S-3536.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 5845**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 67th Legislature 2022 Regular Session**

**By** Senators Dhingra, Kuderer, Lovelett, Lovick, and Nobles

AN ACT Relating to updating laws concerning civil protection orders to further enhance and improve their efficacy and accessibility; amending RCW 7.105.010, 7.105.050, 7.105.070, 7.105.075, 7.105.100, 7.105.105, 7.105.115, 7.105.120, 7.105.150, 7.105.155, 7.105.165, 7.105.200, 7.105.205, 7.105.255, 7.105.305, 7.105.310, 7.105.320, 7.105.340, 7.105.400, 7.105.450, 7.105.460, 7.105.500, 7.105.510, 7.105.902, 9.41.040, 9.41.801, 4.08.050, 12.04.140, 12.04.150, and 26.28.015; amending 2021 c 215 s 87 (uncodified); reenacting RCW 50.20.050; repealing RCW 7.105.055, 7.105.060, 7.105.170, and 7.105.901; providing an effective date; providing an expiration date; and declaring an emergency.

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

**Sec.**  RCW 7.105.010 and 2021 c 215 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable adult without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse," for the purposes of a vulnerable adult protection order, means intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. "Abuse" includes sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraint against a vulnerable adult, which have the following meanings:

(a) "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline, or in a manner that: (i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is not medically authorized; or (iii) otherwise constitutes abuse under this section.

(b) "Mental abuse" means an intentional, willful, or reckless verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. "Mental abuse" may include ridiculing, yelling, swearing, or withholding or tampering with prescribed medications or their dosage.

(c) "Personal exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(d) "Physical abuse" means the intentional, willful, or reckless action of inflicting bodily injury or physical mistreatment. "Physical abuse" includes, but is not limited to, striking with or without an object, slapping, pinching, strangulation, suffocation, kicking, shoving, or prodding.

(e) "Sexual abuse" means any form of nonconsensual sexual conduct including, but not limited to, unwanted or inappropriate touching, rape, molestation, indecent liberties, sexual coercion, sexually explicit photographing or recording, voyeurism, indecent exposure, and sexual harassment. "Sexual abuse" also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not the sexual conduct is consensual.

(3) "Chemical restraint" means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

(4) "Consent" in the context of sexual acts means that at the time of sexual contact, there are actual words or conduct indicating freely given agreement to that sexual contact. Consent must be ongoing and may be revoked at any time. Conduct short of voluntary agreement does not constitute consent as a matter of law. Consent cannot be freely given when a person does not have capacity due to disability, intoxication, or age. Consent cannot be freely given when the other party has authority or control over the care or custody of a person incarcerated or detained.

(5)(a) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. "Course of conduct" includes any form of communication, contact, or conduct, including the sending of an electronic communication, but does not include constitutionally protected free speech. Constitutionally protected activity is not included within the meaning of "course of conduct."

(b) In determining whether the course of conduct serves any legitimate or lawful purpose, a court should consider whether:

(i) Any current contact between the parties was initiated by the respondent only or was initiated by both parties;

(ii) The respondent has been given clear notice that all further contact with the petitioner is unwanted;

(iii) The respondent's course of conduct appears designed to alarm, annoy, or harass the petitioner;

(iv) The respondent is acting pursuant to any statutory authority including, but not limited to, acts which are reasonably necessary to:

(A) Protect property or liberty interests;

(B) Enforce the law; or

(C) Meet specific statutory duties or requirements;

(v) The respondent's course of conduct has the purpose or effect of unreasonably interfering with the petitioner's privacy or the purpose or effect of creating an intimidating, hostile, or offensive living environment for the petitioner; or

(vi) Contact by the respondent with the petitioner or the petitioner's family has been limited in any manner by any previous court order.

(6) "Court clerk" means court administrators in courts of limited jurisdiction and elected court clerks.

(7) "Dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

(8) "Domestic violence" means:

(a) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one intimate partner by another intimate partner; or

(b) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one family or household member by another family or household member.

(9) "Electronic monitoring" has the same meaning as in RCW 9.94A.030.

(10) "Essential personal effects" means those items necessary for a person's immediate health, welfare, and livelihood. "Essential personal effects" includes, but is not limited to, clothing, cribs, bedding, medications, personal hygiene items, cellular phones and other electronic devices, and documents, including immigration, health care, financial, travel, and identity documents.

(11) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, assisted living facilities; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed or certified by the department of social and health services.

(12) "Family or household members" means: (a) Persons related by blood, marriage, domestic partnership, or adoption; (b) persons who currently or formerly resided together; (c) persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren, or a parent's intimate partner and children; and (d) a person who is acting or has acted as a legal guardian.

(13) "Financial exploitation" means the illegal or improper use of, control over, or withholding of, the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

(a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, government benefits, health insurance benefits, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;

(b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship or conservatorship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

(c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of the vulnerable adult's property, income, resources, or trust funds.

(14) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes. "Firearm" also includes parts that can be assembled to make a firearm.

(15) "Full hearing" means a hearing where the court determines whether to issue a full protection order.

(16) "Full protection order" means a protection order that is issued by the court after notice to the respondent and where the parties had the opportunity for a full hearing by the court. "Full protection order" includes a protection order entered by the court by agreement of the parties to resolve the petition for a protection order without a full hearing.

(17) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any employee, agent, officer, director, or independent contractor thereof.

(18) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of a vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.

(19) "Intimate partner" means: (a) Spouses or domestic partners; (b) former spouses or former domestic partners; (c) persons who have a child in common regardless of whether they have been married or have lived together at any time, unless the child is conceived through sexual assault; or (d) persons who have or have had a dating relationship where both persons are at least 13 years of age or older.

(20)(a) "Isolate" or "isolation" means to restrict a person's ability to communicate, visit, interact, or otherwise associate with persons of his or her choosing. Isolation may be evidenced by acts including, but not limited to:

(i) Acts that prevent a person from sending, making, or receiving his or her personal mail, electronic communications, or telephone calls; or

(ii) Acts that prevent or obstruct a person from meeting with others, such as telling a prospective visitor or caller that the person is not present or does not wish contact, where the statement is contrary to the express wishes of the person.

(b) The term "isolate" or "isolation" may not be construed in a manner that prevents a guardian or limited guardian from performing his or her fiduciary obligations under chapter 11.92 RCW or prevents a hospital or facility from providing treatment consistent with the standard of care for delivery of health services.

(21) "Judicial day" means days of the week other than Saturdays, Sundays, or legal holidays.

(22) "Mechanical restraint" means any device attached or adjacent to a vulnerable adult's body that the vulnerable adult cannot easily remove that restricts freedom of movement or normal access to the vulnerable adult's body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are (a) medically authorized, as required, and (b) used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

(23) "Minor" means a person who is under 18 years of age.

(24) "Neglect" means: (a) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain the physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety including, but not limited to, conduct prohibited under RCW 9A.42.100.

(25) "Nonconsensual" means a lack of freely given consent.

(26) "Nonphysical contact" includes, but is not limited to, written notes, mail, telephone calls, email, text messages, contact through social media applications, contact through other technologies, ((~~and~~)) or contact through third parties.

(27) "Petitioner" means any named petitioner or any other person identified in the petition on whose behalf the petition is brought.

(28) "Physical restraint" means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include (a) briefly holding, without undue force, a vulnerable adult in order to calm or comfort him or her, or (b) holding a vulnerable adult's hand to safely escort him or her from one area to another.

(29) "Possession" means having an item in one's custody or control. Possession may be either actual or constructive. Actual possession occurs when the item is in the actual physical custody of the person charged with possession. Constructive possession occurs when there is no actual physical possession, but there is dominion and control over the item.

(30) "Respondent" means the person who is identified as the respondent in a petition filed under this chapter.

(31) "Sexual conduct" means any of the following:

(a) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing;

(b) Any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent;

(c) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent;

(d) Any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others;

(e) Any intentional or knowing touching of the clothed or unclothed body of a child under the age of 16, if done for the purpose of sexual gratification or arousal of the respondent or others; or

(f) Any coerced or forced touching or fondling by a child under the age of 16, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.

(32) "Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

(33) "Stalking" means any of the following:

(a) Any act of stalking as defined under RCW 9A.46.110;

(b) Any act of cyberstalking as defined under RCW 9.61.260; or

(c) Any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, surveillance, keeping under observation, disrupting activities in a harassing manner, or following of another person that:

(i) Would cause a reasonable person to feel intimidated, frightened, under duress, significantly disrupted, or threatened and that actually causes such a feeling;

(ii) Serves no lawful purpose; and

(iii) The respondent knows, or reasonably should know, threatens, frightens, or intimidates the person, even if the respondent did not intend to intimidate, frighten, or threaten the person.

(34) "Temporary protection order" means a protection order that is issued before the court has decided whether to issue a full protection order. "Temporary protection order" includes ex parte temporary protection orders, as well as temporary protection orders that are reissued by the court pending the completion of a full hearing to decide whether to issue a full protection order. An "ex parte temporary protection order" means a temporary protection order that is issued without prior notice to the respondent.

(35) "Unlawful harassment" means:

(a) A knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner; or

(b) A single act of violence or threat of violence directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose, which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner. A single threat of violence must include: (i) A malicious and intentional threat as described in RCW 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

(36) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Subject to a guardianship under RCW 11.130.265 or adult subject to conservatorship under RCW 11.130.360; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from a person under contract with the department of social and health services to provide services in the home under chapter 74.09 or 74.39A RCW; or

(g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

(37)(a) "Coercive control" means a pattern of behavior that is used to cause another to suffer physical, emotional, or psychological harm, and in purpose or effect interferes with a person's free will and personal liberty. Examples of coercive control include, but are not limited to, engaging in any of the following:

(i) Intimidation, controlling or compelling conduct, or harm or threats of harm, including physical forms of violence against the other party, the other party's children, family members, friends, or pets, including by:

(A) Damaging, destroying, or threatening to damage or destroy, or forcing the other party to relinquish, goods, property, or items of special value;

(B) Using technology to threaten, humiliate, harass, stalk, intimidate, exert undue influence over, or abuse the other party, including by engaging in cyberstalking, monitoring, surveillance, impersonation, manipulation of electronic media, or distribution of or threats to distribute actual or fabricated intimate images;

(C) Cleaning, accessing, displaying, using, or wearing a firearm in an intimidating or threatening manner;

(D) Driving recklessly with the other party or minor children in the vehicle;

(E) Threatening to harm the other party's career;

(F) Threatening suicide or self-harm;

(G) Threatening to contact local or federal agencies based on actual or suspected immigration status;

(H) Exerting control over the other party's identity documents;

(I) Making, or threatening to make, private information public, including the other party's sexual orientation or gender identity, medical or behavioral health information, or other confidential information that jeopardizes safety; or

(J) Engaging in sexual or reproductive coercion;

(ii) Causing dependence, confinement, or isolation of the other party from friends, relatives, or other sources of support, including schooling and employment, or subjecting the other party to physical confinement or restraint;

(iii) Depriving the other party of basic necessities or committing other forms of financial exploitation;

(iv) Controlling, exerting undue influence over, interfering with, regulating, or monitoring the other party's movements, communications, daily behavior, finances, economic resources, or employment, including but not limited to interference with or attempting to limit access to services for children of the other party, such as health care, medication, child care, or school-based extracurricular activities;

(v) Engaging in vexatious litigation or abusive litigation as defined in RCW 26.51.020 against the other party to harass, coerce, or control the other party, to diminish or exhaust the other party's financial resources, or to compromise the other party's employment or housing; or

(vi) Frightening, humiliating, degrading, or punishing the other party, or engaging in psychological aggression toward the other party through other means.

(b) "Coercive control" does not include protective actions taken by a party in good faith for the legitimate and lawful purpose of protecting themselves or children from the risk of harm posed by the other party.

**Sec.**  RCW 7.105.050 and 2021 c 215 s 4 are each amended to read as follows:

(1) The superior((~~,~~)) and district((~~, and municipal~~)) courts have jurisdiction over domestic violence protection order proceedings ((~~and~~)), sexual assault protection order proceedings, stalking protection order proceedings, and antiharassment protection order proceedings under this chapter((~~. The jurisdiction of district and municipal courts is limited to enforcement of RCW 7.105.450(1), or the equivalent municipal ordinance, and the issuance and enforcement of temporary orders for protection provided for in RCW 7.105.305 if~~)), except that such proceedings must be transferred from district court to superior court when:

(a) A superior court has exercised or is exercising jurisdiction over a proceeding involving the parties;

(b) ((~~The petition for relief under this chapter presents issues of the residential schedule of, and contact with, children of the parties; or~~

~~(c) The petition for relief under this chapter requests the court to exclude a party from the dwelling which the parties share~~)) The action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child;

(c) The action would affect the use or enjoyment of real property for which the respondent has a cognizable claim or would exclude a party from a shared dwelling;

(d) The petitioner, victim, or respondent to the petition is under 18 years of age; or

(e) The district court is unable to verify whether there are potentially conflicting or related orders involving the parties as required by RCW 7.105.105 or 7.105.555.

(2)(a) When the jurisdiction of a district ((~~or municipal~~)) court is limited to the issuance and enforcement of a temporary protection order, the district ((~~or municipal~~)) court shall set the full hearing in superior court and transfer the case, indicating in the transfer order the circumstances and findings supporting transfer to the superior court.

(b) If the notice and order are not served on the respondent in time for the full hearing, the issuing court shall have concurrent jurisdiction with the superior court to extend the temporary protection order. The superior court to which the case is being transferred shall determine whether to grant any request for a continuance.

(3) Transfer procedures, court calendars, and judicial officer assignment must further the goals of this chapter to: Minimize delay; make the system less complex; provide sufficient victim support, consistency, safety, timeliness, and procedural fairness; enable comprehensive use of electronic filing, case tracking, and records management systems; provide for judicial officers with expertise and training in protection orders and trauma-informed practices and continuity of judicial officers at each hearing so the judicial officer will have greater familiarity with the parties, history, and allegations; and help ensure that there is compliance with timely and comprehensive firearms relinquishment to reduce risk of harm. Courts shall make publicly available in print and online information about their transfer procedures, court calendars, and judicial officer assignment.

**Sec.**  RCW 7.105.070 and 2021 c 215 s 8 are each amended to read as follows:

The superior courts have jurisdiction over extreme risk protection order proceedings under this chapter. The juvenile court may hear an extreme risk protection order proceeding under this chapter if the respondent is under the age of 18 years. Additionally, district ((~~and municipal~~)) courts have limited jurisdiction over the issuance and enforcement of temporary extreme risk protection orders issued under RCW 7.105.330. The district ((~~or municipal~~)) court shall set the full hearing in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court has concurrent jurisdiction with the superior court to extend the temporary extreme risk protection order. The superior court to which the case is being transferred shall determine whether to grant any request for a continuance.

**Sec.**  RCW 7.105.075 and 2021 c 215 s 9 are each amended to read as follows:

An action for a protection order should be filed in the county ((~~or municipality~~)) where the petitioner resides. The petitioner may also file in:

(1) The county ((~~or municipality~~)) where an act giving rise to the petition for a protection order occurred;

(2) The county ((~~or municipality~~)) where a child to be protected by the order primarily resides;

(3) The county ((~~or municipality~~)) where the petitioner resided prior to relocating if relocation was due to the respondent's conduct; or

(4) The court nearest to the petitioner's residence or former residence under subsection (3) of this section.

**Sec.**  RCW 7.105.100 and 2021 c 215 s 13 are each amended to read as follows:

(1) There exists an action known as a petition for a protection order. The following types of petitions for a protection order may be filed:

(a) A petition for a domestic violence protection order, which must allege the existence of domestic violence committed against the petitioner or petitioners by an intimate partner or a family or household member. The petitioner may petition for relief on behalf of himself or herself and on behalf of family or household members who are minors or vulnerable adults. A petition for a domestic violence protection order must specify whether the petitioner and the respondent are intimate partners or family or household members. A petitioner who has been sexually assaulted or stalked by an intimate partner or a family or household member should, but is not required to, seek a domestic violence protection order, rather than a sexual assault protection order or a stalking protection order.

(b) A petition for a sexual assault protection order, which must allege the existence of nonconsensual sexual conduct or nonconsensual sexual penetration that was committed against the petitioner by the respondent. A petitioner who has been sexually assaulted by an intimate partner or a family or household member should, but is not required to, seek a domestic violence protection order, rather than a sexual assault protection order. A single incident of nonconsensual sexual conduct or nonconsensual sexual penetration is sufficient grounds for a petition for a sexual assault protection order. The petitioner may petition for a sexual assault protection order on behalf of:

(i) Himself or herself;

(ii) A minor child, where the petitioner is the parent, legal guardian, or custodian;

(iii) A vulnerable adult, where the petitioner is an interested person; or

(iv) Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

(c) A petition for a stalking protection order, which must allege the existence of stalking committed against the petitioner or petitioners by the respondent. A petitioner who has been stalked by an intimate partner or a family or household member should, but is not required to, seek a domestic violence protection order, rather than a stalking protection order. The petitioner may petition for a stalking protection order on behalf of:

(i) Himself or herself;

(ii) A minor child, where the petitioner is the parent, legal guardian, or custodian;

(iii) A vulnerable adult, where the petitioner is an interested person; or

(iv) Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

(d) A petition for a vulnerable adult protection order, which must allege that the petitioner, or person on whose behalf the petition is brought, is a vulnerable adult and that the petitioner, or person on whose behalf the petition is brought, has been abandoned, abused, financially exploited, or neglected, or is threatened with abandonment, abuse, financial exploitation, or neglect, by the respondent. ((~~If the petition is filed by an interested person, the affidavit or declaration must also include a statement of why the petitioner qualifies as an interested person.~~))

(e) A petition for an extreme risk protection order, which must allege that the respondent poses a significant danger of causing personal injury to self or others by having in the respondent's custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive, a firearm. The petition must also identify information the petitioner is able to provide about the firearms, such as the number, types, and locations of any firearms the petitioner believes to be in the respondent's current ownership, possession, custody, access, or control. A petition for an extreme risk protection order may be filed by (i) an intimate partner or a family or household member of the respondent; or (ii) a law enforcement agency.

(f) A petition for an antiharassment protection order, which must allege the existence of unlawful harassment committed against the petitioner or petitioners by the respondent. If a petitioner is seeking relief based on domestic violence, nonconsensual sexual conduct, nonconsensual sexual penetration, or stalking, the petitioner may, but is not required to, seek a domestic violence, sexual assault, or stalking protection order, rather than an antiharassment order. The petitioner may petition for an antiharassment protection order on behalf of:

(i) Himself or herself;

(ii) A minor child, where the petitioner is the parent, legal guardian, or custodian;

(iii) A vulnerable adult, where the petitioner is an interested person; or

(iv) Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

(2) With the exception of vulnerable adult protection orders, a person under 18 years of age who is 15 years of age or older may seek relief under this chapter as a petitioner and is not required to seek relief through a petition filed on his or her behalf. He or she may also petition on behalf of a family or household member who is a minor if chosen by the minor and capable of pursuing the minor's stated interest in the action.

(3) A person under 15 years of age who is seeking relief under this chapter is required to seek relief by a person authorized as a petitioner under this section.

(4) If a petition for a protection order is filed by an interested person, the affidavit or declaration must also include a statement of why the petitioner qualifies as an interested person.

(5) A petition for any type of protection order must not be dismissed or denied on the basis that the conduct alleged by the petitioner would meet the criteria for the issuance of another type of protection order. If a petition meets the criteria for a different type of protection order other than the one sought by the petitioner, the court shall consider the petitioner's preference, and enter a temporary protection order or set the matter for a hearing as appropriate under the law. The court's decision on the appropriate type of order shall not be premised on alleviating any potential stigma on the respondent.

((~~(5)~~)) (6) The protection order petition must contain a section where the petitioner, regardless of petition type, may request specific relief provided for in RCW 7.105.310 that the petitioner seeks for himself or herself or for family or household members who are minors. The totality of selected relief, and any other relief the court deems appropriate for the petitioner, or family or household members who are minors, must be considered at the time of entry of temporary protection orders and at the time of entry of full protection orders.

((~~(6)~~)) (7) If a court reviewing the petition for a protection order or a request for a temporary protection order determines that the petition was not filed in the correct court, the court shall enter findings establishing the correct court, and direct the clerk to transfer the petition to the correct court and to provide notice of the transfer to all parties who have appeared.

((~~(7)~~)) (8) Upon filing a petition for a protection order, the petitioner may request that the court enter an ex parte temporary protection order and an order to surrender and prohibit weapons without notice until a hearing on a full protection order may be held. When requested, the court shall include the petitioner's minor children as protected parties in the ex parte temporary domestic violence protection order to reduce the risk of harm to children during periods of heightened risk, unless there is good cause not to include the minor children. If the court denies the petitioner's request to include the minor children, the court shall make written findings why the children should not be included, pending the full hearing. An ex parte temporary protection order shall be effective for a fixed period of time and shall be issued initially for a period not to exceed 14 days, which may be extended for good cause.

((~~(8) The court may, at its discretion, issue a temporary order on the petition with or without a hearing. If an order is not signed upon presentation, the court shall set a hearing for a full protection order not later than 14 days from the date of the filing of the petition for a protection order, if the petition for a protection order is filed before close of business on a judicial day. If a petition for a protection order is filed after close of business on a judicial day or is filed on a nonjudicial day, the court shall set a hearing for a full protection order not later than 14 days from the first judicial day after the petition is filed.~~))

**Sec.**  RCW 7.105.105 and 2021 c 215 s 14 are each amended to read as follows:

The following apply to all petitions for protection orders under this chapter.

(1)(a) By January 1, 2023, county clerks on behalf of all superior courts and, by January 1, 2026, all courts of limited jurisdiction, must permit petitions for protection orders and all other filings in connection with the petition to be submitted as preferred by the petitioner either: (i) In person; (ii) remotely through an electronic submission process; or (iii) by mail for persons who are incarcerated or who are otherwise unable to file in person or remotely through an electronic system. The court or clerk must make ((~~all electronically filed court documents available for electronic access by~~)) available electronically to judicial officers ((~~statewide~~)) any protection orders filed within the state. Judicial officers may not be charged for access to such documents. The electronic ((~~filing~~)) submission system must allow for petitions for protection orders and supportive documents to be ((~~filed~~)) submitted at any time of the day. When a petition and supporting documents for a protection order are submitted to the clerk after business hours, they must be processed as soon as possible on the next judicial day. Petitioners and respondents should not ((~~be charged~~)) incur additional charges for electronic ((~~filing~~)) submission for petitions and documents filed pursuant to this section.

(b) By January 1, 2023, all superior courts' systems and, by January 1, 2026, all limited jurisdiction courts' systems, should allow for the petitioner to electronically track the progress of the petition for a protection order. Notification may be provided by text messaging or email, and should provide reminders of court appearances and alert the petitioner when the following occur: (i) The petition has been processed and is under review by a judicial officer; (ii) the order has been signed; (iii) the order has been transmitted to law enforcement for entry into the Washington crime information center system; (iv) ((~~return~~)) proof of service upon the respondent has been filed with the court or clerk; ((~~and~~)) (v) a receipt for the surrender of firearms has been filed with the court or clerk; and (vi) the respondent has filed a motion for the release of surrendered firearms. Respondents, once served, should be able to sign up for similar electronic notification. Petitioners and respondents should not be charged for electronic notification.

(2) The petition must be accompanied by a confidential document to be used by the courts and law enforcement to fully identify the parties and serve the respondent. This record will be exempt from public disclosure at all times, and restricted access to this form is governed by general rule 22 provisions governing access to the confidential information form. The petitioner is required to fill out the confidential party information form to the petitioner's fullest ability. The respondent ((~~must~~)) should be ((~~served with~~)) provided a blank confidential party information form at the time of service, and when the respondent first appears, the respondent must confirm with the court the respondent's identifying and current contact information, including electronic means of contact, and file this with the court.

(3) A petition must be accompanied by a declaration signed under penalty of perjury stating the specific facts and circumstances for which relief is sought. Parties, attorneys, and witnesses may electronically sign sworn statements in all filings.

(4) The petitioner and the respondent must disclose the existence of any other litigation or of any other restraining, protection, or no-contact orders between the parties, to the extent that such information is known by the petitioner and the respondent. To the extent possible, the court shall take judicial notice of any existing restraining, protection, or no-contact orders between the parties before entering a protection order. The court shall not include provisions in a protection order that would allow the respondent to engage in conduct that is prohibited by another restraining, protection, or no-contact order between the parties that was entered in a different proceeding. The obligation to disclose the existence of any other litigation includes, but is not limited to, the existence of any other litigation concerning the custody or residential placement of a child of the parties as set forth in RCW 26.27.281. The court administrator shall verify for the court the terms of any existing protection order governing the parties.

(5) The petition may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties, except in cases where the court has realigned the parties in accordance with RCW 7.105.210.

(6) Relief under this chapter must not be denied or delayed on the grounds that the relief is available in another action. The court shall not defer acting on a petition for a protection order nor grant a petitioner less than the full relief that the petitioner is otherwise entitled to under this chapter because there is, or could be, another proceeding involving the parties including, but not limited to, any potential or pending family law matter or criminal matter.

(7) A person's right to petition for relief under this chapter is not affected by the person leaving his or her residence or household.

(8) A petitioner is not required to post a bond to obtain relief in any proceeding for a protection order.

(9)(a) No fees for service of process may be charged by a court or any public agency to petitioners seeking relief under this chapter. Except as provided in (b) of this subsection, courts may not charge petitioners any fees or surcharges the payment of which is a condition precedent to the petitioner's ability to secure access to relief under this chapter. Petitioners shall be provided the necessary number of certified copies, forms, and instructional brochures free of charge. A respondent who is served electronically with a protection order shall be provided a certified copy of the order free of charge upon request.

(b) A filing fee may be charged for a petition for an antiharassment protection order except as follows:

(i) No filing fee may be charged to a petitioner seeking an antiharassment protection order against a person who has engaged in acts of stalking as defined in RCW 9A.46.110, a hate crime under RCW 9A.36.080(1)(c), or a single act of violence or threat of violence under RCW 7.105.010(35)(b), or from a person who has engaged in nonconsensual sexual conduct or penetration or conduct that would constitute a sex offense as defined in RCW 9A.44.128, or from a person who is a family or household member or intimate partner who has engaged in conduct that would constitute domestic violence; and

(ii) The court shall waive the filing fee if the court determines the petitioner is not able to pay the costs of filing.

(10) If the petition states that disclosure of the petitioner's address or other identifying location information would risk harm to the petitioner or any member of the petitioner's family or household, that address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner shall designate an alternative address or email address at which the respondent may serve the petitioner.

(11) Subject to the availability of amounts appropriated for this specific purpose, or as provided through alternative sources including, but not limited to, grants, local funding, or pro bono means, if the court deems it necessary, the court may appoint a guardian ad litem for a petitioner or a respondent who is under 18 years of age and who is not represented by counsel. If a guardian ad litem is appointed by the court for either or both parties, neither the petitioner nor the respondent shall be required by the court to pay any costs associated with the appointment.

(12) ((~~Minor children must only be referred to in the petition and in all other publicly available filed documents by their initials and date of birth. Any orders issued by the court for entry into a law enforcement database must show the minor's full name for purposes of identification, but be redacted to only display initials and date of birth for purposes of public access.~~

~~(13)~~)) If a petitioner has requested an ex parte temporary protection order, because these are often emergent situations, the court shall prioritize review, either entering an order without a hearing or scheduling and holding an ex parte hearing in person, by telephone, by video, or by other electronic means on the day the petition is filed if possible. Otherwise, it must be heard no later than the following judicial day. The clerk shall ensure that the request for an ex parte temporary protection order is presented timely to a judicial officer, and signed orders will be returned promptly to the clerk for entry and to the petitioner as specified in this section.

((~~(14)~~)) (13) Courts shall not require a petitioner to file duplicative forms.

((~~(15)~~)) (14) The Indian child welfare act applies in the following manner.

(a) In a proceeding under this chapter where the petitioner seeks to protect a minor and the petitioner is not the minor's parent as defined by RCW 13.38.040, the petition must contain a statement alleging whether the minor is or may be an Indian child as defined in RCW 13.38.040. If the minor is an Indian child, chapter 13.38 RCW and the federal Indian child welfare act, 25 U.S.C. Sec. 1901 et seq., shall apply. A party should allege in the petition if these laws have been satisfied in a prior proceeding and identify the proceeding.

(b) Every order entered in any proceeding under this chapter where the petitioner is not a parent of the minor or minors protected by the order must contain a finding that the federal Indian child welfare act or chapter 13.38 RCW does or does not apply, or if there is insufficient information to make a determination, the court must make a finding that a determination must be made before a full protection order may be entered. If there is reason to know the child is an Indian child, but the court does not have sufficient evidence to determine that the child is or is not an Indian child, 25 C.F.R. Sec. 23.107(b) applies. Where there is a finding that the federal Indian child welfare act or chapter 13.38 RCW does apply, the order must also contain a finding that all notice, evidentiary requirements, and placement preferences under the federal Indian child welfare act and chapter 13.38 RCW have been satisfied, or a finding that removal or placement of the child is necessary to prevent imminent physical damage or harm to the child pursuant to 25 U.S.C. Sec. 1922 and RCW 13.38.140. Where there is a finding that the federal Indian child welfare act or chapter 13.38 RCW does not apply, the order must also contain a finding as to why there is no reason to know the child may be an Indian child.

**Sec.**  RCW 7.105.115 and 2021 c 215 s 16 are each amended to read as follows:

(1) By ((~~June~~)) December 30, 2022, the administrative office of the courts shall:

(a) Develop and distribute standard forms for petitions and orders issued under this chapter, and facilitate the use of online forms for electronic filings.

(i) For all protection orders except extreme risk protection orders, the protection order must include, in a conspicuous location, a notice of criminal penalties resulting from a violation of the order, and the following statement: "You can be arrested even if the protected person or persons invite or allow you to violate the order. You alone are responsible for following the order. Only the court may change the order. Requests for changes must be made in writing."

(ii) For extreme risk protection orders, the protection order must include, in a conspicuous location, a notice of criminal penalties resulting from a violation of the order, and the following statement: "You have the sole responsibility to avoid or refrain from violating this order's provisions. Only the court may change the order. Requests for changes must be made in writing.";

(b) Develop and distribute instructions and informational brochures regarding protection orders and a court staff handbook on the protection order process, which shall be made available online to view and download at no cost. Developing additional methods to inform the public about protection orders in understandable terms and in languages other than English through videos and social media should also be considered. The instructions, brochures, forms, and handbook must be prepared in consultation with civil legal aid, culturally specific advocacy programs, and domestic violence and sexual assault advocacy programs. The instructions must be designed to assist petitioners in completing the petition, and must include a sample of standard petition and protection order forms. The instructions and standard petition must include a means for the petitioner to identify, with only lay knowledge, the firearms the respondent may own, possess, receive, have access to, or have in the respondent's custody or control. The instructions must provide pictures of types of firearms that the petitioner may choose from to identify the relevant firearms, or an equivalent means to allow petitioners to identify firearms without requiring specific or technical knowledge regarding the firearms. The court staff handbook must allow for the addition of a community resource list by the court clerk. The informational brochure must describe the use of, and the process for, obtaining, renewing, modifying, terminating, and enforcing protection orders as provided under this chapter, as well as the process for obtaining, modifying, terminating, and enforcing an antiharassment no-contact order as provided under chapter 9A.46 RCW, a domestic violence no-contact order as provided under chapter 10.99 RCW, a restraining order as provided under chapters 26.09, 26.26A, 26.26B, and 26.44 RCW, a foreign protection order as defined in chapter 26.52 RCW, and a Canadian domestic violence protection order as defined in RCW 26.55.010;

(c) Determine the significant non-English-speaking or limited English-speaking populations in the state. The administrative office of the courts shall then arrange for translation of the instructions and informational brochures required by this section, which must contain a sample of the standard petition and protection order forms, into the languages spoken by at least the top five significant non-English-speaking populations, and shall distribute a master copy of the translated instructions and informational brochures to all court clerks and to the Washington supreme court's interpreter commission, minority and justice commission, and gender and justice commission ((~~by July 25, 2021~~)). Such materials must be updated and distributed if needed due to relevant changes in the law;

(d)(i) Distribute a master copy of the petition and order forms, instructions, and informational brochures to all court clerks, and distribute a master copy of the petition and order forms to all superior, district, and municipal courts;

(ii) In collaboration with civil legal aid attorneys, domestic violence advocates, sexual assault advocates, elder abuse advocates, clerks, and judicial officers, develop and distribute a single petition form that a petitioner may use to file for any type of protection order authorized by this chapter, with the exception of extreme risk protection orders;

(iii) For extreme risk protection orders, develop and prepare:

(A) A standard petition and order form for an extreme risk protection order, as well as a standard petition and order form for an extreme risk protection order sought against a respondent under 18 years of age, titled "Extreme Risk Protection Order - Respondent Under 18 Years";

(B) Pattern forms to assist in streamlining the process for those persons who are eligible to seal records relating to an order under (d)(i) of this subsection, including:

(I) A petition and declaration the respondent can complete to ensure that requirements for public sealing have been met; and

(II) An order sealing the court records relating to that order; and

(C) An informational brochure to be served on any respondent who is subject to a temporary or full protection order under (d)(iii)(A) of this subsection;

(e) Create a new confidential party information form to satisfy the purposes of the confidential information form and the law enforcement information sheet that will serve both the court's and law enforcement's data entry needs without requiring a redundant effort for the petitioner, and ensure the petitioner's confidential information is protected for the purpose of safety. The form should be created with the presumption that it will also be used by the respondent to provide all current contact information needed by the court and law enforcement, and full identifying information for improved data entry. The form should also prompt the petitioner to disclose on the form whether the person who the petitioner is seeking to restrain has a disability, brain injury, or impairment requiring special assistance; and

(f) Update the instructions, brochures, standard petition and order for protection forms, and court staff handbook when changes in the law make an update necessary.

(2) ((~~The~~)) By July 1, 2022, the administrative office of the courts, through the gender and justice commission of the Washington state supreme court, and with the support of the Washington state women's commission, shall work with representatives of superior, district, and municipal court judicial officers, court clerks, and administrators, including those with experience in protection order proceedings, as well as advocates and practitioners with expertise in each type of protection order, and others with relevant expertise, to develop for the courts:

(a) Standards for filing evidence in protection order proceedings in a manner that protects victim safety and privacy, including evidence in the form of text messages, social media messages, voice mails, and other recordings, and the development of a sealed cover sheet for explicit or intimate images and recordings; and

(b) Requirements for private vendors who provide services related to filing systems for protection orders, as well as what data should be collected.

**Sec.**  RCW 7.105.120 and 2021 c 215 s 17 are each amended to read as follows:

(1) All court clerks' offices shall make available the standardized forms, instructions, and informational brochures required by this chapter, and shall ((~~fill in and~~)) keep current specific program names and telephone numbers for community resources, including civil legal aid and volunteer lawyer programs. Any assistance or information provided by clerks under this chapter, or any assistance or information provided by any person, including court clerks, employees of the department of social and health services, and other court facilitators, to complete the forms provided by the court, does not constitute the practice of law, and clerks are not responsible for incorrect information contained in a petition.

(2) All court clerks shall ((~~obtain~~)) accept and provide community resource lists as described in (a) and (b) of this subsection, which the court shall make available as part of, or in addition to, the informational brochures described in RCW 7.105.115.

(a) The court clerk shall ((~~obtain a~~)) accept an appropriate community resource list from a domestic violence program and from a sexual assault program serving the county in which the court is located. The community resource list must include the names, telephone numbers, and, as available, website links of domestic violence programs, sexual assault programs, and elder abuse programs serving the community in which the court is located, including law enforcement agencies, domestic violence agencies, sexual assault agencies, civil legal aid programs, elder abuse programs, interpreters, multicultural programs, and batterers' treatment programs. The list must be made available in print and online.

(b) The court clerk may create a community resource list of crisis intervention, behavioral health, interpreter, counseling, and other relevant resources serving the county in which the court is located. The clerk may also create a community resource list for respondents to include suicide prevention, treatment options, and resources for when children are involved in protection order cases. Any list ((~~shall~~)) must be made available in print and online.

(c) Courts may make the community resource lists specified in (a) and (b) of this subsection available as part of, or in addition to, the informational brochures described in subsection (1) of this section, and should ((~~translate~~)) accept from the programs that provided the resource lists translations of them into the languages spoken by the county's top five significant non-English-speaking populations.

(3) Court clerks should not make an assessment of the merits of a petitioner's petition for a protection order or refuse to accept for filing any petition that meets the basic procedural requirements.

**Sec.**  RCW 7.105.150 and 2021 c 215 s 18 are each amended to read as follows:

(1) To minimize delays and the need for more hearings, which can hinder access to justice and undermine judicial economy, to lessen costs, to guarantee actual notice to the respondent, and to simplify and modernize processes for petitioners, respondents, law enforcement, and the courts, the following methods of service are authorized for protection order proceedings, including petitions, temporary protection orders, reissuances of temporary protection orders, full protection orders, motions to renew protection orders, and motions to modify or terminate protection orders.

(a) ((~~Personal~~)) (i) Except as provided in (a)(iii) and (b)(i) of this subsection, personal service, consistent with court rules for civil proceedings, ((~~must be made by law enforcement to mitigate risks, increase safety, and ensure swift recovery of firearms in cases~~)) is required in: (A) Cases requiring the surrender of firearms, such as extreme risk protection orders and protection orders with orders to surrender and prohibit weapons; (B) cases that involve transferring the custody of a child or children from the respondent to the petitioner; ((~~or~~)) (C) cases involving vacating the respondent from the parties' shared residence((~~. Personal service should also be used in~~)); (D) cases involving a respondent who is incarcerated; and (E) cases where a petition for a vulnerable adult protection order is filed by someone other than the vulnerable adult.

(ii) Personal service in cases specified in (a)(i)(A) through (D) of this subsection must be made by law enforcement including, at a minimum, two timely attempts at personal service. To reduce risk of harm for cases requiring personal service, law enforcement should continue to attempt personal service up to the hearing date. Personal service for cases specified in (a)(i)(E) of this subsection and when used for other protection order cases must ((~~otherwise~~)) be made by law enforcement unless the petitioner elects to have the respondent served by a third party who is not a party to the action ((~~and~~)), is ((~~over~~)) 18 years of age or older and competent to be a witness, and can provide sworn proof of service to the court as required.

(iii) In cases where personal service is required under this subsection, after two unsuccessful attempts at personal service, service shall be permitted by electronic means in accordance with (b) of this subsection.

(b)(i) Service by electronic means, including service by email, text message, social media applications, or other technologies, must be prioritized for all orders at the time of the issuance of temporary protection orders, ((~~with the exception of the following cases, for which personal service must be prioritized: (A) Cases requiring the surrender of firearms, such as extreme risk protection orders and protection orders with orders to surrender weapons; (B) cases that involve transferring the custody of a child or children from the respondent to the petitioner; (C) cases involving vacating the respondent from the parties' shared residence; or (D) cases involving a respondent who is incarcerated~~)) except in cases where personal service is required under (a) of this subsection. ((~~Once~~)) For cases specified in (a)(i)(A) through (D) of this subsection, once firearms and concealed pistol licenses have been surrendered and verified by the court, or there is evidence the respondent does not possess firearms, the restrained party has been vacated from the shared residence, or the custody of the child or children has been transferred, per court order, or the respondent is no longer incarcerated, then subsequent motions and orders may be served electronically.

(ii) Service by electronic means must be ((~~effected~~)) made by a law enforcement agency, unless the petitioner elects to have the respondent served by any person who is not a party to the action, is ((~~over~~)) 18 years of age or older and competent to be a witness, and can provide sworn proof of service to the court as required. Court authorization permitting electronic service is not required except in cases specified in (a)(i)(A) through (D) of this subsection. In those cases, either request of the petitioner, or good cause for granting an order for electronic service, such as two failed attempts at personal service, are required to authorize service by electronic means. No formal motion is necessary.

(iii) The respondent's email address, number for text messaging, and username or other identification on social media applications and other technologies, if known or available, must be provided by the petitioner to law enforcement in the confidential information form, and attested to by the petitioner as being the legitimate, current, or last known contact information for the respondent.

(iv) Electronic service must be effected by transmitting copies of the petition and any supporting materials filed with the petition, notice of hearing, and any orders, or relevant materials for motions, to the respondent at the respondent's electronic address or the respondent's electronic account associated with email, text messaging, social media applications, or other technologies. Verification of ((~~receipt~~)) notice is required and may be accomplished through read-receipt mechanisms, a response, a sworn statement from the person who effected service verifying transmission and any follow-up communications such as email or telephone contact used to further verify, or an appearance by the respondent at a hearing. Sworn proof of service must be filed with the court by the person who effected service. ((~~Service by electronic means is complete upon transmission when made prior to 5:00 p.m. on a judicial day. Service made on a Saturday, Sunday, legal holiday, or after 5:00 p.m. on any other day shall be deemed complete at 9:00 a.m. on the first judicial day thereafter.~~))

(c) Service by mail is permitted when: (i) Personal service was required, there have been two unsuccessful attempts at personal service, and electronic service is not possible((~~, and there have been two unsuccessful attempts at personal service or when the petitioner requests it in lieu of electronic service or personal service where personal service is not otherwise required~~)); or (ii) personal service is not required and there have been two unsuccessful attempts at personal or electronic service. If electronic service and personal service are not successful, the court shall affirmatively order service by mail without requiring additional motions to be filed by the petitioner. Service by mail must be made by any person who is not a party to the action and is ((~~over~~)) 18 years of age or older and competent to be a witness, by mailing copies of the materials to be served to the party to be served at the party's last known address or any other address determined by the court to be appropriate. Two copies must be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a tracking or certified information showing when and where it was delivered. The envelopes must bear the return address ((~~of the sender~~)) where the petitioner may receive legal mail. Service is complete ((~~upon~~)) 14 calendar days after the mailing of two copies as prescribed in this section. Where service by mail is provided by a third party, the clerk shall forward proof of service by mail to the law enforcement agency in the county or municipality where the respondent resides.

(d) Service by publication is permitted only in those cases where all other means of service have been unsuccessful or are not possible due to lack of any known physical or electronic address of the respondent. Publication must be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons must not be made until the court orders service by publication under this section. Service of the summons is considered complete on the date of the third publication when ((~~the~~)) publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons must contain the date of the first publication, and shall require the respondent upon whom service by publication is desired to appear and answer the petition on the date set for the hearing. The summons must also contain a brief statement of the reason for the petition and a summary of the provisions under the temporary protection order. The summons must be essentially in the following form:

|  |
| --- |
| In the  . . . . . . . . . court of the state of Washington for the county of  . . . . . . . . . . . |
|  , | Petitioner |
| vs. | No.  . . . . . . |
|  , | Respondent |
| The state of Washington to  . . . . . . . . . . . (respondent): |
| You are hereby summoned to appear on the  . . . . day of  . . . . . ., (year) . . . ., at  . . . . a.m./p.m., and respond to the petition. If you fail to respond, a protection order will be issued against you pursuant to the provisions of chapter 7.105 RCW, for a minimum of one year from the date you are required to appear. A temporary protection order has been issued against you, restraining you from the following: (Insert a brief statement of the provisions of the temporary protection order). A copy of the petition, notice of hearing, and temporary protection order has been filed with the clerk of this court. |
|  |   |
|  | Petitioner  |

(2) The court may authorize multiple methods of service permitted by this section and may consider use of any address determined by the court to be appropriate in order to authorize service that is reasonably probable to provide actual notice. The court shall favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition.

(3) To promote judicial economy and reduce delays, for respondents who are able to be served electronically, the respondent, or the parent or guardian of the respondent for respondents under the age of 18 or the guardian or conservator of an adult respondent, shall be required to provide his or her electronic address or electronic account associated with an email, text messaging, social media application, or other technology by filing the confidential party information form referred to in RCW 7.105.115(1). This must occur at the earliest point at which the respondent, parent, guardian, or conservator is in contact with the court so that electronic service can be effected for all subsequent motions, orders, and hearings.

(4) If an order entered by the court recites that the respondent appeared before the court, either in person or remotely, the necessity for further service is waived and proof of service of that order is not necessary, including in cases where the respondent leaves the hearing before a final ruling is issued or signed. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court for the hearing, if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been served with the temporary order.

(5) When the respondent for a protection order is under the age of 18 or is an individual subject to a guardianship or conservatorship under Title 11 RCW:

(a) When the respondent is a minor, service of a petition for a protection order, modification, or renewal, shall be completed, as defined in this chapter, upon both the respondent and the respondent's parent or legal guardian.

(b) A copy of the protection order must be served on a parent, guardian, or conservator of the respondent at any address where the respondent resides, or the department of children, youth, and families in the case where the respondent is the subject of a dependency or court approved out-of-home placement. A minor respondent shall not be served at the minor respondent's school unless no other address for service is known.

(c) For extreme risk protection orders, the court shall also provide a parent, guardian, or conservator of the respondent with written notice of the legal obligation to safely secure any firearm on the premises and the potential for criminal prosecution if a prohibited person were to obtain access to any firearm. This notice may be provided at the time the parent, guardian, or conservator of the respondent appears in court or may be served along with a copy of the order, whichever occurs first.

(6) When a petition for a vulnerable adult protection order is filed by someone other than the vulnerable adult, notice of the petition and hearing must be personally served upon the vulnerable adult. In addition to copies of all pleadings filed by the petitioner, the petitioner shall provide a written notice to the vulnerable adult using a standard notice form developed by the administrative office of the courts. The standard notice form must be designed to explain to the vulnerable adult in clear, plain language the purpose and nature of the petition and that the vulnerable adult has the right to participate in the hearing and to either support or object to the petition.

(7) The court shall not dismiss, over the objection of a petitioner, a petition for a protection order or a motion to renew a protection order based on the inability of law enforcement or the petitioner to serve the respondent, unless the court determines that all available methods of service have been attempted unsuccessfully or are not possible.

**Sec.**  RCW 7.105.155 and 2021 c 215 s 19 are each amended to read as follows:

When service is to be completed under this chapter by a law enforcement officer:

(1) The clerk of the court shall have a copy of any order issued under this chapter, the confidential information form, as well as the petition for a protection order and any supporting materials, electronically forwarded on or before the next judicial day to the law enforcement agency in the county or municipality where the respondent resides, as specified in the order, for service upon the respondent. If the respondent has moved from that county or municipality and personal service is not required, the law enforcement agency specified in the order may serve the order;

(2) Service of an order issued under this chapter must take precedence over the service of other documents by law enforcement unless they are of a similar emergency nature;

(3) Where personal service is required, the first attempt at service must occur within 24 hours of receiving the order from the court whenever practicable, but not more than five days after receiving the order. If the first attempt is not successful, no fewer than two additional attempts should be made to serve the order, particularly for respondents who present heightened risk of lethality or other risk of physical harm to the petitioner or petitioner's family or household members. ((~~Law enforcement shall document all~~)) All attempts at service must be documented on a ((~~return~~)) proof of service form and ((~~submit it~~)) submitted to the court in a timely manner;

(4) If service cannot be completed within 10 calendar days, the law enforcement officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification. Law enforcement shall continue to attempt to complete service unless otherwise directed by the court. In the event that the petitioner does not provide a service address for the respondent or there is evidence that the respondent is evading service, the law enforcement officer shall use law enforcement databases to assist in locating the respondent;

(5) If the respondent is in a protected person's presence at the time of contact for service, the law enforcement officer should take reasonable steps to separate the parties when possible prior to completing the service or inquiring about or collecting firearms. When the order requires the respondent to vacate the parties' shared residence, law enforcement shall take reasonable steps to ensure that the respondent has left the premises and is on notice that his or her return is a violation of the terms of the order. The law enforcement officer shall provide the respondent with copies of all forms with the exception of the ((~~law enforcement information sheet~~)) confidential information form completed by the protected party and the ((~~return~~)) proof of service form;

(6) Any law enforcement officer who serves a protection order on a respondent with the knowledge that the respondent requires special assistance due to a disability, brain injury, or impairment shall make a reasonable effort to accommodate the needs of the respondent to the extent practicable without compromise to the safety of the petitioner;

(7) Proof of service must be submitted to the court on the ((~~return~~)) proof of service form. The form must include the date and time of service and each document that was served in order for the service to be complete, along with any details such as conduct at the time of service, threats, or avoidance of service, as well as statements regarding possession of firearms, including any denials of ownership despite positive purchase history, active concealed pistol license, or sworn statements in the petition that allege the respondent's access to, or possession of, firearms; or

(8) If attempts at service were not successful, the ((~~return~~)) proof of service form or the form letter showing that the order was not served, and stating the reason it was not served, must be returned to the court by the next judicial day following the last unsuccessful attempt at service. Each attempt at service must be noted and reflected in computer aided dispatch records, with the date, time, address, and reason service was not completed.

**Sec.**  RCW 7.105.165 and 2021 c 215 s 21 are each amended to read as follows:

((~~Service~~)) (1) Unless waived by the nonmoving party, service must be completed on the nonmoving party not less than five judicial days before the hearing date((~~, unless waived by the nonmoving party~~)). If service cannot be made, the court shall set a new hearing date and shall either require an additional attempt at obtaining service or permit service by other means authorized in this chapter. The court shall not require more than two attempts at obtaining service before permitting service by other means authorized in this chapter unless the moving party requests additional time to attempt service.

(2) Service is completed on the day the respondent is served personally, on the date of transmission for electronic service, on the 14th calendar day after mailing for service by mail, or on the date of the third publication when publication has been made for three consecutive weeks for service by publication.

(3) If the nonmoving party was served before the hearing, but less than five judicial days before the hearing, it is not necessary to re-serve materials that the nonmoving party already received, but any new notice of hearing and reissued order must be served on the nonmoving party. ((~~The court shall not require more than two attempts at obtaining service before permitting service by other means authorized in this chapter unless the moving party requests additional time to attempt service. If the court permits service by mail or by publication, the court shall set the hearing date not later than 24 days from the date of the order authorizing such service.~~)) This additional service may be made by mail as an alternative to other authorized methods of service under this chapter. If done by mail, this additional service is considered completed on the third calendar day after mailing.

(4) Where electronic service was not complete because there was no verification of notice, and service by mail or publication has been authorized, copies must also be sent by electronic means to any known electronic addresses.

**Sec.**  RCW 7.105.200 and 2021 c 215 s 24 are each amended to read as follows:

In hearings under this chapter, the following apply:

(1) Hearings under this chapter are special proceedings. The procedures established under this chapter for protection order hearings supersede inconsistent civil court rules. Courts should evaluate the needs and procedures best suited to individual hearings based on consideration of the totality of the circumstances, including disparities that may be apparent in the parties' resources and representation by counsel.

(2)(a) Courts shall prioritize hearings on petitions for ex parte temporary protection orders over less emergent proceedings.

(b) For extreme risk protection order hearings where a law enforcement agency is the petitioner, the court shall prioritize scheduling because of the importance of immediate temporary removal of firearms in situations of extreme risk and the goal of minimizing the time law enforcement must otherwise wait for a particular case to be called, which can hinder their other patrol and supervisory duties. Courts also may allow a law enforcement petitioner to participate ((~~telephonically~~)) remotely, or allow another representative from that law enforcement agency or the prosecutor's office to present the information to the court if personal presence of the petitioning officer is not required for testimonial purposes.

(3) ((~~A hearing on a petition for a protection order must be set by the court even if the court has denied a request for a temporary protection order in the proceeding where the petition is not dismissed or continued pursuant to subsection (11) of this section.~~

~~(4)~~)) If the respondent does not appear((~~, or the petitioner informs the court that the respondent has not been served at least five judicial days before the hearing date and the petitioner desires to pursue service, or the parties have informed the court of an agreed date of continuance for the hearing,~~)) for the full hearing and there is no proof of timely and proper service on the respondent, the court shall reissue any temporary protection order previously issued((~~, cancel the scheduled hearing,~~)) and reset the hearing date. If a temporary protection order is reissued, the court shall reset the hearing date not later than 14 days from the reissue date. If a temporary protection order is reissued and the court permits service by mail or by publication, the court shall reset the hearing date not later than 30 days from the date of the order authorizing such service. These time frames may be extended for good cause.

((~~(5)~~)) (4) When considering any request to stay, continue, or delay a hearing under this chapter because of the pendency of a parallel criminal investigation or prosecution of the respondent, courts shall apply a rebuttable presumption against such delay and give due recognition to the purpose of this chapter to provide victims quick and effective relief. Courts must consider on the record the following factors:

(a) The extent to which a defendant's Fifth Amendment rights are or are not implicated, given the special nature of protection order proceedings, which burden a defendant's Fifth Amendment privilege substantially less than do other civil proceedings;

(b) Similarities between the civil and criminal cases;

(c) Status of the criminal case;

(d) The interests of the petitioners in proceeding expeditiously with litigation and the potential prejudice and risk to petitioners of a delay;

(e) The burden that any particular aspect of the proceeding may impose on respondents;

(f) The convenience of the court in the management of its cases and the efficient use of judicial resources;

(g) The interests of persons not parties to the civil litigation; and

(h) The interest of the public in the pending civil and criminal litigation.

((~~(6)~~)) (5) Hearings ((~~must~~)) may be conducted upon ((~~live testimony of the parties and sworn declarations~~)) the information provided in the sworn petition, live testimony of the parties should they choose to testify, and any additional sworn declarations. Live testimony of witnesses other than the parties may be requested by a party, but shall not be permitted unless the court finds that live testimony of witnesses other than the parties is necessary and material. If either party requests a continuance to allow for proper notice of witnesses or to afford a party time to seek counsel, the court ((~~should~~)) may continue the hearing. In considering the request, the court should consider the rebuttable presumption against delay and the purpose of this chapter to provide victims quick and effective relief. If the court continues the hearing, the court shall reissue any temporary orders, including orders to surrender and prohibit weapons issued with or without notice.

((~~(7)~~)) (6) Prehearing discovery under the civil court rules, including, but not limited to, depositions, requests for production, or requests for admission, is disfavored and only permitted if specifically authorized by the court for good cause shown upon written motion of a party filed six judicial days prior to the hearing and served prior to the hearing.

((~~(8)~~)) (7) The rules of evidence need not be applied, other than with respect to privileges, the requirements of the rape shield statute under RCW 9A.44.020, and evidence rules 412 and 413.

((~~(9)~~)) (8)(a) The prior sexual activity or the reputation of the petitioner is inadmissible except:

(i) As evidence concerning the past sexual conduct of the petitioner with the respondent when this evidence is offered by the respondent upon the issue of whether the petitioner consented to the sexual conduct alleged for the purpose of a protection order; or

(ii) When constitutionally required to be admitted.

(b) To determine admissibility, a written motion must be made six judicial days prior to the protection order hearing. The motion must include an offer of proof of the relevancy of the proposed evidence and reasonably specific information as to the date, time, and place of the past sexual conduct between the petitioner and the respondent. If the court finds that the offer of proof is relevant to the issue of the victim's consent, the court shall conduct a hearing in camera. The court may not admit evidence under this subsection unless it determines at the hearing that the evidence is relevant and the probative value of the evidence outweighs the danger of unfair prejudice. The evidence shall be admissible at the hearing to the extent an order made by the court specifies the evidence that may be admitted. If the court finds that the motion and related documents should be sealed pursuant to court rule and governing law, it may enter an order sealing the documents.

((~~(10)~~)) (9) When a petitioner has alleged incapacity to consent to sexual conduct or sexual penetration due to intoxicants, alcohol, or other condition, the court must determine on the record whether the petitioner had the capacity to consent.

((~~(11) If, prior to a full hearing, the court finds that the petition for a protection order does not contain sufficient allegations as a matter of law to support the issuance of a protection order, the court shall permit the petitioner 14 days to prepare and file an amended petition, provided the petitioner states an intent to do so and the court does not find that amendment would be futile. If the amended petition is not filed within 14 days, the case must be administratively dismissed by the clerk's office.~~

~~(12)~~)) (10) Courts shall not require parties to submit duplicate or working copies of pleadings or other materials filed with the court, unless the document or documents cannot be scanned or are illegible.

((~~(13)~~)) (11) Courts shall, if possible, have petitioners and respondents in protection order proceedings gather in separate locations and enter and depart the court room at staggered times. Where the option is available, for safety purposes, the court should arrange for petitioners to leave the court premises first and to have court security escort petitioners to their vehicles or transportation.

**Sec.**  RCW 7.105.205 and 2021 c 215 s 25 are each amended to read as follows:

(1) Hearings on protection orders, including hearings concerning temporary protection orders, full protection orders, compliance, reissuance, renewal, modification, or termination, may be conducted in person or remotely in order to enhance access for all parties.

(2) In the court's discretion, parties and witnesses may attend a hearing on a petition for a protection order, or any hearings conducted pursuant to this chapter, in person or remotely, including by telephone, video, or other electronic means where possible. No later than three judicial days before the hearing, the parties may request to appear at the hearing, with witnesses, remotely by telephone, video, or other electronic means. The court shall grant any request for a remote appearance unless the court finds good cause to require in-person attendance or attendance through a specific means.

(3) Courts shall require assurances of the identity of persons who appear by telephone, video, or other electronic means. Courts may not charge fees for remote appearances.

(4) Courts shall not post or stream proceedings or recordings of protection order hearings online unless (a) a waiver has been received from all parties, or (b) the hearing is being conducted online and members of the public do not have in-person access to observe or listen to the hearing. Unless the court orders a hearing to be closed to the public consistent with the requirements of Washington law, courts should provide access to members of the public who wish to observe or listen to a hearing conducted by telephone, video, or other electronic means.

(5) If a hearing is held with any parties or witnesses appearing remotely, the following apply:

(a) Courts should include directions to access a hearing remotely in the order setting the hearing and in any order granting a party's request for a remote appearance. Such orders shall also include directions to request an interpreter and accommodations for disabilities;

(b) Courts should endeavor to give a party or witness appearing by telephone no more than a one-hour waiting time by the court for the hearing to begin. For remote hearings, if the court anticipates the parties or witnesses will need to wait longer than one hour to be called or connected, the court should endeavor to inform them of the estimated start time of the hearing;

(c) Courts should inform the parties before the hearing begins that the hearing is being recorded by the court, in what manner the public is able to view the hearing, how a party may obtain a copy of the recording of the hearing, and that recording or broadcasting any portion of the hearing by any means other than the court record is strictly prohibited without prior court approval;

(d) To minimize trauma, while allowing remote hearings to be observed by the public, courts should take appropriate measures to prevent members of the public or the parties from harassing or intimidating any party or witness to a case. Such practices may include, but are not limited to, disallowing members of the public from communicating with the parties or with the court during the hearing, ensuring court controls over microphone and viewing settings, and announcing limitations on allowing others to record the hearing;

(e) Courts shall use technology that accommodates American sign language and other languages;

(f) To help ensure that remote access does not undermine personal safety or privacy, or introduce other risks, courts should protect the privacy of telephone numbers, emails, and other contact information for parties and witnesses and inform parties and witnesses of these safety considerations. Materials available to parties and witnesses appearing remotely should include warnings not to state their addresses or telephone numbers at the hearing, and that they ((~~may use virtual backgrounds to help ensure that their backgrounds do not reveal their location~~)) should ensure that background surroundings do not reveal their location;

(g) Courts should provide the parties, in orders setting the hearing, with a telephone number and an email address for the court, which the parties may use to inform the court if they have been unable to appear remotely for a hearing. Before dismissing or granting a petition due to the petitioner or respondent not appearing for a remote hearing, or the court not being able to reach the party via telephone or video, the court shall check for any notifications to the court regarding issues with remote access or other technological difficulties. If any party has provided such notification to the court, the court shall not dismiss or grant the petition, but shall reset the hearing by continuing it and reissuing any temporary order in place. If a party was unable to provide the notification regarding issues with remote access or other technological difficulties on the day of the hearing prior to the court's ruling, that party may seek relief via a motion for reconsideration; and

(h) A party attending a hearing remotely who is unable to participate in the hearing outside the presence of others who reside with the party, but who are not part of the proceeding including, but not limited to, children, and who asserts that the presence of those individuals may hinder the party's testimony or the party's ability to fully and meaningfully participate in the hearing, may request((~~, and shall be granted, one~~)) a continuance on that basis. ((~~Subsequent~~)) Such requests may be granted in the court's discretion. In considering the request, the court may consider the rebuttable presumption against delay and the purpose of this chapter to provide victims quick and effective relief.

**Sec.**  RCW 7.105.255 and 2021 c 215 s 35 are each amended to read as follows:

To help ensure familiarity with the unique nature of protection order proceedings, and an understanding of trauma-informed practices and best practices in the use of new technologies for remote hearings, judicial officers, including persons who serve as judicial officers pro tempore, should receive evidence-based training on procedural justice, trauma-informed practices, gender-based violence dynamics, coercive control, elder abuse, juvenile sex offending, teen dating violence, and requirements for the surrender of weapons before presiding over protection order hearings. Trainings should be provided on an ongoing basis as best practices, research on trauma, and legislation continue to evolve. As a method of continuous training, court commissioners, including pro tempore commissioners, shall be notified by the presiding judge or court administrator upon revision of any decision made under this chapter.

**Sec.**  RCW 7.105.305 and 2021 c 215 s 38 are each amended to read as follows:

(1) Where it appears from the petition and any additional evidence that the respondent has engaged in conduct against the petitioner that serves as a basis for a protection order under this chapter, and the petitioner alleges fear of immediate serious harm or that irreparable injury could result if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary protection order, pending a full hearing. The court has broad discretion to grant such relief as the court deems proper, including the forms of relief listed in RCW 7.105.310, provided that the court shall not order a form of relief listed in RCW 7.105.310 if it would not be feasible or appropriate for the respondent to comply with such a requirement before a full hearing may be held on the petition for a protection order. If the court does not order all the relief requested by the petitioner in an ex parte temporary protection order, the court shall still consider ordering such relief at the full hearing on the petition for a protection order. In issuing the order, the court shall consider the provisions of RCW 9.41.800, and order the respondent to surrender, and prohibit the respondent from accessing, having in his or her custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, all firearms, dangerous weapons, and any concealed pistol license, as required in RCW 9.41.800.

(2) Any order issued under this section must contain the date, time of issuance, and expiration date.

(3) The court may issue an ex parte temporary protection order on the petition with or without a hearing. If an ex parte temporary protection order is denied, the court shall still set a full hearing unless the court determines the petition does not contain prima facie allegations to support the issuance of any type of protection order. If the court declines to issue an ex parte temporary protection order as requested or declines to set a hearing, the court shall state the ((~~particular~~)) reasons ((~~for the court's denial~~)) in writing. The court's denial of a motion for an ex parte temporary protection order shall be filed with the court. ((~~If an ex parte temporary protection order is denied, the court shall still set a full hearing on the petition for a protection order.~~))

(4) If a full hearing is set on a petition that is filed before close of business on a judicial day, the hearing must be set not later than 14 days from the date of the filing of the petition. If a full hearing is set on a petition that is filed after close of business on a judicial day or is filed on a nonjudicial day, the hearing must be set not later than 14 days from the first judicial day after the petition is filed.

(5) If the court does not set a full hearing, the petitioner may file an amended petition within 14 days of the court's denial. If the court determines the amended petition does not contain prima facie allegations to support the issuance of any type of protection order or if the petitioner fails to file an amended petition within the required time, the court may enter an order dismissing the petition.

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

**Sec.**  RCW 7.105.310 and 2021 c 215 s 39 are each amended to read as follows:

(1) In issuing any type of protection order, other than an ex parte temporary antiharassment protection order as limited by subsection (2) of this section, and other than an extreme risk protection order, the court shall have broad discretion to grant such relief as the court deems proper, including an order that provides relief as follows:

(a) Restrain the respondent from committing any of the following acts against the petitioner and other persons protected by the order: Domestic violence; nonconsensual sexual conduct or nonconsensual sexual penetration; sexual abuse; stalking; acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult; and unlawful harassment;

(b) Restrain the respondent from making any attempts to have contact, including nonphysical contact, with the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household, either directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(c) Exclude the respondent from the ((~~dwelling~~)) residence that the parties share;

(d) Exclude the respondent from the residence, workplace, or school of the petitioner; or from the day care or school of a minor child;

((~~(d)~~)) (e) Restrain the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, the protected party's person, and the protected party's vehicle. The specified distance shall presumptively be at least 1,000 feet, unless the court for good cause finds that a shorter specified distance is appropriate;

((~~(e)~~)) (f) If the parties have children in common, make residential provisions with regard to their minor children on the same basis as is provided in chapter 26.09 RCW. However, parenting plans as specified in chapter 26.09 RCW must not be required under this chapter. The court may not delay or defer relief under this chapter on the grounds that the parties could seek a parenting plan or modification to a parenting plan in a different action. A protection order must not be denied on the grounds that the parties have an existing parenting plan in effect. A protection order may suspend the respondent's contact with the parties' children under an existing parenting plan, subject to further orders in a family law proceeding;

((~~(f)~~)) (g) Order the respondent to participate in a state-certified domestic violence perpetrator treatment program approved under RCW 43.20A.735 or a state-certified sex offender treatment program approved under RCW 18.155.070;

((~~(g)~~)) (h) Order the respondent to obtain a mental health or chemical dependency evaluation. If the court determines that a mental health evaluation is necessary, the court shall clearly document the reason for this determination and provide a specific question or questions to be answered by the mental health professional. The court shall consider the ability of the respondent to pay for an evaluation. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

((~~(h)~~)) (i) In cases where the petitioner and the respondent are students who attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger, emotional distress, or educational disruption to the petitioner, and the financial difficulty and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the respondent not attend the public or private elementary, middle, or high school attended by the petitioner. If a minor respondent is prohibited attendance at the minor's assigned public school, the school district must provide the student comparable educational services in another setting. In such a case, the district shall provide transportation at no cost to the respondent if the respondent's parent or legal guardian is unable to pay for transportation. The district shall put in place any needed supports to ensure successful transition to the new school environment. The court shall send notice of the restriction on attending the same school as the petitioner to the public or private school the respondent will attend and to the school the petitioner attends;

((~~(i)~~)) (j) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense, and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with state supreme court admission and practice rule 28, the limited practice rule for limited license legal technicians. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

((~~(j)~~)) (k) Restrain the respondent from harassing, following, monitoring, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;

((~~(k)~~)) (l) Other than for respondents who are minors, require the respondent to submit to electronic monitoring. The order must specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

((~~(l)~~)) (m) Consider the provisions of RCW 9.41.800, and order the respondent to surrender, and prohibit the respondent from accessing, having in his or her custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, all firearms, dangerous weapons, and any concealed pistol license, as required in RCW 9.41.800;

((~~(m)~~)) (n) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent, and may prohibit the respondent from interfering with the petitioner's efforts to obtain the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found;

((~~(n)~~)) (o) Order use of a vehicle;

((~~(o)~~)) (p) Enter an order restricting the respondent from engaging in abusive litigation as set forth in chapter 26.51 RCW or in frivolous filings against the petitioner, making harassing or libelous communications about the petitioner to third parties, or making false reports to investigative agencies. A petitioner may request this relief in the petition or by separate motion. A petitioner may request this relief by separate motion at any time within five years of the date the protection order is entered even if the order has since expired. A stand-alone motion for an order restricting abusive litigation may be brought by a party who meets the requirements of chapter 26.51 RCW regardless of whether the party has previously sought a protection order under this chapter, provided the motion is made within five years of the date the order that made a finding of domestic violence was entered. In cases where a finding of domestic violence was entered pursuant to an order under chapter 26.09, 26.26, or 26.26A RCW, a motion for an order restricting abusive litigation may be brought under the family law case or as a stand-alone action filed under this chapter, when it is not reasonable or practical to file under the family law case;

((~~(p)~~)) (q) Restrain the respondent from committing acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult;

((~~(q)~~)) (r) Require an accounting by the respondent of the disposition of the vulnerable adult's income or other resources;

((~~(r)~~)) (s) Restrain the transfer of either the respondent's or vulnerable adult's property, or both, for a specified period not exceeding 90 days;

((~~(s)~~)) (t) Order financial relief and restrain the transfer of jointly owned assets;

((~~(t)~~)) (u) Restrain the respondent from possessing or distributing intimate images, as defined in RCW 9A.86.010, depicting the petitioner including, but not limited to, requiring the respondent to: Take down and delete all intimate images and recordings of the petitioner in the respondent's possession or control; and cease any and all disclosure of those intimate images. The court may also inform the respondent that it would be appropriate to ask third parties in possession or control of the intimate images of this protection order to take down and delete the intimate images so that the order may not inadvertently be violated; or

((~~(u)~~)) (v) Order other relief as it deems necessary for the protection of the petitioner and other family or household members who are minors or vulnerable adults for whom the petitioner has sought protection, including orders or directives to a law enforcement officer, as allowed under this chapter.

(2) In an antiharassment protection order proceeding, the court may grant the relief specified in subsection (1)(c), (f), and (t) of this section only as part of a full antiharassment protection order.

(3) The court in granting a temporary antiharassment protection order or a civil antiharassment protection order shall not prohibit the respondent from exercising constitutionally protected free speech. Nothing in this section prohibits the petitioner from utilizing other civil or criminal remedies to restrain conduct or communications not otherwise constitutionally protected.

((~~(3)~~)) (4) The court shall not take any of the following actions in issuing a protection order.

(a) The court may not order the petitioner to obtain services including, but not limited to, drug testing, victim support services, a mental health assessment, or a psychological evaluation.

(b) The court may not order the petitioner to pay the respondent's attorneys' fees or other costs.

(c) The court shall not issue a full protection order to any party except upon notice to the respondent and the opportunity for a hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with this chapter. Except as provided in RCW 7.105.210, the court shall not issue a temporary protection order to any party unless the party has filed a petition or counter-petition for a protection order seeking relief in accordance with this chapter.

(d) Under no circumstances shall the court deny the petitioner the type of protection order sought in the petition on the grounds that the court finds that a different type of protection order would have a less severe impact on the respondent.

((~~(4)~~)) (5) The order shall specify the date the order expires, if any. For permanent orders, the court shall set the date to expire 99 years from the issuance date. The order shall also state whether the court issued the protection order following personal service, service by electronic means, service by mail, or service by publication, and whether the court has approved service by mail or publication of an order issued under this section.

**Sec.**  RCW 7.105.320 and 2021 c 215 s 41 are each amended to read as follows:

(1) When an order is issued under this chapter upon request of the petitioner, the court may order a law enforcement officer to accompany the petitioner and assist in placing the petitioner in possession of those items indicated in the order or to otherwise assist in the execution of the order of protection. The order must list all items that are to be included with sufficient specificity to make it clear which property is included. Orders issued under this chapter must include a designation of the appropriate law enforcement agency to execute, serve, or enforce the order. Any appropriate law enforcement agency should act where assistance is needed, even if the agency is not specifically named in the order, including assisting with the recovery of firearms as ordered.

(2) Upon order of a court, a law enforcement officer shall accompany the petitioner and assist in placing the petitioner in possession of all items listed in the order and to otherwise assist in the execution of the order.

(3) When the respondent is ordered to vacate the residence or other shared property, the respondent may be permitted by the court to remove personal clothing, personal items needed during the duration of the order, and any other items specified by the court, while a law enforcement officer is present.

(4) Where orders involve surrender of firearms, dangerous weapons, and concealed pistol licenses, those items must be secured and accounted for in a manner that prioritizes safety and compliance with court orders.

**Sec.**  RCW 7.105.340 and 2021 c 215 s 45 are each amended to read as follows:

(1) Upon the issuance of any extreme risk protection order under this chapter, including a temporary extreme risk protection order, the court shall:

(a) Order the respondent to surrender to the local law enforcement agency all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070; and

(b) Other than for ex parte temporary protection orders, direct law enforcement to revoke any concealed pistol license issued to the respondent.

(2) The law enforcement officer serving any extreme risk protection order under this chapter, including a temporary extreme risk protection order, shall request that the respondent immediately surrender all firearms in his or her custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms. The law enforcement officer shall take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. ((~~The order must be personally served upon the respondent or defendant if~~)) If the order is entered in open court ((~~in the presence of~~)) and the respondent ((~~or defendant. The respondent or defendant shall acknowledge receipt and service~~)) appears in person, the respondent must be provided a copy and further service is not required. If the respondent ((~~or defendant~~)) refuses ((~~service~~)) to accept a copy, an agent of the court may indicate on the record that the respondent ((~~or defendant~~)) refused ((~~service~~)) to accept a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service must be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms and any concealed pistol license, not previously surrendered, in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. If the respondent is in custody, arrangements to recover the firearms must be made prior to release. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of a firearm or concealed pistol license shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the officer serving the order shall file the original receipt with the court and shall ensure that his or her law enforcement agency retains a copy of the receipt.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued under this chapter, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in his or her possession, custody, or control. If probable cause for a violation of the order exists, the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms surrendered pursuant to this section, and that person is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm must be returned to that person, provided that:

(a) The firearm is removed from the respondent's custody, control, or possession, and the lawful owner provides written verification to the court regarding how the lawful owner will safely store the firearm in a manner such that the respondent does not have access to, or control of, the firearm for the duration of the order;

(b) The court advises the lawful owner of the penalty for failure to do so; and

(c) The firearm is not otherwise unlawfully possessed by the owner.

(6) Upon the issuance of a one-year extreme risk protection order, the court shall order a new compliance review hearing date and require the respondent to appear not later than three judicial days from the issuance of the order. The court shall require a showing that the respondent has surrendered any firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency. The compliance review hearing is not required upon a satisfactory showing on which the court can otherwise enter findings on the record that the respondent has timely and completely surrendered all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency, and is in compliance with the order. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible, at which the respondent must be present and provide proof of compliance with the court's order.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order is addressed, that there is probable cause to believe the respondent was aware of, and failed to fully comply with, the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, to impose remedial sanctions, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing, and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the extreme risk protection order and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order to show cause.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the extreme risk protection order and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and that a law enforcement agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of an affidavit.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding must not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard at any hearing that concerns compliance with an extreme risk protection order.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9)(a) An extreme risk protection order must state that the act of voluntarily surrendering firearms, or providing testimony relating to the surrender of firearms, pursuant to such an order, may not be used against the respondent ((~~or defendant~~)) in any criminal prosecution under this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

(10) All law enforcement agencies must develop and implement policies and procedures regarding the acceptance, storage, and return of firearms required to be surrendered under this chapter. A law enforcement agency holding any surrendered firearm or concealed pistol license shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

**Sec.**  RCW 7.105.400 and 2021 c 215 s 53 are each amended to read as follows:

(1) A temporary protection order issued under this chapter may be reissued for the following reasons:

(a) Agreement of the parties;

(b) To provide additional time to effect service of the temporary protection order on the respondent; or

(c) If the court, in writing, finds good cause to reissue the order.

(2) Any temporary orders to surrender and prohibit weapons must also be automatically reissued with the temporary protection order.

(3) To ensure that a petitioner is not delayed in receiving a hearing on a petition for a protection order, there is a rebuttable presumption that a temporary protection order should not be reissued more than once or for more than 30 days at the request of the respondent, absent agreement of the parties, good cause, or the need to provide additional time to effect service.

(4) When considering any request to stay, continue, or delay a hearing under this chapter because of the pendency of a parallel criminal investigation or prosecution of the respondent, courts shall apply a rebuttable presumption against such delay and give due recognition to the purpose of this chapter to provide victims quick and effective relief. Courts must consider on the record the following factors:

(a) The extent to which a defendant's Fifth Amendment rights are or are not implicated, given the special nature of protection order proceedings which burden a defendant's Fifth Amendment privilege substantially less than do other civil proceedings;

(b) Similarities between the civil and criminal cases;

(c) Status of the criminal case;

(d) The interests of the petitioners in proceeding expeditiously with litigation and the potential prejudice and risk to petitioners of a delay;

(e) The burden that any particular aspect of the proceeding may impose on respondents;

(f) The convenience of the court in the management of its cases and the efficient use of judicial resources;

(g) The interests of persons not parties to the civil litigation; and

(h) The interest of the public in the pending civil and criminal litigation.

(5) Courts shall not require a petitioner to complete a new ((~~law enforcement information sheet~~)) confidential information form when a temporary protection order is reissued or when a full order for a fixed time period is entered, unless the petitioner indicates that the information needs to be updated or amended. The clerk shall transmit the order to the law enforcement agency identified in the order for service, along with a copy of the confidential party information form received from the respondent, if available, or the petitioner's confidential party information form to assist law enforcement in serving the order.

**Sec.**  RCW 7.105.450 and 2021 c 215 s 56 are each amended to read as follows:

(1)(a) Whenever a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order is granted under this chapter, or an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, or there is a Canadian domestic violence protection order as defined in RCW 26.55.010, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

(i) The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or the restraint provisions prohibiting contact with a protected party;

(ii) A provision excluding the person from a residence, workplace, school, or day care;

(iii) A provision prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle;

(iv) A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, the respondent, or a minor child residing with either the petitioner or the respondent; or

(v) A provision of a foreign protection order or a Canadian domestic violence protection order specifically indicating that a violation will be a crime.

(b) Upon conviction, and in addition to any other penalties provided by law, the court:

(i) May require that the respondent submit to electronic monitoring. The court shall specify who must provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring; and

(ii) Shall impose a fine of $15, in addition to any penalty or fine imposed, for a violation of a domestic violence protection order issued under this chapter. Revenue from the $15 fine must be remitted monthly to the state treasury for deposit in the domestic violence prevention account.

(2) A law enforcement officer shall arrest without a warrant and take into custody a person whom the law enforcement officer has probable cause to believe has violated a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or a court order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, is a class C felony if the offender has at least two previous convictions for violating the provisions of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6)(a) A defendant arrested for violating a domestic violence protection order, sexual assault protection order, stalking protection order, or vulnerable adult protection order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, is required to appear in person before a magistrate within one judicial day after the arrest. At the time of the appearance, the court shall determine the necessity of imposing a no-contact order or other conditions of pretrial release.

(b) A defendant who is charged by citation, complaint, or information with violating any protection order identified in (a) of this subsection and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than 14 days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

(7) Upon the filing of an affidavit by the petitioner or any law enforcement officer alleging that the respondent has violated a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days as to why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

(8) Appearances required under this section are mandatory and cannot be waived.

**Sec.**  RCW 7.105.460 and 2021 c 215 s 58 are each amended to read as follows:

(1) Any person who files a petition for an extreme risk protection order knowing the information in such petition to be materially false, or with the intent to harass the respondent, is guilty of a gross misdemeanor.

(2) ((~~Any~~)) (a) Except as provided in (b) of this subsection, any person who has in his or her custody or control, accesses, purchases, possesses, or receives, or attempts to purchase or receive, a firearm with knowledge that he or she is prohibited from doing so by an extreme risk protection order is guilty of a gross misdemeanor, and further is prohibited from having in his or her custody or control, accessing, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm for a period of five years from the date the existing order expires. ((~~However, such~~))

(b) A person is guilty of a class C felony for a violation under (a) of this subsection if the person has two or more previous convictions for violating an order issued under this chapter.

**Sec.**  RCW 7.105.500 and 2021 c 215 s 61 are each amended to read as follows:

This section applies to modification or termination of domestic violence protection orders, sexual assault protection orders, stalking protection orders, and antiharassment protection orders.

(1) Upon a motion with notice to all parties and after a hearing, the court may modify the terms of an existing protection order or terminate an existing order.

(2) A respondent's motion to modify or terminate an existing protection order must include a declaration setting forth facts supporting the requested order for modification or termination. The nonmoving parties to the proceeding may file opposing declarations. All motions to modify or terminate shall be based on the written materials and evidence submitted to the court. The court shall set a hearing only if the court finds that adequate cause is established. If the court finds that the respondent established adequate cause, the court shall set a date for hearing the respondent's motion, which must be at least 14 days from the date the court finds adequate cause.

(3) Upon the motion of a respondent, the court may not modify or terminate an existing protection order unless the respondent proves by a preponderance of the evidence that there has been a substantial change in circumstances such that the respondent will not resume, engage in, or attempt to engage in, the following acts against the petitioner or those persons protected by the protection order if the order is terminated or modified:

(a) Acts of domestic violence, in cases involving domestic violence protection orders;

(b) Physical or nonphysical contact, in cases involving sexual assault protection orders;

(c) Acts of stalking, in cases involving stalking protection orders; or

(d) Acts of unlawful harassment, in cases involving antiharassment protection orders.

The petitioner bears no burden of proving that he or she has a current reasonable fear of harm by the respondent.

(4) In determining whether there has been a substantial change in circumstances, the court may consider the following unweighted factors, and no inference is to be drawn from the order in which the factors are listed:

(a) Whether the respondent has committed or threatened sexual assault, domestic violence, stalking, or other harmful acts against the petitioner or any other person since the protection order was entered;

(b) Whether the respondent has violated the terms of the protection order and the time that has passed since the entry of the order;

(c) Whether the respondent has exhibited suicidal ideation or attempts since the protection order was entered;

(d) Whether the respondent has been convicted of criminal activity since the protection order was entered;

(e) Whether the respondent has either acknowledged responsibility for acts of sexual assault, domestic violence, stalking, or behavior that resulted in the entry of the protection order, or successfully completed state-certified perpetrator treatment or counseling since the protection order was entered;

(f) Whether the respondent has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order;

(g) Whether the petitioner consents to terminating the protection order, provided that consent is given voluntarily and knowingly; or

(h) Other factors relating to a substantial change in circumstances.

(5) In determining whether there has been a substantial change in circumstances, the court may not base its determination on the fact that time has passed without a violation of the order.

(6) Regardless of whether there is a substantial change in circumstances, the court may decline to terminate a protection order if it finds that the acts of domestic violence, sexual assault, stalking, unlawful harassment, and other harmful acts that resulted in the issuance of the protection order were of such severity that the order should not be terminated.

(7) A respondent may file a motion to modify or terminate an order no more than once in every 12-month period that the order is in effect, starting from the date of the order and continuing through any renewal period.

(8) If a person who is protected by a protection order has a child or adopts a child after a protection order has been issued, but before the protection order has expired, the petitioner may seek to include the new child in the order of protection on an ex parte basis if the child is already in the physical custody of the petitioner. If the restrained person is the legal or biological parent of the child, a hearing must be set and notice given to the restrained person prior to final modification of the full protection order.

(9) A court may require the respondent to pay the petitioner for costs incurred in responding to a motion to modify or terminate a protection order, including reasonable attorneys' fees.

**Sec.**  RCW 7.105.510 and 2021 c 215 s 63 are each amended to read as follows:

This section applies to the modification or termination of vulnerable adult protection orders.

(1) Any vulnerable adult who is not subject to ((~~a limited guardianship, limited conservatorship, or other protective arrangement~~)) an order under chapter 11.130 RCW may, at any time subsequent to the entry of a permanent protection order under this chapter, file a motion to modify or terminate the protection order. Where a vulnerable adult is subject to an order under chapter 11.130 RCW, the vulnerable adult, or the vulnerable adult's guardian, conservator, or person acting on behalf of the vulnerable adult under a protective arrangement under chapter 11.130 RCW, may, ((~~at any time subsequent to the entry of a permanent protection order under this chapter,~~)) if within the person's authority under the guardianship, conservatorship, or protective arrangement, file a motion to modify or terminate the protection order at any time subsequent to the entry of a permanent protection order under this chapter.

(2) In a hearing on a motion to modify or terminate the protection order, the court shall grant such relief consistent with RCW 7.105.310 as it deems necessary for the protection of the vulnerable adult, including modification or termination of the protection order.

**Sec.**  RCW 7.105.902 and 2021 c 215 s 36 are each amended to read as follows:

(1) The administrative office of the courts, through the gender and justice commission of the Washington state supreme court, and with the support of the Washington state women's commission, shall work with representatives of superior, district, and municipal court judicial officers, court clerks, and administrators, including those with experience in protection order proceedings, as well as advocates and practitioners with expertise in each type of protection order, and others with relevant expertise, to consider and develop recommendations regarding:

(a) Uses of technology to reduce administrative burdens in protection order proceedings;

(b) Improving access to unrepresented parties in protection order proceedings, including promoting access for pro bono attorneys for remote protection order proceedings, in consultation with the Washington state bar association;

(c) Developing best practices for courts when there are civil protection order and criminal proceedings that concern the same alleged conduct;

(d) Developing best practices in data collection and sharing, including demographic information, in order to promote research and study on protection orders and transparency of protection order data for the public, in partnership with the Washington state center for court research, the Washington state institute for public policy, the University of Washington, and the urban Indian health institute;

(e) Developing best practices, including proposed training and necessary forms, in partnership with the Washington tribal state court consortium, to address how:

(i) Washington state court judges of all levels can see the existence of, and parties to, tribal court, military, and other jurisdiction protection orders, in comity with similar state court orders;

(ii) Tribal courts can enter their protection orders into the judicial information system used by courts to check for conflicting orders and history; and

(iii) State courts can query the national crime information center to check for tribal, military, and other jurisdictions' protection orders prior to issuing protection orders;

(f) Developing best practices for minor respondents and petitioners in civil protection order proceedings, including what sanctions should be provided for in law, with input from legal advocates for children and youth, juvenile public defense, juvenile prosecutors, adolescent behavioral health experts, youth development experts, educators, judicial officers, victim advocates, restorative-informed or trauma-informed professionals, child advocacy centers, and professionals experienced in evidenced-based modalities for the treatment of trauma; and

(g) Assessing how the civil protection order law can more effectively address the type of abuse known as "coercive control" so that survivors can seek earlier protective intervention before abuse further escalates.

(2) The gender and justice commission may hire a consultant to assist with the requirements of this section with funds as appropriated.

(3) The gender and justice commission shall provide a brief report of its recommendations to the legislature for subsection (1)(e) through (g) of this section by December 1, 2021, and, for subsection (1)(a) through (d) of this section, provide recommendations to the courts by July 1, 2022.

(4) This section expires October 1, 2022.

**Sec.**  RCW 9.41.040 and 2021 c 215 s 72 are each amended to read as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

(b) Unlawful possession of a firearm in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(2)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under subsection (1) of this section for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:

(i) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under subsection (1) of this section, or any of the following crimes when committed by one family or household member against another or by one intimate partner against another, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a ((~~domestic violence~~)) protection order or no-contact order restraining the person or excluding the person from a residence (chapter 7.105 RCW, RCW 10.99.040, or any of the former RCW 26.50.060, 26.50.070, and 26.50.130);

(ii) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of harassment when committed by one family or household member against another or by one intimate partner against another, committed on or after June 7, 2018;

(iii) During any period of time that the person is subject to a court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A, or 26.26B RCW or any of the former chapters 7.90, 7.92, 10.14, and 26.50 RCW that:

(A) Was issued after a hearing for which the person received actual notice, and at which the person had an opportunity to participate, whether the court then issues a full order or reissues a temporary order. If the court enters an agreed order by the parties without a hearing, such an order meets the requirements of this subsection;

(B) Restrains the person from harassing, stalking, or threatening the person protected under the order or child of the person or protected person, or engaging in other conduct that would place the protected person in reasonable fear of bodily injury to the protected person or child; and

(C)(I) Includes a finding that the person represents a credible threat to the physical safety of the protected person or child and by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against the protected person or child that would reasonably be expected to cause bodily injury; or

(II) Includes an order under RCW 9.41.800 requiring the person to surrender all firearms and prohibiting the person from accessing, having in his or her custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, firearms;

(iv) After having previously been involuntarily committed based on a mental disorder under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(v) After dismissal of criminal charges based on incompetency to stand trial under RCW 10.77.088 when the court has made a finding indicating that the defendant has a history of one or more violent acts, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(vi) If the person is under 18 years of age, except as provided in RCW 9.41.042; and/or

(vii) If the person is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW 9.41.010.

(b) Unlawful possession of a firearm in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted," whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including, but not limited to, sentencing or disposition, post-trial or post-fact-finding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension, or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4)(a) Notwithstanding subsection (1) or (2) of this section, a person convicted or found not guilty by reason of insanity of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401 and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction or finding of not guilty by reason of insanity. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) or (2) of this section and has not previously been convicted or found not guilty by reason of insanity of a sex offense prohibiting firearm ownership under subsection (1) or (2) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least 20 years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(i) Under RCW 9.41.047; and/or

(ii)(A) If the conviction or finding of not guilty by reason of insanity was for a felony offense, after five or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525; or

(B) If the conviction or finding of not guilty by reason of insanity was for a nonfelony offense, after three or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525 and the individual has completed all conditions of the sentence.

(b) An individual may petition a court of record to have his or her right to possess a firearm restored under (a) of this subsection only at:

(i) The court of record that ordered the petitioner's prohibition on possession of a firearm; or

(ii) The superior court in the county in which the petitioner resides.

(5) In addition to any other penalty provided for by law, if a person under the age of 18 years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) or (2) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within 24 hours and the person's privilege to drive shall be revoked under RCW 46.20.265, unless the offense is the juvenile's first offense in violation of this section and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7) Each firearm unlawfully possessed under this section shall be a separate offense.

**Sec.**  RCW 9.41.801 and 2021 c 215 s 75 are each amended to read as follows:

(1) Because of the heightened risk of lethality to petitioners when respondents to protection orders become aware of court involvement and continue to have access to firearms, and the frequency of noncompliance with court orders prohibiting possession of firearms, law enforcement and judicial processes must emphasize swift and certain compliance with court orders prohibiting access, possession, and ownership of all firearms.

(2) A law enforcement officer serving a protection order, no-contact order, or restraining order that includes an order to surrender all firearms, dangerous weapons, and a concealed pistol license under RCW 9.41.800 shall inform the respondent that the order is effective upon service and the respondent must immediately surrender all firearms and dangerous weapons in the respondent's custody, control, or possession and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms, dangerous weapons, and concealed pistol license. The law enforcement officer shall take possession of all firearms, dangerous weapons, and any concealed pistol license belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. ((~~The order must be personally served upon the respondent or defendant if~~)) If the order is entered in open court ((~~in the presence of~~)) and the respondent ((~~or defendant~~)) appears in person, the respondent shall be provided a copy and further service is not required. ((~~The respondent or defendant shall acknowledge receipt and service.~~)) If the respondent ((~~or defendant~~)) refuses ((~~service~~)) to receive a copy, an agent of the court may indicate on the record that the respondent ((~~or defendant~~)) refused ((~~service~~)) to receive a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service shall be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms, dangerous weapons, and any concealed pistol license in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of firearms, dangerous weapons, and any concealed pistol license shall issue a receipt identifying all firearms, dangerous weapons, and any concealed pistol license that have been surrendered and provide a copy of the receipt to the respondent. The law enforcement agency shall file the original receipt with the court within 24 hours after service of the order and retain a copy of the receipt, electronically whenever electronic filing is available.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms or dangerous weapons as required by an order issued under RCW 9.41.800, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms and dangerous weapons in their possession, custody, or control. If probable cause exists that a crime occurred, the court shall issue a warrant describing the firearms or dangerous weapons and authorizing a search of the locations where the firearms and dangerous weapons are reasonably believed to be and the seizure of all firearms and dangerous weapons discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms or dangerous weapons surrendered pursuant to this section, and the person is determined by the law enforcement agency to be the lawful owner of the firearm or dangerous weapon, the firearm or dangerous weapon shall be returned to the lawful owner, provided that:

(a) The firearm or dangerous weapon is removed from the respondent's access, custody, control, or possession and the lawful owner agrees by written document signed under penalty of perjury to store the firearm or dangerous weapon in a manner such that the respondent does not have access to or control of the firearm or dangerous weapon;

(b) The firearm or dangerous weapon is not otherwise unlawfully possessed by the owner; and

(c) The requirements of RCW 9.41.345 are met.

(6) Courts shall develop procedures to verify timely and complete compliance with orders to surrender and prohibit weapons under RCW 9.41.800, including compliance review hearings to be held as soon as possible upon receipt from law enforcement of proof of service. A compliance review hearing is not required if the court can otherwise enter findings on the record or enter written findings that the proof of surrender or declaration of nonsurrender attested to by the person subject to the order, along with verification from law enforcement and any other relevant evidence, makes a sufficient showing that the person has timely and completely surrendered all firearms and dangerous weapons in the person's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, to a law enforcement agency. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible at which the respondent must be present and provide proof of compliance with the court's order. Courts shall make available forms that petitioners may complete and submit to the court in response to a respondent's declaration of whether the respondent has surrendered weapons.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order to surrender and prohibit weapons is addressed, that there is probable cause to believe the respondent was aware of and failed to fully comply with the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding to impose remedial sanctions on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute. Law enforcement shall also serve a copy of the order to show cause on the petitioner, either electronically or in person, at no cost.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the order to surrender and prohibit weapons and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the underlying court order to surrender and prohibit weapons and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms and other dangerous weapons surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and the agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of a declaration.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to surrender and prohibit weapons to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding shall not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard at any hearing that concerns compliance with an order to surrender and prohibit weapons issued in connection with another type of protection order.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9)(a) An order to surrender and prohibit weapons issued pursuant to RCW 9.41.800 must state that the act of voluntarily surrendering firearms or weapons, or providing testimony relating to the surrender of firearms or weapons, pursuant to such an order, may not be used against the respondent ((~~or defendant~~)) in any criminal prosecution under this chapter, chapter ((~~9.41 [7.105]~~)) 7.105 RCW, or RCW 9A.56.310.

(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

(10) All law enforcement agencies must have policies and procedures to provide for the acceptance, storage, and return of firearms, dangerous weapons, and concealed pistol licenses that a court requires must be surrendered under RCW 9.41.800. A law enforcement agency holding any firearm or concealed pistol license that has been surrendered under RCW 9.41.800 shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

(11) The administrative office of the courts shall create a statewide pattern form to assist the courts in ensuring timely and complete compliance in a consistent manner with orders issued under this chapter. The administrative office of the courts shall report annually on the number of orders issued under this chapter by each court, the degree of compliance, and the number of firearms obtained, and may make recommendations regarding additional procedures to enhance compliance and victim safety.

**TECHNICAL AMENDMENTS**

**Sec.**  RCW 4.08.050 and 2021 c 215 s 89 are each amended to read as follows:

Except as provided under RCW 28A.225.035 and ((~~7.105.105~~)) 7.105.100, when an infant is a party he or she shall appear by guardian, or if he or she has no guardian, or in the opinion of the court the guardian is an improper person, the court shall appoint one to act. Said guardian shall be appointed as follows:

(1) When the infant is plaintiff, upon the application of the infant, if he or she be of the age of fourteen years, or if under that age, upon the application of a relative or friend of the infant.

(2) When the infant is defendant, upon the application of the infant, if he or she be of the age of fourteen years, and applies within thirty days after the service of the summons; if he or she be under the age of fourteen, or neglects to apply, then upon the application of any other party to the action, or of a relative or friend of the infant.

**Sec.**  RCW 12.04.140 and 2021 c 215 s 127 are each amended to read as follows:

Except as provided under RCW ((~~7.105.105~~)) 7.105.100, no action shall be commenced by any person under the age of eighteen years, except by his guardian, or until a next friend for such a person shall have been appointed. Whenever requested, the justice shall appoint some suitable person, who shall consent thereto in writing, to be named by such plaintiff, to act as his or her next friend in such action, who shall be responsible for the costs therein.

**Sec.**  RCW 12.04.150 and 2021 c 215 s 128 are each amended to read as follows:

After service and return of process against a defendant under the age of eighteen years, the action shall not be further prosecuted, until a guardian for such defendant shall have been appointed, except as provided under RCW ((~~7.105.105~~)) 7.105.100. Upon the request of such defendant, the justice shall appoint some person who shall consent thereto in writing, to be guardian of the defendant in defense of the action; and if the defendant shall not appear on the return day of the process, or if he or she neglect or refuse to nominate such guardian, the justice may, at the request of the plaintiff, appoint any discreet person as such guardian. The consent of the guardian or next friend shall be filed with the justice; and such guardian for the defendant shall not be liable for any costs in the action.

**Sec.**  RCW 26.28.015 and 2021 c 215 s 141 are each amended to read as follows:

Notwithstanding any other provision of law, and except as provided under RCW ((~~7.105.105~~)) 7.105.100, all persons shall be deemed and taken to be of full age for the specific purposes hereafter enumerated at the age of eighteen years:

(1) To enter into any marriage contract without parental consent if otherwise qualified by law;

(2) To execute a will for the disposition of both real and personal property if otherwise qualified by law;

(3) To vote in any election if authorized by the Constitution and otherwise qualified by law;

(4) To enter into any legal contractual obligation and to be legally bound thereby to the full extent as any other adult person;

(5) To make decisions in regard to their own body and the body of their lawful issue whether natural born to or adopted by such person to the full extent allowed to any other adult person including but not limited to consent to surgical operations;

(6) To sue and be sued on any action to the full extent as any other adult person in any of the courts of this state, without the necessity for a guardian ad litem.

**Sec.**  RCW 50.20.050 and 2021 c 251 s 3 and 2021 c 215 s 153 are each reenacted to read as follows:

(1) With respect to separations that occur on or after September 6, 2009, and for separations that occur before April 4, 2021:

(a) A claimant shall be disqualified from benefits beginning with the first day of the calendar week in which the claimant left work voluntarily without good cause and thereafter for seven calendar weeks and until the claimant obtains bona fide work in employment covered by this title and earned wages in that employment equal to seven times the claimant's weekly benefit amount. Good cause reasons to leave work are limited to reasons listed in (b) of this subsection.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the claimant's training and experience.

(b) A claimant has good cause and is not disqualified from benefits under (a) of this subsection only under the following circumstances:

(i) The claimant has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve the claimant's employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated the claimant's employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) The claimant: (A) Left work to relocate for the employment of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 7.105.010, or stalking, as defined in RCW 9A.46.110;

(v) The claimant's usual compensation was reduced by twenty-five percent or more;

(vi) The claimant's usual hours were reduced by twenty-five percent or more;

(vii) The claimant's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the claimant's job classification and labor market;

(viii) The claimant's worksite safety deteriorated, the claimant reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The claimant left work because of illegal activities in the claimant's worksite, the claimant reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The claimant's usual work was changed to work that violates the claimant's religious convictions or sincere moral beliefs; or

(xi) The claimant left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the claimant begins active participation in the apprenticeship program.

(2) With respect to separations that occur on or after April 4, 2021:

(a) A claimant shall be disqualified from benefits beginning with the first day of the calendar week in which the claimant has left work voluntarily without good cause and thereafter for seven calendar weeks and until the claimant has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times the claimant's weekly benefit amount. Good cause reasons to leave work are limited to reasons listed in (b) of this subsection.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the claimant's training and experience.

(b) A claimant has good cause and is not disqualified from benefits under (a) of this subsection only under the following circumstances:

(i) The claimant has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant made reasonable efforts to preserve the claimant's employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated the claimant's employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) The claimant: (A) Left work to relocate for the employment of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 7.105.010, or stalking, as defined in RCW 9A.46.110;

(v) The claimant's usual compensation was reduced by twenty-five percent or more;

(vi) The claimant's usual hours were reduced by twenty-five percent or more;

(vii) The claimant's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The claimant's worksite safety deteriorated, the claimant reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The claimant left work because of illegal activities in the claimant's worksite, the claimant reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The claimant's usual work was changed to work that violates the claimant's religious convictions or sincere moral beliefs;

(xi) The claimant left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the claimant begins active participation in the apprenticeship program; or

(xii) During a public health emergency:

(A) The claimant was unable to perform the claimant's work for the employer from the claimant's home;

(B) The claimant is able to perform, available to perform, and can actively seek suitable work which can be performed for an employer from the claimant's home; and

(C) The claimant or another individual residing with the claimant is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the higher risk individual:

(I) Was in an age category that is defined as high risk for the disease that is the subject of the public health emergency by the federal centers for disease control and prevention, the department of health, or the equivalent agency in the state where the individual resides; or

(II) Has an underlying health condition, verified as required by the department by rule, that is identified as a risk factor for the disease that is the subject of the public health emergency by the federal centers for disease control and prevention, the department of health, or the equivalent agency in the state where the individual resides.

(3) With respect to claims that occur on or after July 4, 2021, a claimant has good cause and is not disqualified from benefits under subsection (2)(a) of this section under the following circumstances, in addition to those listed under subsection (2)(b) of this section, if, during a public health emergency, the claimant worked at a health care facility as defined in RCW 9A.50.010, was directly involved in the delivery of health services, and left work for the period of quarantine consistent with the recommended guidance from the United States centers for disease control and prevention or subject to the direction of the state or local health jurisdiction because of exposure to or contracting the disease that is the subject of the declaration of the public health emergency.

(4) Notwithstanding subsection (1) of this section, a claimant who was simultaneously employed in full-time employment and part-time employment and is otherwise eligible for benefits from the loss of the full-time employment shall not be disqualified from benefits because the claimant:

(a) Voluntarily quit the part-time employment before the loss of the full-time employment; and

(b) Did not have prior knowledge that the claimant would be separated from full-time employment.

NEW SECTION. **Sec.**  The following acts or parts of acts are each repealed:

(1)RCW 7.105.055 (Jurisdiction—Stalking protection orders) and 2021 c 215 s 5;

(2)RCW 7.105.060 (Jurisdiction—Antiharassment protection orders) and 2021 c 215 s 6;

(3)RCW 7.105.170 (Vulnerable adult protection orders—Service when vulnerable adult is not the petitioner) and 2021 c 215 s 22; and

(4)RCW 7.105.901 (Recommendations on jurisdiction over protection order proceedings—Report) and 2021 c 215 s 12.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**Sec.**  2021 c 215 s 87 (uncodified) is amended to read as follows:

(1) Except for sections 12, 16, 18, 19, 21, 24, 25, and 36 of this act, this act takes effect July 1, 2022.

(2) Sections 19, 21, and 24, chapter 215, Laws of 2021 take effect the effective date of this section.

NEW SECTION. **Sec.**  (1) Except for sections 9 through 13 and 34 of this act, this act takes effect July 1, 2022.

(2) Sections 9 through 13 and 34 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

**--- END ---**