
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: AMS-4475.1/02

ATTY/TYPIST: RJS:ads

BRIEF DESCRIPTION:

2 EHB 2655 - S COMM AMD
3 By Committee on Judiciary

4 ADOPTED AS AMENDED 03/05/02

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 10.14.040 and 2001 c 260 s 3 are each amended to read
8 as follows:

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

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

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

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

22 (4) Filing fees are set in RCW 36.18.020, but no filing fee may be
23 charged for a petition filed in an existing action or under an existing
24 cause number brought under this chapter in the jurisdiction where the
25 relief is sought or as provided in section 2 of this act. Forms and
26 instructional brochures shall be provided free of charge.

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

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

34 (7) The parent or guardian of a child under the age of eighteen may
35 petition in superior court for an order of protection to restrain a
36 person under the age of eighteen years from contact with that child

1 only in cases where the person to be restrained has been adjudicated of
2 an offense against the child protected by the order, or is under
3 investigation or has been investigated for such an offense. In issuing
4 a protection order under this subsection, the court shall consider,
5 among the other facts of the case, the severity of the alleged offense,
6 any continuing physical danger or emotional distress to the alleged
7 victim, and the expense, difficulty, and educational disruption that
8 would be caused by a transfer of the alleged offender to another
9 school. The court may order that the person restrained in the order
10 not attend the public or approved private elementary, middle, or high
11 school attended by the person under the age of eighteen years protected
12 by the order. In the event that the court orders a transfer of the
13 restrained person to another school, the parents or legal guardians of
14 the person restrained in the order are responsible for transportation
15 and other costs associated with the change of school by the person
16 restrained in the order. The court shall send notice of the
17 restriction on attending the same school as the person protected by the
18 order to the public or approved private school the person restrained by
19 the order will attend and to the school the person protected by the
20 order attends.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.14 RCW
22 to read as follows:

23 No fees for filing or service of process may be charged by a public
24 agency to petitioners seeking relief under this chapter from a person
25 who has stalked them as that term is defined in RCW 9A.46.110, or from
26 a person who has engaged in conduct that would constitute a sex offense
27 as defined in RCW 9A.44.130, or from a person who is a family or
28 household member as defined in RCW 26.50.010(2) who has engaged in
29 conduct that would constitute domestic violence as defined in RCW
30 26.50.010(1).

31 **Sec. 3.** RCW 10.14.100 and 2001 c 311 s 2 are each amended to read
32 as follows:

33 (1) An order issued under this chapter shall be personally served
34 upon the respondent, except as provided in subsections (5) and (7) of
35 this section.

36 (2) The sheriff of the county or the peace officers of the
37 municipality in which the respondent resides shall serve the respondent

1 personally unless the petitioner elects to have the respondent served
2 by a private party.

3 (3) If the sheriff or municipal peace officer cannot complete
4 service upon the respondent within ten days, the sheriff or municipal
5 peace officer shall notify the petitioner.

6 (4) Returns of service under this chapter shall be made in
7 accordance with the applicable court rules.

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

16 (6) Except in cases where the petitioner has fees waived under
17 section 2 of this act or is granted leave to proceed in forma pauperis,
18 municipal police departments serving documents as required under this
19 chapter may collect the same fees for service and mileage authorized by
20 RCW 36.18.040 to be collected by sheriffs.

21 (7) If the court previously entered an order allowing service by
22 publication of the notice of hearing and temporary order of protection
23 pursuant to RCW 10.14.085, the court may permit service by publication
24 of the order of protection issued under RCW 10.14.080. Service by
25 publication must comply with the requirements of RCW 10.14.085.

26 **Sec. 4.** RCW 10.14.125 and 1992 c 143 s 18 are each amended to read
27 as follows:

28 The court may permit service by publication under this chapter only
29 if the petitioner pays the cost of publication or if the petitioner's
30 costs have been waived pursuant to section 2 of this act, unless the
31 county legislative authority allocates funds for service of process by
32 publication for petitioners who are granted leave to proceed in forma
33 pauperis.

34 **Sec. 5.** RCW 26.50.125 and 1995 c 246 s 17 are each amended to read
35 as follows:

36 Except as provided in section 2 of this act, the court may permit
37 service by publication or by mail under this chapter only if the

1 petitioner pays the cost of publication or mailing unless the county
2 legislative authority allocates funds for service of process by
3 publication or by mail for indigent petitioners."

4 **EHB 2655** - S COMM AMD
5 By Committee on Judiciary

6 ADOPTED 03/05/02

7 On page 1, line 1 of the title, after "orders;" strike the
8 remainder of the title and insert "amending RCW 10.14.040, 10.14.100,
9 10.14.125, and 26.50.125; and adding a new section to chapter 10.14
10 RCW."

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