

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2745

Chapter 143, Laws of 1992

52nd Legislature
1992 Regular Session

DOMESTIC VIOLENCE PROTECTION ORDERS--REVISIONS

EFFECTIVE DATE: 6/11/92

Passed by the House February 15, 1992
Yeas 94 Nays 0

JOE KING
**Speaker of the
House of Representatives**

Passed by the Senate March 3, 1992
Yeas 35 Nays 12

JOEL PRITCHARD
President of the Senate

Approved April 1, 1992

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is SUBSTITUTE HOUSE BILL 2745 as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

April 1, 1992 - 10:16 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2745

Passed Legislature - 1992 Regular Session

State of Washington 52nd Legislature 1992 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives H. Myers, Belcher, Forner, Brough, Mitchell, Ogden, Appelwick, Morris, Riley, Ludwig, Paris, Wineberry, Winsley, Scott, Wood, Ferguson, Hochstatter, Sheldon, J. Kohl and Brekke)

Read first time 02/07/92.

1 AN ACT Relating to court orders for protection; amending RCW
2 26.50.050, 26.50.060, 26.50.070, 26.50.090, 26.50.100, 10.14.070,
3 10.14.080, 10.14.090, 10.14.100, and 10.14.110; adding new sections to
4 chapter 26.50 RCW; and adding new sections to chapter 10.14 RCW.

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

6 **Sec. 1.** RCW 26.50.050 and 1984 c 263 s 6 are each amended to read
7 as follows:

8 Upon receipt of the petition, the court shall order a hearing which
9 shall be held not later than fourteen days from the date of the order.
10 Except as provided in section 4 of this act, personal service shall be
11 made upon the respondent not less than five court days prior to the
12 hearing. If timely personal service cannot be made, the court ((may))
13 shall set a new hearing date and shall either require additional
14 attempts at obtaining personal service or permit service by publication

1 as provided in section 4 of this act. If the court permits service by
2 publication, the court shall set the hearing date not later than
3 twenty-four days from the date of the order. The court may issue an ex
4 parte order for protection pending the hearing as provided in RCW
5 26.50.070 and section 4 of this act.

6 **Sec. 2.** RCW 26.50.060 and 1989 c 411 s 1 are each amended to read
7 as follows:

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

10 (a) Restrain a party from committing acts of domestic violence;

11 (b) Exclude the respondent from the dwelling which the parties
12 share or from the residence of the petitioner;

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

17 (d) Order the respondent to participate in treatment or counseling
18 services;

19 (e) Order other relief as it deems necessary for the protection of
20 a family or household member, including orders or directives to a peace
21 officer, as allowed under this chapter;

22 (f) Require the respondent to pay the filing fee and court costs,
23 including service fees, and to reimburse the petitioner for costs
24 incurred in bringing the action, including a reasonable attorney's fee.
25 If the petitioner has been granted leave to proceed in forma pauperis,
26 the court may require the respondent to pay the filing fee and costs,
27 including services fees, to the county or municipality incurring the
28 expense; and

1 (g) Restrain any party from having any contact with the victim of
2 domestic violence or the victim's children or members of the victim's
3 household.

4 (2) Any relief granted by the order for protection, other than a
5 judgment for costs, shall be for a fixed period not to exceed one year
6 if the restraining order restrains the respondent from contacting the
7 respondent's minor children. If the petitioner has petitioned for
8 relief on his or her own behalf or on behalf of the petitioner's family
9 or household members or minor children that are not also the
10 respondent's minor children, and the court finds that the respondent is
11 likely to resume acts of domestic violence against the petitioner or
12 the petitioner's family or household members or minor children when the
13 order expires, the court may either (a) grant relief for a fixed period
14 not to exceed one year; (b) grant relief for a fixed period in excess
15 of one year; or (c) enter a permanent order of protection.

16 If the petitioner has petitioned for relief on behalf of the
17 respondent's minor children, the court shall advise the petitioner that
18 if the petitioner wants to continue protection for a period beyond one
19 year the petitioner may either petition for renewal pursuant to the
20 provisions of this chapter or may seek relief pursuant to the
21 provisions of chapter 26.09 RCW.

22 (3) If the court grants an order for a fixed time period, the
23 petitioner may apply for renewal of the order by filing a petition for
24 renewal at any time within the three months before the order expires.
25 The petition for renewal shall state the reasons why the petitioner
26 seeks to renew the protection order. Upon receipt of the petition for
27 renewal the court shall order a hearing which shall be not later than
28 fourteen days from the date of the order. Except as provided in
29 section 4 of this act, personal service shall be made on the respondent
30 not less than five days before the hearing. If timely service cannot

1 be made the court shall set a new hearing date and shall either require
2 additional attempts at obtaining personal service or permit service by
3 publication as provided in section 4 of this act. If the court permits
4 service by publication, the court shall set the new hearing date not
5 later than twenty-four days from the date of the order. If the order
6 expires because timely service cannot be made the court shall grant an
7 ex parte order of protection as provided in RCW 26.50.070. The court
8 shall grant the petition for renewal unless the respondent proves by a
9 preponderance of the evidence that the respondent will not resume acts
10 of domestic violence against the petitioner or the petitioner's
11 children or family or household members when the order expires. The
12 court may renew the protection order for another fixed time period or
13 may enter a permanent order as provided in this section. The court may
14 award court costs, service fees, and reasonable attorneys' fees as
15 provided in subsection (1)(f) of this section.

16 (4) In providing relief under this chapter, the court may realign
17 the designation of the parties as "petitioner" and "respondent" where
18 the court finds that the original petitioner is the abuser and the
19 original respondent is the victim of domestic violence.

20 (5) The court order shall specify the date the order expires if
21 any. The court order shall also state whether the court issued the
22 protection order following personal service or service by publication
23 and whether the court has approved service by publication of an order
24 issued under this section.

25 **Sec. 3.** RCW 26.50.070 and 1989 c 411 s 2 are each amended to read
26 as follows:

27 (1) Where an application under this section alleges that
28 irreparable injury could result from domestic violence if an order is
29 not issued immediately without prior notice to the respondent, the

1 court may grant an ex parte temporary order for protection, pending a
2 full hearing, and grant relief as the court deems proper, including an
3 order:

4 (a) Restraining any party from committing acts of domestic
5 violence;

6 (b) Excluding any party from the dwelling shared or from the
7 residence of the other until further order of the court;

8 (c) Restraining any party from interfering with the other's custody
9 of the minor children or from removing the children from the
10 jurisdiction of the court; and

11 (d) Restraining any party from having any contact with the victim
12 of domestic violence or the victim's children or members of the
13 victim's household.

14 (2) Irreparable injury under this section includes but is not
15 limited to situations in which the respondent has recently threatened
16 petitioner with bodily injury or has engaged in acts of domestic
17 violence against the petitioner.

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

21 (4) An ex parte temporary order for protection shall be effective
22 for a fixed period not to exceed fourteen days(~~(, but))~~ or twenty-four
23 days if the court has permitted service by publication under section 4
24 of this act. The ex parte order may be reissued. A full hearing, as
25 provided in this chapter, shall be set for not later than fourteen days
26 from the issuance of the temporary order or not later than twenty-four
27 days if service by publication is permitted. Except as provided in RCW
28 26.50.050 and section 4 of this act, the respondent shall be personally
29 served with a copy of the ex parte order along with a copy of the
30 petition and notice of the date set for the hearing.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 26.50 RCW
2 to read as follows:

3 (1) If the respondent was not personally served with the petition,
4 notice of hearing, and ex parte order before the hearing, the court
5 shall reset the hearing for twenty-four days from the date of entry of
6 the order and may order service by publication instead of personal
7 service under the following circumstances:

8 (a) The sheriff or municipal officer files an affidavit stating
9 that the officer was unable to complete personal service upon the
10 respondent. The affidavit must describe the number and types of
11 attempts the officer made to complete service;

12 (b) The petitioner files an affidavit stating that the petitioner
13 believes that the respondent is hiding from the server to avoid
14 service. The petitioner's affidavit must state the reasons for the
15 belief that the petitioner is avoiding service;

16 (c) The server has deposited a copy of the summons, in
17 substantially the form prescribed in subsection (3) of this section,
18 notice of hearing, and the ex parte order of protection in the post
19 office, directed to the respondent at the respondent's last known
20 address, unless the server states that the server does not know the
21 respondent's address; and

22 (d) The court finds reasonable grounds exist to believe that the
23 respondent is concealing himself or herself to avoid service, and that
24 further attempts to personally serve the respondent would be futile or
25 unduly burdensome.

26 (2) The court shall reissue the temporary order of protection not
27 to exceed another twenty-four days from the date of reissuing the ex
28 parte protection order and order to provide service by publication.

29 (3) The publication shall be made in a newspaper of general
30 circulation in the county where the petition was brought and in the

1 county of the last known address of the respondent once a week for
2 three consecutive weeks. The newspaper selected must be one of the
3 three most widely circulated papers in the county. The publication of
4 summons shall not be made until the court orders service by publication
5 under this section. Service of the summons shall be considered
6 complete when the publication has been made for three consecutive
7 weeks. The summons must be signed by the petitioner. The summons
8 shall contain the date of the first publication, and shall require the
9 respondent upon whom service by publication is desired, to appear and
10 answer the petition on the date set for the hearing. The summons shall
11 also contain a brief statement of the reason for the petition and a
12 summary of the provisions under the ex parte order. The summons shall
13 be essentially in the following form:

14 In the court of the state of Washington for the
15 county of

16, Petitioner
17 vs. No.
18, Respondent

19 The state of Washington to (respondent):

20 You are hereby summoned to appear on the day of
21, 19...., at a.m./p.m., and respond to the petition.
22 If you fail to respond, an order of protection will be issued against
23 you pursuant to the provisions of the domestic violence protection act,
24 chapter 26.50 RCW, for a minimum of one year from the date you are
25 required to appear. A temporary order of protection has been issued
26 against you, restraining you from the following: (Insert a brief

1 statement of the provisions of the ex parte order). A copy of the
2 petition, notice of hearing, and ex parte order has been filed with the
3 clerk of this court.

4
5 Petitioner

6 NEW SECTION. **Sec. 5.** A new section is added to chapter 26.50 RCW
7 to read as follows:

8 Following completion of service by publication as provided in
9 section 4 of this act, if the respondent fails to appear at the
10 hearing, the court may issue an order of protection as provided in RCW
11 26.50.060. That order must be served pursuant to RCW 26.50.090, and
12 forwarded to the appropriate law enforcement agency pursuant to RCW
13 26.50.100.

14 **Sec. 6.** RCW 26.50.090 and 1985 c 303 s 6 are each amended to read
15 as follows:

16 (1) An order issued under this chapter shall be personally served
17 upon the respondent, except as provided in subsections (6) and (8) of
18 this section.

19 (2) The sheriff of the county or the peace officers of the
20 municipality in which the respondent resides shall serve the respondent
21 personally unless the petitioner elects to have the respondent served
22 by a private party.

23 (3) If service by a sheriff or municipal peace officer is to be
24 used, the clerk of the court shall have a copy of any order issued
25 under this chapter forwarded on or before the next judicial day to the
26 appropriate law enforcement agency specified in the order for service
27 upon the respondent. Service of an order issued under this chapter

1 shall take precedence over the service of other documents unless they
2 are of a similar emergency nature.

3 (4) 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. The petitioner shall
6 provide information sufficient to permit notification.

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

9 (6) If an order entered by the court recites that the respondent
10 appeared in person before the court, the necessity for further service
11 is waived and proof of service of that order is not necessary.

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

17 (8) If the court previously entered an order allowing service by
18 publication of the notice of hearing and temporary order of protection
19 pursuant to section 4 of this act, the court may permit service by
20 publication of the order of protection issued under RCW 26.50.060.
21 Service by publication must comply with the requirements of section 4
22 of this act. The court order must state whether the court permitted
23 service by publication.

24 **Sec. 7.** RCW 26.50.100 and 1984 c 263 s 11 are each amended to read
25 as follows:

26 (1) A copy of an order for protection granted under this chapter
27 shall be forwarded by the clerk of the court on or before the next
28 judicial day to the appropriate law enforcement agency specified in the
29 order.

1 Upon receipt of the order, the law enforcement agency shall
2 forthwith enter the order (~~for one year~~) into any computer-based
3 criminal intelligence information system available in this state used
4 by law enforcement agencies to list outstanding warrants. The law
5 enforcement agency shall expunge expired orders from the computer
6 system. Entry into the law enforcement information system constitutes
7 notice to all law enforcement agencies of the existence of the order.
8 The order is fully enforceable in any county in the state.

9 (2) The information entered into the computer-based system shall
10 include notice to law enforcement whether the order was personally
11 served or served by publication.

12 NEW SECTION. Sec. 8. A new section is added to chapter 26.50 RCW
13 to read as follows:

14 (1) When the court issues an ex parte order pursuant to RCW
15 26.50.070 or an order of protection ordered issued pursuant to RCW
16 26.50.060, the court shall advise the petitioner that the respondent
17 may not be subjected to the penalties set forth in RCW 26.50.110 for a
18 violation of the order unless the respondent knows of the order.

19 (2) When a peace officer investigates a report of an alleged
20 violation of an order for protection issued under this chapter the
21 officer shall attempt to determine whether the respondent knew of the
22 existence of the protection order. If the officer determines that the
23 respondent did not or probably did not know about the protection order,
24 the officer shall make reasonable efforts to obtain a copy of the
25 protection order and serve it on the respondent during the
26 investigation.

27 NEW SECTION. Sec. 9. A new section is added to chapter 26.50 RCW
28 to read as follows:

1 The court may permit service by publication under this chapter only
2 if the petitioner pays the cost of publication unless the county
3 legislative authority allocates funds for service of process by
4 publication for petitioners who are granted leave to proceed in forma
5 pauperis.

6 **Sec. 10.** RCW 10.14.070 and 1987 c 280 s 7 are each amended to read
7 as follows:

8 Upon receipt of the petition, the court shall order a hearing which
9 shall be held not later than fourteen days from the date of the order.
10 Except as provided in section 12 of this act, personal service shall be
11 made upon the respondent not less than five court days before the
12 hearing. If timely personal service cannot be made, the court ((may))
13 shall set a new hearing date and shall either require additional
14 attempts at obtaining personal service or permit service by publication
15 as provided by section 12 of this act. If the court permits service by
16 publication, the court shall set the hearing date not later than
17 twenty-four days from the date of the order. The court may issue an ex
18 parte order for protection pending the hearing as provided in RCW
19 10.14.080 and section 12 of this act.

20 **Sec. 11.** RCW 10.14.080 and 1987 c 280 s 8 are each amended to read
21 as follows:

22 (1) Upon filing a petition for a civil antiharassment protection
23 order under this chapter, the petitioner may obtain an ex parte
24 temporary antiharassment protection order. An ex parte temporary
25 antiharassment protection order may be granted with or without notice
26 upon the filing of an affidavit which, to the satisfaction of the
27 court, shows reasonable proof of unlawful harassment of the petitioner
28 by the respondent and that great or irreparable harm will result to the

1 petitioner if the temporary antiharassment protection order is not
2 granted.

3 (2) An ex parte temporary antiharassment protection order shall be
4 effective for a fixed period not to exceed fourteen days(~~(, but))~~ or
5 twenty-four days if the court has permitted service by publication
6 under section 12 of this act. The ex parte order may be reissued. A
7 full hearing, as provided in this chapter, shall be set for not later
8 than fourteen days from the issuance of the temporary order or not
9 later than twenty-four days if service by publication is permitted.
10 Except as provided in RCW 10.14.070 and section 12 of this act, the
11 respondent shall be personally served with a copy of the ex parte order
12 along with a copy of the petition and notice of the date set for the
13 hearing.

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

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

29 (5) At any time within the three months before the expiration of
30 the order, the petitioner may apply for a renewal of the order by

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

21 ((+4)) (6) The court, in granting an ex parte temporary
22 antiharassment protection order or a civil antiharassment protection
23 order, shall have broad discretion to grant such relief as the court
24 deems proper, including an order:

25 (a) Restraining the respondent from making any attempts to contact
26 the petitioner;

27 (b) Restraining the respondent from making any attempts to keep the
28 petitioner under surveillance; and

29 (c) Requiring the respondent to stay a stated distance from the
30 petitioner's residence and workplace.

1 (~~(5)~~) (7) A petitioner may not obtain an ex parte temporary
2 antiharassment protection order against a respondent if the petitioner
3 has previously obtained two such ex parte orders against the same
4 respondent but has failed to obtain the issuance of a civil
5 antiharassment protection order unless good cause for such failure can
6 be shown.

7 (8) The court order shall specify the date an order issued pursuant
8 to subsections (4) and (5) of this section expires if any. The court
9 order shall also state whether the court issued the protection order
10 following personal service or service by publication and whether the
11 court has approved service by publication of an order issued under this
12 section.

13 NEW SECTION. Sec. 12. A new section is added to chapter 10.14 RCW
14 to read as follows:

15 (1) If the respondent was not personally served with the petition,
16 notice of hearing, and ex parte order before the hearing, the court
17 shall reset the hearing for twenty-four days from the date of entry of
18 the order and may order service by publication instead of personal
19 service under the following circumstances:

20 (a) The sheriff or municipal officer files an affidavit stating
21 that the officer was unable to complete personal service upon the
22 respondent. The affidavit must describe the number and types of
23 attempts the officer made to complete service;

24 (b) The petitioner files an affidavit stating that the petitioner
25 believes that the respondent is hiding from the server to avoid
26 service. The petitioner's affidavit must state the reasons for the
27 belief that the petitioner is avoiding service;

28 (c) The server has deposited a copy of the summons, in
29 substantially the form prescribed in subsection (3) of this section,

1 notice of hearing, and the ex parte order of protection in the post
2 office, directed to the respondent at the respondent's last known
3 address, unless the server states that the server does not know the
4 respondent's address; and

5 (d) The court finds reasonable grounds exist to believe that the
6 respondent is concealing himself or herself to avoid service, and that
7 further attempts to personally serve the respondent would be futile or
8 unduly burdensome.

9 (2) The court shall reissue the temporary order of protection not
10 to exceed another twenty-four days from the date of reissuing the ex
11 parte protection order and order to provide service by publication.

12 (3) The publication shall be made in a newspaper of general
13 circulation in the county where the petition was brought and in the
14 county of the last known address of the respondent once a week for
15 three consecutive weeks. The newspaper selected must be one of the
16 three most widely circulated papers in the county. The publication of
17 summons shall not be made until the court orders service by publication
18 under this section. Service of the summons shall be considered
19 complete when the publication has been made for three consecutive
20 weeks. The summons must be signed by the petitioner. The summons
21 shall contain the date of the first publication, and shall require the
22 respondent upon whom service by publication is desired, to appear and
23 answer the petition on the date set for the hearing. The summons shall
24 also contain a brief statement of the reason for the petition and a
25 summary of the provisions under the ex parte order. The summons shall
26 be essentially in the following form:

27 In the court of the state of Washington for the
28 county of

1 , Petitioner
2 vs. No.
3 , Respondent

4 The state of Washington to (respondent):

5 You are hereby summoned to appear on the day of
6, 19...., at a.m/p.m., and respond to the petition.
7 If you fail to respond, an order of protection will be issued against
8 you pursuant to the provisions of chapter 10.14 RCW, for a minimum of
9 one year from the date you are required to appear. A temporary order
10 of protection has been issued against you, restraining you from the
11 following: (Insert a brief statement of the provisions of the ex parte
12 order). A copy of the petition, notice of hearing, and ex parte order
13 has been filed with the clerk of this court.

14
15 Petitioner

16 NEW SECTION. **Sec. 13.** A new section is added to chapter 10.14 RCW
17 to read as follows:

18 Following completion of service by publication as provided in
19 section 12 of this act, if the respondent fails to appear at the
20 hearing, the court may issue an order of protection as provided in RCW
21 10.14.080. That order must be served pursuant to RCW 10.14.100, and
22 forwarded to the appropriate law enforcement agency pursuant to RCW
23 10.14.110.

24 **Sec. 14.** RCW 10.14.090 and 1987 c 280 s 9 are each amended to read
25 as follows:

1 (1) Nothing in this chapter shall preclude either party from
2 representation by private counsel or from appearing on his or her own
3 behalf.

4 (2) The court may require the respondent to pay the filing fee and
5 court costs, including service fees, and to reimburse the petitioner
6 for costs incurred in bringing the action, including a reasonable
7 attorney's fee. If the petitioner has been granted leave to proceed in
8 forma pauperis, the court may require the respondent to pay the filing
9 fee and costs, including services fees, to the county or municipality
10 incurring the expense.

11 **Sec. 15.** RCW 10.14.100 and 1987 c 280 s 10 are each amended to
12 read as follows:

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

16 (2) The sheriff of the county or the peace officers of the
17 municipality in which the respondent resides shall serve the respondent
18 personally unless the petitioner elects to have the respondent served
19 by a private party.

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

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

25 (5) If an order entered by the court recites that the respondent
26 appeared in person before the court, the necessity for further service
27 is waived and proof of service of that order is not necessary.

28 (6) Except in cases where the petitioner is granted leave to
29 proceed in forma pauperis, municipal police departments serving

1 documents as required under this chapter may collect the same fees for
2 service and mileage authorized by RCW 36.18.040 to be collected by
3 sheriffs.

4 (7) If the court previously entered an order allowing service by
5 publication of the notice of hearing and temporary order of protection
6 pursuant to section 12 of this act, the court may permit service by
7 publication of the order of protection issued under RCW 10.14.080.
8 Service by publication must comply with the requirements of section 12
9 of this act.

10 **Sec. 16.** RCW 10.14.110 and 1987 c 280 s 11 are each amended to
11 read as follows:

12 (1) A copy of an antiharassment protection order granted under this
13 chapter shall be forwarded by the clerk of the court on or before the
14 next judicial day to the appropriate law enforcement agency specified
15 in the order.

16 Upon receipt of the order, the law enforcement agency shall
17 forthwith enter the order (~~for one year~~) into any computer-based
18 criminal intelligence information system available in this state used
19 by law enforcement agencies to list outstanding warrants. The law
20 enforcement agency shall expunge expired orders from the computer
21 system. Entry into the law enforcement information system constitutes
22 notice to all law enforcement agencies of the existence of the order.
23 The order is fully enforceable in any county in the state.

24 (2) The information entered into the computer-based system shall
25 include notice to law enforcement whether the order was personally
26 served or served by publication.

27 NEW SECTION. **Sec. 17.** A new section is added to chapter 10.14 RCW
28 to read as follows:

1 (1) When the court issues an order of protection pursuant to RCW
2 10.14.080, the court shall advise the petitioner that the respondent
3 may not be subjected to the penalties set forth in RCW 10.14.120 and
4 10.14.170 for a violation of the order unless the respondent knows of
5 the order.

6 (2) When a peace officer investigates a report of an alleged
7 violation of an order for protection issued under this chapter the
8 officer shall attempt to determine whether the respondent knew of the
9 existence of the protection order. If the officer determines that the
10 respondent did not or probably did not know about the protection order,
11 the officer shall make reasonable efforts to obtain a copy of the
12 protection order and serve it on the respondent during the
13 investigation.

14 NEW SECTION. Sec. 18. A new section is added to chapter 10.14 RCW
15 to read as follows:

16 The court may permit service by publication under this chapter only
17 if the petitioner pays the cost of publication unless the county
18 legislative authority allocates funds for service of process by
19 publication for petitioners who are granted leave to proceed in forma
20 pauperis.

Passed the House February 15, 1992.

Passed the Senate March 3, 1992.

Approved by the Governor April 1, 1992.

Filed in Office of Secretary of State April 1, 1992.