

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1591**

Chapter 311, Laws of 2001

57th Legislature  
2001 Regular Legislative Session

ANTI-HARASSMENT PROTECTION ORDERS

EFFECTIVE DATE: 7/22/01

Passed by the House April 16, 2001  
Yeas 93 Nays 0

FRANK CHOPP  
**Speaker of the House of Representatives**

CLYDE BALLARD  
**Speaker of the House of Representatives**

Passed by the Senate April 4, 2001  
Yeas 48 Nays 0

BRAD OWEN  
**President of the Senate**

Approved May 14, 2001

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1591** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER  
**Chief Clerk**

TIMOTHY A. MARTIN  
**Chief Clerk**

FILED

May 14, 2001 - 3:59 p.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1591**

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AS AMENDED BY THE SENATE

Passed Legislature - 2001 Regular Session

**State of Washington                      57th Legislature                      2001 Regular Session**

**By** House Committee on Judiciary (originally sponsored by Representatives Esser, Lantz, O'Brien, Lisk, Kirby, B. Chandler, Linville and Doumit)

Read first time . Referred to Committee on .

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 ex parte order and notice  
6 of hearing shall include at a minimum the date and time of the hearing  
7 set by the court to determine if the temporary order should be made  
8 effective for one year or more, and notice that if the respondent  
9 should fail to appear or otherwise not respond, an order for protection  
10 will be issued against the respondent pursuant to the provisions of  
11 this chapter, for a minimum of one year from the date of the hearing.  
12 The notice shall also include a brief statement of the provisions of  
13 the ex parte order and notify the respondent that a copy of the ex  
14 parte order and notice of hearing has been filed with the clerk of the  
15 court.

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

19 (4) An order issued under this chapter shall be effective for not  
20 more than one year unless the court finds that the respondent is likely  
21 to resume unlawful harassment of the petitioner when the order expires.  
22 If so, the court may enter an order for a fixed time exceeding one year  
23 or may enter a permanent antiharassment protection order. The court  
24 shall not enter an order that is effective for more than one year if  
25 the order restrains the respondent from contacting the respondent's  
26 minor children. This limitation is not applicable to civil  
27 antiharassment protection orders issued under chapter 26.09, 26.10, or  
28 26.26 RCW. If the petitioner seeks relief for a period longer than one  
29 year on behalf of the respondent's minor children, the court shall  
30 advise the petitioner that the petitioner may apply for renewal of the  
31 order as provided in this chapter or if appropriate may seek relief  
32 pursuant to chapter 26.09 or 26.10 RCW.

33 (5) At any time within the three months before the expiration of  
34 the order, the petitioner may apply for a renewal of the order by  
35 filing a petition for renewal. The petition for renewal shall state  
36 the reasons why the petitioner seeks to renew the protection order.  
37 Upon receipt of the petition for renewal, the court shall order a  
38 hearing which shall be not later than fourteen days from the date of  
39 the order. Except as provided in RCW 10.14.085, personal service shall

1 be made upon the respondent not less than five days before the hearing.  
2 If timely service cannot be made the court shall set a new hearing date  
3 and shall either require additional attempts at obtaining personal  
4 service or permit service by publication as provided by RCW 10.14.085.  
5 If the court permits service by publication, the court shall set the  
6 new hearing date not later than twenty-four days from the date of the  
7 order. If the order expires because timely service cannot be made the  
8 court shall grant an ex parte order of protection as provided in this  
9 section. The court shall grant the petition for renewal unless the  
10 respondent proves by a preponderance of the evidence that the  
11 respondent will not resume harassment of the petitioner when the order  
12 expires. The court may renew the protection order for another fixed  
13 time period or may enter a permanent order as provided in subsection  
14 (4) of this section.

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

19 (a) Restraining the respondent from making any attempts to contact  
20 the petitioner;

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

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

25 (d) Considering the provisions of RCW 9.41.800.

26 (7) A petitioner may not obtain an ex parte temporary  
27 antiharassment protection order against a respondent if the petitioner  
28 has previously obtained two such ex parte orders against the same  
29 respondent but has failed to obtain the issuance of a civil  
30 antiharassment protection order unless good cause for such failure can  
31 be shown.

32 (8) The court order shall specify the date an order issued pursuant  
33 to subsections (4) and (5) of this section expires if any. The court  
34 order shall also state whether the court issued the protection order  
35 following personal service or service by publication and whether the  
36 court has approved service by publication of an order issued under this  
37 section.

1       **Sec. 2.** RCW 10.14.100 and 1992 c 143 s 15 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 is granted leave to  
24 proceed in forma pauperis, municipal police departments serving  
25 documents as required under this chapter may collect the same fees for  
26 service and mileage authorized by RCW 36.18.040 to be collected by  
27 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.

Passed the House April 16, 2001.

Passed the Senate April 4, 2001.

Approved by the Governor May 14, 2001.

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