
SENATE BILL 5562

State of Washington

57th Legislature

2001 Regular Session

By Senators Costa, McCaslin, Kohl-Welles, Deccio, B. Sheldon, Sheahan and T. Sheldon

Read first time 01/26/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to service of orders in harassment matters; and
2 amending RCW 10.14.080 and 10.14.100.

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

4 **Sec. 1.** RCW 10.14.080 and 1995 c 246 s 36 are each amended to read
5 as follows:

6 (1) Upon filing a petition for a civil antiharassment protection
7 order under this chapter, the petitioner may obtain an ex parte
8 temporary antiharassment protection order. An ex parte temporary
9 antiharassment protection order may be granted with or without notice
10 upon the filing of an affidavit which, to the satisfaction of the
11 court, shows reasonable proof of unlawful harassment of the petitioner
12 by the respondent and that great or irreparable harm will result to the
13 petitioner if the temporary antiharassment protection order is not
14 granted.

15 (2) An ex parte temporary antiharassment protection order shall be
16 effective for a fixed period not to exceed fourteen days or twenty-four
17 days if the court has permitted service by publication under RCW
18 10.14.085. The ex parte order may be reissued. A full hearing, as
19 provided in this chapter, shall be set for not later than fourteen days

1 from the issuance of the temporary order or not later than twenty-four
2 days if service by publication is permitted. Except as provided in RCW
3 10.14.070 and 10.14.085, the respondent shall be personally served with
4 a copy of the ex parte order along with a copy of the petition and
5 notice of the date set for the hearing. The notice shall contain the
6 same information as provided in the summons required under RCW
7 10.14.085(3).

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

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

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

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

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

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

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

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

17 (d) Considering the provisions of RCW 9.41.800.

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

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

30 **Sec. 2.** RCW 10.14.100 and 1992 c 143 s 15 are each amended to read
31 as follows:

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

35 (2) The sheriff of the county or the peace officers of the
36 municipality in which the respondent resides shall serve the respondent
37 personally unless the petitioner elects to have the respondent served
38 by a private party.

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

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

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

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

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

--- END ---