36 adult when the order expires. The court may renew the protection
37 order for another fixed time period or may enter a permanent order as
38 provided in this section.

39 (4) The clerk of the court shall enter any order for protection
40 issued under this section into the judicial information system.

1 (5) When an order is issued under this chapter, upon request of
2 the protected adult, the court may order a peace officer to accompany
3 the protected adult and assist in placing the protected adult in
4 possession of those items indicated in the order or to otherwise
5 assist in the execution of the order of protection. The order shall
6 list all items that are to be included with sufficient specificity to
7 make it clear which property is included. Orders issued under this
8 chapter must include a designation of the appropriate law enforcement
9 agency to execute, serve, or enforce the order. Upon entry of such an
10 order, a peace officer shall accompany the protected adult and assist
11 in placing the protected adult in possession of all items listed in
12 the order and to otherwise assist in the execution of the order.

13 (6) Any protection order issued under this chapter that would
14 expire on a court holiday shall instead expire at the close of the
15 next court business day.

16 **Sec. 56.** RCW 74.34.135 and 2007 c 312 s 9 are each amended to
17 read as follows:

18 (1) When a petition for protection under RCW 74.34.110 is filed
19 by someone other than the vulnerable adult or the vulnerable adult's
20 full guardian over either the person or the estate, or both, and the
21 vulnerable adult for whom protection is sought advises the court at
22 the hearing that he or she does not want all or part of the
23 protection sought in the petition, then the court may dismiss the
24 petition or the provisions that the vulnerable adult objects to and
25 any protection order issued under RCW 74.34.120 or 74.34.130, or the
26 court may take additional testimony or evidence, or order additional
27 evidentiary hearings to determine whether the vulnerable adult is
28 unable, due to incapacity, undue influence, or duress, to protect his
29 or her person or estate in connection with the issues raised in the
30 petition or order. If an additional evidentiary hearing is ordered
31 and the court determines that there is reason to believe that there
32 is a genuine issue about whether the vulnerable adult is unable to
33 protect his or her person or estate in connection with the issues
34 raised in the petition or order, the court may issue a temporary
35 order for protection of the vulnerable adult pending a decision after
36 the evidentiary hearing.

37 (2) An evidentiary hearing on the issue of whether the vulnerable
38 adult is unable, due to incapacity, undue influence, or duress, to
39 protect his or her person or estate in connection with the issues

1 raised in the petition or order, shall be held within (~~fourteen~~) 14
2 days of entry of the temporary order for protection under subsection
3 (1) of this section. If the court did not enter a temporary order for
4 protection, the evidentiary hearing shall be held within (~~fourteen~~)
5 14 days of the prior hearing on the petition. Notice of the time and
6 place of the evidentiary hearing shall be personally served upon the
7 vulnerable adult and the respondent not less than (~~six~~) five court
8 days before the hearing. When good faith attempts to personally serve
9 the vulnerable adult and the respondent have been unsuccessful, the
10 court shall permit service (~~(by mail, or by publication if the court~~
11 ~~determines that personal service and service by mail cannot be~~
12 ~~obtained)~~) pursuant to RCW 74.34.120. If timely service cannot be
13 made, the court may set a new hearing date. A hearing under this
14 subsection is not necessary if the vulnerable adult has been
15 determined to be fully incapacitated over either the person or the
16 estate, or both, under the guardianship laws, chapter 11.88 RCW. If a
17 hearing is scheduled under this subsection, the protection order
18 shall remain in effect pending the court's decision at the subsequent
19 hearing.

20 (3) At the hearing scheduled by the court, the court shall give
21 the vulnerable adult, the respondent, the petitioner, and in the
22 court's discretion other interested persons, the opportunity to
23 testify and submit relevant evidence. The court may order that the
24 hearing occur in person or by telephone, video, or other electronic
25 means with appropriate safeguards as determined by the court.

26 (4) If the court determines that the vulnerable adult is capable
27 of protecting his or her person or estate in connection with the
28 issues raised in the petition, and the individual continues to object
29 to the protection order, the court shall dismiss the order or may
30 modify the order if agreed to by the vulnerable adult. If the court
31 determines that the vulnerable adult is not capable of protecting his
32 or her person or estate in connection with the issues raised in the
33 petition or order, and that the individual continues to need
34 protection, the court shall order relief consistent with RCW
35 74.34.130 as it deems necessary for the protection of the vulnerable
36 adult. In the entry of any order that is inconsistent with the
37 expressed wishes of the vulnerable adult, the court's order shall be
38 governed by the legislative findings contained in RCW 74.34.005.

1 **Sec. 57.** RCW 74.34.135 and 2020 c 312 s 737 are each amended to
2 read as follows:

3 (1) When a petition for protection under RCW 74.34.110 is filed
4 by someone other than the vulnerable adult or the vulnerable adult's
5 guardian, conservator, or person acting under a protective
6 arrangement, or both, and the vulnerable adult for whom protection is
7 sought advises the court at the hearing that he or she does not want
8 all or part of the protection sought in the petition, then the court
9 may dismiss the petition or the provisions that the vulnerable adult
10 objects to and any protection order issued under RCW 74.34.120 or
11 74.34.130, or the court may take additional testimony or evidence, or
12 order additional evidentiary hearings to determine whether the
13 vulnerable adult is unable, due to incapacity, undue influence, or
14 duress, to protect his or her person or estate in connection with the
15 issues raised in the petition or order. If an additional evidentiary
16 hearing is ordered and the court determines that there is reason to
17 believe that there is a genuine issue about whether the vulnerable
18 adult is unable to protect his or her person or estate in connection
19 with the issues raised in the petition or order, the court may issue
20 a temporary order for protection of the vulnerable adult pending a
21 decision after the evidentiary hearing.

22 (2) An evidentiary hearing on the issue of whether the vulnerable
23 adult is unable, due to incapacity, undue influence, or duress, to
24 protect his or her person or estate in connection with the issues
25 raised in the petition or order, shall be held within (~~fourteen~~) 14
26 days of entry of the temporary order for protection under subsection
27 (1) of this section. If the court did not enter a temporary order for
28 protection, the evidentiary hearing shall be held within (~~fourteen~~)
29 14 days of the prior hearing on the petition. Notice of the time and
30 place of the evidentiary hearing shall be personally served upon the
31 vulnerable adult and the respondent not less than (~~six~~) five court
32 days before the hearing. When good faith attempts to personally serve
33 the vulnerable adult and the respondent have been unsuccessful, the
34 court shall permit service (~~by mail, or by publication if the court~~
35 ~~determines that personal service and service by mail cannot be~~
36 ~~obtained~~) pursuant to RCW 74.34.120. If timely service cannot be
37 made, the court may set a new hearing date. A hearing under this
38 subsection is not necessary if the vulnerable adult has been
39 determined to be subject to a guardianship, conservatorship, or other
40 protective arrangement under chapter 11.130 RCW. If a hearing is

1 scheduled under this subsection, the protection order shall remain in
2 effect pending the court's decision at the subsequent hearing.

3 (3) At the hearing scheduled by the court, the court shall give
4 the vulnerable adult, the respondent, the petitioner, and in the
5 court's discretion other interested persons, the opportunity to
6 testify and submit relevant evidence. The court may order that the
7 hearing occur in person or by telephone, video, or other electronic
8 means with appropriate safeguards as determined by the court.

9 (4) If the court determines that the vulnerable adult is capable
10 of protecting his or her person or estate in connection with the
11 issues raised in the petition, and the individual continues to object
12 to the protection order, the court shall dismiss the order or may
13 modify the order if agreed to by the vulnerable adult. If the court
14 determines that the vulnerable adult is not capable of protecting his
15 or her person or estate in connection with the issues raised in the
16 petition or order, and that the individual continues to need
17 protection, the court shall order relief consistent with RCW
18 74.34.130 as it deems necessary for the protection of the vulnerable
19 adult. In the entry of any order that is inconsistent with the
20 expressed wishes of the vulnerable adult, the court's order shall be
21 governed by the legislative findings contained in RCW 74.34.005.

22 NEW SECTION. **Sec. 58.** Section 57 of this act takes effect
23 January 1, 2022.

24 NEW SECTION. **Sec. 59.** Section 56 of this act expires January 1,
25 2022.

26 NEW SECTION. **Sec. 60.** The following acts or parts of acts are
27 each repealed:

28 (1) RCW 7.90.053 (Service by mail—When authorized) and 2013 c 74
29 s 7;

30 (2) RCW 26.50.123 (Service by mail) and 1995 c 246 s 16;

31 (3) RCW 26.50.165 (Judicial information system—Names of adult
32 cohabitants in third-party custody actions) and 2003 c 105 s 4; and

33 (4) RCW 26.10.115 (Temporary orders—Support—Restraining orders—
34 Domestic violence or antiharassment protection orders—Notice of
35 modification or termination of restraining order—Preservation of

1 support debt) and 2019 c 245 s 18, 2000 c 119 s 9, 1995 c 246 s 29,
2 1994 sp.s. c 7 s 454, & 1989 c 375 s 32."

3 Correct the title.

EFFECT: (1) Strikes the provisions of the bill, including the bill's repeal of all existing laws governing protection orders and creation of one new chapter of law to govern all types of protection orders. Instead, amends existing laws governing domestic violence protection orders (DVPOs), sexual assault protection orders (SAPOs), stalking protection orders (Stalking POs), antiharassment protection orders (AHPOs), vulnerable adult protection orders (VAPOs), and extreme risk protection orders (ERPOs).

(2) Establishes consistent standards for protection orders with respect to the following:

(a) Protection order hearings may be held in person or by telephone, video, or other electronic means with appropriate safeguards as determined by the court.

(b) The requirement for personal service of the petition and notice of hearing may be waived by the respondent.

(c) Service by electronic means, in addition to mail and publication, is authorized if timely personal service cannot be made. Service by electronic means includes service by email, text message, or social media applications. Consistent standards for service by electronic means, mail, and publication are provided.

(d) Where personal service cannot be made, the court must set a new hearing date and either permit additional personal service attempts or service by mail, electronic means, or publication if the court, considering specified factors, determines that: The petitioner was unable to personally serve the respondent after diligent efforts and alternate service is reasonably probable to provide actual notice; or the respondent is avoiding personal service. A new hearing date must be set: Within 14 days; on a mutually agreed date approved by the court; or no later than 24 days for good cause to facilitate service.

(e) The court may authorize multiple methods of permissible service and consider use of any address determined to be appropriate in order to authorize service that is reasonably probable to provide actual notice. The court must favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition.

(f) An ex parte order is effective until the next hearing date. A respondent may file a motion to terminate or modify an ex parte order entered without notice or an opportunity to appear on the ground that the order is not meritorious and will cause imminent harm to the respondent or that the order is not authorized by the law. A court may impose sanctions on the respondent if the motion is brought in bad faith.

(g) For all protection orders other than ERPOs, a final protection order need not be served on a respondent who fails to appear if the terms of the order have not changed from those contained in the temporary order, and the respondent was served with the temporary order.

(h) Law enforcement must personally serve a final order that requires surrender of weapons or vacation of a shared residence or the transfer of the care, control, or custody of children.

(i) If the court declines to issue a protection order, the court must state in writing the particular reasons for the court's denial.

(j) Any protection order that would expire on a court holiday must instead expire at the close of the next court business day.

(3) Additional provisions include the following:

(a) Consistent rules are established regarding court jurisdiction over proceedings for SAPOs, Stalking POs, and AHPOs. District courts have jurisdiction, and municipal courts may exercise jurisdiction by adoption of a local court rule. District and municipal court jurisdiction does not extend to certain specified actions, which must be heard in superior court. If an action filed in superior court does not meet one of these grounds for superior court jurisdiction, the superior court may exercise jurisdiction for good cause and timely resolution of the petition, or may transfer the petition to an appropriate court.

(b) For proceedings other than ERPOs, the petition must be filed in the county or municipality where the petitioner resides. If the petitioner has left a residence to avoid harmful conduct, the petition may be filed in the county or municipality of the previous or new residence.

(c) Consistent rules regarding minors and appointment of guardians and guardians ad litem (GALs) are provided for SAPOs, Stalking POs, AHPOs, and DVPOs. The court does not have to appoint a GAL for a minor respondent who is age 16 or older. The court may, if necessary, appoint a GAL for a petitioner or respondent at no cost to either party. A minor 16 or older may seek relief without use of a guardian or next friend, but this does not preclude a parent or legal custodian from seeking relief on behalf of the minor.

(d) Minor children must be referred to in all publicly available filed documents by their initials and age.

(e) Relief that may be ordered (except for ERPOs) is revised to specifically allow a court to prohibit the respondent from coming within a certain distance of a residence, school, day care, workplace, and the protected party's person. Restraint on contact includes nonphysical contact and contact through third parties. When entering a DVPO, a court may restrain the respondent from making any attempts to keep the petitioner under surveillance (this relief is currently available for Stalking POs or AHPOs).

(f) Enforcement of SAPOs, Stalking POs, AHPOs, and DVPOs must comply with general criminal jurisdiction and venue laws and procedures.

(g) For SAPOs, the requirement that respondent must show a material change in circumstances to defeat a petition for renewal of an order is deleted.

(h) For SAPOs and Stalking POs, factors are added that the court may consider in determining whether there has been a material change of circumstances for purposes of modifying or terminating an order.

(i) For DVPOs, the definition of family or household member is revised to include any persons (not just adults) who presently reside together or have resided together in the past.

(j) For VAPOs, procedures and standards are established for the renewal of a protection order.

--- END ---