

SENATE BILL REPORT

ESHB 1949

As of February 23, 2004

Title: An act relating to providing financial assistance for victims of domestic violence seeking protection orders.

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

Sponsors: House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Nixon and Wood).

Brief History:

Committee Activity: Judiciary: 2/26/04.

SENATE COMMITTEE ON JUDICIARY

Staff: Lidia Mori (786-7755)

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.

Summary of Bill: During a hearing for a protection order, the court may require the respondent to pay the petitioner reasonable expenses related to the domestic violence

committed and order temporary financial assistance if the respondent customarily provides for or contributes to the support of the petitioner or other family member. The relief granted is limited to a one-time, temporary order not to exceed 90 days. The petitioner must disclose to the court any other actions pending between the parties and any existing or pending orders for support or maintenance.

In a hearing for a temporary protection order, the court may restrain any party from disposing of shared or joint property except in the usual course of business or for the necessities of life, and may require the restrained party to notify the other party, in a manner deemed appropriate by the court, of any proposed extraordinary expenses made after the order.

The petitioner must disclose the amount received in any subsequent proceeding for dissolution, legal separation, or invalidity of marriage, or any subsequent proceeding for the establishment or modification of child support or maintenance. The court or agency must consider the amount in determining property distribution, support, or maintenance.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.