
**Juvenile Justice & Family Law
Committee**

PSHB 1949

Brief Description: Providing financial assistance for victims of domestic violence seeking protection orders.

Sponsors: Representatives Nixon and Wood.

Brief Summary of Proposed Substitute Bill

- Allows the court, during a protection order hearing, to order temporary financial assistance as it finds necessary for the protection, safety, and subsistence of the petitioner and family and household members seeking protection;
- Allows the court, during an ex parte temporary protection order hearing, to restrain a party from concealing or disposing of any property except in the usual course of business or for the necessities of life.

Hearing Date: 1/21/04

Staff: Trudes Tango Hutcheson (786-7384).

Background:

Under the Domestic Violence Prevention Act, a person may file a petition with a court alleging that the person has been the victim of domestic violence committed by the respondent. The court will set a hearing date on the petition and may issue an ex parte temporary order for protection pending the hearing.

When entering a protection order, the court may order relief in a variety of forms, including but not limited to:

- restraining the respondent from committing acts of domestic violence;
- prohibiting the respondent from coming within a specified distance of a specified location;
- ordering possession and use of essential personal effects listed by the court (items necessary for the person's immediate health, welfare, and livelihood, including clothing, bedding, documents, medications, and personal hygiene items);
- requiring the respondent to pay the court costs and fees and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorney's fees; and

- ordering other relief as the court finds necessary for the protection of the petitioner and other family or household members.

In a proceeding for a dissolution, the court may enter temporary orders for child support and maintenance. The court may also enter a restraining order that, among other things, prohibits any party from transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life. The court may require the restrained party to notify the other party of any proposed extraordinary expenditures made after the order is entered.

Summary of Proposed Substitute Bill:

When entering a protection order, the court may order temporary financial assistance as it finds necessary for the protection, safety, and subsistence of the petitioner and other family or household members seeking protection.

When entering an ex parte temporary protection order, the court may restrain any party from transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life. The court may require the restrained party to notify the other party of any proposed extraordinary expenditures made after the order is entered.

Proposed Substitute Bill Compared to Original Bill: The original bill allowed the court to order a transfer of money in both domestic violence protection orders and anti-harassment orders. The original bill limited the transfer of money to once per petition and specified that the court must consider the amount in any subsequent proceeding for property distribution, child support, or maintenance.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.