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**SUBSTITUTE HOUSE BILL 2756**

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**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** House Committee on Law & Justice (originally sponsored by Representatives Sheahan, Costa, Lambert, Constantine, Sherstad, Kessler, Ogden, Dickerson, Conway, Cooper, Mason, Anderson, Thompson, Gardner, Wood, Morris and Ballasiotes)

Read first time 02/06/98. Referred to Committee on .

1 AN ACT Relating to domestic violence; and amending RCW 10.31.100,  
2 26.50.060, 26.50.070, 26.50.110, 26.50.160, 26.50.135, 26.50.025,  
3 26.09.050, 26.09.060, 26.09.300, 26.10.040, 26.10.115, 26.10.220,  
4 26.26.130, 26.26.137, 26.26.138, 26.44.063, 10.99.040, and 10.99.050.

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

6 **Sec. 1.** RCW 10.31.100 and 1997 c 66 s 10 are each amended to read  
7 as follows:

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

14 (1) Any police officer having probable cause to believe that a  
15 person has committed or is committing a misdemeanor or gross  
16 misdemeanor, involving physical harm or threats of harm to any person  
17 or property or the unlawful taking of property or involving the use or  
18 possession of cannabis, or involving the acquisition, possession, or  
19 consumption of alcohol by a person under the age of twenty-one years

1 under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070  
2 or 9A.52.080, 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, from  
11 contacting or coming within a specified distance of another person with  
12 the intent of intimidating, harassing, or frightening the person or  
13 knows or reasonably should have known that the person is afraid,  
14 intimidated, or harassed even if that person did not intend to place  
15 the other person in fear, or intimidate or harass the person, or  
16 ((restraining the person)) from going onto the grounds of ((or)),  
17 entering, or coming within a specified distance of a residence,  
18 workplace, school, or day care or, in the case of an order issued under  
19 RCW 26.44.063, imposing any other restrictions or conditions upon the  
20 person; or

21 (b) The person is sixteen years or older and within the preceding  
22 four hours has assaulted a family or household member as defined in RCW  
23 10.99.020 and the officer believes: (i) A felonious assault has  
24 occurred; (ii) an assault has occurred which has resulted in bodily  
25 injury to the victim, whether the injury is observable by the  
26 responding officer or not; or (iii) that any physical action has  
27 occurred which was intended to cause another person reasonably to fear  
28 imminent serious bodily injury or death. Bodily injury means physical  
29 pain, illness, or an impairment of physical condition. When the  
30 officer has probable cause to believe that family or household members  
31 have assaulted each other, the officer is not required to arrest both  
32 persons. The officer shall arrest the person whom the officer believes  
33 to be the primary physical aggressor. In making this determination,  
34 the officer shall make every reasonable effort to consider: (i) The  
35 intent to protect victims of domestic violence under RCW 10.99.010;  
36 (ii) the comparative extent of injuries inflicted or serious threats  
37 creating fear of physical injury; and (iii) the history of domestic  
38 violence between the persons involved.

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

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

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

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

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

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

14 (f) RCW 46.61.5249, relating to operating a motor vehicle in a  
15 negligent manner.

16 (4) A law enforcement officer investigating at the scene of a motor  
17 vehicle accident may arrest the driver of a motor vehicle involved in  
18 the accident if the officer has probable cause to believe that the  
19 driver has committed in connection with the accident a violation of any  
20 traffic law or regulation.

21 (5) Any police officer having probable cause to believe that a  
22 person has committed or is committing a violation of RCW 88.12.025  
23 shall have the authority to arrest the person.

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

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

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

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

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

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

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

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

17 **Sec. 2.** RCW 26.50.060 and 1996 c 248 s 13 are each amended to read  
18 as follows:

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

21 (a) Restrain the respondent from committing acts of domestic  
22 violence;

23 (b) (~~Exclude~~) Restrain the respondent from going onto the grounds  
24 of, entering, or coming within a specified distance of the dwelling  
25 which the parties share, (~~from~~) the residence, workplace, or school  
26 of the petitioner, or (~~from~~) the day care or school of a child;

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

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

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

36 (f) Require the respondent to pay the administrative court costs  
37 and service fees, as established by the county or municipality

1 incurring the expense and to reimburse the petitioner for costs  
2 incurred in bringing the action, including a reasonable attorney's fee;

3 (g) Restrain the respondent from having any contact with or coming  
4 within a specified distance of the victim of domestic violence or the  
5 victim's children or members of the victim's household with the intent  
6 of intimidating, harassing, or frightening the victim, the victim's  
7 children, or members of the victim's household or knows or reasonably  
8 should have known that the person is afraid, intimidated, or harassed  
9 even if that person did not intend to place the other person in fear,  
10 or intimidate or harass the person;

11 (h) Require the respondent to submit to electronic monitoring. The  
12 order shall specify who shall provide the electronic monitoring  
13 services and the terms under which the monitoring must be performed.  
14 The order also may include a requirement that the respondent pay the  
15 costs of the monitoring. The court shall consider the ability of the  
16 respondent to pay for electronic monitoring;

17 (i) Consider the provisions of RCW 9.41.800;

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

21 (k) Order use of a vehicle.

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

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

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

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

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

1 (6) The court order shall specify the date the order expires if  
2 any. The court order shall also state whether the court issued the  
3 protection order following personal service, service by publication, or  
4 service by mail and whether the court has approved service by  
5 publication or mail of an order issued under this section.

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

9 **Sec. 3.** RCW 26.50.070 and 1996 c 248 s 14 are each amended to read  
10 as follows:

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

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

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

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

27 (d) Restraining any party from having any contact with or coming  
28 within a specified distance of the victim of domestic violence or the  
29 victim's children or members of the victim's household with the intent  
30 of intimidating, harassing, or frightening the victim, the victim's  
31 children, or members of the victim's household or knows or reasonably  
32 should have known that the person is afraid, intimidated, or harassed  
33 even if that person did not intend to place the other person in fear,  
34 or intimidate or harass the person; and

35 (e) Considering the provisions of RCW 9.41.800.

36 (2) Irreparable injury under this section includes but is not  
37 limited to situations in which the respondent has recently threatened

1 petitioner with bodily injury or has engaged in acts of domestic  
2 violence against the petitioner.

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

6 (4) An ex parte temporary order for protection shall be effective  
7 for a fixed period not to exceed fourteen days or twenty-four days if  
8 the court has permitted service by publication under RCW 26.50.085 or  
9 by mail under RCW 26.50.123. The ex parte order may be reissued. A  
10 full hearing, as provided in this chapter, shall be set for not later  
11 than fourteen days from the issuance of the temporary order or not  
12 later than twenty-four days if service by publication or by mail is  
13 permitted. Except as provided in RCW 26.50.050, 26.50.085, and  
14 26.50.123, the respondent shall be personally served with a copy of the  
15 ex parte order along with a copy of the petition and notice of the date  
16 set for the hearing.

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

21 (6) If the court declines to issue an ex parte temporary order for  
22 protection the court shall state the particular reasons for the court's  
23 denial. The court's denial of a motion for an ex parte order of  
24 protection shall be filed with the court.

25 **Sec. 4.** RCW 26.50.110 and 1996 c 248 s 16 are each amended to read  
26 as follows:

27 (1) Whenever an order for protection is granted under this chapter  
28 and the respondent or person to be restrained knows of the order, a  
29 violation of ~~((the))~~ any restraint provision~~((s or of))~~ including a  
30 provision ~~((excluding))~~ restraining the person from going onto the  
31 grounds of, entering, or coming within a specified distance of a  
32 residence, workplace, school, or day care is a gross misdemeanor except  
33 as provided in subsections (4) and (5) of this section. Upon  
34 conviction, and in addition to any other penalties provided by law, the  
35 court may require that the respondent submit to electronic monitoring.  
36 The court shall specify who shall provide the electronic monitoring  
37 services, and the terms under which the monitoring shall be performed.  
38 The order also may include a requirement that the respondent pay the



1 costs of the monitoring. The court shall consider the ability of the  
2 convicted person to pay for electronic monitoring.

3 (2) A peace officer shall arrest without a warrant and take into  
4 custody a person whom the peace officer has probable cause to believe  
5 has violated an order issued under this chapter that restrains the  
6 person (~~(or excludes the person)~~) in any manner including from going  
7 onto the grounds of, entering, or coming within a specified distance of  
8 a residence, workplace, school, or day care, if the person restrained  
9 knows of the order. Presence of the order in the law enforcement  
10 computer-based criminal intelligence information system is not the only  
11 means of establishing knowledge of the order.

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

14 (4) Any assault that is a violation of an order issued under this  
15 chapter and that does not amount to assault in the first or second  
16 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any  
17 conduct in violation of a protective order issued under this chapter  
18 that is reckless and creates a substantial risk of death or serious  
19 physical injury to another person is a class C felony.

20 (5) A violation of a court order issued under this chapter is a  
21 class C felony if the offender has at least two previous convictions  
22 for violating the provisions of a no-contact order issued under chapter  
23 10.99 RCW, a domestic violence protection order issued under chapter  
24 26.09, 26.10, or 26.26 RCW or this chapter, or any federal or out-of-  
25 state order that is comparable to a no-contact or protection order  
26 issued under Washington law. The previous convictions may involve the  
27 same victim or other victims specifically protected by the no-contact  
28 orders or protection orders the offender violated.

29 (6) Upon the filing of an affidavit by the petitioner or any peace  
30 officer alleging that the respondent has violated an order for  
31 protection granted under this chapter, the court may issue an order to  
32 the respondent, requiring the respondent to appear and show cause  
33 within fourteen days why the respondent should not be found in contempt  
34 of court and punished accordingly. The hearing may be held in the  
35 court of any county or municipality in which the petitioner or  
36 respondent temporarily or permanently resides at the time of the  
37 alleged violation.

1       **Sec. 5.** RCW 26.50.160 and 1995 c 246 s 18 are each amended to read  
2 as follows:

3       ~~Notwithstanding any statutes to the contrary, to prevent the~~  
4 issuance of competing protection and custody orders in different courts  
5 and to give courts needed information for issuance of orders, ~~((the~~  
6 ~~judicial information system shall be available in each district,~~  
7 ~~municipal, and superior court by July 1, 1997, and shall include a data~~  
8 ~~base containing the following information:~~

9       ~~(1) The names of the parties and the cause number for))~~ the  
10 legislature finds it is necessary and in the public's interest for  
11 courts to collect and enter into the judicial information system  
12 personal identifiers on all parties and other persons named in orders  
13 in the following actions: Every order of protection issued under this  
14 title, every criminal no-contact order issued under chapter 10.99 RCW,  
15 every antiharassment order issued under chapter 10.14 RCW, every  
16 dissolution action under chapter 26.09 RCW involving either minor  
17 children or a restraining order wherein the court restricts personal  
18 contact, every third-party custody action under chapter 26.10 RCW,  
19 ~~((and)) every parentage action under chapter ((26.10)) 26.26 RCW((+~~

20       ~~(2) A criminal history of the parties; and~~

21       ~~(3) Other relevant information necessary to assist courts in~~  
22 issuing orders under this chapter as determined by the judicial  
23 information system committee)) upon entry of the final judgment and  
24 order, every child custody action under chapter 26.27 RCW, every  
25 dependency and termination of parent-child relationship action under  
26 chapter 13.34 RCW, and every at-risk youth and child in need of  
27 services action under chapter 13.32A RCW in which a residential  
28 placement decision is made. The data shall include full legal name,  
29 names also known by or previously known by, case number and date of  
30 birth, and one other identifier to be determined by the judicial  
31 information system. This information shall be entered on all parties  
32 to the case and for other persons named in the order. This  
33 information, along with the judicial information criminal case history  
34 of the parties, and the order history for each case type named, shall  
35 be shared with all municipal, district, and superior courts in the  
36 state.

37       Collecting information and entering it in the judicial information  
38 system under this section does not constitute the practice of law, and  
39 clerks are not responsible for incorrect or incomplete information

1 provided by the litigants and entered in the judicial information  
2 system. County clerks are not liable for unauthorized release of  
3 information outside their office by court personnel. Sharing this  
4 information with other courts in the state of Washington does not  
5 violate statutory confidentiality restrictions, provided that juvenile  
6 dependency records covered by RCW 13.50.100 may be shared only among  
7 superior courts.

8 **Sec. 6.** RCW 26.50.135 and 1995 c 246 s 19 are each amended to read  
9 as follows:

10 (1) Notwithstanding any statutes to the contrary, before granting  
11 an order under this chapter directing residential placement of a child  
12 or restraining or limiting a party's contact with a child, the court  
13 shall consult the judicial information system, if available, to  
14 determine the pendency of other proceedings involving the residential  
15 placement of any child of the parties for whom residential placement  
16 has been requested. Providing to the court judicial information from  
17 the judicial information system under this section does not constitute  
18 the practice of law by the clerks, and clerks are not responsible for  
19 incorrect information. County clerks are not liable for unauthorized  
20 release of court information outside their office by court personnel.  
21 Sharing information from the judicial information system with other  
22 courts in the state of Washington does not violate statutory  
23 confidentiality restrictions; however, juvenile dependency records  
24 covered by RCW 13.50.100 may be shared only among superior courts.

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

29 **Sec. 7.** RCW 26.50.025 and 1995 c 246 s 2 are each amended to read  
30 as follows:

31 (1) Any order available under this chapter may be issued in actions  
32 under chapter 26.09, 26.10, or 26.26 RCW after entry of the judgment  
33 and order determining the parent and child relationship. If an order  
34 for protection is issued in an action under chapter 26.09, 26.10, or  
35 26.26 RCW, the order shall be issued on the forms mandated by RCW  
36 26.50.035(1). An order issued in accordance with this subsection is

1 fully enforceable and shall be enforced under the provisions of this  
2 chapter.

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

11 **Sec. 8.** RCW 26.09.050 and 1995 c 93 s 2 are each amended to read  
12 as follows:

13 (1) In entering a decree of dissolution of marriage, legal  
14 separation, or declaration of invalidity, the court shall determine the  
15 marital status of the parties, make provision for a parenting plan for  
16 any minor child of the marriage, make provision for the support of any  
17 child of the marriage entitled to support, consider or approve  
18 provision for the maintenance of either spouse, make provision for the  
19 disposition of property and liabilities of the parties, make provision  
20 for the allocation of the children as federal tax exemptions, make  
21 provision for any necessary continuing restraining orders including the  
22 provisions contained in RCW 9.41.800, make provision for the issuance  
23 within this action of the restraint provisions of a domestic violence  
24 protection order under chapter 26.50 RCW or an antiharassment  
25 protection order under chapter 10.14 RCW, and make provision for the  
26 change of name of any party.

27 (2) Restraining orders issued under this section restraining the  
28 person from acts or threats of violence or molesting or disturbing  
29 another party, from contacting or coming within a specified distance of  
30 another party with the intent of intimidating, harassing, or  
31 frightening the party or knows or reasonably should have known that the  
32 person is afraid, intimidated, or harassed even if that person did not  
33 intend to place the other person in fear, or intimidate or harass the  
34 person, or from going onto the grounds of ((~~or~~)), entering, or coming  
35 within a specified distance of the home, workplace, or school of the  
36 other party or the day care or school of any child shall prominently  
37 bear on the front page of the order the legend: VIOLATION OF THIS

1 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER  
2 CHAPTER 26.09 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

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

14 **Sec. 9.** RCW 26.09.060 and 1995 c 246 s 26 are each amended to read  
15 as follows:

16 (1) In a proceeding for:

17 (a) Dissolution of marriage, legal separation, or a declaration of  
18 invalidity; or

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

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

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

35 (b) Acts or threats of violence or molesting or disturbing the  
36 peace of the other party or of any child;

37 (c) Going onto the grounds of ((~~or~~)), entering, or coming within a  
38 specified distance of the home, workplace, or school of the other party

1 or the day care or school of any child upon a showing of the necessity  
2 therefor;

3 (d) Removing a child from the jurisdiction of the court;

4 (e) Contacting or coming within a specified distance of another  
5 party with the intent of intimidating, harassing, or frightening the  
6 party or knows or reasonably should have known that the person is  
7 afraid, intimidated, or harassed even if that person did not intend to  
8 place the other person in fear, or intimidate or harass the person.

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

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

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

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

31 (7) Restraining orders issued under this section restraining the  
32 person from acts or threats of violence or molesting or disturbing  
33 another party, from contacting or coming within a specified distance of  
34 another party with the intent of intimidating, harassing, or  
35 frightening the party or knows or reasonably should have known that the  
36 person is afraid, intimidated, or harassed even if that person did not  
37 intend to place the other person in fear, or intimidate or harass the  
38 person, or from going onto the grounds of ((e)), entering, or coming  
39 within a specified distance of the home, workplace, or school of the

1 other party or the day care or school of any child shall prominently  
2 bear on the front page of the order the legend: VIOLATION OF THIS  
3 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER  
4 CHAPTER 26.09 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

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

17 (9) A temporary order, temporary restraining order, or preliminary  
18 injunction:

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

21 (b) May be revoked or modified;

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

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

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

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

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

1       **Sec. 10.** RCW 26.09.300 and 1996 c 248 s 9 are each amended to read  
2 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 molesting or disturbing another party, from contacting or coming within  
7 a specified distance of another party with the intent of intimidating,  
8 harassing, or frightening the party or knows or reasonably should have  
9 known that the person is afraid, intimidated, or harassed even if that  
10 person did not intend to place the other person in fear, or intimidate  
11 or harass the person, or ((of a provision restraining the person)) from  
12 going onto the grounds of ((~~or~~)), entering, or coming within a  
13 specified distance of the residence, workplace, school, or day care of  
14 another is a misdemeanor.

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

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

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

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

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

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

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

29       (b) Obtaining a certified copy of the order, certified to be an  
30 accurate copy of the original by a notary public or by the clerk of the  
31 court.

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

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

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

38       (c) The person to be arrested has violated the terms of the order  
39 restraining the person from acts or threats of violence or molesting or



1 disturbing another, from contacting or coming within a specified  
2 distance of another party with the intent of intimidating, harassing,  
3 or frightening the party or knows or reasonably should have known that  
4 the person is afraid, intimidated, or harassed even if that person did  
5 not intend to place the other person in fear, or intimidate or harass  
6 the person, or ((restraining the person)) from going onto the grounds  
7 of ((œ)), entering, or coming within a specified distance of the  
8 residence, workplace, school, or day care of another.

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

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

14 **Sec. 11.** RCW 26.10.040 and 1995 c 93 s 3 are each amended to read  
15 as follows:

16 In entering an order under this chapter, the court shall consider,  
17 approve, or make provision for:

18 (1) Child custody, visitation, and the support of any child  
19 entitled to support;

20 (2) The allocation of the children as a federal tax exemption;

21 (3) Any necessary continuing restraining orders, including the  
22 provisions contained in RCW 9.41.800;

23 (4) A domestic violence protection order under chapter 26.50 RCW or  
24 an antiharassment protection order under chapter 10.14 RCW. The court  
25 may grant any of the relief provided in RCW 26.50.060 except relief  
26 pertaining to residential provisions for the children which provisions  
27 shall be provided for under this chapter, and any of the relief  
28 provided in RCW 10.14.080;

29 (5) Restraining orders issued under this section restraining the  
30 person from acts or threats of violence or molesting or disturbing  
31 another party, from contacting or coming within a specified distance of  
32 another party with the intent of intimidating, harassing, or  
33 frightening the party or knows or reasonably should have known that the  
34 person is afraid, intimidated, or harassed even if that person did not  
35 intend to place the other person in fear, or intimidate or harass the  
36 person, or from going onto the grounds of ((œ)), entering, or coming  
37 within a specified distance of the home, workplace, or school of the  
38 other party or the day care or school of any child shall prominently

1 bear on the front page of the order the legend: VIOLATION OF THIS  
2 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER  
3 CHAPTER 26.10 RCW AND WILL SUBJECT A VIOLATOR TO ARREST;

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

15 **Sec. 12.** RCW 26.10.115 and 1995 c 246 s 29 are each amended to  
16 read as follows:

17 (1) In a proceeding under this chapter either party may file a  
18 motion for temporary support of children entitled to support. The  
19 motion shall be accompanied by an affidavit setting forth the factual  
20 basis for the motion and the amount requested.

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

25 (a) Acts or threats of violence or molesting or disturbing the  
26 peace of the other party or of any child;

27 (b) (~~Entering the family home or the home of the other party~~)  
28 Going onto the grounds of, entering, or coming within a specified  
29 distance of the home, workplace, or school of another party or the day  
30 care or school of any child upon a showing of the necessity therefor;

31 (c) Removing a child from the jurisdiction of the court;

32 (d) Contacting or coming within a specified distance of another  
33 party with the intent of intimidating, harassing, or frightening the  
34 party or knows or reasonably should have known that the person is  
35 afraid, intimidated, or harassed even if that person did not intend to  
36 place the other person in fear, or intimidate or harass the person.

37 (3) Either party may request a domestic violence protection order  
38 under chapter 26.50 RCW or an antiharassment protection order under

1 chapter 10.14 RCW on a temporary basis. The court may grant any of the  
2 relief provided in RCW 26.50.060 except relief pertaining to  
3 residential provisions for the children which provisions shall be  
4 provided for under this chapter, and any of the relief provided in RCW  
5 10.14.080. Ex parte orders issued under this subsection shall be  
6 effective for a fixed period not to exceed fourteen days, or upon court  
7 order, not to exceed twenty-four days if necessary to ensure that all  
8 temporary motions in the case can be heard at the same time.

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

11 (5) The court may issue a temporary restraining order without  
12 requiring notice to the other party only if it finds on the basis of  
13 the moving affidavit or other evidence that irreparable injury could  
14 result if an order is not issued until the time for responding has  
15 elapsed.

16 (6) The court may issue a temporary restraining order or  
17 preliminary injunction and an order for temporary support in such  
18 amounts and on such terms as are just and proper in the circumstances.

19 (7) Restraining orders issued under this section restraining the  
20 person from acts or threats of violence or molesting or disturbing  
21 another party, from contacting or coming within a specified distance of  
22 another party with the intent of intimidating, harassing, or  
23 frightening the party or knows or reasonably should have known that the  
24 person is afraid, intimidated, or harassed even if that person did not  
25 intend to place the other person in fear, or intimidate or harass the  
26 person, or from going onto the grounds of ((eæ)), entering, or coming  
27 within a specified distance of the home, workplace, or school of the  
28 other party or the day care or school of any child shall prominently  
29 bear on the front page of the order the legend: VIOLATION OF THIS  
30 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER  
31 CHAPTER 26.10 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

32 (8) The court shall order that any temporary restraining order  
33 bearing a criminal offense legend, any domestic violence protection  
34 order, or any antiharassment protection order granted under this  
35 section be forwarded by the clerk of the court on or before the next  
36 judicial day to the appropriate law enforcement agency specified in the  
37 order. Upon receipt of the order, the law enforcement agency shall  
38 forthwith enter the order into any computer-based criminal intelligence  
39 information system available in this state used by law enforcement

1 agencies to list outstanding warrants. Entry into the law enforcement  
2 information system constitutes notice to all law enforcement agencies  
3 of the existence of the order. The order is fully enforceable in any  
4 county in the state.

5 (9) A temporary order, temporary restraining order, or preliminary  
6 injunction:

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

9 (b) May be revoked or modified;

10 (c) Terminates when the final order is entered or when the motion  
11 is dismissed;

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

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

30 **Sec. 13.** RCW 26.10.220 and 1996 c 248 s 10 are each amended to  
31 read as follows:

32 (1) Whenever a restraining order is issued under this chapter, and  
33 the person to be restrained knows of the order, a violation of the  
34 provisions restricting the person from acts or threats of violence or  
35 molesting or disturbing another party, from contacting or coming within  
36 a specified distance of another party with the intent of intimidating,  
37 harassing, or frightening the party or knows or reasonably should have  
38 known that the person is afraid, intimidated, or harassed even if that

1 person did not intend to place the other person in fear, or intimidate  
2 or harass the person, or ((of a provision restraining the person)) from  
3 going onto the grounds of ((~~or~~)), entering, or coming within a  
4 specified distance of the residence, workplace, school, or day care of  
5 another is a misdemeanor.

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

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

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

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

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

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

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

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

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

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

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

29 (c) The person to be arrested has violated the terms of the order  
30 restraining the person from acts or threats of violence or molesting or  
31 disturbing another party, from contacting or coming within a specified  
32 distance of another party with the intent of intimidating, harassing,  
33 or frightening the party or knows or reasonably should have known that  
34 the person is afraid, intimidated, or harassed even if that person did  
35 not intend to place the other person in fear, or intimidate or harass  
36 the person, or restraining the person from going onto the grounds of  
37 ((~~or~~)), entering, or coming within a specified distance of the  
38 residence, workplace, school, or day care of another.

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

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

6 **Sec. 14.** RCW 26.26.130 and 1997 c 58 s 947 are each amended to  
7 read as follows:

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

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

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

25 (4) The judgment and order shall contain the social security  
26 numbers of all parties to the order.

27 (5) Support judgment and orders shall be for periodic payments  
28 which may vary in amount. The court may limit the father's liability  
29 for the past support to the child to the proportion of the expenses  
30 already incurred as the court deems just. The court shall not limit or  
31 affect in any manner the right of nonparties including the state of  
32 Washington to seek reimbursement for support and other services  
33 previously furnished to the child.

34 (6) After considering all relevant factors, the court shall order  
35 either or both parents to pay an amount determined pursuant to the  
36 schedule and standards contained in chapter 26.19 RCW.

37 (7) On the same basis as provided in chapter 26.09 RCW, the court  
38 shall make residential provisions with regard to minor children of the

1 parties, except that a parenting plan shall not be required unless  
2 requested by a party.

3 (8) In any dispute between the natural parents of a child and a  
4 person or persons who have (a) commenced adoption proceedings or who  
5 have been granted an order of adoption, and (b) pursuant to a court  
6 order, or placement by the department of social and health services or  
7 by a licensed agency, have had actual custody of the child for a period  
8 of one year or more before court action is commenced by the natural  
9 parent or parents, the court shall consider the best welfare and  
10 interests of the child, including the child's need for situation  
11 stability, in determining the matter of custody, and the parent or  
12 person who is more fit shall have the superior right to custody.

13 (9) In entering an order under this chapter, the court may issue  
14 any necessary continuing restraining orders, including the restraint  
15 provisions of domestic violence protection orders under chapter 26.50  
16 RCW or antiharassment protection orders under chapter 10.14 RCW.

17 (10) Restraining orders issued under this section restraining the  
18 person from acts or threats of violence or molesting or disturbing  
19 another party, from contacting or coming within a specified distance of  
20 another party with the intent of intimidating, harassing, or  
21 frightening the party or knows or reasonably should have known that the  
22 person is afraid, intimidated, or harassed even if that person did not  
23 intend to place the other person in fear, or intimidate or harass the  
24 person, or from going onto the grounds of ((e~~r~~)), entering, or coming  
25 within a specified distance of the home, workplace, or school of the  
26 other party or the day care or school of any child shall prominently  
27 bear on the front page of the order the legend: VIOLATION OF THIS  
28 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER  
29 CHAPTER 26.26 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

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

1       **Sec. 15.** RCW 26.26.137 and 1995 c 246 s 32 are each amended to  
2 read as follows:

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

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

13       (a) Acts or threats of violence or molesting or disturbing the  
14 peace of another party;

15       (b) Going onto the grounds of ((~~or~~)), entering, or coming within a  
16 specified distance of the home, workplace, or school of another party  
17 or the day care or school of any child; ((~~or~~))

18       (c) Removing a child from the jurisdiction of the court; or

19       (d) Contacting or coming within a specified distance of another  
20 party with the intent of intimidating, harassing, or frightening the  
21 party or knows or reasonably should have known that the person is  
22 afraid, intimidated, or harassed even if that person did not intend to  
23 place the other person in fear, or intimidate or harass the person.

24       Orders issued under (c) of this subsection will not be entered into  
25 the judicial information system.

26       (3) Either party may request a domestic violence protection order  
27 under chapter 26.50 RCW or an antiharassment protection order under  
28 chapter 10.14 RCW on a temporary basis. However, until final judgment  
29 is entered, domestic violence protection orders and antiharassment  
30 protection orders will be filed as separate civil causes of action.  
31 The court may grant any of the relief provided in RCW 26.50.060 except  
32 relief pertaining to residential provisions for the children which  
33 provisions shall be provided for under this chapter, and any of the  
34 relief provided in RCW 10.14.080. Ex parte orders issued under this  
35 subsection shall be effective for a fixed period not to exceed fourteen  
36 days, or upon court order, not to exceed twenty-four days if necessary  
37 to ensure that all temporary motions in the case can be heard at the  
38 same time.



1 (4) Restraining orders issued under this section restraining the  
2 person from acts or threats of violence or molesting or disturbing  
3 another party, contacting or coming within a specified distance of  
4 another party with the intent of intimidating, harassing, or  
5 frightening the party or knows or reasonably should have known that the  
6 person is afraid, intimidated, or harassed even if that person did not  
7 intend to place the other person in fear, or intimidate or harass the  
8 person, or from going onto the grounds of ((e)), entering, or coming  
9 within a specified distance of the home, workplace, or school of the  
10 other party or the day care or school of any child shall prominently  
11 bear on the front page of the order the legend: VIOLATION OF THIS  
12 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER  
13 CHAPTER 26.26 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

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

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

29 (7) 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 In issuing the order, the court shall consider the provisions of RCW  
33 9.41.800.

34 (8) A temporary order, temporary restraining order, or preliminary  
35 injunction:

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

38 (b) May be revoked or modified;

1 (c) Terminates when the final order is entered or when the petition  
2 is dismissed; and

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

5 (9) A support debt owed to the state for public assistance  
6 expenditures which has been charged against a party pursuant to RCW  
7 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise  
8 extinguished by, the final decree or order, unless the office of  
9 support enforcement has been given notice of the final proceeding and  
10 an opportunity to present its claim for the support debt to the court  
11 and has failed to file an affidavit as provided in this subsection.  
12 Notice of the proceeding shall be served upon the office of support  
13 enforcement personally, or by certified mail, and shall be given no  
14 fewer than thirty days prior to the date of the final proceeding. An  
15 original copy of the notice shall be filed with the court either before  
16 service or within a reasonable time thereafter. The office of support  
17 enforcement may present its claim, and thereby preserve the support  
18 debt, by filing an affidavit setting forth the amount of the debt with  
19 the court, and by mailing a copy of the affidavit to the parties or  
20 their attorney prior to the date of the final proceeding.

21 **Sec. 16.** RCW 26.26.138 and 1996 c 248 s 11 are each amended to  
22 read as follows:

23 (1) Whenever a restraining order is issued under this chapter, and  
24 the person to be restrained knows of the order, a violation of the  
25 provisions restricting the person from acts or threats of violence or  
26 molesting or disturbing another party, or contacting or coming within  
27 a specified distance of another party with the intent of intimidating,  
28 harassing, or frightening the party or knows or reasonably should have  
29 known that the person is afraid, intimidated, or harassed even if that  
30 person did not intend to place the other person in fear, or intimidate  
31 or harass the person, or of a provision restraining the person from  
32 going onto the grounds of ((e~~r~~)), entering, or coming within a  
33 specified distance of the residence, workplace, school, or day care of  
34 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 molesting or  
23 disturbing another party, from contacting or coming within a specified  
24 distance of another party with the intent of intimidating, harassing,  
25 or frightening the party or knows or reasonably should have known that  
26 the person is afraid, intimidated, or harassed even if that person did  
27 not intend to place the other person in fear, or intimidate or harass  
28 the person, or ((restraining the person)) from going onto the grounds  
29 of ((or)), entering, or coming within a specified distance of the  
30 residence, workplace, school, or day care of another.

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

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

36 **Sec. 17.** RCW 26.44.063 and 1993 c 412 s 15 are each amended to  
37 read as follows:

1 (1) It is the intent of the legislature to minimize trauma to a  
2 child involved in an allegation of sexual or physical abuse. The  
3 legislature declares that removing the child from the home often has  
4 the effect of further traumatizing the child. It is, therefore, the  
5 legislature's intent that the alleged offender, rather than the child,  
6 shall be removed from the home and that this should be done at the  
7 earliest possible point of intervention in accordance with RCW  
8 10.31.100, 13.34.130, this section, and RCW 26.44.130.

9 (2) In any judicial proceeding in which it is alleged that a child  
10 has been subjected to sexual or physical abuse, if the court finds  
11 reasonable grounds to believe that an incident of sexual or physical  
12 abuse has occurred, the court may, on its own motion, or the motion of  
13 the guardian ad litem or other parties, issue a temporary restraining  
14 order or preliminary injunction restraining or enjoining the person  
15 accused of committing the abuse from:

16 (a) Acts or threats of violence or molesting or disturbing the  
17 peace of the alleged victim;

18 (b) Going onto the grounds of, entering, or coming within a  
19 specified distance of the family home, school, or day care of the  
20 alleged victim except as specifically authorized by the court; or

21 (c) Having any contact with or coming within a specified distance  
22 of the alleged victim with the intent of intimidating, harassing, or  
23 frightening the alleged victim or knows or reasonably should have known  
24 that the person is afraid, intimidated, or harassed even if that person  
25 did not intend to place the other person in fear, or intimidate or  
26 harass the person, except as specifically authorized by the court.

27 (3) In issuing a temporary restraining order or preliminary  
28 injunction, the court may impose any additional restrictions that the  
29 court in its discretion determines are necessary to protect the child  
30 from further abuse or emotional trauma pending final resolution of the  
31 abuse allegations.

32 (4) The court shall issue a temporary restraining order prohibiting  
33 a person from entering the family home if the court finds that the  
34 order would eliminate the need for an out-of-home placement to protect  
35 the child's right to nurturance, health, and safety and is sufficient  
36 to protect the child from further sexual or physical abuse or coercion.

37 (5) The court may issue a temporary restraining order without  
38 requiring notice to the party to be restrained or other parties only if  
39 it finds on the basis of the moving affidavit or other evidence that

1 irreparable injury could result if an order is not issued until the  
2 time for responding has elapsed.

3 (6) A temporary restraining order or preliminary injunction:

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

6 (b) May be revoked or modified.

7 (7) The person having physical custody of the child shall have an  
8 affirmative duty to assist in the enforcement of the restraining order  
9 including but not limited to a duty to notify the court as soon as  
10 practicable of any violation of the order, a duty to request the  
11 assistance of law enforcement officers to enforce the order, and a duty  
12 to notify the department of social and health services of any violation  
13 of the order as soon as practicable if the department is a party to the  
14 action. Failure by the custodial party to discharge these affirmative  
15 duties shall be subject to contempt proceedings.

16 (8) Willful violation of a court order entered under this section  
17 is a misdemeanor. A written order shall contain the court's directive  
18 and shall bear the legend: "Violation of this order with actual notice  
19 of its terms is a criminal offense under chapter 26.44 RCW, is also  
20 subject to contempt proceedings, and will subject a violator to  
21 arrest."

22 **Sec. 18.** RCW 10.99.040 and 1997 c 338 s 54 are each amended to  
23 read as follows:

24 (1) Because of the serious nature of domestic violence, the court  
25 in domestic violence actions:

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

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

30 (c) Shall waive any requirement that the victim's location be  
31 disclosed to any person, other than the attorney of a criminal  
32 defendant, upon a showing that there is a possibility of further  
33 violence: PROVIDED, That the court may order a criminal defense  
34 attorney not to disclose to his or her client the victim's location;  
35 and

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

1 (2) Because of the likelihood of repeated violence directed at  
2 those who have been victims of domestic violence in the past, when any  
3 person charged with or arrested for a crime involving domestic violence  
4 is held in or released from custody before arraignment or trial on bail  
5 or personal recognizance, the court ((authorizing the release)) may  
6 prohibit that person from having any contact with the victim or coming  
7 within a specified distance of the victim with the intent of  
8 intimidating, harassing, or frightening the victim or knows or  
9 reasonably should have known that the person is afraid, intimidated, or  
10 harassed even if that person did not intend to place the other person  
11 in fear, or intimidate or harass the person. The jurisdiction  
12 authorizing the release or in which the person is held in custody shall  
13 determine whether that person should be prohibited from having any  
14 contact with the victim or coming within a specified distance of the  
15 victim with the intent of intimidating, harassing, or frightening the  
16 victim or knows or reasonably should have known that the person is  
17 afraid, intimidated, or harassed even if that person did not intend to  
18 place the other person in fear, or intimidate or harass the person. If  
19 there is no outstanding restraining or protective order prohibiting  
20 that person from having contact with the victim or coming within a  
21 specified distance of the victim, the court ((authorizing release)) may  
22 issue, by telephone, a no-contact order prohibiting the person charged  
23 or arrested from having contact with the victim or coming within a  
24 specified distance of the victim with the intent of intimidating,  
25 harassing, or frightening the victim or knows or reasonably should have  
26 known that the person is afraid, intimidated, or harassed even if that  
27 person did not intend to place the other person in fear, or intimidate  
28 or harass the person. In issuing the order, the court shall consider  
29 the provisions of RCW 9.41.800. The ~~((no-contact))~~ order shall also be  
30 issued in writing as soon as possible.

31 (3) At the time of arraignment the court shall determine whether  
32 ~~((a no-contact))~~ an order under this section shall be issued or  
33 extended. If ~~((a no-contact))~~ an order is issued or extended, the  
34 court may also include in the conditions of release a requirement that  
35 the defendant submit to electronic monitoring. If electronic  
36 monitoring is ordered, the court shall specify who shall provide the  
37 monitoring services, and the terms under which the monitoring shall be  
38 performed. Upon conviction, the court may require as a condition of

1 the sentence that the defendant reimburse the providing agency for the  
2 costs of the electronic monitoring.

3 (4)(a) Willful violation of a court order issued under subsection  
4 (2) or (3) of this section is a gross misdemeanor except as provided in  
5 (b) and (c) of this subsection (4). Upon conviction and in addition to  
6 other penalties provided by law, the court may require that the  
7 defendant submit to electronic monitoring. The court shall specify who  
8 shall provide the electronic monitoring services and the terms under  
9 which the monitoring must be performed. The court also may include a  
10 requirement that the defendant pay the costs of the monitoring. The  
11 court shall consider the ability of the convicted person to pay for  
12 electronic monitoring.

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

20 (c) A willful violation of a court order issued under this section  
21 is a class C felony if the offender has at least two previous  
22 convictions for violating the provisions of ~~((a no-contact))~~ an order  
23 issued under this chapter, a domestic violence protection order issued  
24 under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-  
25 of-state order that is comparable to a no-contact order or protection  
26 order issued under Washington law. The previous convictions may  
27 involve the same victim or other victims specifically protected by the  
28 ~~((no-contact orders or protection))~~ orders the offender violated.

29 (d) The written order releasing or holding in custody the person  
30 charged or arrested shall contain the court's directives and shall bear  
31 the legend: "Violation of this order is a criminal offense under  
32 chapter 10.99 RCW and will subject a violator to arrest; any assault,  
33 drive-by shooting, or reckless endangerment that is a violation of this  
34 order is a felony. You can be arrested even if any person protected by  
35 the order invites or allows you to violate the order's prohibitions.  
36 You have the sole responsibility to avoid or refrain from violating the  
37 order's provisions. Only the court can change the order." A certified  
38 copy of the order shall be provided to the victim. If ~~((a no-contact~~  
39 ~~order))~~ an order prohibiting contact with or coming within a specified

1 distance of the victim with the intent of intimidating, harassing, or  
2 frightening the victim or knows or reasonably should have known that  
3 the person is afraid, intimidated, or harassed even if that person did  
4 not intend to place the other person in fear, or intimidate or harass  
5 the person has been issued prior to charging, that order shall expire  
6 at arraignment or within seventy-two hours if charges are not filed.  
7 Such orders need not be entered into the computer-based criminal  
8 intelligence information system in this state which is used by law  
9 enforcement agencies to list outstanding warrants.

10 (5) Whenever an order prohibiting contact with or coming within a  
11 specified distance of the victim with the intent of intimidating,  
12 harassing, or frightening the victim or knows or reasonably should have  
13 known that the person is afraid, intimidated, or harassed even if that  
14 person did not intend to place the other person in fear, or intimidate  
15 or harass the person is issued, modified, or terminated under  
16 subsection (2) or (3) of this section, the clerk of the court shall  
17 forward a copy of the order on or before the next judicial day to the  
18 appropriate law enforcement agency specified in the order. Upon  
19 receipt of the copy of the order the law enforcement agency shall  
20 forthwith enter the order for one year or until the expiration date  
21 specified on the order into any computer-based criminal intelligence  
22 information system available in this state used by law enforcement  
23 agencies to list outstanding warrants. Entry into the law enforcement  
24 information system constitutes notice to all law enforcement agencies  
25 of the existence of the order. The order is fully enforceable in any  
26 jurisdiction in the state.

27 **Sec. 19.** RCW 10.99.050 and 1997 c 338 s 55 are each amended to  
28 read as follows:

29 (1) When a defendant is found guilty of a crime and a condition of  
30 the sentence restricts the defendant's ability to have contact with the  
31 victim or to come within a specified distance of the victim with the  
32 intent of intimidating, harassing, or frightening the victim or knows  
33 or reasonably should have known that the person is afraid, intimidated,  
34 or harassed even if that person did not intend to place the other  
35 person in fear, or intimidate or harass the person, such condition  
36 shall be recorded and a written certified copy of that order shall be  
37 provided to the victim.



1 (2) Willful violation of a court order issued under this section is  
2 a gross misdemeanor. Any assault that is a violation of an order  
3 issued under this section and that does not amount to assault in the  
4 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C  
5 felony, and any conduct in violation of a protective order issued under  
6 this section that is reckless and creates a substantial risk of death  
7 or serious physical injury to another person is a class C felony. A  
8 willful violation of a court order issued under this section is also a  
9 class C felony if the offender has at least two previous convictions  
10 for violating the provisions of (~~a no-contact~~) an order issued under  
11 this chapter, or a domestic violence protection order issued under  
12 chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-  
13 state order that is comparable to a no-contact order or protection  
14 order that is issued under Washington law. The previous convictions  
15 may involve the same victim or other victims specifically protected by  
16 the (~~no-contact orders or protection~~) orders the offender violated.

17 The written order shall contain the court's directives and shall  
18 bear the legend: Violation of this order is a criminal offense under  
19 chapter 10.99 RCW and will subject a violator to arrest; any assault,  
20 drive-by shooting, or reckless endangerment that is a violation of this  
21 order is a felony.

22 (3) Whenever an order prohibiting contact with or coming within a  
23 specified distance of the victim with the intent of intimidating,  
24 harassing, or frightening the victim or knows or reasonably should have  
25 known that the person is afraid, intimidated, or harassed even if that  
26 person did not intend to place the other person in fear, or intimidate  
27 or harass the person is issued pursuant to 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 into any computer-  
32 based criminal intelligence information system available in this state  
33 used by law enforcement agencies to list outstanding warrants. Entry  
34 into the law enforcement information system constitutes notice to all  
35 law enforcement agencies of the existence of the order. The order is  
36 fully enforceable in any jurisdiction in the state.

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