

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). If the petitioner is entitled to proceed under this  
31 section, the court may require, at the time of the full hearing, the  
32 respondent to pay the filing fee and costs, including services fees, to  
33 the county or municipality incurring the expense. The requirement that  
34 the respondent pay the filing fee and costs may not be imposed by the  
35 court at the time of issuance of the ex parte temporary protection  
36 order.

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

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

6       (2) The sheriff of the county or the peace officers of the  
7 municipality in which the respondent resides shall serve the respondent  
8 personally unless the petitioner elects to have the respondent served  
9 by a private party.

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

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

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

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

28       (7) If the court previously entered an order allowing service by  
29 publication of the notice of hearing and temporary order of protection  
30 pursuant to RCW 10.14.085, the court may permit service by publication  
31 of the order of protection issued under RCW 10.14.080. Service by  
32 publication must comply with the requirements of RCW 10.14.085.

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

35       The court may permit service by publication under this chapter only  
36 if the petitioner pays the cost of publication or if the petitioner's  
37 costs have been waived pursuant to section 2 of this act, unless the  
38 county legislative authority allocates funds for service of process by

1 publication for petitioners who are granted leave to proceed in forma  
2 pauperis.

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

5       Except as provided in section 2 of this act, the court may permit  
6 service by publication or by mail under this chapter only if the  
7 petitioner pays the cost of publication or mailing unless the county  
8 legislative authority allocates funds for service of process by  
9 publication or by mail for indigent petitioners."

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13 On page 1, line 1 of the title, after "orders;" strike the  
14 remainder of the title and insert "amending RCW 10.14.040, 10.14.100,  
15 10.14.125, and 26.50.125; and adding a new section to chapter 10.14  
16 RCW."

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