

Chapter 26.55 RCW
UNIFORM RECOGNITION AND ENFORCEMENT OF CANADIAN DOMESTIC VIOLENCE
PROTECTION ORDERS ACT

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RCW 26.55.005 Short title. This chapter may be cited as the uniform recognition and enforcement of Canadian domestic violence protection orders act. [2019 c 263 s 901.]

RCW 26.55.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Canadian domestic violence protection order" means a judgment or part of a judgment or order issued in a civil proceeding by a court of Canada under law of the issuing jurisdiction which relates to domestic violence.

(2) "Domestic violence protection order" means an injunction or other order issued by a court which relates to domestic or family violence laws to prevent an individual from engaging in violent or threatening acts against, harassment of, direct or indirect contact or communication with, or being in physical proximity to another individual.

(3) "Issuing court" means the court that issues a Canadian domestic violence protection order.

(4) "Law enforcement officer" means an individual authorized by law of this state other than this chapter to enforce a domestic violence protection order.

(5) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(6) "Protected individual" means an individual protected by a Canadian domestic violence protection order.

(7) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(8) "Respondent" means an individual against whom a Canadian domestic violence protection order is issued.

(9) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes a federally recognized Indian tribe. [2021 c 215 s 79; 2019 c 263 s 902.]

Effective date—2022 c 268; 2021 c 215: See note following RCW 7.105.900.

RCW 26.55.015 Enforceability—Evidence—Extent—Filing not required. (1) A Canadian domestic violence protection order that identifies both a protected individual and a respondent and appears valid on its face is prima facie evidence of its enforceability under chapter 215, Laws of 2021.

(2) A Canadian domestic violence protection order is enforceable only to the extent it prohibits a respondent from the following conduct as ordered by a Canadian court:

(a) Being in physical proximity to a protected individual or following a protected individual;

(b) Directly or indirectly contacting or communicating with a protected individual or other individual described in the order;

(c) Being within a certain distance of a specified place or location associated with a protected individual; or

(d) Molesting, annoying, harassing, or engaging in threatening conduct directed at a protected individual.

(3) Neither filing with the clerk of the court under RCW 26.55.040 nor obtaining an order granting recognition and enforcement under RCW 26.55.030 is required prior to the enforcement of a Canadian domestic violence protection order by a law enforcement officer. [2021 c 215 s 80.]

Effective date—2022 c 268; 2021 c 215: See note following RCW 7.105.900.

RCW 26.55.020 Enforcement of Canadian domestic violence protection order by law enforcement officer. (1) If a law enforcement officer determines under subsection (2) or (3) of this section that there is probable cause to believe a Canadian domestic violence protection order exists and that one or more of the provisions of the order identified in RCW 26.55.015 have been violated, the officer shall enforce the terms of the Canadian domestic violence protection order as if the terms were in an order issued in Washington state.

(2) Presentation to a law enforcement officer of a record of a Canadian domestic violence protection order that identifies both a protected individual and a respondent, and on its face is in effect, constitutes probable cause to believe that an enforceable order exists.

(3) If a record of a Canadian domestic violence protection order is not presented as provided in subsection (2) of this section, a law enforcement officer is not prohibited from considering other relevant information in determining whether there is probable cause to believe that a Canadian domestic violence protection order exists.

(4) If a law enforcement officer determines that a Canadian domestic violence protection order cannot be enforced because the

respondent has not been notified of or served with the order, the officer shall notify the protected individual that the officer will make reasonable efforts to contact the respondent, consistent with the safety of the protected individual. After notice to the protected individual and consistent with the safety of the individual, the officer shall make a reasonable effort to inform the respondent of the order, notify the respondent of the terms of the order, provide a record of the order, if available, to the respondent, and allow the respondent a reasonable opportunity to comply with the order before the officer enforces the order.

(5) If a law enforcement officer determines that an individual is a protected individual, the officer shall inform the individual of available local victim services. [2021 c 215 s 81; 2019 c 263 s 903.]

Effective date—2022 c 268; 2021 c 215: See note following RCW 7.105.900.

RCW 26.55.030 Enforcement of Canadian domestic violence protection order by court. (1) A court may issue an order granting recognition and enforcement or denying recognition and enforcement of a Canadian domestic violence protection order on petition of:

- (a) A protected individual;
- (b) A person authorized by law of this state other than this chapter to seek enforcement of a domestic violence protection order; or
- (c) A respondent.

(2) A petitioner is not required to post a bond to obtain relief in any proceeding under this section. No fees for any type of filing or service of process may be charged by a court or any public agency to petitioners seeking relief under this chapter. Courts may not charge petitioners any fees or surcharges the payment of which is a condition precedent to the petitioner's ability to secure access to relief under this chapter. Petitioners shall be provided the necessary number of certified copies, forms, and instructional brochures free of charge. A respondent who is served electronically with a protection order shall be provided a certified copy of the order free of charge upon request.

(3) Upon receipt of the petition, the court shall order a hearing, which shall be held not later than 14 days from the date of the order. Service shall be provided as required in RCW 7.105.080 and 7.105.150 through 7.105.165.

(4) The hearing shall be conducted as required by RCW 7.105.200 and 7.105.205.

(5) Interpreters must be appointed as required in RCW 7.105.245. An interpreter shall interpret for the party in the presence of counsel or court staff in preparing forms and participating in the hearing and court-ordered assessments, and the interpreter shall sight translate any orders.

(6) A Canadian domestic violence protection order is enforceable under this section if:

- (a) The order identifies a protected individual and a respondent;
- (b) The order is valid and in effect;
- (c) The issuing court had jurisdiction over the parties and the subject matter under law applicable in the issuing court; and
- (d) The order was issued after:

(i) The respondent was given reasonable notice and had an opportunity to be heard before the court issued the order; or

(ii) In the case of an ex parte temporary protection order, the respondent was given reasonable notice and had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the right of the respondent to due process.

(7) A claim that a Canadian domestic violence protection order does not comply with subsection (6) of this section is an affirmative defense in a proceeding seeking enforcement of the order. If the court determines that the order is not enforceable, the court shall issue an order that the Canadian domestic violence protection order is not enforceable under this section and RCW 26.55.020 and may not be filed under RCW 26.55.040. [2021 c 215 s 82; 2019 c 263 s 904.]

Effective date—2022 c 268; 2021 c 215: See note following RCW 7.105.900.

RCW 26.55.040 Filing of Canadian domestic violence protection order.

(1) A person entitled to protection who has a Canadian domestic violence protection order may file that order by presenting a certified, authenticated, or exemplified copy of the Canadian domestic violence protection order to a clerk of the court of a Washington court according to RCW 7.105.075. Any out-of-state department, agency, or court responsible for maintaining protection order records, may by facsimile or electronic transmission send a reproduction of the foreign protection order to the clerk of the court of Washington as long as it contains a facsimile or digital signature by any person authorized to make such transmission.

(2) An individual filing a Canadian domestic violence protection order under this section shall also file a declaration signed under penalty of perjury stating that, to the best of the individual's knowledge, the order is valid and in effect.

(3) On receipt of a certified, authenticated, or exemplified copy of a Canadian domestic violence protection order and declaration signed under penalty of perjury stating that, to the best of the individual's knowledge, the order is valid and in effect, the clerk of the court shall file the order in accordance with this section.

(4) After a Canadian domestic violence protection order is filed under this section, the clerk of the court shall provide the individual filing the order a certified copy of the filed order.

(5) A fee may not be charged for the filing of a Canadian domestic violence protection order under this section. [2021 c 215 s 83; 2019 c 263 s 905.]

Effective date—2022 c 268; 2021 c 215: See note following RCW 7.105.900.

RCW 26.55.045 Forwarding of order to law enforcement agency.

(1) A copy of a Canadian domestic violence protection order filed with the clerk, an order granting recognition and enforcement, or an order denying recognition and enforcement under this chapter, shall be forwarded by the clerk of the court on or before the next judicial day to the law enforcement agency specified in the order. An order

granting or denying recognition and enforcement shall be accompanied by a copy of the related Canadian domestic violence protection order.

(2) Upon receipt of the order, the law enforcement agency shall comply with the requirements of RCW 7.105.325. [2021 c 215 s 84.]

Effective date—2022 c 268; 2021 c 215: See note following RCW 7.105.900.

RCW 26.55.050 Immunity from civil and criminal liability. The state, state agency, local governmental agency, law enforcement officer, prosecuting attorney, clerk of court, and state or local governmental official acting in an official capacity are immune from civil and criminal liability for an act or omission arising out of the filing or recognition and enforcement of a Canadian domestic violence protection order or the detention or arrest of an alleged violator of a Canadian domestic violence protection order if the act or omission was a good faith effort to comply with this chapter. [2021 c 215 s 85; 2019 c 263 s 906.]

Effective date—2022 c 268; 2021 c 215: See note following RCW 7.105.900.

RCW 26.55.060 Other remedies. An individual who seeks a remedy under this chapter may seek other legal or equitable remedies. [2019 c 263 s 907.]

RCW 26.55.900 Uniformity of application and construction—2019 c 263. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it. [2019 c 263 s 908.]

RCW 26.55.901 Relation to electronic signatures in global and national commerce act. This chapter modifies, limits, or supersedes the electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Sec. 7003(b). [2019 c 263 s 909.]

RCW 26.55.902 Applicability. This chapter applies to a Canadian domestic violence protection order issued before, on, or after January 1, 2020, and to a continuing action for enforcement of a Canadian domestic violence protection order commenced before, on, or after January 1, 2020. A request for enforcement of a Canadian domestic violence protection order made on or after January 1, 2020, for a violation of the order occurring before, on, or after January 1, 2020, is governed by this chapter. [2019 c 263 s 910.]

RCW 26.55.903 Effective date—2019 c 263 ss 901-915, 1001, and 1002. Sections 901 through 915, 1001, and 1002 of this act take effect January 1, 2020. [2019 c 263 s 1003.]