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HOUSE BILL 1949

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State of Washington

58th Legislature

2003 Regular Session

By Representatives Nixon and Wood

Read first time 02/18/2003. Referred to Committee on Juvenile Justice & Family Law.

1 AN ACT Relating to providing financial assistance for victims of  
2 domestic violence seeking protection orders; amending RCW 26.50.060;  
3 and adding a new section to chapter 10.14 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.14 RCW  
6 to read as follows:

7 In addition to any other relief authorized under this chapter, the  
8 court may order that the respondent transfer, or otherwise provide, a  
9 specified amount of funds, as determined by the court, to the  
10 petitioner to provide temporary financial assistance to the petitioner  
11 if the court finds that such assistance is necessary. The court may  
12 order such a transfer of funds under this section only once per  
13 petition involving the petitioner and respondent. At any subsequent  
14 proceeding for dissolution, legal separation, or invalidity of the  
15 marriage, or any subsequent proceeding for the establishment or  
16 modification of child support or maintenance, the petitioner shall  
17 disclose the amount transferred under this section and the court or  
18 agency must consider that amount transferred in determining property  
19 distribution, support, or maintenance.

1       **Sec. 2.** RCW 26.50.060 and 2000 c 119 s 15 are each amended to read  
2 as follows:

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

5       (a) Restrain the respondent from committing acts of domestic  
6 violence;

7       (b) Exclude the respondent from the dwelling that the parties  
8 share, from the residence, workplace, or school of the petitioner, or  
9 from the day care or school of a child;

10       (c) Prohibit the respondent from knowingly coming within, or  
11 knowingly remaining within, a specified distance from a specified  
12 location;

13       (d) 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       (e) Order the respondent to participate in a domestic violence  
18 perpetrator treatment program approved under RCW 26.50.150;

19       (f) Order other relief as it deems necessary for the protection of  
20 the petitioner and other family or household members sought to be  
21 protected, including orders or directives to a peace officer, as  
22 allowed under this chapter;

23       (g) Require the respondent to pay the administrative court costs  
24 and service fees, as established by the county or municipality  
25 incurring the expense and to reimburse the petitioner for costs  
26 incurred in bringing the action, including reasonable attorneys' fees;

27       (h) Restrain the respondent from having any contact with the victim  
28 of domestic violence or the victim's children or members of the  
29 victim's household;

30       (i) Require the respondent to submit to electronic monitoring. The  
31 order shall specify who shall provide the electronic monitoring  
32 services and the terms under which the monitoring must be performed.  
33 The order also may include a requirement that the respondent pay the  
34 costs of the monitoring. The court shall consider the ability of the  
35 respondent to pay for electronic monitoring;

36       (j) Consider the provisions of RCW 9.41.800;

37       (k) Order possession and use of essential personal effects. The

1 court shall list the essential personal effects with sufficient  
2 specificity to make it clear which property is included; (~~and~~)

3 (l) Order use of a vehicle; and

4 (m) Order that the respondent transfer, or otherwise provide, a  
5 specified amount of funds, as determined by the court, to the  
6 petitioner to provide temporary financial assistance to the petitioner  
7 if the court finds that such assistance is necessary. The court may  
8 order such a transfer of funds under this subsection only once per  
9 petition involving the petitioner and respondent. At any subsequent  
10 proceeding for dissolution, legal separation, or invalidity of the  
11 marriage, or any subsequent proceeding for the establishment or  
12 modification of child support or maintenance, the petitioner shall  
13 disclose the amount transferred under this subsection and the court or  
14 agency must consider that amount transferred in determining property  
15 distribution, support, or maintenance.

16 (2) If a protection order restrains the respondent from contacting  
17 the respondent's minor children the restraint shall be for a fixed  
18 period not to exceed one year. This limitation is not applicable to  
19 orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW.  
20 With regard to other relief, if the petitioner has petitioned for  
21 relief on his or her own behalf or on behalf of the petitioner's family  
22 or household members or minor children, and the court finds that the  
23 respondent is likely to resume acts of domestic violence against the  
24 petitioner or the petitioner's family or household members or minor  
25 children when the order expires, the court may either grant relief for  
26 a fixed period or enter a permanent order of protection.

27 If the petitioner has petitioned for relief on behalf of the  
28 respondent's minor children, the court shall advise the petitioner that  
29 if the petitioner wants to continue protection for a period beyond one  
30 year the petitioner may either petition for renewal pursuant to the  
31 provisions of this chapter or may seek relief pursuant to the  
32 provisions of chapter 26.09 or 26.26 RCW.

33 (3) If the court grants an order for a fixed time period, the  
34 petitioner may apply for renewal of the order by filing a petition for  
35 renewal at any time within the three months before the order expires.  
36 The petition for renewal shall state the reasons why the petitioner  
37 seeks to renew the protection order. Upon receipt of the petition for  
38 renewal the court shall order a hearing which shall be not later than

1 fourteen days from the date of the order. Except as provided in RCW  
2 26.50.085, personal service shall be made on the respondent not less  
3 than five days before the hearing. If timely service cannot be made  
4 the court shall set a new hearing date and shall either require  
5 additional attempts at obtaining personal service or permit service by  
6 publication as provided in RCW 26.50.085 or by mail as provided in RCW  
7 26.50.123. If the court permits service by publication or mail, the  
8 court shall set the new hearing date not later than twenty-four days  
9 from the date of the order. If the order expires because timely  
10 service cannot be made the court shall grant an ex parte order of  
11 protection as provided in RCW 26.50.070. The court shall grant the  
12 petition for renewal unless the respondent proves by a preponderance of  
13 the evidence that the respondent will not resume acts of domestic  
14 violence against the petitioner or the petitioner's children or family  
15 or household members when the order expires. The court may renew the  
16 protection order for another fixed time period or may enter a permanent  
17 order as provided in this section. The court may award court costs,  
18 service fees, and reasonable attorneys' fees as provided in subsection  
19 (1)((+f+)) (g) of this section.

20 (4) In providing relief under this chapter, the court may realign  
21 the designation of the parties as "petitioner" and "respondent" where  
22 the court finds that the original petitioner is the abuser and the  
23 original respondent is the victim of domestic violence and may issue an  
24 ex parte temporary order for protection in accordance with RCW  
25 26.50.070 on behalf of the victim until the victim is able to prepare  
26 a petition for an order for protection in accordance with RCW  
27 26.50.030.

28 (5) Except as provided in subsection (4) of this section, no order  
29 for protection shall grant relief to any party except upon notice to  
30 the respondent and hearing pursuant to a petition or counter-petition  
31 filed and served by the party seeking relief in accordance with RCW  
32 26.50.050.

33 (6) The court order shall specify the date the order expires if  
34 any. The court order shall also state whether the court issued the  
35 protection order following personal service, service by publication, or  
36 service by mail and whether the court has approved service by  
37 publication or mail of an order issued under this section.

1           (7) If the court declines to issue an order for protection or  
2 declines to renew an order for protection, the court shall state in  
3 writing on the order the particular reasons for the court's denial.

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