

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 5219**

Chapter 246, Laws of 1995

(partial veto)

54th Legislature  
1995 Regular Session

DOMESTIC VIOLENCE PREVENTION

EFFECTIVE DATE: 7/23/95 - Except Section 37 which becomes  
effective 5/5/95

Passed by the Senate April 19, 1995  
YEAS 47 NAYS 0

JOEL PRITCHARD

\_\_\_\_\_  
**President of the Senate**

Passed by the House April 13, 1995  
YEAS 95 NAYS 0

CLYDE BALLARD

\_\_\_\_\_  
**Speaker of the  
House of Representatives**

Approved May 5, 1995, with the  
exception of sections 25 and 28, which  
are vetoed.

MIKE LOWRY

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Marty Brown, Secretary of the  
Senate of the State of Washington,  
do hereby certify that the attached  
is **ENGROSSED SUBSTITUTE SENATE BILL  
5219** as passed by the Senate and the  
House of Representatives on the  
dates hereon set forth.

MARTY BROWN

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**Secretary**

FILED

May 5, 1995 - 10:16 a.m.

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE SENATE BILL 5219**

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AS AMENDED BY THE HOUSE

Passed Legislature - 1995 Regular Session

**State of Washington                      54th Legislature                      1995 Regular Session**

**By** Senate Committee on Law & Justice (originally sponsored by Senators Smith, Roach, C. Anderson, Long, Haugen, McCaslin, Spanel, Drew, Winsley, Kohl and Sheldon)

Read first time 02/17/95.

1            AN ACT Relating to domestic violence; amending RCW 26.50.030,  
2 26.50.035, 26.50.040, 26.50.050, 26.50.060, 26.50.070, 26.50.080,  
3 26.50.090, 26.50.095, 26.50.100, 26.50.110, 26.50.115, 26.50.125,  
4 10.99.020, 10.99.030, 10.99.040, 26.09.050, 26.09.060, 26.09.300,  
5 26.10.040, 26.10.115, 26.10.220, 26.26.130, 26.26.137, 4.24.130,  
6 10.14.080, and 36.18.010; reenacting and amending RCW 26.50.010 and  
7 10.31.100; adding new sections to chapter 26.50 RCW; adding a new  
8 section to chapter 26.26 RCW; adding a new section to chapter 10.14  
9 RCW; creating a new section; prescribing penalties; and declaring an  
10 emergency.

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

12            **Sec. 1.** RCW 26.50.010 and 1992 c 111 s 7 and 1992 c 86 s 3 are  
13 each reenacted and amended to read as follows:

14            As used in this chapter, the following terms shall have the  
15 meanings given them:

16            (1) "Domestic violence" means: (a) Physical harm, bodily injury,  
17 assault, or the infliction of fear of imminent physical harm, bodily  
18 injury or assault, between family or household members; ~~((or))~~ (b)  
19 sexual assault of one family or household member by another; or (c)

1 stalking as defined in RCW 9A.46.110 of one family or household member  
2 by another family or household member.

3 (2) "Family or household members" means spouses, former spouses,  
4 persons who have a child in common regardless of whether they have been  
5 married or have lived together at any time, adult persons related by  
6 blood or marriage, adult persons who are presently residing together or  
7 who have resided together in the past, persons sixteen years of age or  
8 older who are presently residing together or who have resided together  
9 in the past and who have or have had a dating relationship, persons  
10 sixteen years of age or older with whom a respondent sixteen years of  
11 age or older has or has had a dating relationship, and persons who have  
12 a biological or legal parent-child relationship, including stepparents  
13 and stepchildren and grandparents and grandchildren.

14 (3) "Dating relationship" means a social relationship of a romantic  
15 nature. Factors that the court may consider in making this  
16 determination include: (a) The length of time the relationship has  
17 existed; (b) the nature of the relationship; and (c) the frequency of  
18 interaction between the parties.

19 (4) "Court" includes the superior, district, and municipal courts  
20 of the state of Washington.

21 (5) "Judicial day" does not include Saturdays, Sundays, or legal  
22 holidays.

23 (6) "Electronic monitoring" means a program in which a person's  
24 presence at a particular location is monitored from a remote location  
25 by use of electronic equipment.

26 (7) "Essential personal effects" means those items necessary for a  
27 person's immediate health, welfare, and livelihood. "Essential  
28 personal effects" includes but is not limited to clothing, cribs,  
29 bedding, documents, medications, and personal hygiene items.

30 NEW SECTION. Sec. 2. A new section is added to chapter 26.50 RCW  
31 to read as follows:

32 (1) Any order available under this chapter may be issued in actions  
33 under chapter 26.09, 26.10, or 26.26 RCW. If an order for protection  
34 is issued in an action under chapter 26.09, 26.10, or 26.26 RCW, the  
35 order shall be issued on the forms mandated by RCW 26.50.035(1). An  
36 order issued in accordance with this subsection is fully enforceable  
37 and shall be enforced under the provisions of this chapter.

1 (2) If a party files an action under chapter 26.09, 26.10, or 26.26  
2 RCW, an order issued previously under this chapter between the same  
3 parties may be consolidated by the court under that action and cause  
4 number. Any order issued under this chapter after consolidation shall  
5 contain the original cause number and the cause number of the action  
6 under chapter 26.09, 26.10, or 26.26 RCW. Relief under this chapter  
7 shall not be denied or delayed on the grounds that the relief is  
8 available in another action.

9 **Sec. 3.** RCW 26.50.030 and 1992 c 111 s 2 are each amended to read  
10 as follows:

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

13 (1) A petition for relief shall allege the existence of domestic  
14 violence, and shall be accompanied by an affidavit made under oath  
15 stating the specific facts and circumstances from which relief is  
16 sought. Petitioner and respondent shall disclose the existence of any  
17 other litigation concerning the custody or residential placement of a  
18 child of the parties as set forth in RCW 26.27.090.

19 (2) A petition for relief may be made regardless of whether or not  
20 there is a pending lawsuit, complaint, petition, or other action  
21 between the parties except in cases where the court realigns petitioner  
22 and respondent in accordance with RCW 26.50.060(~~(+3)~~)(4).

23 (3) Within ninety days of receipt of the master copy from the  
24 administrator for the courts, all court clerk's offices shall make  
25 available the standardized forms, instructions, and informational  
26 brochures required by RCW 26.50.035 and shall fill in and keep current  
27 specific program names and telephone numbers for community resources.  
28 Any assistance or information provided by clerks under this section  
29 does not constitute the practice of law and clerks are not responsible  
30 for incorrect information contained in a petition.

31 (4) (~~(A)~~) No filing fee (~~(of twenty dollars shall)~~) may be charged  
32 for proceedings under this section. (~~(No filing fee may be charged~~  
33 ~~for:—(a) A petition filed in an existing action or under an existing~~  
34 ~~cause number brought under this chapter in the jurisdiction where the~~  
35 ~~relief is sought; or (b) the transfer of a case from district or~~  
36 ~~municipal court to superior court under RCW 26.50.020(2).)~~) Forms and  
37 instructional brochures shall be provided free of charge.

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

3 **Sec. 4.** RCW 26.50.035 and 1993 c 350 s 2 are each amended to read  
4 as follows:

5 (1) By July 1, 1994, the administrator for the courts shall develop  
6 and prepare instructions and informational brochures required under RCW  
7 26.50.030(4), standard petition and order for protection forms, and a  
8 court staff handbook on domestic violence and the protection order  
9 process. The standard petition and order for protection forms must be  
10 used after September 1, 1994, for all petitions filed and orders issued  
11 under this chapter. The instructions, brochures, forms, and handbook  
12 shall be prepared in consultation with interested persons, including a  
13 representative of the state domestic violence coalition, judges, and  
14 law enforcement personnel.

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

18 (b) The informational brochure shall describe the use of and the  
19 process for obtaining a protection order, a no-contact order as  
20 provided by RCW 10.99.040, a restraining order as provided by RCW  
21 26.09.060, and an antiharassment protection order as provided by  
22 chapter 10.14 RCW.

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

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

32 (2) All court clerks shall obtain a community resource list from a  
33 domestic violence program, defined in RCW 70.123.020, serving the  
34 county in which the court is located. The community resource list  
35 shall include the names and telephone numbers of domestic violence  
36 programs serving the community in which the court is located, including  
37 law enforcement agencies, domestic violence agencies, sexual assault  
38 agencies, legal assistance programs, interpreters, multicultural

1 programs, and batterers' treatment programs. The court shall make the  
2 community resource list available as part of or in addition to the  
3 informational brochures described in subsection (1) of this section.

4 (3) The administrator for the courts shall distribute a master copy  
5 of the petition and order forms, instructions, and informational  
6 brochures to all court clerks and shall distribute a master copy of the  
7 petition and order forms to all superior, district, and municipal  
8 courts.

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

12 (5) ~~((The administrator for the courts shall arrange for  
13 translation of the instructions and informational brochures required by  
14 this section, which shall contain a sample of the standard petition and  
15 order for protection forms, into Spanish, Vietnamese, Laotian,  
16 Cambodian, and Chinese, and shall distribute a master copy of the  
17 translated instructions and informational brochures to all court clerks  
18 by January 1, 1995.))~~ The administrator for the courts shall determine  
19 the significant non-English-speaking or limited English-speaking  
20 populations in the state. The administrator shall then arrange for  
21 translation of the instructions and informational brochures required by  
22 this section, which shall contain a sample of the standard petition and  
23 order for protection forms, into the languages spoken by those  
24 significant non-English-speaking populations and shall distribute a  
25 master copy of the translated instructions and informational brochures  
26 to all court clerks by January 1, 1997.

27 (6) The administrator for the courts shall update the instructions,  
28 brochures, standard petition and order for protection forms, and court  
29 staff handbook when changes in the law make an update necessary.

30 **Sec. 5.** RCW 26.50.040 and 1985 c 303 s 4 are each amended to read  
31 as follows:

32 ~~((1) Persons seeking relief under this chapter may file an  
33 application for leave to proceed in forma pauperis on forms supplied by  
34 the court. If the court determines that a petitioner lacks the funds  
35 to pay the costs of filing, the petitioner shall be granted leave to  
36 proceed in forma pauperis and no filing fee or any other court related  
37 fees shall be charged by the court to the petitioner for relief sought  
38 under this chapter. If the petitioner is granted leave to proceed in~~

1 forma pauperis, then no fees for service may be charged to the  
2 petitioner.

3 (2) For the purpose of determining whether a petitioner has the  
4 funds available to pay the costs of filing an action under this  
5 chapter, the income of the household or family member named as the  
6 respondent is not considered.)) No fees for filing or service of  
7 process may be charged by a public agency to petitioners seeking relief  
8 under this chapter. Petitioners shall be provided the necessary number  
9 of certified copies at no cost.

10 **Sec. 6.** RCW 26.50.050 and 1992 c 143 s 1 are each amended to read  
11 as follows:

12 Upon receipt of the petition, the court shall order a hearing which  
13 shall be held not later than fourteen days from the date of the order.  
14 The court may schedule a hearing by telephone pursuant to local court  
15 rule, to reasonably accommodate a disability, or in exceptional  
16 circumstances to protect a petitioner from further acts of domestic  
17 violence. The court shall require assurances of the petitioner's  
18 identity before conducting a telephonic hearing. Except as provided in  
19 RCW 26.50.085 and section 16 of this act, personal service shall be  
20 made upon the respondent not less than five court days prior to the  
21 hearing. If timely personal service cannot be made, the court shall  
22 set a new hearing date and shall either require additional attempts at  
23 obtaining personal service or permit service by publication as provided  
24 in RCW 26.50.085 or service by mail as provided in section 16 of this  
25 act. If the court permits service by publication or by mail, the court  
26 shall set the hearing date not later than twenty-four days from the  
27 date of the order. The court may issue an ex parte order for  
28 protection pending the hearing as provided in RCW 26.50.070 ((and)),  
29 26.50.085, and section 16 of this act.

30 **Sec. 7.** RCW 26.50.060 and 1994 sp.s. c 7 s 457 are each amended to  
31 read as follows:

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

34 (a) Restrain the respondent from committing acts of domestic  
35 violence;

1 (b) Exclude the respondent from the dwelling which the parties  
2 share ~~((or))~~, from the residence, workplace, or school of the  
3 petitioner, or from the daycare or school of a child;

4 (c) On the same basis as is provided in chapter 26.09 RCW, the  
5 court shall make residential provision with regard to minor children of  
6 the parties. However, parenting plans as specified in chapter 26.09  
7 RCW shall not be required under this chapter;

8 (d) Order the respondent to participate in batterers' treatment;

9 (e) Order other relief as it deems necessary for the protection of  
10 the petitioner and other family or household members sought to be  
11 protected, including orders or directives to a peace officer, as  
12 allowed under this chapter;

13 (f) Require the respondent to pay the ~~((filing fee and))~~  
14 administrative court costs~~((, including))~~ and service fees, as  
15 established by the county or municipality incurring the expense and to  
16 reimburse the petitioner for costs incurred in bringing the action,  
17 including a reasonable attorney's fee~~((. If the petitioner has been~~  
18 ~~granted leave to proceed in forma pauperis, the court may require the~~  
19 ~~respondent to pay the filing fee and costs, including services fees, to~~  
20 ~~the county or municipality incurring the expense))~~;

21 (g) Restrain the respondent from having any contact with the victim  
22 of domestic violence or the victim's children or members of the  
23 victim's household;

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

30 (i) Consider the provisions of RCW 9.41.800;

31 (j) Order possession and use of essential personal effects. The  
32 court shall list the essential personal effects with sufficient  
33 specificity to make it clear which property is included; and

34 (k) Order use of a vehicle.

35 (2) ~~((Any relief granted by the order for protection, other than a~~  
36 ~~judgment for costs, shall be for a fixed period not to exceed one~~  
37 ~~year)) If ((the)) a restraining order restrains the respondent from~~  
38 contacting the respondent's minor children the restraint shall be for  
39 a fixed period not to exceed one year. This limitation is not



1 applicable to orders for protection issued under chapter 26.09, 26.10,  
2 or 26.26 RCW. With regard to other relief, if the petitioner has  
3 petitioned for relief on his or her own behalf or on behalf of the  
4 petitioner's family or household members or minor children (~~that are~~  
5 ~~not also the respondent's minor children~~)), and the court finds that  
6 the respondent is likely to resume acts of domestic violence against  
7 the petitioner or the petitioner's family or household members or minor  
8 children when the order expires, the court may either ((+a)) grant  
9 relief for a fixed period (~~not to exceed one year; (b) grant relief~~  
10 ~~for a fixed period in excess of one year;~~) or ((+c)) enter a  
11 permanent order of protection.

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

18 (3) If the court grants an order for a fixed time period, the  
19 petitioner may apply for renewal of the order by filing a petition for  
20 renewal at any time within the three months before the order expires.  
21 The petition for renewal shall state the reasons why the petitioner  
22 seeks to renew the protection order. Upon receipt of the petition for  
23 renewal the court shall order a hearing which shall be not later than  
24 fourteen days from the date of the order. Except as provided in RCW  
25 26.50.085, personal service shall be made on the respondent not less  
26 than five days before the hearing. If timely service cannot be made  
27 the court shall set a new hearing date and shall either require  
28 additional attempts at obtaining personal service or permit service by  
29 publication as provided in RCW 26.50.085. If the court permits service  
30 by publication, the court shall set the new hearing date not later than  
31 twenty-four days from the date of the order. If the order expires  
32 because timely service cannot be made the court shall grant an ex parte  
33 order of protection as provided in RCW 26.50.070. The court shall  
34 grant the petition for renewal unless the respondent proves by a  
35 preponderance of the evidence that the respondent will not resume acts  
36 of domestic violence against the petitioner or the petitioner's  
37 children or family or household members when the order expires. The  
38 court may renew the protection order for another fixed time period or  
39 may enter a permanent order as provided in this section. The court may

1 award court costs, service fees, and reasonable attorneys' fees as  
2 provided in subsection (1)(f) of this section.

3 (4) In providing relief under this chapter, the court may realign  
4 the designation of the parties as "petitioner" and "respondent" where  
5 the court finds that the original petitioner is the abuser and the  
6 original respondent is the victim of domestic violence and may issue an  
7 ex parte temporary order for protection in accordance with RCW  
8 26.50.070 on behalf of the victim until the victim is able to prepare  
9 a petition for an order for protection in accordance with RCW  
10 26.50.030.

11 (5) Except as provided in subsection (4) of this section, no order  
12 for protection shall grant relief to any party except upon notice to  
13 the respondent and hearing pursuant to a petition or counter-petition  
14 filed and served by the party seeking relief in accordance with RCW  
15 26.50.050.

16 (6) The court order shall specify the date the order expires if  
17 any. The court order shall also state whether the court issued the  
18 protection order following personal service or service by publication  
19 and whether the court has approved service by publication of an order  
20 issued under this section.

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

24 **Sec. 8.** RCW 26.50.070 and 1994 sp.s. c 7 s 458 are each amended to  
25 read as follows:

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

32 (a) Restraining any party from committing acts of domestic  
33 violence;

34 (b) Excluding any party from the dwelling shared or from the  
35 residence of the other until further order of the court;

36 (c) Restraining any party from interfering with the other's custody  
37 of the minor children or from removing the children from the  
38 jurisdiction of the court;

1 (d) Restraining any party from having any contact with the victim  
2 of domestic violence or the victim's children or members of the  
3 victim's household; and

4 (e) Considering the provisions of RCW 9.41.800.

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

9 (3) The court shall hold an ex parte hearing in person or by  
10 telephone on the day the petition is filed or on the following judicial  
11 day.

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

23 (5) Any order issued under this section shall contain the date and  
24 time of issuance and the expiration date and shall be entered into a  
25 state-wide judicial information system by the clerk of the court within  
26 one judicial day after issuance.

27 (6) If the court declines to issue an ex parte temporary order for  
28 protection the court shall state the particular reasons for the court's  
29 denial. The court's denial of a motion for an ex parte order of  
30 protection shall be filed with the court.

31 **Sec. 9.** RCW 26.50.080 and 1984 c 263 s 9 are each amended to read  
32 as follows:

33 (1) When an order is issued under this chapter upon request of the  
34 petitioner, the court may order a peace officer to accompany the  
35 petitioner and assist in placing the petitioner in possession of ((the  
36 dwelling or residence,)) those items indicated in the order or to  
37 otherwise assist in the execution of the order of protection. The  
38 order shall list all items that are to be included with sufficient

1 specificity to make it clear which property is included. Orders issued  
2 under this chapter shall include a designation of the appropriate law  
3 enforcement agency to execute, serve, or enforce the order.

4 (2) Upon order of a court, a peace officer shall accompany the  
5 petitioner in an order of protection and assist in placing the  
6 petitioner in possession of all items listed in the order and to  
7 otherwise assist in the execution of the order.

8 **Sec. 10.** RCW 26.50.090 and 1992 c 143 s 6 are each amended to read  
9 as follows:

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

13 (2) The sheriff of the county or the peace officers of the  
14 municipality in which the respondent resides shall serve the respondent  
15 personally unless the petitioner elects to have the respondent served  
16 by a private party.

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

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

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

30 (6) If an order entered by the court recites that the respondent  
31 appeared in person before the court, the necessity for further service  
32 is waived and proof of service of that order is not necessary.

33 ~~(7) ((Except in cases where the petitioner is granted leave to~~  
34 ~~proceed in forma pauperis,))~~ Municipal police departments serving  
35 documents as required under this chapter may collect from respondents  
36 ordered to pay fees under RCW 26.50.060 the same fees for service and  
37 mileage authorized by RCW 36.18.040 to be collected by sheriffs.

1 (8) If the court previously entered an order allowing service ((by  
2 publication)) of the notice of hearing and temporary order of  
3 protection by publication pursuant to RCW 26.50.085 or by mail pursuant  
4 to section 16 of this act, the court may permit service by publication  
5 or by mail of the order of protection issued under RCW 26.50.060.  
6 Service by publication must comply with the requirements of RCW  
7 26.50.085 and service by mail must comply with the requirements of  
8 section 16 of this act. The court order must state whether the court  
9 permitted service by publication or by mail.

10 NEW SECTION. Sec. 11. A new section is added to chapter 26.50 RCW  
11 to read as follows:

12 (1) Pursuant to chapter 2.42 RCW, an interpreter shall be appointed  
13 for any party who, because of a hearing or speech impairment, cannot  
14 readily understand or communicate in spoken language.

15 (2) Pursuant to chapter 2.43 RCW, an interpreter shall be appointed  
16 for any party who cannot readily speak or understand the English  
17 language.

18 (3) The interpreter shall translate or interpret for the party in  
19 preparing forms, participating in the hearing and court-ordered  
20 assessments, and translating any orders.

21 **Sec. 12.** RCW 26.50.095 and 1992 c 143 s 5 are each amended to read  
22 as follows:

23 Following completion of service by publication as provided in RCW  
24 26.50.085 or by mail as provided in section 16 of this act, if the  
25 respondent fails to appear at the hearing, the court may issue an order  
26 of protection as provided in RCW 26.50.060. That order must be served  
27 pursuant to RCW 26.50.090, and forwarded to the appropriate law  
28 enforcement agency pursuant to RCW 26.50.100.

29 **Sec. 13.** RCW 26.50.100 and 1992 c 143 s 7 are each amended to read  
30 as follows:

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

35 Upon receipt of the order, the law enforcement agency shall  
36 forthwith enter the order into any computer-based criminal intelligence

1 information system available in this state used by law enforcement  
2 agencies to list outstanding warrants. The order shall remain in the  
3 computer for the period stated in the order. The law enforcement  
4 agency shall only expunge ((expired)) from the computer-based criminal  
5 intelligence information system orders ((from the computer system))  
6 that are expired, vacated, or superseded. Entry into the law  
7 enforcement information system constitutes notice to all law  
8 enforcement agencies of the existence of the order. The order is fully  
9 enforceable in any county in the state.

10 (2) The information entered into the computer-based criminal  
11 intelligence information system shall include notice to law enforcement  
12 whether the order was personally served or served by publication.

13 **Sec. 14.** RCW 26.50.110 and 1992 c 86 s 5 are each amended to read  
14 as follows:

15 (1) Whenever an order for protection is granted under this chapter  
16 and the respondent or person to be restrained knows of the order, a  
17 violation of the restraint provisions or of a provision excluding the  
18 person from a residence, workplace, school, or daycare is a gross  
19 misdemeanor. Upon conviction, and in addition to any other penalties  
20 provided by law, the court may require that the respondent submit to  
21 electronic monitoring. The court shall specify who shall provide the  
22 electronic monitoring services, and the terms under which the  
23 monitoring shall be performed. The order also may include a  
24 requirement that the respondent pay the costs of the monitoring. The  
25 court shall consider the ability of the convicted person to pay for  
26 electronic monitoring.

27 (2) A peace officer shall arrest without a warrant and take into  
28 custody a person whom the peace officer has probable cause to believe  
29 has violated an order issued under this chapter that restrains the  
30 person or excludes the person from a residence, workplace, school, or  
31 daycare, if the person restrained knows of the order. Presence of the  
32 order in the law enforcement computer-based criminal intelligence  
33 information system is not the only means of establishing knowledge of  
34 the order.

35 (3) A violation of an order for protection shall also constitute  
36 contempt of court, and is subject to the penalties prescribed by law.

37 (4) Any assault that is a violation of an order issued under this  
38 chapter and that does not amount to assault in the first or second

1 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any  
2 conduct in violation of a protective order issued under this chapter  
3 that is reckless and creates a substantial risk of death or serious  
4 physical injury to another person is a class C felony.

5 (5) Upon the filing of an affidavit by the petitioner or any peace  
6 officer alleging that the respondent has violated an order for  
7 protection granted under this chapter, the court may issue an order to  
8 the respondent, requiring the respondent to appear and show cause  
9 within fourteen days why the respondent should not be found in contempt  
10 of court and punished accordingly. The hearing may be held in the  
11 court of any county or municipality in which the petitioner or  
12 respondent temporarily or permanently resides at the time of the  
13 alleged violation.

14 **Sec. 15.** RCW 26.50.115 and 1992 c 143 s 8 are each amended to read  
15 as follows:

16 (1) When the court issues an ex parte order pursuant to RCW  
17 26.50.070 or an order of protection ordered issued pursuant to RCW  
18 26.50.060, the court shall advise the petitioner that the respondent  
19 may not be subjected to the penalties set forth in RCW 26.50.110 for a  
20 violation of the order unless the respondent knows of the order.

21 (2) When a peace officer investigates a report of an alleged  
22 violation of an order for protection issued under this chapter the  
23 officer shall attempt to determine whether the respondent knew of the  
24 existence of the protection order. ~~((If the officer determines that  
25 the respondent did not or probably did not know about the protection  
26 order, the officer shall make reasonable efforts to obtain a copy of  
27 the protection order and serve it on the respondent during the  
28 investigation.))~~ If the law enforcement officer determines that the  
29 respondent did not or probably did not know about the protection order  
30 and the officer is provided a current copy of the order, the officer  
31 shall serve the order on the respondent if the respondent is present.  
32 If the respondent is not present, the officer shall make reasonable  
33 efforts to serve a copy of the order on the respondent. If the officer  
34 serves the respondent with the petitioner's copy of the order, the  
35 officer shall give petitioner a receipt indicating that petitioner's  
36 copy has been served on the respondent.

37 (3) Presentation of an unexpired, certified copy of a protection  
38 order is sufficient for a law enforcement officer to enforce the terms

1 of the order regardless of the presence of the order in the law  
2 enforcement computer-based criminal intelligence information system.

3 NEW SECTION. Sec. 16. A new section is added to chapter 26.50 RCW  
4 to read as follows:

5 (1) In circumstances justifying service by publication under RCW  
6 26.50.085(1), if the serving party files an affidavit stating facts  
7 from which the court determines that service by mail is just as likely  
8 to give actual notice as service by publication and that the serving  
9 party is unable to afford the cost of service by publication, the court  
10 may order that service be made by mail. Such service shall be made by  
11 any person over eighteen years of age, who is competent to be a  
12 witness, other than a party, by mailing copies of the order and other  
13 process to the party to be served at his or her last known address or  
14 any other address determined by the court to be appropriate. Two  
15 copies shall be mailed, postage prepaid, one by ordinary first class  
16 mail and the other by a form of mail requiring a signed receipt showing  
17 when and to whom it was delivered. The envelopes must bear the return  
18 address of the sender.

19 (2) Proof of service under this section shall be consistent with  
20 court rules for civil proceedings.

21 (3) Service under this section may be used in the same manner and  
22 shall have the same jurisdictional effect as service by publication for  
23 purposes of this chapter. Service shall be deemed complete upon the  
24 mailing of two copies as prescribed in this section.

25 **Sec. 17.** RCW 26.50.125 and 1992 c 143 s 9 are each amended to read  
26 as follows:

27 The court may permit service by publication or by mail under this  
28 chapter only if the petitioner pays the cost of publication or mailing  
29 unless the county legislative authority allocates funds for service of  
30 process by publication or by mail for indigent petitioners (~~who are~~  
31 ~~granted leave to proceed in forma pauperis~~)).

32 NEW SECTION. Sec. 18. A new section is added to chapter 26.50 RCW  
33 to read as follows:

34 To prevent the issuance of competing protection orders in different  
35 courts and to give courts needed information for issuance of orders,  
36 the judicial information system shall be available in each district,



1 municipal, and superior court by July 1, 1997, and shall include a  
2 database containing the following information:

3 (1) The names of the parties and the cause number for every order  
4 of protection issued under this title, every criminal no-contact order  
5 issued under chapter 10.99 RCW, every antiharassment order issued under  
6 chapter 10.14 RCW, every dissolution action under chapter 26.09 RCW,  
7 every third-party custody action under chapter 26.10 RCW, and every  
8 parentage action under chapter 26.10 RCW;

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

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

13 NEW SECTION. **Sec. 19.** A new section is added to chapter 26.50 RCW  
14 to read as follows:

15 (1) Before granting an order under this chapter directing  
16 residential placement of a child or restraining or limiting a party's  
17 contact with a child, the court shall consult the judicial information  
18 system, if available, to determine the pendency of other proceedings  
19 involving the residential placement of any child of the parties for  
20 whom residential placement has been requested.

21 (2) Jurisdictional issues regarding out-of-state proceedings  
22 involving the custody or residential placement of any child of the  
23 parties shall be governed by the uniform child custody jurisdiction  
24 act, chapter 26.27 RCW.

25 **Sec. 20.** RCW 10.31.100 and 1993 c 209 s 1 and 1993 c 128 s 5 are  
26 each reenacted and amended to read as follows:

27 A police officer having probable cause to believe that a person has  
28 committed or is committing a felony shall have the authority to arrest  
29 the person without a warrant. A police officer may arrest a person  
30 without a warrant for committing a misdemeanor or gross misdemeanor  
31 only when the offense is committed in the presence of the officer,  
32 except as provided in subsections (1) through (10) of this section.

33 (1) Any police officer having probable cause to believe that a  
34 person has committed or is committing a misdemeanor or gross  
35 misdemeanor, involving physical harm or threats of harm to any person  
36 or property or the unlawful taking of property or involving the use or  
37 possession of cannabis, or involving the acquisition, possession, or

1 consumption of alcohol by a person under the age of twenty-one years  
2 under RCW 66.44.270 shall have the authority to arrest the person.

3 (2) A police officer shall arrest and take into custody, pending  
4 release on bail, personal recognizance, or court order, a person  
5 without a warrant when the officer has probable cause to believe that:

6 (a) An order has been issued of which the person has knowledge  
7 under RCW 10.99.040(2), 10.99.050, 26.09.050, 26.09.060, 26.10.040,  
8 26.10.115, 26.44.063, chapter 26.26 RCW, or chapter 26.50 RCW  
9 restraining the person and the person has violated the terms of the  
10 order restraining the person from acts or threats of violence or  
11 excluding the person from a residence, workplace, school, or day care  
12 or, in the case of an order issued under RCW 26.44.063, imposing any  
13 other restrictions or conditions upon the person; or (b) The person  
14 is ((~~eighteen~~)) sixteen years or older and within the preceding four  
15 hours has assaulted ((~~that person's spouse, former spouse, or a person~~  
16 ~~eighteen years or older with whom the person resides or has formerly~~  
17 ~~resided~~)) a family or household member as defined in RCW 10.99.020 and  
18 the officer believes: (i) A felonious assault has occurred; (ii) an  
19 assault has occurred which has resulted in bodily injury to the victim,  
20 whether the injury is observable by the responding officer or not; or  
21 (iii) that any physical action has occurred which was intended to cause  
22 another person reasonably to fear imminent serious bodily injury or  
23 death. Bodily injury means physical pain, illness, or an impairment of  
24 physical condition. When the officer has probable cause to believe  
25 that spouses, former spouses, or other persons who reside together or  
26 formerly resided together have assaulted each other, the officer is not  
27 required to arrest both persons. The officer shall arrest the person  
28 whom the officer believes to be the primary physical aggressor. In  
29 making this determination, the officer shall make every reasonable  
30 effort to consider: (i) The intent to protect victims of domestic  
31 violence under RCW 10.99.010; (ii) the comparative extent of injuries  
32 inflicted or serious threats creating fear of physical injury; and  
33 (iii) the history of domestic violence between the persons involved.

34 (3) Any police officer having probable cause to believe that a  
35 person has committed or is committing a violation of any of the  
36 following traffic laws shall have the authority to arrest the person:

37 (a) RCW 46.52.010, relating to duty on striking an unattended car  
38 or other property;

1 (b) RCW 46.52.020, relating to duty in case of injury to or death  
2 of a person or damage to an attended vehicle;

3 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or  
4 racing of vehicles;

5 (d) RCW 46.61.502 or 46.61.504, relating to persons under the  
6 influence of intoxicating liquor or drugs;

7 (e) RCW 46.20.342, relating to driving a motor vehicle while  
8 operator's license is suspended or revoked;

9 (f) RCW 46.61.525, relating to operating a motor vehicle in a  
10 negligent manner.

11 (4) A law enforcement officer investigating at the scene of a motor  
12 vehicle accident may arrest the driver of a motor vehicle involved in  
13 the accident if the officer has probable cause to believe that the  
14 driver has committed in connection with the accident a violation of any  
15 traffic law or regulation.

16 (5) Any police officer having probable cause to believe that a  
17 person has committed or is committing a violation of RCW ((~~88.12.100~~)  
18 88.12.025) shall have the authority to arrest the person.

19 (6) An officer may act upon the request of a law enforcement  
20 officer in whose presence a traffic infraction was committed, to stop,  
21 detain, arrest, or issue a notice of traffic infraction to the driver  
22 who is believed to have committed the infraction. The request by the  
23 witnessing officer shall give an officer the authority to take  
24 appropriate action under the laws of the state of Washington.

25 (7) Any police officer having probable cause to believe that a  
26 person has committed or is committing any act of indecent exposure, as  
27 defined in RCW 9A.88.010, may arrest the person.

28 (8) A police officer may arrest and take into custody, pending  
29 release on bail, personal recognizance, or court order, a person  
30 without a warrant when the officer has probable cause to believe that  
31 an order has been issued of which the person has knowledge under  
32 chapter 10.14 RCW and the person has violated the terms of that order.

33 (9) Any police officer having probable cause to believe that a  
34 person has, within twenty-four hours of the alleged violation,  
35 committed a violation of RCW 9A.50.020 may arrest such person.

36 (10) A police officer having probable cause to believe that a  
37 person illegally possesses or illegally has possessed a firearm or  
38 other dangerous weapon on private or public elementary or secondary  
39 school premises shall have the authority to arrest the person.

1 For purposes of this subsection, the term "firearm" has the meaning  
2 defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning  
3 defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

4 (11) Except as specifically provided in subsections (2), (3), (4),  
5 and (6) of this section, nothing in this section extends or otherwise  
6 affects the powers of arrest prescribed in Title 46 RCW.

7 (12) No police officer may be held criminally or civilly liable for  
8 making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police  
9 officer acts in good faith and without malice.

10 **Sec. 21.** RCW 10.99.020 and 1994 c 121 s 4 are each amended to read  
11 as follows:

12 Unless the context clearly requires otherwise, the definitions in  
13 this section apply throughout this chapter.

14 (1) "Family or household members" means spouses, former spouses,  
15 persons who have a child in common regardless of whether they have been  
16 married or have lived together at any time, adult persons related by  
17 blood or marriage, ~~((and))~~ adult persons who are presently residing  
18 together or who have resided together in the past, persons sixteen  
19 years of age or older who are presently residing together or who have  
20 resided together in the past and who have or have had a dating  
21 relationship, persons sixteen years of age or older with whom a  
22 respondent sixteen years of age or older has or has had a dating  
23 relationship, and persons who have a biological or legal parent-child  
24 relationship, including stepparents and stepchildren and grandparents  
25 and grandchildren.

26 (2) "Dating relationship" has the same meaning as in RCW 26.50.010.

27 (3) "Domestic violence" includes but is not limited to any of the  
28 following crimes when committed by one family or household member  
29 against another:

30 (a) Assault in the first degree (RCW 9A.36.011);

31 (b) Assault in the second degree (RCW 9A.36.021);

32 (c) Assault in the third degree (RCW 9A.36.031);

33 (d) Assault in the fourth degree (RCW 9A.36.041);

34 (e) Reckless endangerment in the first degree (RCW 9A.36.045);

35 (f) Reckless endangerment in the second degree (RCW 9A.36.050);

36 (g) Coercion (RCW 9A.36.070);

37 (h) Burglary in the first degree (RCW 9A.52.020);

38 (i) Burglary in the second degree (RCW 9A.52.030);

1 (j) Criminal trespass in the first degree (RCW 9A.52.070);  
2 (k) Criminal trespass in the second degree (RCW 9A.52.080);  
3 (l) Malicious mischief in the first degree (RCW 9A.48.070);  
4 (m) Malicious mischief in the second degree (RCW 9A.48.080);  
5 (n) Malicious mischief in the third degree (RCW 9A.48.090);  
6 (o) Kidnapping in the first degree (RCW 9A.40.020);  
7 (p) Kidnapping in the second degree (RCW 9A.40.030);  
8 (q) Unlawful imprisonment (RCW 9A.40.040);  
9 (r) Violation of the provisions of a restraining order restraining  
10 the person or excluding the person from a residence (RCW 26.09.300);  
11 (s) Violation of the provisions of a protection order or no-contact  
12 order restraining the person or excluding the person from a residence  
13 (RCW 26.50.060, 26.50.070, ~~((or))~~ 26.50.130, or 10.99.040);  
14 (t) Rape in the first degree (RCW 9A.44.040);  
15 (u) Rape in the second degree (RCW 9A.44.050); ~~((and))~~  
16 (v) Residential burglary (RCW 9A.52.025); and  
17 (w) Stalking (RCW 9A.46.110).  
18 ~~((+3))~~ (4) "Victim" means a family or household member who has  
19 been subjected to domestic violence.

20 **Sec. 22.** RCW 10.99.030 and 1993 c 350 s 3 are each amended to read  
21 as follows:

22 (1) All training relating to the handling of domestic violence  
23 complaints by law enforcement officers shall stress enforcement of  
24 criminal laws in domestic situations, availability of community  
25 resources, and protection of the victim. Law enforcement agencies and  
26 community organizations with expertise in the issue of domestic  
27 violence shall cooperate in all aspects of such training.

28 (2) The criminal justice training commission shall implement by  
29 January 1, 1997, a course of instruction for the training of law  
30 enforcement officers in Washington in the handling of domestic violence  
31 complaints. The basic law enforcement curriculum of the criminal  
32 justice training commission shall include at least twenty hours of  
33 basic training instruction on the law enforcement response to domestic  
34 violence. The course of instruction, the learning and performance  
35 objectives, and the standards for the training shall be developed by  
36 the commission and focus on enforcing the criminal laws, safety of the  
37 victim, and holding the perpetrator accountable for the violence. The  
38 curriculum shall include training on the extent and prevalence of

1 domestic violence, the importance of criminal justice intervention,  
2 techniques for responding to incidents that minimize the likelihood of  
3 officer injury and that promote victim safety, investigation and  
4 interviewing skills, evidence gathering and report writing, assistance  
5 to and services for victims and children, verification and enforcement  
6 of court orders, liability, and any additional provisions that are  
7 necessary to carry out the intention of this subsection.

8 (3) The criminal justice training commission shall develop and  
9 update annually an in-service training program to familiarize law  
10 enforcement officers with the domestic violence laws. The program  
11 shall include techniques for handling incidents of domestic violence  
12 that minimize the likelihood of injury to the officer and that promote  
13 the safety of all parties. The commission shall make the training  
14 program available to all law enforcement agencies in the state.

15 (4) Development of the training in subsections (2) and (3) of this  
16 section shall be conducted in conjunction with agencies having a  
17 primary responsibility for serving victims of domestic violence with  
18 emergency shelter and other services, and representatives to the state-  
19 wide organization providing training and education to these  
20 organizations and to the general public.

21 ~~((+2))~~ (5) The primary duty of peace officers, when responding to  
22 a domestic violence situation, is to enforce the laws allegedly  
23 violated and to protect the complaining party.

24 ~~((+3))~~ (6)(a) When a peace officer responds to a domestic violence  
25 call and has probable cause to believe that a crime has been committed,  
26 the peace officer shall exercise arrest powers with reference to the  
27 criteria in RCW 10.31.100. The officer shall notify the victim of the  
28 victim's right to initiate a criminal proceeding in all cases where the  
29 officer has not exercised arrest powers or decided to initiate criminal  
30 proceedings by citation or otherwise. The parties in such cases shall  
31 also be advised of the importance of preserving evidence.

32 (b) A peace officer responding to a domestic violence call shall  
33 take a complete offense report including the officer's disposition of  
34 the case.

35 ~~((+4))~~ (7) When a peace officer responds to a domestic violence  
36 call, the officer shall advise victims of all reasonable means to  
37 prevent further abuse, including advising each person of the  
38 availability of a shelter or other services in the community, and  
39 giving each person immediate notice of the legal rights and remedies

1 available. The notice shall include handing each person a copy of the  
2 following statement:

3 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the  
4 city or county prosecuting attorney to file a criminal  
5 complaint. You also have the right to file a petition in  
6 superior, district, or municipal court requesting an order for  
7 protection from domestic abuse which could include any of the  
8 following: (a) An order restraining your abuser from further  
9 acts of abuse; (b) an order directing your abuser to leave your  
10 household; (c) an order preventing your abuser from entering  
11 your residence, school, business, or place of employment; (d)  
12 an order awarding you or the other parent custody of or  
13 visitation with your minor child or children; and (e) an order  
14 restraining your abuser from molesting or interfering with  
15 minor children in your custody. The forms you need to obtain  
16 a protection order are available in any municipal, district, or  
17 superior court.

18 Information about shelters and alternatives to domestic  
19 violence is available from a state-wide twenty-four-hour toll-  
20 free hotline at ~~((1-800-562-6025))~~ (include appropriate phone  
21 number). The battered women's shelter and other resources in  
22 your area are . . . . (include local information)"

23 ~~((+5))~~ (8) The peace officer may offer, arrange, or facilitate  
24 transportation for the victim to a hospital for treatment of injuries  
25 or to a place of safety or shelter.

26 ~~((+6))~~ (9) The law enforcement agency shall forward the offense  
27 report to the appropriate prosecutor within ten days of making such  
28 report if there is probable cause to believe that an offense has been  
29 committed, unless the case is under active investigation.

30 ~~((+7))~~ (10) Each law enforcement agency shall make as soon as  
31 practicable a written record and shall maintain records of all  
32 incidents of domestic violence reported to it.

33 ~~((+8))~~ (11) Records kept pursuant to subsections ~~((+3) and (+7))~~  
34 (6) and (10) of this section shall be made identifiable by means of a  
35 departmental code for domestic violence.

36 ~~((+9))~~ (12) Commencing January 1, 1994, records of incidents of  
37 domestic violence shall be submitted, in accordance with procedures  
38 described in this subsection, to the Washington association of sheriffs

1 and police chiefs by all law enforcement agencies. The Washington  
2 criminal justice training commission shall amend its contract for  
3 collection of state-wide crime data with the Washington association of  
4 sheriffs and police chiefs:

5 (a) To include a table, in the annual report of crime in Washington  
6 produced by the Washington association of sheriffs and police chiefs  
7 pursuant to the contract, showing the total number of actual offenses  
8 and the number and percent of the offenses that are domestic violence  
9 incidents for the following crimes: (i) Criminal homicide, with  
10 subtotals for murder and nonnegligent homicide and manslaughter by  
11 negligence; (ii) forcible rape, with subtotals for rape by force and  
12 attempted forcible rape; (iii) robbery, with subtotals for firearm,  
13 knife or cutting instrument, or other dangerous weapon, and strongarm  
14 robbery; (iv) assault, with subtotals for firearm, knife or cutting  
15 instrument, other dangerous weapon, hands, feet, aggravated, and other  
16 nonaggravated assaults; (v) burglary, with subtotals for forcible  
17 entry, nonforcible unlawful entry, and attempted forcible entry; (vi)  
18 larceny theft, except motor vehicle theft; (vii) motor vehicle theft,  
19 with subtotals for autos, trucks and buses, and other vehicles; and  
20 (viii) arson;

21 (b) To require that the table shall continue to be prepared and  
22 contained in the annual report of crime in Washington until that time  
23 as comparable or more detailed information about domestic violence  
24 incidents is available through the Washington state incident based  
25 reporting system and the information is prepared and contained in the  
26 annual report of crime in Washington; and

27 (c) To require that, in consultation with interested persons, the  
28 Washington association of sheriffs and police chiefs prepare and  
29 disseminate procedures to all law enforcement agencies in the state as  
30 to how the agencies shall code and report domestic violence incidents  
31 to the Washington association of sheriffs and police chiefs.

32 **Sec. 23.** RCW 10.99.040 and 1994 sp.s. c 7 s 449 are each amended  
33 to read as follows:

34 (1) Because of the serious nature of domestic violence, the court  
35 in domestic violence actions:

36 (a) Shall not dismiss any charge or delay disposition because of  
37 concurrent dissolution or other civil proceedings;



1 (b) Shall not require proof that either party is seeking a  
2 dissolution of marriage prior to instigation of criminal proceedings;

3 (c) Shall waive any requirement that the victim's location be  
4 disclosed to any person, other than the attorney of a criminal  
5 defendant, upon a showing that there is a possibility of further  
6 violence: PROVIDED, That the court may order a criminal defense  
7 attorney not to disclose to his or her client the victim's location;  
8 and

9 (d) Shall identify by any reasonable means on docket sheets those  
10 criminal actions arising from acts of domestic violence.

11 (2) Because of the likelihood of repeated violence directed at  
12 those who have been victims of domestic violence in the past, when any  
13 person charged with or arrested for a crime involving domestic violence  
14 is released from custody before arraignment or trial on bail or  
15 personal recognizance, the court authorizing the release may prohibit  
16 that person from having any contact with the victim. The jurisdiction  
17 authorizing the release shall determine whether that person should be  
18 prohibited from having any contact with the victim. If there is no  
19 outstanding restraining or protective order prohibiting that person  
20 from having contact with the victim, the court authorizing release may  
21 issue, by telephone, a no-contact order prohibiting the person charged  
22 or arrested from having contact with the victim. In issuing the order,  
23 the court shall consider the provisions of RCW 9.41.800. The no-  
24 contact order shall also be issued in writing as soon as possible.

25 (3) At the time of arraignment the court shall determine whether a  
26 no-contact order shall be issued or extended. If a no-contact order is  
27 issued or extended, the court may also include in the conditions of  
28 release a requirement that the defendant submit to electronic  
29 monitoring. If electronic monitoring is ordered, the court shall  
30 specify who shall provide the monitoring services, and the terms under  
31 which the monitoring shall be performed. Upon conviction, the court  
32 may require as a condition of the sentence that the defendant reimburse  
33 the providing agency for the costs of the electronic monitoring.

34 (4)(a) Willful violation of a court order issued under subsection  
35 (2) or (3) of this section is a gross misdemeanor. Upon conviction and  
36 in addition to other penalties provided by law, the court may require  
37 that the defendant submit to electronic monitoring. The court shall  
38 specify who shall provide the electronic monitoring services and the  
39 terms under which the monitoring must be performed. The court also may

1 include a requirement that the defendant pay the costs of the  
2 monitoring. The court shall consider the ability of the convicted  
3 person to pay for electronic monitoring.

4 (b) Any assault that is a violation of an order issued under this  
5 section and that does not amount to assault in the first or second  
6 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable  
7 under chapter 9A.20 RCW, and any conduct in violation of a protective  
8 order issued under this section that is reckless and creates a  
9 substantial risk of death or serious physical injury to another person  
10 is a class C felony punishable under chapter 9A.20 RCW.

11 (c) The written order releasing the person charged or arrested  
12 shall contain the court's directives and shall bear the legend:  
13 "Violation of this order is a criminal offense under chapter 10.99 RCW  
14 and will subject a violator to arrest; any assault or reckless  
15 endangerment that is a violation of this order is a felony. You can be  
16 arrested even if any person protected by the order invites or allows  
17 you to violate the order's prohibitions. You have the sole  
18 responsibility to avoid or refrain from violating the order's  
19 provisions. Only the court can change the order." A certified copy of  
20 the order shall be provided to the victim. If a no-contact order has  
21 been issued prior to charging, that order shall expire at arraignment  
22 or within seventy-two hours if charges are not filed. Such orders need  
23 not be entered into the computer-based criminal intelligence  
24 information system in this state which is used by law enforcement  
25 agencies to list outstanding warrants.

26 (5) Whenever an order prohibiting contact is issued, modified, or  
27 terminated under subsection (2) or (3) of this section, the clerk of  
28 the court shall forward a copy of the order on or before the next  
29 judicial day to the appropriate law enforcement agency specified in the  
30 order. Upon receipt of the copy of the order the law enforcement  
31 agency shall forthwith enter the order for one year or until the  
32 expiration date specified on the order into any computer-based criminal  
33 intelligence information system available in this state used by law  
34 enforcement agencies to list outstanding warrants. Entry into the law  
35 enforcement information system constitutes notice to all law  
36 enforcement agencies of the existence of the order. The order is fully  
37 enforceable in any jurisdiction in the state.

1        NEW SECTION.    **Sec. 24.**    (1) By January 1, 1997, the criminal  
2 justice training commission shall develop an educational manual and a  
3 training curriculum for prosecutors in Washington state regarding  
4 domestic violence. The manual and curriculum shall include but not be  
5 limited to: The nature, extent, and causes of domestic violence; laws  
6 on domestic violence; practices designed to promote safety of the  
7 victim and other family and household members, including safety plans;  
8 the responsibility and authority of the criminal justice system to  
9 intervene in domestic violence; considerations that should go into  
10 screening and charging decisions; violations of court orders; trial  
11 tactics; evidence collection; victim advocates; considerations that  
12 should go into effective sentencing dispositions related to victim  
13 safety and perpetrator accountability; lethality; and community  
14 resources for victims, perpetrators, and children.

15        (2) By July 1, 1998, the commission shall distribute a copy of the  
16 manual and curriculum specified in subsection (1) of this section to  
17 the prosecuting attorney for each county and unit of government for  
18 their use in education and training.

19        (3) The manual and curriculum specified in subsection (1) of this  
20 section shall be developed in conjunction with agencies responsible for  
21 prosecuting domestic violence cases, agencies having a primary  
22 responsibility for serving victims of domestic violence with emergency  
23 shelter and other services, representatives of the state-wide  
24 organization providing training and education to these organizations  
25 and the general public, and others with a demonstrated expertise on  
26 domestic violence and the criminal justice system.

27        *\*Sec. 25. RCW 26.09.050 and 1994 sp.s. c 7 s 451 are each amended*  
28 *to read as follows:*

29        *(1) In entering a decree of dissolution of marriage, legal*  
30 *separation, or declaration of invalidity, the court shall determine the*  
31 *marital status of the parties, make provision for a parenting plan for*  
32 *any minor child of the marriage, make provision for the support of any*  
33 *child of the marriage entitled to support, consider or approve*  
34 *provision for the maintenance of either spouse, make provision for the*  
35 *disposition of property and liabilities of the parties, make provision*  
36 *for the allocation of the children as federal tax exemptions, make*  
37 *provision for any necessary continuing restraining orders including the*  
38 *provisions contained in RCW 9.41.800, make provision for the issuance*

1 within this action of the restraint provisions of a domestic violence  
2 protection order under chapter 26.50 RCW or an antiharassment  
3 protection order under chapter 10.14 RCW, and make provision for the  
4 change of name of any party.

5 (2) Restraining orders issued under this section restraining the  
6 person from molesting or disturbing another party or from going onto  
7 the grounds of or entering the home, workplace, or school of the other  
8 party or the day care or school of any child shall prominently bear on  
9 the front page of the order the legend: VIOLATION OF THIS ORDER WITH  
10 ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.09  
11 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

12 (3) The court shall order that any restraining order bearing a  
13 criminal offense legend, any domestic violence protection order, or any  
14 antiharassment protection order granted under this section be forwarded  
15 by the clerk of the court on or before the next judicial day to the  
16 appropriate law enforcement agency specified in the order. Upon  
17 receipt of the order, the law enforcement agency shall forthwith enter  
18 the order into any computer-based criminal intelligence information  
19 system available in this state used by law enforcement agencies to list  
20 outstanding warrants. The order is fully enforceable in any county in  
21 the state.

22 \*Sec. 25 was vetoed. See message at end of chapter.

23 **Sec. 26.** RCW 26.09.060 and 1994 sp.s. c 7 s 452 are each amended  
24 to read as follows:

25 (1) In a proceeding for:

26 (a) Dissolution of marriage, legal separation, or a declaration of  
27 invalidity; or

28 (b) Disposition of property or liabilities, maintenance, or support  
29 following dissolution of the marriage by a court which lacked personal  
30 jurisdiction over the absent spouse; either party may move for  
31 temporary maintenance or for temporary support of children entitled to  
32 support. The motion shall be accompanied by an affidavit setting forth  
33 the factual basis for the motion and the amounts requested.

34 (2) As a part of a motion for temporary maintenance or support or  
35 by independent motion accompanied by affidavit, either party may  
36 request the court to issue a temporary restraining order or preliminary  
37 injunction, providing relief proper in the circumstances, and  
38 restraining or enjoining any person from:

1 (a) Transferring, removing, encumbering, concealing, or in any way  
2 disposing of any property except in the usual course of business or for  
3 the necessities of life, and, if so restrained or enjoined, requiring  
4 him or her to notify the moving party of any proposed extraordinary  
5 expenditures made after the order is issued;

6 (b) Molesting or disturbing the peace of the other party or of any  
7 child;

8 (c) (~~Entering the family home or the home~~) Going onto the grounds  
9 of or entering the home, workplace, or school of the other party or the  
10 day care or school of any child upon a showing of the necessity  
11 therefor;

12 (d) Removing a child from the jurisdiction of the court.

13 (3) Either party may request a domestic violence protection order  
14 under chapter 26.50 RCW or an antiharassment protection order under  
15 chapter 10.14 RCW on a temporary basis. The court may grant any of the  
16 relief provided in RCW 26.50.060 except relief pertaining to  
17 residential provisions for the children which provisions shall be  
18 provided for under this chapter, and any of the relief provided in RCW  
19 10.14.080. Ex parte orders issued under this subsection shall be  
20 effective for a fixed period not to exceed fourteen days, or upon court  
21 order, not to exceed twenty-four days if necessary to ensure that all  
22 temporary motions in the case can be heard at the same time.

23 (4) In issuing the order, the court shall consider the provisions  
24 of RCW 9.41.800.

25 (~~(4)~~) (5) The court may issue a temporary restraining order  
26 without requiring notice to the other party only if it finds on the  
27 basis of the moving affidavit or other evidence that irreparable injury  
28 could result if an order is not issued until the time for responding  
29 has elapsed.

30 (~~(5)~~) (6) The court may issue a temporary restraining order or  
31 preliminary injunction and an order for temporary maintenance or  
32 support in such amounts and on such terms as are just and proper in the  
33 circumstances. The court may in its discretion waive the filing of the  
34 bond or the posting of security.

35 (~~(6)~~) (7) Restraining orders issued under this section  
36 restraining the person from molesting or disturbing another party or  
37 from (~~entering a party's home~~) going onto the grounds of or entering  
38 the home, workplace, or school of the other party or the day care or  
39 school of any child shall prominently bear on the front page of the

1 order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS  
2 TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.09 RCW AND WILL SUBJECT A  
3 VIOLATOR TO ARREST.

4 ~~((+7))~~ (8) The court ~~((may))~~ shall order that any temporary  
5 restraining order bearing a criminal offense legend, any domestic  
6 violence protection order, or any antiharassment protection order  
7 granted under this section be forwarded by the clerk of the court on or  
8 before the next judicial day to the appropriate law enforcement agency  
9 specified in the order. Upon receipt of the order, the law enforcement  
10 agency shall forthwith enter the order ~~((for one year))~~ into any  
11 computer-based criminal intelligence information system available in  
12 this state used by law enforcement agencies to list outstanding  
13 warrants. Entry into the law enforcement information system  
14 constitutes notice to all law enforcement agencies of the existence of  
15 the order. The order is fully enforceable in any county in the state.

16 ~~((+8))~~ (9) A temporary order, temporary restraining order, or  
17 preliminary injunction:

18 (a) Does not prejudice the rights of a party or any child which are  
19 to be adjudicated at subsequent hearings in the proceeding;

20 (b) May be revoked or modified;

21 (c) Terminates when the final decree is entered, except as provided  
22 under subsection ~~((+9))~~ (10) of this section, or when the petition for  
23 dissolution, legal separation, or declaration of invalidity is  
24 dismissed;

25 (d) May be entered in a proceeding for the modification of an  
26 existing decree.

27 ~~((+9))~~ (10) Delinquent support payments accrued under an order for  
28 temporary support remain collectible and are not extinguished when a  
29 final decree is entered unless the decree contains specific language to  
30 the contrary. A support debt under a temporary order owed to the state  
31 for public assistance expenditures shall not be extinguished by the  
32 final decree if:

33 (a) The obligor was given notice of the state's interest under  
34 chapter 74.20A RCW; or

35 (b) The temporary order directs the obligor to make support  
36 payments to the office of support enforcement or the Washington state  
37 support registry.

1       **Sec. 27.** RCW 26.09.300 and 1984 c 263 s 28 are each amended to  
2 read as follows:

3       (1) Whenever a restraining order is issued under this chapter, and  
4 the person to be restrained knows of the order, a violation of the  
5 provisions restricting the person from acts or threats of violence or  
6 of a provision excluding the person from the residence, workplace,  
7 school, or daycare of another is a misdemeanor.

8       (2) A person is deemed to have notice of a restraining order if:

9       (a) The person to be restrained or the person's attorney signed the  
10 order;

11       (b) The order recites that the person to be restrained or the  
12 person's attorney appeared in person before the court;

13       (c) The order was served upon the person to be restrained; or

14       (d) The peace officer gives the person oral or written evidence of  
15 the order by reading from it or handing to the person a certified copy  
16 of the original order, certified to be an accurate copy of the original  
17 by a notary public or by the clerk of the court.

18       (3) A peace officer shall verify the existence of a restraining  
19 order by:

20       (a) Obtaining information confirming the existence and terms of the  
21 order from a law enforcement agency; or

22       (b) Obtaining a certified copy of the order, certified to be an  
23 accurate copy of the original by a notary public or by the clerk of the  
24 court.

25       (4) A peace officer shall arrest and take into custody, pending  
26 release on bail, personal recognizance, or court order, a person  
27 without a warrant when the officer has probable cause to believe that:

28       (a) A restraining order has been issued under this chapter;

29       (b) The respondent or person to be restrained knows of the order;  
30 and

31       (c) The person to be arrested has violated the terms of the order  
32 restraining the person from acts or threats of violence or excluding  
33 the person from the residence.

34       (5) It is a defense to prosecution under subsection (1) of this  
35 section that the court order was issued contrary to law or court rule.

36       (6) No peace officer may be held criminally or civilly liable for  
37 making an arrest under subsection (4) of this section if the officer  
38 acts in good faith and without malice.

1       *\*Sec. 28. RCW 26.10.040 and 1994 sp.s. c 7 s 453 are each amended*  
2 *to read as follows:*

3       *In entering an order under this chapter, the court shall consider,*  
4 *approve, or make provision for:*

5       *(1) Child custody, visitation, and the support of any child*  
6 *entitled to support;*

7       *(2) The allocation of the children as a federal tax exemption;*  
8 *((and))*

9       *(3) Any necessary continuing restraining orders, including the*  
10 *provisions contained in RCW 9.41.800;*

11       *(4) A domestic violence protection order under chapter 26.50 RCW or*  
12 *an antiharassment protection order under chapter 10.14 RCW. The court*  
13 *may grant any of the relief provided in RCW 26.50.060 except relief*  
14 *pertaining to residential provisions for the children which provisions*  
15 *shall be provided for under this chapter, and any of the relief*  
16 *provided in RCW 10.14.080;*

17       *(5) Restraining orders issued under this section restraining the*  
18 *person from molesting or disturbing another party or from going onto*  
19 *the grounds of or entering the home, workplace, or school of the other*  
20 *party or the day care or school of any child shall prominently bear on*  
21 *the front page of the order the legend: VIOLATION OF THIS ORDER WITH*  
22 *ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.10*  
23 *RCW AND WILL SUBJECT A VIOLATOR TO ARREST;*

24       *(6) The court shall order that any restraining order bearing a*  
25 *criminal offense legend, any domestic violence protection order, or any*  
26 *antiharassment protection order granted under this section be forwarded*  
27 *by the clerk of the court on or before the next judicial day to the*  
28 *appropriate law enforcement agency specified in the order. Upon*  
29 *receipt of the order, the law enforcement agency shall forthwith enter*  
30 *the order into any computer-based criminal intelligence information*  
31 *system available in this state used by law enforcement agencies to list*  
32 *outstanding warrants. The order is fully enforceable in any county in*  
33 *the state.*

34 *\*Sec. 28 was vetoed. See message at end of chapter.*

35       **Sec. 29.** *RCW 26.10.115 and 1994 sp.s. c 7 s 454 are each amended*  
36 *to read as follows:*

37       *(1) In a proceeding under this chapter either party may file a*  
38 *motion for temporary support of children entitled to support. The*



1 motion shall be accompanied by an affidavit setting forth the factual  
2 basis for the motion and the amount requested.

3 (2) In a proceeding under this chapter either party may file a  
4 motion for a temporary restraining order or preliminary injunction,  
5 providing relief proper in the circumstances, and restraining or  
6 enjoining any person from:

7 (a) Molesting or disturbing the peace of the other party or of any  
8 child;

9 (b) Entering the family home or the home of the other party upon a  
10 showing of the necessity therefor;

11 (c) Removing a child from the jurisdiction of the court.

12 (3) Either party may request a domestic violence protection order  
13 under chapter 26.50 RCW or an antiharassment protection order under  
14 chapter 10.14 RCW on a temporary basis. The court may grant any of the  
15 relief provided in RCW 26.50.060 except relief pertaining to  
16 residential provisions for the children which provisions shall be  
17 provided for under this chapter, and any of the relief provided in RCW  
18 10.14.080. Ex parte orders issued under this subsection shall be  
19 effective for a fixed period not to exceed fourteen days, or upon court  
20 order, not to exceed twenty-four days if necessary to ensure that all  
21 temporary motions in the case can be heard at the same time.

22 (4) In issuing the order, the court shall consider the provisions  
23 of RCW 9.41.800.

24 ~~((+4))~~ (5) The court may issue a temporary restraining order  
25 without requiring notice to the other party only if it finds on the  
26 basis of the moving affidavit or other evidence that irreparable injury  
27 could result if an order is not issued until the time for responding  
28 has elapsed.

29 ~~((+5))~~ (6) The court may issue a temporary restraining order or  
30 preliminary injunction and an order for temporary support in such  
31 amounts and on such terms as are just and proper in the circumstances.

32 ~~((+6))~~ (7) Restraining orders issued under this section  
33 restraining the person from molesting or disturbing another party or  
34 from ~~((entering a party's home))~~ going onto the grounds of or entering  
35 the home, workplace, or school of the other party or the day care or  
36 school of any child shall prominently bear on the front page of the  
37 order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS  
38 TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.10 RCW AND WILL SUBJECT A  
39 VIOLATOR TO ARREST.

1       (~~(7)~~) (8) The court (~~(may)~~) shall order that any temporary  
2 restraining order bearing a criminal offense legend, any domestic  
3 violence protection order, or any antiharassment protection order  
4 granted under this section be forwarded by the clerk of the court on or  
5 before the next judicial day to the appropriate law enforcement agency  
6 specified in the order. Upon receipt of the order, the law enforcement  
7 agency shall forthwith enter the order (~~(for one year)~~) into any  
8 computer-based criminal intelligence information system available in  
9 this state used by law enforcement agencies to list outstanding  
10 warrants. Entry into the law enforcement information system  
11 constitutes notice to all law enforcement agencies of the existence of  
12 the order. The order is fully enforceable in any county in the state.

13       (~~(8)~~) (9) A temporary order, temporary restraining order, or  
14 preliminary injunction:

15       (a) Does not prejudice the rights of a party or any child which are  
16 to be adjudicated at subsequent hearings in the proceeding;

17       (b) May be revoked or modified;

18       (c) Terminates when the final order is entered or when the motion  
19 is dismissed;

20       (d) May be entered in a proceeding for the modification of an  
21 existing order.

22       (~~(9)~~) (10) A support debt owed to the state for public assistance  
23 expenditures which has been charged against a party pursuant to RCW  
24 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise  
25 extinguished by, the final decree or order, unless the office of  
26 support enforcement has been given notice of the final proceeding and  
27 an opportunity to present its claim for the support debt to the court  
28 and has failed to file an affidavit as provided in this subsection.  
29 Notice of the proceeding shall be served upon the office of support  
30 enforcement personally, or by certified mail, and shall be given no  
31 fewer than thirty days prior to the date of the final proceeding. An  
32 original copy of the notice shall be filed with the court either before  
33 service or within a reasonable time thereafter. The office of support  
34 enforcement may present its claim, and thereby preserve the support  
35 debt, by filing an affidavit setting forth the amount of the debt with  
36 the court, and by mailing a copy of the affidavit to the parties or  
37 their attorney prior to the date of the final proceeding.

1       **Sec. 30.** RCW 26.10.220 and 1987 c 460 s 50 are each amended to  
2 read as follows:

3       (1) Whenever a restraining order is issued under this chapter, and  
4 the person to be restrained knows of the order, a violation of the  
5 provisions restricting the person from acts or threats of violence or  
6 of a provision excluding the person from the residence, workplace,  
7 school, or daycare of another is a misdemeanor.

8       (2) A person is deemed to have notice of a restraining order if:

9       (a) The person to be restrained or the person's attorney signed the  
10 order;

11       (b) The order recites that the person to be restrained or the  
12 person's attorney appeared in person before the court;

13       (c) The order was served upon the person to be restrained; or

14       (d) The peace officer gives the person oral or written evidence of  
15 the order by reading from it or handing to the person a certified copy  
16 of the original order, certified to be an accurate copy of the original  
17 by a notary public or by the clerk of the court.

18       (3) A peace officer shall verify the existence of a restraining  
19 order by:

20       (a) Obtaining information confirming the existence and terms of the  
21 order from a law enforcement agency; or

22       (b) Obtaining a certified copy of the order, certified to be an  
23 accurate copy of the original by a notary public or by the clerk of the  
24 court.

25       (4) A peace officer shall arrest and take into custody, pending  
26 release on bail, personal recognizance, or court order, a person  
27 without a warrant when the officer has probable cause to believe that:

28       (a) A restraining order has been issued under this chapter;

29       (b) The respondent or person to be restrained knows of the order;  
30 and

31       (c) The person to be arrested has violated the terms of the order  
32 restraining the person from acts or threats of violence or excluding  
33 the person from the residence.

34       (5) It is a defense to prosecution under subsection (1) of this  
35 section that the court order was issued contrary to law or court rule.

36       (6) No peace officer may be held criminally or civilly liable for  
37 making an arrest under subsection (4) of this section if the officer  
38 acts in good faith and without malice.

1       **Sec. 31.** RCW 26.26.130 and 1994 sp.s. c 7 s 455 are each amended  
2 to read as follows:

3       (1) The judgment and order of the court determining the existence  
4 or nonexistence of the parent and child relationship shall be  
5 determinative for all purposes.

6       (2) If the judgment and order of the court is at variance with the  
7 child's birth certificate, the court shall order that an amended birth  
8 certificate be issued.

9       (3) The judgment and order shall contain other appropriate  
10 provisions directed to the appropriate parties to the proceeding,  
11 concerning the duty of current and future support, the extent of any  
12 liability for past support furnished to the child if that issue is  
13 before the court, the furnishing of bond or other security for the  
14 payment of the judgment, or any other matter in the best interest of  
15 the child. The judgment and order may direct the father to pay the  
16 reasonable expenses of the mother's pregnancy and confinement. The  
17 judgment and order may include a continuing restraining order or  
18 injunction. In issuing the order, the court shall consider the  
19 provisions of RCW 9.41.800.

20       (4) Support judgment and orders shall be for periodic payments  
21 which may vary in amount. The court may limit the father's liability  
22 for the past support to the child to the proportion of the expenses  
23 already incurred as the court deems just. The court shall not limit or  
24 affect in any manner the right of nonparties including the state of  
25 Washington to seek reimbursement for support and other services  
26 previously furnished to the child.

27       (5) After considering all relevant factors, the court shall order  
28 either or both parents to pay an amount determined pursuant to the  
29 schedule and standards contained in chapter 26.19 RCW.

30       (6) On the same basis as provided in chapter 26.09 RCW, the court  
31 shall make residential provisions with regard to minor children of the  
32 parties, except that a parenting plan shall not be required unless  
33 requested by a party.

34       (7) In any dispute between the natural parents of a child and a  
35 person or persons who have (a) commenced adoption proceedings or who  
36 have been granted an order of adoption, and (b) pursuant to a court  
37 order, or placement by the department of social and health services or  
38 by a licensed agency, have had actual custody of the child for a period  
39 of one year or more before court action is commenced by the natural

1 parent or parents, the court shall consider the best welfare and  
2 interests of the child, including the child's need for situation  
3 stability, in determining the matter of custody, and the parent or  
4 person who is more fit shall have the superior right to custody.

5 (8) In entering an order under this chapter, the court may issue  
6 any necessary continuing restraining orders, including the restraint  
7 provisions of domestic violence protection orders under chapter 26.50  
8 RCW or antiharassment protection orders under chapter 10.14 RCW.

9 (9) Restraining orders issued under this section restraining the  
10 person from molesting or disturbing another party or from going onto  
11 the grounds of or entering the home, workplace, or school of the other  
12 party or the day care or school of any child shall prominently bear on  
13 the front page of the order the legend: VIOLATION OF THIS ORDER WITH  
14 ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.26  
15 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

16 (10) The court shall order that any restraining order bearing a  
17 criminal offense legend, any domestic violence protection order, or any  
18 antiharassment protection order granted under this section be forwarded  
19 by the clerk of the court on or before the next judicial day to the  
20 appropriate law enforcement agency specified in the order. Upon  
21 receipt of the order, the law enforcement agency shall forthwith enter  
22 the order into any computer-based criminal intelligence information  
23 system available in this state used by law enforcement agencies to list  
24 outstanding warrants. The order is fully enforceable in any county in  
25 the state.

26 **Sec. 32.** RCW 26.26.137 and 1994 sp.s. c 7 s 456 are each amended  
27 to read as follows:

28 (1) If the court has made a finding as to the paternity of a child,  
29 or if a party's acknowledgment of paternity has been filed with the  
30 court, or a party alleges he is the father of the child, any party may  
31 move for temporary support for the child prior to the date of entry of  
32 the final order. The motion shall be accompanied by an affidavit  
33 setting forth the factual basis for the motion and the amounts  
34 requested.

35 (2) Any party may request the court to issue a temporary  
36 restraining order or preliminary injunction, providing relief proper in  
37 the circumstances, and restraining or enjoining any party from:

38 (a) Molesting or disturbing the peace of another party;

1       (b) (~~Entering the home~~) Going onto the grounds of or entering the  
2 home, workplace, or school of another party or the day care or school  
3 of any child; or

4       (c) Removing a child from the jurisdiction of the court.

5       (3) Either party may request a domestic violence protection order  
6 under chapter 26.50 RCW or an antiharassment protection order under  
7 chapter 10.14 RCW on a temporary basis. The court may grant any of the  
8 relief provided in RCW 26.50.060 except relief pertaining to  
9 residential provisions for the children which provisions shall be  
10 provided for under this chapter, and any of the relief provided in RCW  
11 10.14.080. Ex parte orders issued under this subsection shall be  
12 effective for a fixed period not to exceed fourteen days, or upon court  
13 order, not to exceed twenty-four days if necessary to ensure that all  
14 temporary motions in the case can be heard at the same time.

15       (4) Restraining orders issued under this section restraining the  
16 person from molesting or disturbing another party or from going onto  
17 the grounds of or entering the home, workplace, or school of the other  
18 party or the day care or school of any child shall prominently bear on  
19 the front page of the order the legend: VIOLATION OF THIS ORDER WITH  
20 ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.26  
21 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

22       (5) The court shall order that any temporary restraining order  
23 bearing a criminal offense legend, any domestic violence protection  
24 order, or any antiharassment protection order granted under this  
25 section be forwarded by the clerk of the court on or before the next  
26 judicial day to the appropriate law enforcement agency specified in the  
27 order. Upon receipt of the order, the law enforcement agency shall  
28 forthwith enter the order into any computer-based criminal intelligence  
29 information system available in this state used by law enforcement  
30 agencies to list outstanding warrants. The order is fully enforceable  
31 in any county in the state.

32       (6) The court may issue a temporary restraining order without  
33 requiring notice to the other party only if it finds on the basis of  
34 the moving affidavit or other evidence that irreparable injury could  
35 result if an order is not issued until the time for responding has  
36 elapsed.

37       (~~(4)~~) (7) The court may issue a temporary restraining order or  
38 preliminary injunction and an order for temporary support in such  
39 amounts and on such terms as are just and proper in the circumstances.

1 In issuing the order, the court shall consider the provisions of RCW  
2 9.41.800.

3 ~~((+5+))~~ (8) A temporary order, temporary restraining order, or  
4 preliminary injunction:

5 (a) Does not prejudice the rights of a party or any child which are  
6 to be adjudicated at subsequent hearings in the proceeding;

7 (b) May be revoked or modified;

8 (c) Terminates when the final order is entered or when the petition  
9 is dismissed; and

10 (d) May be entered in a proceeding for the modification of an  
11 existing order.

12 ~~((+6+))~~ (9) A support debt owed to the state for public assistance  
13 expenditures which has been charged against a party pursuant to RCW  
14 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise  
15 extinguished by, the final decree or order, unless the office of  
16 support enforcement has been given notice of the final proceeding and  
17 an opportunity to present its claim for the support debt to the court  
18 and has failed to file an affidavit as provided in this subsection.  
19 Notice of the proceeding shall be served upon the office of support  
20 enforcement personally, or by certified mail, and shall be given no  
21 fewer than thirty days prior to the date of the final proceeding. An  
22 original copy of the notice shall be filed with the court either before  
23 service or within a reasonable time thereafter. The office of support  
24 enforcement may present its claim, and thereby preserve the support  
25 debt, by filing an affidavit setting forth the amount of the debt with  
26 the court, and by mailing a copy of the affidavit to the parties or  
27 their attorney prior to the date of the final proceeding.

28 NEW SECTION. Sec. 33. A new section is added to chapter 26.26 RCW  
29 to read as follows:

30 (1) Whenever a restraining order is issued under this chapter, and  
31 the person to be restrained knows of the order, a violation of the  
32 provisions restricting the person from acts or threats of violence or  
33 of a provision excluding the person from the residence, workplace,  
34 school, or daycare of another is a misdemeanor.

35 (2) A person is deemed to have notice of a restraining order if:

36 (a) The person to be restrained or the person's attorney signed the  
37 order;

1 (b) The order recites that the person to be restrained or the  
2 person's attorney appeared in person before the court;

3 (c) The order was served upon the person to be restrained; or

4 (d) The peace officer gives the person oral or written evidence of  
5 the order by reading from it or handing to the person a certified copy  
6 of the original order, certified to be an accurate copy of the original  
7 by a notary public or by the clerk of the court.

8 (3) A peace officer shall verify the existence of a restraining  
9 order by:

10 (a) Obtaining information confirming the existence and terms of the  
11 order from a law enforcement agency; or

12 (b) Obtaining a certified copy of the order, certified to be an  
13 accurate copy of the original by a notary public or by the clerk of the  
14 court.

15 (4) A peace officer shall arrest and take into custody, pending  
16 release on bail, personal recognizance, or court order, a person  
17 without a warrant when the officer has probable cause to believe that:

18 (a) A restraining order has been issued under this chapter;

19 (b) The respondent or person to be restrained knows of the order;  
20 and

21 (c) The person to be arrested has violated the terms of the order  
22 restraining the person from acts or threats of violence or excluding  
23 the person from the residence.

24 (5) It is a defense to prosecution under subsection (1) of this  
25 section that the court order was issued contrary to law or court rule.

26 (6) No peace officer may be held criminally or civilly liable for  
27 making an arrest under subsection (4) of this section if the officer  
28 acts in good faith and without malice.

29 **Sec. 34.** RCW 4.24.130 and 1992 c 30 s 1 are each amended to read  
30 as follows:

31 (1) Any person desiring a change of his or her name or that of his  
32 or her child or ward, may apply therefor to the district court of the  
33 judicial district in which he or she resides, by petition setting forth  
34 the reasons for such change; thereupon such court in its discretion may  
35 order a change of the name and thenceforth the new name shall be in  
36 place of the former.

37 The district court shall collect the fees authorized by RCW  
38 36.18.010 for filing and recording a name change order, and transmit



1 the fee and the order to the county auditor. The court may collect a  
2 reasonable fee to cover the cost of transmitting the order to the  
3 county auditor.

4 (2) Name change petitions may be filed and shall be heard in  
5 superior court when the person desiring a change of his or her name or  
6 that of his or her child or ward is a victim of domestic violence as  
7 defined in RCW 26.50.010(1) and the person seeks to have the name  
8 change file sealed due to reasonable fear for his or her safety or that  
9 of his or her child or ward. Upon granting the name change, the  
10 superior court shall seal the file if the court finds that the safety  
11 of the person seeking the name change or his or her child or ward  
12 warrants sealing the file. In all cases filed under this subsection,  
13 whether or not the name change petition is granted, there shall be no  
14 public access to any court record of the name change filing,  
15 proceeding, or order, unless the name change is granted but the file is  
16 not sealed.

17 NEW SECTION. Sec. 35. A new section is added to chapter 10.14 RCW  
18 to read as follows:

19 Any order available under this chapter may be issued in actions  
20 under chapter 26.09, 26.10, or 26.26 RCW. An order available under  
21 this chapter that is issued under those chapters shall be fully  
22 enforceable and shall be enforced pursuant to the provisions of this  
23 chapter.

24 **Sec. 36.** RCW 10.14.080 and 1994 sp.s. c 7 s 448 are each amended  
25 to read as follows:

26 (1) Upon filing a petition for a civil antiharassment protection  
27 order under this chapter, the petitioner may obtain an ex parte  
28 temporary antiharassment protection order. An ex parte temporary  
29 antiharassment protection order may be granted with or without notice  
30 upon the filing of an affidavit which, to the satisfaction of the  
31 court, shows reasonable proof of unlawful harassment of the petitioner  
32 by the respondent and that great or irreparable harm will result to the  
33 petitioner if the temporary antiharassment protection order is not  
34 granted.

35 (2) An ex parte temporary antiharassment protection order shall be  
36 effective for a fixed period not to exceed fourteen days or twenty-four  
37 days if the court has permitted service by publication under RCW

1 10.14.085. The ex parte order may be reissued. A full hearing, as  
2 provided in this chapter, shall be set for not later than fourteen days  
3 from the issuance of the temporary order or not later than twenty-four  
4 days if service by publication is permitted. Except as provided in RCW  
5 10.14.070 and 10.14.085, the respondent shall be personally served with  
6 a copy of the ex parte order along with a copy of the petition and  
7 notice of the date set for the hearing.

8 (3) At the hearing, if the court finds by a preponderance of the  
9 evidence that unlawful harassment exists, a civil antiharassment  
10 protection order shall issue prohibiting such unlawful harassment.

11 (4) An order issued under this chapter shall be effective for not  
12 more than one year unless the court finds that the respondent is likely  
13 to resume unlawful harassment of the petitioner when the order expires.  
14 If so, the court may enter an order for a fixed time exceeding one year  
15 or may enter a permanent antiharassment protection order. The court  
16 shall not enter an order that is effective for more than one year if  
17 the order restrains the respondent from contacting the respondent's  
18 minor children. This limitation is not applicable to civil  
19 antiharassment protection orders issued under chapter 26.09, 26.10, or  
20 26.26 RCW. If the petitioner seeks relief for a period longer than one  
21 year on behalf of the respondent's minor children, the court shall  
22 advise the petitioner that the petitioner may apply for renewal of the  
23 order as provided in this chapter or if appropriate may seek relief  
24 pursuant to chapter 26.09 or 26.10 RCW.

25 (5) At any time within the three months before the expiration of  
26 the order, the petitioner may apply for a renewal of the order by  
27 filing a petition for renewal. The petition for renewal shall state  
28 the reasons why the petitioner seeks to renew the protection order.  
29 Upon receipt of the petition for renewal, the court shall order a  
30 hearing which shall be not later than fourteen days from the date of  
31 the order. Except as provided in RCW 10.14.085, personal service shall  
32 be made upon the respondent not less than five days before the hearing.  
33 If timely service cannot be made the court shall set a new hearing date  
34 and shall either require additional attempts at obtaining personal  
35 service or permit service by publication as provided by RCW 10.14.085.  
36 If the court permits service by publication, the court shall set the  
37 new hearing date not later than twenty-four days from the date of the  
38 order. If the order expires because timely service cannot be made the  
39 court shall grant an ex parte order of protection as provided in this

1 section. The court shall grant the petition for renewal unless the  
2 respondent proves by a preponderance of the evidence that the  
3 respondent will not resume harassment of the petitioner when the order  
4 expires. The court may renew the protection order for another fixed  
5 time period or may enter a permanent order as provided in subsection  
6 (4) of this section.

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

11 (a) Restraining the respondent from making any attempts to contact  
12 the petitioner;

13 (b) Restraining the respondent from making any attempts to keep the  
14 petitioner under surveillance;

15 (c) Requiring the respondent to stay a stated distance from the  
16 petitioner's residence and workplace; and

17 (d) Considering the provisions of RCW 9.41.800.

18 (7) A petitioner may not obtain an ex parte temporary  
19 antiharassment protection order against a respondent if the petitioner  
20 has previously obtained two such ex parte orders against the same  
21 respondent but has failed to obtain the issuance of a civil  
22 antiharassment protection order unless good cause for such failure can  
23 be shown.

24 (8) The court order shall specify the date an order issued pursuant  
25 to subsections (4) and (5) of this section expires if any. The court  
26 order shall also state whether the court issued the protection order  
27 following personal service or service by publication and whether the  
28 court has approved service by publication of an order issued under this  
29 section.

30 **Sec. 37.** RCW 36.18.010 and 1991 c 26 s 2 are each amended to read  
31 as follows:

32 County auditors or recording officers shall collect the following  
33 fees for their official services:

34 For recording instruments, for the first page, legal size (eight  
35 and one-half by fourteen inches or less), five dollars; for each  
36 additional legal size page, one dollar; the fee for recording multiple  
37 transactions contained in one instrument will be calculated

1 individually for each transaction requiring separate indexing as  
2 required under RCW 65.04.050;

3 For preparing and certifying copies, for the first legal size page,  
4 three dollars; for each additional legal size page, one dollar;

5 For preparing noncertified copies, for each legal size page, one  
6 dollar;

7 For administering an oath or taking an affidavit, with or without  
8 seal, two dollars;

9 For issuing a marriage license, eight dollars, (this fee includes  
10 taking necessary affidavits, filing returns, indexing, and transmittal  
11 of a record of the marriage to the state registrar of vital statistics)  
12 plus an additional five-dollar fee for use and support of the  
13 prevention of child abuse and neglect activities to be transmitted  
14 monthly to the state treasurer and deposited in the state general  
15 fund(~~(, which five-dollar fee shall expire June 30, 1995,)~~) plus an  
16 additional ten-dollar fee to be transmitted monthly to the state  
17 treasurer and deposited in the state general fund. The legislature  
18 intends to appropriate an amount at least equal to the revenue  
19 generated by this fee for the purposes of the displaced homemaker act,  
20 chapter 28B.04 RCW;

21 For searching records per hour, eight dollars;

22 For recording plats, fifty cents for each lot except cemetery plats  
23 for which the charge shall be twenty-five cents per lot; also one  
24 dollar for each acknowledgment, dedication, and description: PROVIDED,  
25 That there shall be a minimum fee of twenty-five dollars per plat;

26 For recording of miscellaneous records, not listed above, for first  
27 legal size page, five dollars; for each additional legal size page, one  
28 dollar;

29 For modernization and improvement of the recording and indexing  
30 system, a surcharge as provided in RCW 36.22.170.

31 NEW SECTION. **Sec. 38.** The office of the administrator for the  
32 courts shall report to the appropriate standing committees of the  
33 legislature at the beginning of the 1996 legislative session on the  
34 status of the work required under section 18 of this act.

35 NEW SECTION. **Sec. 39.** Section 37 of this act is necessary for the  
36 immediate preservation of the public peace, health, or safety, or

1 support of the state government and its existing public institutions,  
2 and shall take effect immediately.

3 NEW SECTION. **Sec. 40.** If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

Passed the Senate April 19, 1995.

Passed the House April 13, 1995.

Approved by the Governor May 5, 1995, with the exception of certain  
items which were vetoed.

Filed in Office of Secretary of State May 5, 1995.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to sections 25 and  
3 28, Engrossed Substitute Senate Bill No. 5219 entitled:

4 "AN ACT Relating to domestic violence;"

5 This bill clarifies and strengthens important provisions of the  
6 state's domestic violence law. I strongly support enactment of these  
7 provisions to provide improved safety and justice for battered  
8 partners.

9 Sections 25 and 28, however, contain amendments related to  
10 restraining orders identical to those already signed into law in  
11 sections 2 and 3 of Substitute Senate Bill No. 5835. Vetoing these  
12 duplicate sections will avoid unnecessary cross referencing  
13 requirements in the Revised Code of Washington.

14 For this reason, I am vetoing sections 25 and 28 of Engrossed  
15 Substitute Senate Bill No. 5219.

16 With the exception of sections 25 and 28, Engrossed Substitute  
17 Senate Bill No. 5219 is approved."