
HOUSE BILL 1426

State of Washington

69th Legislature

2025 Regular Session

By Representatives Davis, Jacobsen, Walen, Griffey, Fitzgibbon, Berg, Ryu, Duerr, Goodman, Doglio, Salahuddin, Fosse, and Leavitt

Read first time 01/20/25. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to creating a civil protection order to prevent
2 impaired driving; amending RCW 7.105.010, 7.105.100, 7.105.115,
3 7.105.225, 7.105.300, 7.105.405, 7.105.550, 46.20.720, 46.20.720,
4 36.28A.300, 36.28A.330, 36.28A.390, and 7.105.105; reenacting and
5 amending RCW 7.105.310; adding new sections to chapter 7.105 RCW;
6 adding a new section to chapter 43.101 RCW; prescribing penalties;
7 providing an effective date; and providing an expiration date.

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

9 **Sec. 1.** RCW 7.105.010 and 2024 c 298 s 9 are each amended to
10 read as follows:

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

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

17 (2) "Abuse," for the purposes of a vulnerable adult protection
18 order, means intentional, willful, or reckless action or inaction
19 that inflicts injury, unreasonable confinement, intimidation, or
20 punishment on a vulnerable adult. In instances of abuse of a
21 vulnerable adult who is unable to express or demonstrate physical

1 harm, pain, or mental anguish, the abuse is presumed to cause
2 physical harm, pain, or mental anguish. "Abuse" includes sexual
3 abuse, mental abuse, physical abuse, personal exploitation, and
4 improper use of restraint against a vulnerable adult, which have the
5 following meanings:

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

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

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

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

29 (e) "Sexual abuse" means any form of nonconsensual sexual conduct
30 including, but not limited to, unwanted or inappropriate touching,
31 rape, molestation, indecent liberties, sexual coercion, sexually
32 explicit photographing or recording, voyeurism, indecent exposure,
33 and sexual harassment. "Sexual abuse" also includes any sexual
34 conduct between a staff person, who is not also a resident or client,
35 of a facility or a staff person of a program authorized under chapter
36 71A.12 RCW, and a vulnerable adult living in that facility or
37 receiving service from a program authorized under chapter 71A.12 RCW,
38 whether or not the sexual conduct is consensual.

39 (3) "Chemical restraint" means the administration of any drug to
40 manage a vulnerable adult's behavior in a way that reduces the safety

1 risk to the vulnerable adult or others, has the temporary effect of
2 restricting the vulnerable adult's freedom of movement, and is not
3 standard treatment for the vulnerable adult's medical or psychiatric
4 condition.

5 (4) (a) "Coercive control" means a pattern of behavior that is
6 used to cause another to suffer physical, emotional, or psychological
7 harm, and in purpose or effect unreasonably interferes with a
8 person's free will and personal liberty. In determining whether the
9 interference is unreasonable, the court shall consider the context
10 and impact of the pattern of behavior from the perspective of a
11 similarly situated person. Examples of coercive control include, but
12 are not limited to, engaging in any of the following:

13 (i) Intimidation or controlling or compelling conduct by:

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

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

22 (C) Carrying, exhibiting, displaying, drawing, or threatening to
23 use, any firearm or any other weapon apparently capable of producing
24 bodily harm, in a manner, under circumstances, and at a time and
25 place that either manifests an intent to intimidate the other party
26 or that warrants alarm by the other party for their safety or the
27 safety of other persons;

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

30 (E) Communicating, directly or indirectly, the intent to:

31 (I) Harm the other party's children, family members, friends, or
32 pets, including by use of physical forms of violence;

33 (II) Harm the other party's career;

34 (III) Attempt suicide or other acts of self-harm; or

35 (IV) Contact local or federal agencies based on actual or
36 suspected immigration status;

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

38 (G) Making, or threatening to make, private information public,
39 including the other party's sexual orientation or gender identity,

1 medical or behavioral health information, or other confidential
2 information that jeopardizes safety; or

3 (H) Engaging in sexual or reproductive coercion;

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

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

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

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

22 (vi) Engaging in psychological aggression, including inflicting
23 fear, humiliating, degrading, or punishing the other party.

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

28 (5) "Commercial sexual exploitation" means commercial sexual
29 abuse of a minor and sex trafficking.

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

39 (7) (a) "Course of conduct" means a pattern of conduct composed of
40 a series of acts over a period of time, however short, evidencing a

1 continuity of purpose. "Course of conduct" includes any form of
2 communication, contact, or conduct, including the sending of an
3 electronic communication, but does not include constitutionally
4 protected free speech. Constitutionally protected activity is not
5 included within the meaning of "course of conduct."

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

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

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

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

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

17 (A) Protect property or liberty interests;

18 (B) Enforce the law; or

19 (C) Meet specific statutory duties or requirements;

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

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

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

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

34 (10) "Domestic violence" means:

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

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

6 (11) "Electronic monitoring" has the same meaning as in RCW
7 9.94A.030.

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

14 (13) "Facility" means a residence licensed or required to be
15 licensed under chapter 18.20 RCW, assisted living facilities; chapter
16 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;
17 chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential
18 habilitation centers; or any other facility licensed or certified by
19 the department of social and health services.

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

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

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

39 (b) The breach of a fiduciary duty, including, but not limited
40 to, the misuse of a power of attorney, trust, or a guardianship or

1 conservatorship appointment, that results in the unauthorized
2 appropriation, sale, or transfer of the property, income, resources,
3 or trust funds of the vulnerable adult for the benefit of a person or
4 entity other than the vulnerable adult; or

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

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

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

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

24 (19) "Hospital" means a facility licensed under chapter 70.41 or
25 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any
26 employee, agent, officer, director, or independent contractor
27 thereof.

28 (20) "Ignition interlock device" has the same meaning as in RCW
29 46.04.215.

30 (21) "Interested person" means:

31 (a) For protection orders other than impaired driving protection
32 orders, a person who demonstrates to the court's satisfaction that
33 the person is interested in the welfare of a vulnerable adult, that
34 the person has a good faith belief that the court's intervention is
35 necessary, and that the vulnerable adult is unable, due to
36 incapacity, undue influence, or duress at the time the petition is
37 filed, to protect his or her own interests; or

38 (b) For impaired driving protection orders, a person who
39 demonstrates to the court's satisfaction that the person can provide
40 credible testimony regarding the respondent's history of driving

1 under the influence of intoxicating liquor and that the person has a
2 good faith belief that the court's intervention is necessary.

3 ~~((21))~~ (22) "Intimate partner" means: (a) Spouses or domestic
4 partners; (b) former spouses or former domestic partners; (c) persons
5 who have a child in common regardless of whether they have been
6 married or have lived together at any time, unless the child is
7 conceived through sexual assault; or (d) persons who have or have had
8 a dating relationship where both persons are at least 13 years of age
9 or older.

10 ~~((22))~~ (23)(a) "Isolate" or "isolation" means to restrict a
11 person's ability to communicate, visit, interact, or otherwise
12 associate with persons of his or her choosing. Isolation may be
13 evidenced by acts including, but not limited to:

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

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

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

26 ~~((23))~~ (24) "Judicial day" means days of the week other than
27 Saturdays, Sundays, or legal holidays.

28 ~~((24))~~ (25) "Mechanical restraint" means any device attached or
29 adjacent to a vulnerable adult's body that the vulnerable adult
30 cannot easily remove that restricts freedom of movement or normal
31 access to the vulnerable adult's body. "Mechanical restraint" does
32 not include the use of devices, materials, or equipment that are (a)
33 medically authorized, as required, and (b) used in a manner that is
34 consistent with federal or state licensing or certification
35 requirements for facilities, hospitals, or programs authorized under
36 chapter 71A.12 RCW.

37 ~~((25))~~ (26) "Minor" means a person who is under 18 years of
38 age.

39 ~~((26))~~ (27) "Neglect" means: (a) A pattern of conduct or
40 inaction by a person or entity with a duty of care that fails to

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

9 ~~((27))~~ (28) "Nonconsensual" means a lack of freely given
10 consent.

11 ~~((28))~~ (29) "Nonphysical contact" includes, but is not limited
12 to, written notes, mail, telephone calls, email, text messages,
13 contact through social media applications, contact through other
14 technologies, or contact through third parties.

15 ~~((29))~~ (30) "Petitioner" means any named petitioner or any other
16 person identified in the petition on whose behalf the petition is
17 brought.

18 ~~((30))~~ (31) "Physical restraint" means the application of
19 physical force without the use of any device, for the purpose of
20 restraining the free movement of a vulnerable adult's body. "Physical
21 restraint" does not include (a) briefly holding, without undue force,
22 a vulnerable adult in order to calm or comfort him or her, or (b)
23 holding a vulnerable adult's hand to safely escort him or her from
24 one area to another.

25 ~~((31))~~ (32) "Possession" means having an item in one's custody
26 or control. Possession may be either actual or constructive. Actual
27 possession occurs when the item is in the actual physical custody of
28 the person charged with possession. Constructive possession occurs
29 when there is no actual physical possession, but there is dominion
30 and control over the item.

31 ~~((32))~~ (33) "Respondent" means the person who is identified as
32 the respondent in a petition filed under this chapter.

33 ~~((33))~~ (34) "Sexual conduct" means any of the following:

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

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

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

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

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

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

15 (~~(34)~~) (35) "Sexual penetration" means any contact, however
16 slight, between the sex organ or anus of one person by an object, the
17 sex organ, mouth, or anus of another person, or any intrusion,
18 however slight, of any part of the body of one person or of any
19 animal or object into the sex organ or anus of another person
20 including, but not limited to, cunnilingus, fellatio, or anal
21 penetration. Evidence of emission of semen is not required to prove
22 sexual penetration.

23 (~~(35)~~) (36) "Stalking" means any of the following:

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

25 (b) Any act of cyber harassment as defined under RCW 9A.90.120;

26 or

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

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

34 (ii) Serves no lawful purpose; and

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

38 (~~(36)~~) (37) "Temporary protection order" means a protection
39 order that is issued before the court has decided whether to issue a
40 full protection order. "Temporary protection order" includes ex parte

1 temporary protection orders, as well as temporary protection orders
2 that are reissued by the court pending the completion of a full
3 hearing to decide whether to issue a full protection order. An "ex
4 parte temporary protection order" means a temporary protection order
5 that is issued without prior notice to the respondent.

6 ~~((37))~~ (38) "Unlawful harassment" means:

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

13 (b) A single act of violence or threat of violence directed at a
14 specific person that seriously alarms, annoys, harasses, or is
15 detrimental to such person, and that serves no legitimate or lawful
16 purpose, which would cause a reasonable person to suffer substantial
17 emotional distress, and must actually cause substantial emotional
18 distress to the petitioner. A single threat of violence must include:

19 (i) A malicious and intentional threat as described in RCW
20 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

21 ~~((38))~~ (39) "Vulnerable adult" includes a person:

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

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

26 (c) Who has a developmental disability as defined under RCW
27 71A.10.020; or

28 (d) Admitted to any facility; or

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

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

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

37 NEW SECTION. **Sec. 2.** A new section is added to chapter 7.105
38 RCW to read as follows:

1 The superior courts have jurisdiction over impaired driving
2 protection order proceedings under this chapter. Additionally,
3 district courts have limited jurisdiction over the issuance and
4 enforcement of temporary impaired driving protection orders issued
5 under section 9 of this act. The district court shall set the full
6 hearing in superior court and transfer the case. If the notice and
7 order are not served on the respondent in time for the full hearing,
8 the issuing court has concurrent jurisdiction with the superior court
9 to extend the temporary impaired driving protection order. The
10 superior court to which the case is being transferred shall determine
11 whether to grant any request for a continuance.

12 **Sec. 3.** RCW 7.105.100 and 2024 c 298 s 10 are each amended to
13 read as follows:

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

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

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

1 (i) Himself or herself;
2 (ii) A minor child, where the petitioner is the parent, legal
3 guardian, or custodian;
4 (iii) A vulnerable adult, where the petitioner is an interested
5 person; or
6 (iv) Any other adult for whom the petitioner demonstrates to the
7 court's satisfaction that the petitioner is interested in the adult's
8 well-being, the court's intervention is necessary, and the adult
9 cannot file the petition because of age, disability, health, or
10 inaccessibility.

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

18 (i) Himself or herself;
19 (ii) A minor child, where the petitioner is the parent, legal
20 guardian, or custodian;
21 (iii) A vulnerable adult, where the petitioner is an interested
22 person; or
23 (iv) Any other adult for whom the petitioner demonstrates to the
24 court's satisfaction that the petitioner is interested in the adult's
25 well-being, the court's intervention is necessary, and the adult
26 cannot file the petition because of age, disability, health, or
27 inaccessibility.

28 (d) A petition for a vulnerable adult protection order, which
29 must allege that the petitioner, or person on whose behalf the
30 petition is brought, is a vulnerable adult and that the petitioner,
31 or person on whose behalf the petition is brought, has been
32 abandoned, abused, financially exploited, or neglected, or is
33 threatened with abandonment, abuse, financial exploitation, or
34 neglect, by the respondent.

35 (e) A petition for an extreme risk protection order, which must
36 allege that the respondent poses a significant danger of causing
37 personal injury to self or others by having in the respondent's
38 custody or control, purchasing, possessing, accessing, receiving, or
39 attempting to purchase or receive, a firearm. The petition must also
40 identify information the petitioner is able to provide about the

1 firearms, such as the number, types, and locations of any firearms
2 the petitioner believes to be in the respondent's current ownership,
3 possession, custody, access, or control. A petition for an extreme
4 risk protection order may be filed by (i) an intimate partner or a
5 family or household member of the respondent; or (ii) a law
6 enforcement agency.

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

16 (i) Himself or herself;

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

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

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

26 (g)(i) A petition for an impaired driving protection order, which
27 must allege that the respondent poses a significant danger of causing
28 personal injury to self or others by driving or having physical
29 control of a motor vehicle while under the influence of intoxicating
30 liquor.

31 (ii) The petition must include any information known to the
32 petitioner regarding the respondent's history of driving or having
33 physical control of a motor vehicle while under the influence of
34 intoxicating liquor. The petition must also identify information the
35 petitioner is able to provide about vehicles driven by the
36 respondent.

37 (iii) A petition for an impaired driving protection order may be
38 filed by:

39 (A) An intimate partner or a family or household member of the
40 respondent;

1 (B) A law enforcement agency;

2 (C) A prosecuting attorney as defined in RCW 36.27.005 or
3 35.23.111, or any attorney authorized to prosecute cases in court of
4 limited jurisdiction; or

5 (D) An interested person, as defined in RCW 7.105.010(21)(b).

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

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

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

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

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

37 (7) If a court reviewing the petition for a protection order or a
38 request for a temporary protection order determines that the petition
39 was not filed in the correct court, the court shall enter findings
40 establishing the correct court, and direct the clerk to transfer the

1 petition to the correct court and to provide notice of the transfer
2 to all parties who have appeared.

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

18 **Sec. 4.** RCW 7.105.115 and 2022 c 268 s 7 are each amended to
19 read as follows:

20 (1) By December 30, 2022, the administrative office of the courts
21 shall:

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

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

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

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

32 (c) Determine the significant non-English-speaking or limited
33 English-speaking populations in the state. The administrative office
34 of the courts shall then arrange for translation of the instructions
35 and informational brochures required by this section, which must
36 contain a sample of the standard petition and protection order forms,
37 into the languages spoken by at least the top five significant non-
38 English-speaking populations, and shall distribute a master copy of
39 the translated instructions and informational brochures to all court
40 clerks and to the Washington supreme court's interpreter commission,

1 minority and justice commission, and gender and justice commission.
2 Such materials must be updated and distributed if needed due to
3 relevant changes in the law;

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

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

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

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

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

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

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

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

31 (iv) For impaired driving protection orders, develop and prepare:

32 (A) A standard petition and order form for an impaired driving
33 protection order; and

34 (B) An informational brochure to be served on any respondent who
35 is subject to a temporary or full protection order under (d)(iv)(A)
36 of this subsection;

37 (e) Create a new confidential party information form to satisfy
38 the purposes of the confidential information form and the law
39 enforcement information sheet that will serve both the court's and
40 law enforcement's data entry needs without requiring a redundant

1 effort for the petitioner, and ensure the petitioner's confidential
2 information is protected for the purpose of safety. The form should
3 be created with the presumption that it will also be used by the
4 respondent to provide all current contact information needed by the
5 court and law enforcement, and full identifying information for
6 improved data entry. The form should also prompt the petitioner to
7 disclose on the form whether the person who the petitioner is seeking
8 to restrain has a disability, brain injury, or impairment requiring
9 special assistance; and

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

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

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

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

30 NEW SECTION. **Sec. 5.** A new section is added to chapter 7.105
31 RCW to read as follows:

32 For impaired driving protection order hearings, the following
33 apply:

34 (1) The court may:

35 (a) Examine under oath the petitioner, the respondent, and any
36 witnesses they may produce, or, in lieu of examination, consider
37 sworn declarations of the petitioner, the respondent, and any
38 witnesses they may produce; and

1 (b) Ensure that a reasonable search has been conducted for
2 criminal history records and civil protection order history related
3 to the respondent.

4 (2) In determining whether grounds for an impaired driving
5 protection order exists, the court may consider any relevant evidence
6 including, but not limited to, any of the following:

7 (a) Corroborated evidence of alcohol misuse by the respondent;

8 (b) Corroborated evidence that the respondent has driven or had
9 physical control of a motor vehicle while under the influence of
10 intoxicating liquor; and

11 (c) History of the respondent's prior arrest, deferred
12 prosecution, or conviction for a violation of RCW 46.61.502,
13 46.61.504, 46.61.5249, 46.61.500, an equivalent local ordinance, or
14 any offense involving alcohol.

15 **Sec. 6.** RCW 7.105.225 and 2024 c 298 s 12 are each amended to
16 read as follows:

17 (1) The court shall issue a protection order if it finds by a
18 preponderance of the evidence that the petitioner has proved the
19 required criteria specified in (a) through (~~(f)~~) (g) of this
20 subsection for obtaining a protection order under this chapter.

21 (a) For a domestic violence protection order, that the petitioner
22 has been subjected to domestic violence by the respondent.

23 (b) For a sexual assault protection order, that the petitioner
24 has been subjected to nonconsensual sexual conduct, nonconsensual
25 sexual penetration, or commercial sexual exploitation by the
26 respondent.

27 (c) For a stalking protection order, that the petitioner has been
28 subjected to stalking by the respondent.

29 (d) For a vulnerable adult protection order, that the petitioner
30 has been abandoned, abused, financially exploited, or neglected, or
31 is threatened with abandonment, abuse, financial exploitation, or
32 neglect by the respondent.

33 (e) For an extreme risk protection order, that the respondent
34 poses a significant danger of causing personal injury to self or
35 others by having in the respondent's custody or control, purchasing,
36 possessing, accessing, receiving, or attempting to purchase or
37 receive, a firearm.

38 (f) For an antiharassment protection order, that the petitioner
39 has been subjected to unlawful harassment by the respondent.

1 (g) For an impaired driving protection order, that the respondent
2 poses a significant danger of causing personal injury to self or
3 others by driving or having physical control of a motor vehicle while
4 under the influence of intoxicating liquor.

5 (2) The court may not deny or dismiss a petition for a protection
6 order on the grounds that:

7 (a) The petitioner or the respondent is a minor, unless
8 provisions in this chapter specifically limit relief or remedies
9 based upon a party's age;

10 (b) The petitioner did not report the conduct giving rise to the
11 petition to law enforcement;

12 (c) A no-contact order or a restraining order that restrains the
13 respondent's contact with the petitioner has been issued in a
14 criminal proceeding or in a domestic relations proceeding;

15 (d) The relief sought by the petitioner may be available in a
16 different action or proceeding, or criminal charges are pending
17 against the respondent;

18 (e) The conduct at issue did not occur recently or because of the
19 passage of time since the last incident of conduct giving rise to the
20 petition; or

21 (f) The respondent no longer lives near the petitioner.

22 (3) In proceedings where the petitioner alleges that the
23 respondent engaged in nonconsensual sexual conduct, nonconsensual
24 sexual penetration, or commercial sexual exploitation, the court
25 shall not require proof of physical injury on the person of the
26 petitioner or any other forensic evidence. Denial of a remedy to the
27 petitioner may not be based, in whole or in part, on evidence that:

28 (a) The respondent was voluntarily intoxicated;

29 (b) The petitioner was voluntarily intoxicated; or

30 (c) The petitioner engaged in limited consensual sexual touching.

31 (4) In proceedings where the petitioner alleges that the
32 respondent engaged in stalking, the court may not require proof of
33 the respondent's intentions regarding the acts alleged by the
34 petitioner.

35 (5) In proceedings where the petitioner alleges that the
36 respondent engaged in commercial sexual exploitation, denial of a
37 remedy to the petitioner may not be based, in whole or in part, on
38 evidence that the petitioner consented to sexual conduct or sexual
39 penetration.

1 (6) If the court declines to issue a protection order, the court
2 shall state in writing the particular reasons for the court's denial.
3 If the court declines a request to include one or more of the
4 petitioner's family or household member who is a minor or a
5 vulnerable adult in the order, the court shall state the reasons for
6 that denial in writing. The court shall also explain from the bench:

7 (a) That the petitioner may refile a petition for a protection
8 order at any time if the petitioner has new evidence to present that
9 would support the issuance of a protection order;

10 (b) The parties' rights to seek revision, reconsideration, or
11 appeal of the order; and

12 (c) The parties' rights to have access to the court transcript or
13 recording of the hearing.

14 (7) A court's ruling on a protection order must be filed by the
15 court in writing and must be made by the court on the mandatory form
16 developed by the administrative office of the courts.

17 **Sec. 7.** RCW 7.105.300 and 2021 c 215 s 37 are each amended to
18 read as follows:

19 RCW 7.105.305 through 7.105.325 apply to all orders other than
20 extreme risk protection orders and impaired driving protection
21 orders.

22 **Sec. 8.** RCW 7.105.310 and 2022 c 268 s 17 and 2022 c 231 s 9 are
23 each reenacted and amended to read as follows:

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

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

36 (b) Restrain the respondent from making any attempts to have
37 contact, including nonphysical contact, with the petitioner or the
38 petitioner's family or household members who are minors or other

1 members of the petitioner's household, either directly, indirectly,
2 or through third parties regardless of whether those third parties
3 know of the order;

4 (c) Exclude the respondent from the residence that the parties
5 share;

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

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

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

27 (g) Order the respondent to participate in a state-certified
28 domestic violence perpetrator treatment program approved under RCW
29 43.20A.735 or a state-certified sex offender treatment program
30 approved under RCW 18.155.070;

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

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

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

32 (k) Restrain the respondent from harassing, following,
33 monitoring, keeping under physical or electronic surveillance, cyber
34 harassment as defined in RCW 9A.90.120, and using telephonic,
35 audiovisual, or other electronic means to monitor the actions,
36 location, or communication of the petitioner or the petitioner's
37 family or household members who are minors or other members of the
38 petitioner's household. For the purposes of this subsection,
39 "communication" includes both "wire communication" and "electronic
40 communication" as defined in RCW 9.73.260;

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

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

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

25 (o) Order use of a vehicle;

26 (p) Enter an order restricting the respondent from engaging in
27 abusive litigation as set forth in chapter 26.51 RCW or in frivolous
28 filings against the petitioner, making harassing or libelous
29 communications about the petitioner to third parties, or making false
30 reports to investigative agencies. A petitioner may request this
31 relief in the petition or by separate motion. A petitioner may
32 request this relief by separate motion at any time within five years
33 of the date the protection order is entered even if the order has
34 since expired. A stand-alone motion for an order restricting abusive
35 litigation may be brought by a party who meets the requirements of
36 chapter 26.51 RCW regardless of whether the party has previously
37 sought a protection order under this chapter, provided the motion is
38 made within five years of the date the order that made a finding of
39 domestic violence was entered. In cases where a finding of domestic
40 violence was entered pursuant to an order under chapter 26.09, 26.26,

1 or 26.26A RCW, a motion for an order restricting abusive litigation
2 may be brought under the family law case or as a stand-alone action
3 filed under this chapter, when it is not reasonable or practical to
4 file under the family law case;

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

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

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

12 (t) Order financial relief and restrain the transfer of jointly
13 owned assets;

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

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

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

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

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

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

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

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

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

23 NEW SECTION. **Sec. 9.** A new section is added to chapter 7.105
24 RCW to read as follows:

25 (1) Where it appears from the petition and any additional
26 evidence that the respondent has engaged in conduct that serves as a
27 basis for an impaired driving protection order under this chapter,
28 and the petitioner alleges that serious immediate harm or irreparable
29 injury could result if an order is not issued immediately without
30 prior notice to the respondent, the court may grant an ex parte
31 temporary impaired driving protection order, pending a full hearing.
32 In considering whether to issue a temporary impaired driving
33 protection order, the court shall consider all relevant evidence,
34 including the evidence described in section 5 of this act.

35 (2) The court has broad discretion to grant such relief as the
36 court deems proper, including the forms of relief listed in section
37 11 of this act. The court may not order a form of relief listed in
38 section 11 of this act if it would not be feasible or appropriate for
39 the respondent to comply with such a requirement before a full

1 hearing is held on the petition for a protection order. If the court
2 does not order all the relief requested by the petitioner in an ex
3 parte temporary impaired driving protection order, the court shall
4 still consider ordering such relief at the full hearing on the
5 petition for an impaired driving protection order.

6 (3) An impaired driving protection order issued under this
7 section must contain the date, time of issuance, and expiration date.

8 (4) The court may issue an ex parte temporary impaired driving
9 protection order on the petition with or without a hearing. If an ex
10 parte temporary impaired driving protection order is denied, the
11 court shall still set a full hearing unless the court determines the
12 petition does not contain prima facie allegations to support the
13 issuance of an impaired driving protection order. If the court
14 declines to issue an ex parte temporary protection order as requested
15 or declines to set a hearing, the court shall state the reasons in
16 writing. The court's denial of a motion for an ex parte temporary
17 impaired driving protection order shall be filed with the court.

18 (5) If a full hearing is set on a petition that is filed before
19 close of business on a judicial day, the hearing must be set not
20 later than 14 days from the date of the filing of the petition. If a
21 full hearing is set on a petition that is submitted after close of
22 business on a judicial day or is submitted on a nonjudicial day, the
23 hearing must be set not later than 14 days from the first judicial
24 day after the petition is filed, which may be extended for good
25 cause.

26 (6) If the court does not set a full hearing, the petitioner may
27 file an amended petition within 14 days of the court's denial. If the
28 court determines the amended petition does not contain prima facie
29 allegations to support the issuance of an impaired driving protection
30 order or if the petitioner fails to file an amended petition within
31 the required time, the court may enter an order dismissing the
32 petition.

33 NEW SECTION. **Sec. 10.** A new section is added to chapter 7.105
34 RCW to read as follows:

35 (1) The court may not issue a full impaired driving protection
36 order to any party except upon notice to the respondent and the
37 opportunity for a hearing pursuant to a petition filed and served by
38 the party seeking relief in accordance with this chapter.

1 (2) An impaired driving protection order issued after notice and
2 a hearing, must include a statement of the grounds supporting the
3 issuance of the order.

4 (3) When issuing an impaired driving protection order after
5 notice to the respondent and a hearing, the court may either grant
6 relief for a fixed period of time of not less than one year unless
7 the petitioner has specifically requested relief for a shorter period
8 of time, or enter a permanent impaired driving protection order.

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

16 (5) When the court issues an impaired driving protection order,
17 the court shall inform the respondent that the respondent is entitled
18 to request termination of the order in the manner prescribed in
19 section 16 of this act. The court shall provide the respondent with a
20 form to request a termination hearing.

21 NEW SECTION. **Sec. 11.** A new section is added to chapter 7.105
22 RCW to read as follows:

23 (1) In issuing an impaired driving protection order, the court
24 has broad discretion to grant such relief as the court deems proper,
25 including an order that provides relief as follows:

26 (a) Require the respondent to have a functioning ignition
27 interlock device installed on all motor vehicles operated by the
28 respondent, with proof of installation filed with the court by the
29 person or the certified interlock provider within five business days
30 from the date of the impaired driving protection order. The court
31 shall establish a specific alcohol set point at which the ignition
32 interlock will prevent the vehicle from being started;

33 (b) Order the respondent to refrain from consuming any alcohol;

34 (c) Order the respondent to stay away from bars or taverns;

35 (d) Order the respondent to submit to alcohol monitoring through
36 an alcohol detection breathalyzer device, transdermal sensor device,
37 or other technology designed to detect alcohol in a person's system.
38 The respondent shall pay for the cost of the monitoring, unless the
39 court specifies that the cost of monitoring will be paid with funds

1 that are available from an alternative source identified by the
2 court;

3 (e) Order the respondent to comply with 24/7 sobriety program
4 monitoring, as defined in RCW 36.28A.330;

5 (f) Order the respondent to obtain a substance use disorder
6 evaluation and to comply with the treatment recommendations; and

7 (g) Order the respondent to participate in a minimum of two
8 meetings per week of an alcoholism self-help recovery support group.

9 (2) If the respondent is required, as part of his or her
10 employment, to operate a vehicle that is owned by the respondent's
11 employer and that is exempt from the installation of an ignition
12 interlock device pursuant to RCW 46.20.720(6), the court shall
13 consider ordering the respondent to submit to alcohol monitoring
14 through an alcohol detection breathalyzer device, transdermal sensor
15 device, or other technology designed to detect alcohol in a person's
16 system.

17 (3) The court shall immediately notify the department of
18 licensing when an ignition interlock restriction is imposed on a
19 respondent as part of an impaired driving protection order. If the
20 court imposes an ignition interlock restriction, the department of
21 licensing shall attach or imprint a notation on the respondent's
22 driving record, stating that the respondent may operate only a motor
23 vehicle equipped with a functioning ignition interlock device.

24 NEW SECTION. **Sec. 12.** A new section is added to chapter 7.105
25 RCW to read as follows:

26 (1) The clerk of the court shall enter an impaired driving
27 protection order issued under this chapter into a statewide judicial
28 information system on the same day such order is issued, if possible,
29 but no later than the next judicial day.

30 (2) A copy of an impaired driving protection order granted under
31 this chapter, must be forwarded immediately by the clerk of the
32 court, by electronic means if possible, to the law enforcement agency
33 specified in the order. Upon receipt of the order, the law
34 enforcement agency shall immediately enter the order into any
35 computer-based criminal intelligence information system available in
36 this state used by law enforcement agencies to list outstanding
37 warrants. The order must remain in the computer until the expiration
38 date specified on the order. Entry into the computer-based criminal
39 intelligence information system constitutes notice to all law

1 enforcement agencies of the existence of the order. The order is
2 fully enforceable in any county in the state.

3 (3) The information entered into the computer-based criminal
4 intelligence information system must include notice to law
5 enforcement on whether the order was personally served, served by
6 electronic means, served by publication, or served by mail.

7 (4) If a law enforcement agency receives an impaired driving
8 protection order for entry or service, but the order falls outside
9 the agency's jurisdiction, the agency may enter and serve the order
10 or may immediately forward it to the appropriate law enforcement
11 agency for entry and service, and shall provide documentation back to
12 the court verifying which law enforcement agency has entered and will
13 serve the order.

14 **Sec. 13.** RCW 7.105.405 and 2024 c 298 s 13 are each amended to
15 read as follows:

16 The following provisions apply to the renewal of all full
17 protection orders issued under this chapter, with the exception of
18 the renewal of extreme risk protection orders and impaired driving
19 protection orders.

20 (1) If the court grants a protection order for a fixed time
21 period, the petitioner may file a motion to renew the order at any
22 time within the 90 days before the order expires. The motion for
23 renewal must state the reasons the petitioner seeks to renew the
24 protection order. Upon receipt of a motion for renewal, the court
25 shall order a hearing, which must be not later than 14 days from the
26 date of the order. Service must be made on the respondent not less
27 than five judicial days before the hearing, as provided in RCW
28 7.105.150.

29 (2) If the motion for renewal is uncontested and the petitioner
30 seeks no modification of the order, the order may be renewed on the
31 basis of the petitioner's motion and statement of the reason for the
32 requested renewal.

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

35 (4) The court shall grant the motion for renewal unless the
36 respondent proves by a preponderance of the evidence that there has
37 been a substantial change in circumstances and the following:

38 (a) For a domestic violence protection order, that the respondent
39 proves that the respondent will not resume acts of domestic violence

1 against the petitioner or the petitioner's family or household
2 members who are minors or vulnerable adults when the order expires;

3 (b) For a sexual assault protection order, that the respondent
4 proves that the respondent will not engage in, or attempt to engage
5 in, physical or nonphysical contact, or acts of commercial sexual
6 exploitation, with the petitioner when the order expires;

7 (c) For a stalking protection order, that the respondent proves
8 that the respondent will not resume acts of stalking against the
9 petitioner or the petitioner's family or household members when the
10 order expires;

11 (d) For a vulnerable adult protection order, that the respondent
12 proves that the respondent will not resume acts of abandonment,
13 abuse, financial exploitation, or neglect against the vulnerable
14 adult when the order expires; or

15 (e) For an antiharassment protection order, that the respondent
16 proves that the respondent will not resume harassment of the
17 petitioner when the order expires.

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

22 (a) Whether the respondent has committed or threatened sexual
23 assault; commercial sexual exploitation; domestic violence; stalking;
24 abandonment, abuse, financial exploitation, or neglect of a
25 vulnerable adult; or other harmful acts against the petitioner or any
26 other person since the protection order was entered;

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

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

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

34 (e) Whether the respondent has either: Acknowledged
35 responsibility for acts of sexual assault, commercial sexual
36 exploitation, domestic violence, or stalking, or acts of abandonment,
37 abuse, financial exploitation, or neglect of a vulnerable adult, or
38 behavior that resulted in the entry of the protection order; or
39 successfully completed state-certified perpetrator treatment or
40 counseling since the protection order was entered;

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

4 (g) Other factors relating to a substantial change in
5 circumstances.

6 (6) The court shall not deny a motion to renew a protection order
7 for any of the following reasons:

8 (a) The respondent has not violated the protection order
9 previously issued by the court;

10 (b) The petitioner or the respondent is a minor;

11 (c) The petitioner did not report the conduct giving rise to the
12 protection order, or subsequent violations of the protection order,
13 to law enforcement;

14 (d) A no-contact order or a restraining order that restrains the
15 respondent's contact with the petitioner has been issued in a
16 criminal proceeding or in a domestic relations proceeding;

17 (e) The relief sought by the petitioner may be available in a
18 different action or proceeding;

19 (f) The passage of time since the last incident of conduct giving
20 rise to the issuance of the protection order; or

21 (g) The respondent no longer lives near the petitioner.

22 (7) The terms of the original protection order must not be
23 changed on a motion for renewal unless the petitioner has requested
24 the change.

25 (8) The court may renew the protection order for another fixed
26 time period of no less than one year, or may enter a permanent order
27 as provided in this section.

28 (9) If the protection order includes the parties' children, a
29 renewed protection order may be issued for more than one year,
30 subject to subsequent orders entered in a proceeding under chapter
31 26.09, 26.26A, or 26.26B RCW.

32 (10) The court may award court costs, service fees, and
33 reasonable attorneys' fees to the petitioner as provided in RCW
34 7.105.310.

35 (11) If the court declines to renew the protection order, the
36 court shall state, in writing in the order, the particular reasons
37 for the court's denial. If the court declines to renew a protection
38 order that had restrained the respondent from having contact with
39 children protected by the order, the court shall determine on the
40 record whether the respondent and the children should undergo

1 reunification therapy. Any reunification therapy provider should be
2 made aware of the respondent's history of domestic violence and
3 should have training and experience in the dynamics of intimate
4 partner violence.

5 (12) In determining whether there has been a substantial change
6 in circumstances for respondents under the age of 18, or in
7 determining the appropriate duration for an order, the court shall
8 consider the circumstances surrounding the respondent's youth at the
9 time of the initial behavior alleged in the petition for a protection
10 order. The court shall consider developmental factors, including the
11 impact of time of a youth's development, and any information the
12 minor respondent presents about his or her personal progress or
13 change in circumstances.

14 NEW SECTION. **Sec. 14.** A new section is added to chapter 7.105
15 RCW to read as follows:

16 The following provisions apply to the renewal of impaired driving
17 protection orders.

18 (1) The court must notify the petitioner of the impending
19 expiration of the impaired driving protection order. Notice must be
20 received by the petitioner 105 calendar days before the date the
21 order expires.

22 (2) The petitioner may by motion request a renewal of the
23 impaired driving protection order at any time within 90 days before
24 the expiration of the order.

25 (a) Upon receipt of the motion to renew, the court shall order
26 that a hearing be held not later than 14 days from the date the order
27 issues.

28 (b) In determining whether to renew an impaired driving
29 protection order issued under this section, the court shall consider
30 all relevant evidence presented by the petitioner and follow the same
31 procedure as provided in section 5 of this act.

32 (c) If the court finds by a preponderance of the evidence that
33 the requirements for the issuance of an impaired driving protection
34 order as provided in section 5 of this act continue to be met, the
35 court shall renew the order. However, if, after notice, the motion
36 for renewal is uncontested and the petitioner seeks no modification
37 of the order, the order may be renewed on the basis of the
38 petitioner's motion and statement of the reason for the requested
39 renewal.

1 (d) The renewal of an impaired driving protection order has a
2 duration of one year, subject to termination as provided in section
3 16 of this act or further renewal by order of the court.

4 NEW SECTION. **Sec. 15.** A new section is added to chapter 7.105
5 RCW to read as follows:

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

10 (2)(a) Except as provided in (b) of this subsection, any person
11 who has knowledge that he or she is subject to an impaired driving
12 protection order and who drives or has physical control of a motor
13 vehicle while out of compliance with any requirement of the impaired
14 driving protection order, is guilty of a gross misdemeanor. The
15 sentencing court shall consider extending the provisions of the
16 existing impaired driving protection order for a period of five years
17 from the date the existing order expires.

18 (b) Any person who has two or more previous convictions for
19 violating an impaired driving protection order issued under this
20 chapter is guilty of a class C felony.

21 NEW SECTION. **Sec. 16.** A new section is added to chapter 7.105
22 RCW to read as follows:

23 The following applies to modification and termination of impaired
24 driving protection orders:

25 (1) The respondent may submit one written request for a hearing
26 to modify or terminate an impaired driving protection order issued
27 under this chapter every 12-month period that the order is in effect,
28 starting from the date of the order and continuing through any
29 renewals.

30 (2) Upon receipt of the request for a hearing to modify or
31 terminate an impaired driving protection order, the court shall set a
32 date for a hearing. The hearing must occur no sooner than 14 days and
33 no later than 30 days from the date of service of the request upon
34 the petitioner.

35 (3) The respondent shall have the burden of proving by a
36 preponderance of the evidence that there has been a substantial
37 change in circumstances such that the respondent no longer poses a
38 significant danger of causing personal injury to self or others by

1 driving or having physical control of a motor vehicle while under the
2 influence of intoxicating liquor. In determining whether there has
3 been a substantial change in circumstances, the court may consider
4 any relevant evidence, including evidence of the considerations
5 listed in section 5 of this act and any additional evidence submitted
6 by the respondent, including:

7 (a) A declaration from the respondent's ignition interlock device
8 vendor that there have been none of the following incidents for the
9 duration of the impaired driving protection order:

10 (i) Any attempt to start the vehicle with a breath alcohol
11 concentration at levels that exceed the specific alcohol set point
12 established by the court in the impaired driving protection order,
13 unless a subsequent test performed within 10 minutes registers a
14 breath alcohol concentration below the specific alcohol set point and
15 the digital image confirms the respondent provided both samples;

16 (ii) Failure to take any random test unless a review of the
17 digital image confirms that the vehicle was not occupied by the
18 respondent at the time of the missed test;

19 (iii) Failure to pass any random retest with a breath alcohol
20 concentration of lower than the specific alcohol set point
21 established by the court in the impaired driving protection order,
22 unless a subsequent test performed within 10 minutes registers a
23 breath alcohol concentration lower than the specific alcohol set
24 point established by the court in the impaired driving protection
25 order, and the digital image confirms the respondent provided both
26 samples;

27 (iv) Failure of the respondent to appear at the ignition
28 interlock device vendor when required for maintenance, repair,
29 calibration, monitoring, inspection, or replacement of the device; or

30 (v) Removal of the ignition interlock device by a person other
31 than an ignition interlock technician certified by the Washington
32 state patrol;

33 (b) A declaration dated within 60 days of the expiration of the
34 impaired driving protection order from the respondent's ignition
35 interlock device vendor that the ignition interlock device was
36 inspected by an ignition interlock technician certified by the
37 Washington state patrol and no evidence was found that the device was
38 tampered with in the manner described in RCW 46.20.750;

39 (c) Evidence of compliance with 24/7 sobriety program monitoring;

1 (d) A declaration from the respondent's alcohol monitoring device
2 vendor that for the duration of the impaired driving protection
3 order, the respondent has no confirmed consumption of alcohol and no
4 confirmed attempt to tamper or circumvent testing;

5 (e) Evidence of completion of a substance use disorder evaluation
6 and any recommended treatment; and

7 (f) Evidence of regular and continued attendance at meetings of
8 an alcoholism self-help recovery support group.

9 (4) If the court finds after the hearing that the respondent has
10 met his or her burden, the court shall modify or terminate the order.

11 (5) If the court authorizes removal of an ignition interlock
12 restriction imposed under this chapter, the court shall immediately
13 notify the department of licensing regarding the lifting of the
14 ignition interlock restriction and the department of licensing shall
15 release any attachment, imprint, or notation on such person's driving
16 record relating to the ignition interlock requirement imposed under
17 this chapter.

18 **Sec. 17.** RCW 7.105.550 and 2021 c 215 s 65 are each amended to
19 read as follows:

20 (1)(a) Any order available under this chapter, other than an
21 extreme risk protection order or an impaired driving protection
22 order, may be issued in actions under chapter 13.32A, 26.09, 26.26A,
23 or 26.26B RCW. If a protection order is issued in an action under
24 chapter 13.32A, 26.09, 26.26A, or 26.26B RCW, the order must be
25 issued on the forms mandated by RCW 7.105.115. An order issued in
26 accordance with this subsection (1)(a) is fully enforceable and must
27 be enforced under the provisions of this chapter.

28 (b) If a party files an action under chapter 13.32A, 26.09,
29 26.26A, or 26.26B RCW, an order issued previously under this chapter
30 between the same parties may be consolidated by the court under that
31 action and cause number. Any order issued under this chapter after
32 consolidation must contain the original cause number and the cause
33 number of the action under chapter 13.32A, 26.09, 26.26A, or 26.26B
34 RCW.

35 (2) Nothing in chapter 215, Laws of 2021 affects the validity of
36 protection orders issued prior to July 1, 2022, under chapter 74.34
37 RCW or any of the former chapters 7.90, 7.92, 7.94, 10.14, and 26.50
38 RCW. Protection orders entered prior to July 1, 2022, under chapter
39 74.34 RCW or any of the former chapters 7.90, 7.92, 7.94, 10.14, and

1 26.50 RCW are subject to the provisions of chapter 215, Laws of 2021
2 and are fully enforceable under the applicable provisions of RCW
3 7.105.450 through 7.105.470 and may be modified or terminated in
4 accordance with the applicable provisions of RCW 7.105.500 through
5 (~~7.105.550~~) 7.105.515.

6 **Sec. 18.** RCW 46.20.720 and 2020 c 330 s 10 are each amended to
7 read as follows:

8 (1) **Ignition interlock restriction.** The department shall require
9 that a person may drive only a motor vehicle equipped with a
10 functioning ignition interlock device:

11 (a) **Pretrial release.** Upon receipt of notice from a court that an
12 ignition interlock device restriction has been imposed under RCW
13 10.21.055;

14 (b) **Ignition interlock driver's license.** As required for issuance
15 of an ignition interlock driver's license under RCW 46.20.385;

16 (c) **Deferred prosecution.** Upon receipt of notice from a court
17 that the person is participating in a deferred prosecution program
18 under RCW 10.05.020 for a violation of:

19 (i) RCW 46.61.502 or 46.61.504 or an equivalent local ordinance;
20 or

21 (ii) RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance
22 if the person would be required under RCW 46.61.5249(4) or
23 46.61.500(3) (a) or (b) to install an ignition interlock device on
24 all vehicles operated by the person in the event of a conviction;

25 (d) **Post conviction.** After any applicable period of mandatory
26 suspension, revocation, or denial of driving privileges, or upon
27 fulfillment of day-for-day credit under RCW 46.61.5055(9)(b)(ii) for
28 a suspension, revocation, or denial of driving privileges:

29 (i) Due to a conviction of a violation of RCW 46.61.502 or
30 46.61.504 or an equivalent local or out-of-state statute or
31 ordinance; or

32 (ii) Due to a conviction of a violation of RCW 46.61.5249 or
33 46.61.500 or an equivalent local ordinance if the person is required
34 under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an
35 ignition interlock device on all vehicles operated by the person;
36 (~~(e)~~)

37 (e) **Court order.** Upon receipt of an order by a court having
38 jurisdiction that a person charged or convicted of any offense
39 involving the use, consumption, or possession of alcohol while

1 operating a motor vehicle may drive only a motor vehicle equipped
2 with a functioning ignition interlock. The court shall establish a
3 specific alcohol set point at which the ignition interlock will
4 prevent the vehicle from being started. The court shall also
5 establish the period of time for which ignition interlock use will be
6 required; or

7 (f) **Impaired driving civil protection order.** Upon receipt of an
8 order by a court having jurisdiction that an ignition interlock
9 restriction has been imposed as part of an impaired driving
10 protection order issued under chapter 7.105 RCW.

11 (2) **Alcohol set point.** Unless otherwise specified by the court
12 for a restriction imposed under subsection (1)(e) of this section,
13 the ignition interlock device shall have an alcohol set point that
14 prevents the motor vehicle from being started when the breath sample
15 provided has an alcohol concentration of 0.020 or more.

16 (3) **Duration of restriction.** A restriction imposed under:

17 (a) Subsection (1)(a) of this section shall remain in effect
18 until:

19 (i) The court has authorized the removal of the device under RCW
20 10.21.055; or

21 (ii) The department has imposed a restriction under subsection
22 (1)(b), (c), or (d) of this section arising out of the same incident.

23 (b) Subsection (1)(b) of this section remains in effect during
24 the validity of any ignition interlock driver's license that has been
25 issued to the person.

26 (c) Subsection (1)(c)(i) or (d)(i) of this section shall be for
27 no less than:

28 (i) For a person who has not previously been restricted under
29 this subsection, a period of one year;

30 (ii) For a person who has previously been restricted under (c)(i)
31 of this subsection, a period of five years;

32 (iii) For a person who has previously been restricted under
33 (c)(ii) of this subsection, a period of ten years.

34 The restriction of a person who is convicted of a violation of
35 RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and who
36 committed the offense while one or more passengers under the age of
37 sixteen were in the vehicle shall be extended for an additional
38 period as required by RCW 46.61.5055(6)(a).

39 (d) Subsection (1)(c)(ii) or (d)(ii) of this section shall be for
40 a period of no less than six months.

1 (e) The period of restriction under (c) or (d) of this subsection
2 shall be extended by one hundred eighty days whenever the department
3 receives notice that the restricted person has been convicted under
4 RCW 46.20.740 or 46.20.750. If the period of restriction under (c) or
5 (d) of this subsection has been fulfilled and cannot be extended, the
6 department must add a new one hundred eighty-day restriction that is
7 imposed from the date of conviction and is subject to the
8 requirements for removal under subsection (4) of this section.

9 (f) Subsection (1)(e) or (f) of this section shall remain in
10 effect for the period of time specified by the court.

11 (g) The period of restriction under (c) and (d) of this
12 subsection based on incidents occurring on or after June 9, 2016,
13 must be tolled for any period in which the person does not have an
14 ignition interlock device installed on a vehicle owned or operated by
15 the person unless the person receives a determination from the
16 department that the person is unable to operate an ignition interlock
17 device due to a physical disability. The department's determination
18 that a person is unable to operate an ignition interlock device must
19 be reasonable and be based upon good and substantial evidence. This
20 determination is subject to review by a court of competent
21 jurisdiction. The department may charge a person seeking a medical
22 exemption under this subsection a reasonable fee for the assessment.

23 (4) **Requirements for removal.** A restriction imposed under
24 subsection (1)(c) or (d) of this section shall remain in effect until
25 the department receives a declaration from the person's ignition
26 interlock device vendor, in a form provided or approved by the
27 department, certifying the following:

28 (a) That there have been none of the following incidents in the
29 one hundred eighty consecutive days prior to the date of release:

30 (i) Any attempt to start the vehicle with a breath alcohol
31 concentration of 0.04 or more unless a subsequent test performed
32 within ten minutes registers a breath alcohol concentration lower
33 than 0.04 and the digital image confirms the same person provided
34 both samples;

35 (ii) Failure to take any random test unless a review of the
36 digital image confirms that the vehicle was not occupied by the
37 driver at the time of the missed test;

38 (iii) Failure to pass any random retest with a breath alcohol
39 concentration of lower than 0.020 unless a subsequent test performed
40 within ten minutes registers a breath alcohol concentration lower

1 than 0.020, and the digital image confirms the same person provided
2 both samples;

3 (iv) Failure of the person to appear at the ignition interlock
4 device vendor when required for maintenance, repair, calibration,
5 monitoring, inspection, or replacement of the device; or

6 (v) Removal of the ignition interlock device by a person other
7 than an ignition interlock technician certified by the Washington
8 state patrol; and

9 (b) That the ignition interlock device was inspected at the
10 conclusion of the one hundred eighty-day period by an ignition
11 interlock technician certified by the Washington state patrol and no
12 evidence was found that the device was tampered with in the manner
13 described in RCW 46.20.750.

14 (5) **Day-for-day credit.** (a) The time period during which a person
15 has an ignition interlock device installed in order to meet the
16 requirements of subsection (1)(b) of this section shall apply on a
17 day-for-day basis toward satisfying the period of time the ignition
18 interlock device restriction is imposed under subsection (1)(c) or
19 (d) of this section arising out of the same incident.

20 (b) The department must also give the person a day-for-day credit
21 for any time period, beginning from the date of the incident, during
22 which the person kept an ignition interlock device installed on all
23 vehicles the person operates, other than those subject to the
24 employer exemption under subsection (6) of this section.

25 (c) If the day-for-day credit granted under this subsection
26 equals or exceeds the period of time the ignition interlock device
27 restriction is imposed under subsection (1)(c) or (d) of this section
28 arising out of the same incident, and the person has already met the
29 requirements for removal of the device under subsection (4) of this
30 section, the department may waive the requirement that a device be
31 installed or that the person again meet the requirements for removal.

32 (6) **Employer exemption.** (a) Except as provided in (b) of this
33 subsection, the installation of an ignition interlock device is not
34 necessary on vehicles owned, leased, or rented by a person's employer
35 and on those vehicles whose care and/or maintenance is the temporary
36 responsibility of the employer, and driven at the direction of a
37 person's employer as a requirement of employment during working
38 hours. The person must provide the department with a declaration
39 pursuant to chapter 5.50 RCW from his or her employer stating that
40 the person's employment requires the person to operate a vehicle

1 owned by the employer or other persons during working hours. When the
2 department receives a declaration under this subsection, it shall
3 attach or imprint a notation on the person's driving record stating
4 that the employer exemption applies.

5 (b) The employer exemption does not apply when the employer's
6 vehicle is assigned exclusively to the restricted driver and used
7 solely for commuting to and from employment.

8 (7) **Ignition interlock device revolving account.** In addition to
9 any other costs associated with the use of an ignition interlock
10 device imposed on the person restricted under this section, the
11 person shall pay an additional fee of twenty-one dollars per month.
12 Payments must be made directly to the ignition interlock company. The
13 company shall remit the additional fee to the department to be
14 deposited into the ignition interlock device revolving account,
15 except that the company may retain twenty-five cents per month of the
16 additional fee to cover the expenses associated with administering
17 the fee. The department may waive the monthly fee if the person is
18 indigent under RCW 10.101.010.

19 (8) **Foreign jurisdiction.** For a person restricted under this
20 section who is residing outside of the state of Washington, the
21 department may accept verification of installation of an ignition
22 interlock device by an ignition interlock company authorized to do
23 business in the jurisdiction in which the person resides, provided
24 the device meets any applicable requirements of that jurisdiction.
25 The department may waive one or more requirements for removal under
26 subsection (4) of this section if compliance with the requirement or
27 requirements would be impractical in the case of a person residing in
28 another jurisdiction, provided the person is in compliance with any
29 equivalent requirement of that jurisdiction. The department may waive
30 the monthly fee required by subsection (7) of this section if
31 collection of the fee would be impractical in the case of a person
32 residing in another jurisdiction.

33 **Sec. 19.** RCW 46.20.720 and 2024 c 306 s 28 are each amended to
34 read as follows:

35 (1) **Ignition interlock restriction.** The department shall require
36 that a person may drive only a motor vehicle equipped with a
37 functioning ignition interlock device:

1 (a) **Pretrial release.** Upon receipt of notice from a court that an
2 ignition interlock device restriction has been imposed under RCW
3 10.21.055;

4 (b) **Ignition interlock driver's license.** As required for issuance
5 of an ignition interlock driver's license under RCW 46.20.385;

6 (c) **Deferred prosecution.** Upon receipt of notice from a court
7 that the person is participating in a deferred prosecution program
8 under RCW 10.05.020 for a violation of:

9 (i) RCW 46.61.502 or 46.61.504 or an equivalent local ordinance;
10 or

11 (ii) RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance
12 if the person would be required under RCW 46.61.5249(4) or
13 46.61.500(3) (a) or (b) to install an ignition interlock device on
14 all vehicles operated by the person in the event of a conviction;

15 (d) **Post conviction.** After any applicable period of mandatory
16 suspension, revocation, or denial of driving privileges, or upon
17 fulfillment of day-for-day credit under RCW 46.61.5055(9)(b)(ii) for
18 a suspension, revocation, or denial of driving privileges:

19 (i) Due to a conviction of a violation of RCW 46.61.502 or
20 46.61.504 or an equivalent local or out-of-state statute or
21 ordinance; or

22 (ii) Due to a conviction of a violation of RCW 46.61.5249 or
23 46.61.500 or an equivalent local ordinance if the person is required
24 under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an
25 ignition interlock device on all vehicles operated by the person;
26 ((~~or~~))

27 (e) **Court order.** Upon receipt of an order by a court having
28 jurisdiction that a person charged or convicted of any offense
29 involving the use, consumption, or possession of alcohol while
30 operating a motor vehicle may drive only a motor vehicle equipped
31 with a functioning ignition interlock. The court shall establish a
32 specific alcohol set point at which the ignition interlock will
33 prevent the vehicle from being started. The court shall also
34 establish the period of time for which ignition interlock use will be
35 required; or

36 (f) **Impaired driving civil protection order.** Upon receipt of an
37 order by a court having jurisdiction that an ignition interlock
38 restriction has been imposed as part of an impaired driving
39 protection order issued under chapter 7.105 RCW.

1 (2) **Alcohol set point.** Unless otherwise specified by the court
2 for a restriction imposed under subsection (1)(e) of this section,
3 the ignition interlock device shall have an alcohol set point that
4 prevents the motor vehicle from being started when the breath sample
5 provided has an alcohol concentration of 0.020 or more.

6 (3) **Duration of restriction.** A restriction imposed under:

7 (a) Subsection (1)(a) of this section shall remain in effect
8 until:

9 (i) The court has authorized the removal of the device under RCW
10 10.21.055; or

11 (ii) The department has imposed a restriction under subsection
12 (1)(b), (c), or (d) of this section arising out of the same incident.

13 (b) Subsection (1)(b) of this section remains in effect during
14 the validity of any ignition interlock driver's license that has been
15 issued to the person.

16 (c) Subsection (1)(c)(i) or (d)(i) of this section shall be for
17 no less than:

18 (i) For a person who has not previously been restricted under
19 this subsection, a period of one year;

20 (ii) For a person who has previously been restricted under (c)(i)
21 of this subsection, a period of five years;

22 (iii) For a person who has previously been restricted under
23 (c)(ii) of this subsection, a period of 10 years.

24 The restriction of a person who is convicted of a violation of
25 RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and who
26 committed the offense while one or more passengers under the age of
27 16 were in the vehicle shall be extended for an additional period as
28 required by RCW 46.61.5055(6)(a).

29 For purposes of determining a period of restriction for a person
30 restricted pursuant to a conviction under (d) of this subsection, a
31 restriction based on a deferred prosecution under subsection (1)(c)
32 of this section arising out of the same incident is not considered a
33 prior restriction for purposes of this subsection.

34 (d) Subsection (1)(c)(ii) or (d)(ii) of this section shall be for
35 a period of no less than six months.

36 (e) The period of restriction under (c) or (d) of this subsection
37 shall be extended by 180 days whenever the department receives notice
38 that the restricted person has been convicted under RCW 46.20.740 or
39 46.20.750. If the period of restriction under (c) or (d) of this
40 subsection has been fulfilled and cannot be extended, the department

1 must add a new 180-day restriction that is imposed from the date of
2 conviction and is subject to the requirements for removal under
3 subsection (4) of this section.

4 (f) Subsection (1)(e) and (f) of this section shall remain in
5 effect for the period of time specified by the court.

6 (g) The period of restriction under (c) and (d) of this
7 subsection based on incidents occurring on or after June 9, 2016,
8 must be tolled for any period in which the person does not have an
9 ignition interlock device installed on a vehicle owned or operated by
10 the person unless the person receives a determination from the
11 department that the person is unable to operate an ignition interlock
12 device due to a physical disability. For all drivers restricted under
13 this section with incidents and restriction start dates prior to June
14 9, 2016, a driver may apply to waive the restriction by applying for
15 a determination from the department that the person is unable to
16 operate an ignition interlock device due to a physical disability.
17 The department's determination that a person is unable to operate an
18 ignition interlock device must be reasonable and be based upon good
19 and substantial evidence. This determination is subject to review by
20 a court of competent jurisdiction. The department may charge a person
21 seeking a medical exemption under this subsection a reasonable fee
22 for the assessment.

23 (4) **Requirements for removal.** A restriction imposed under
24 subsection (1)(c) or (d) of this section shall remain in effect until
25 the department receives a declaration from the person's ignition
26 interlock device vendor, in a form provided or approved by the
27 department, certifying the following:

28 (a) That there have been none of the following incidents in the
29 180 consecutive days prior to the date of release:

30 (i) Any attempt to start the vehicle with a breath alcohol
31 concentration of 0.04 or more unless a subsequent test performed
32 within 10 minutes registers a breath alcohol concentration lower than
33 0.04 and the digital image confirms the same person provided both
34 samples;

35 (ii) Failure to take any random test unless a review of the
36 digital image confirms that the vehicle was not occupied by the
37 driver at the time of the missed test;

38 (iii) Failure to pass any random retest with a breath alcohol
39 concentration of lower than 0.020 unless a subsequent test performed
40 within 10 minutes registers a breath alcohol concentration lower than

1 0.020, and the digital image confirms the same person provided both
2 samples;

3 (iv) Failure of the person to appear at the ignition interlock
4 device vendor when required for maintenance, repair, calibration,
5 monitoring, inspection, or replacement of the device; or

6 (v) Removal of the ignition interlock device by a person other
7 than an ignition interlock technician certified by the Washington
8 state patrol; and

9 (b) That the ignition interlock device was inspected at the
10 conclusion of the 180-day period by an ignition interlock technician
11 certified by the Washington state patrol and no evidence was found
12 that the device was tampered with in the manner described in RCW
13 46.20.750.

14 (5) **Day-for-day credit.** (a) The time period during which a person
15 has an ignition interlock device installed in order to meet the
16 requirements of subsection (1)(b) of this section shall apply on a
17 day-for-day basis toward satisfying the period of time the ignition
18 interlock device restriction is imposed under subsection (1)(c) or
19 (d) of this section arising out of the same incident.

20 (b) The department must also give the person a day-for-day credit
21 for any time period, beginning from the date of the incident, during
22 which the person kept an ignition interlock device installed on all
23 vehicles the person operates, other than those subject to the
24 employer exemption under subsection (6) of this section.

25 (c) If the day-for-day credit granted under this subsection
26 equals or exceeds the period of time the ignition interlock device
27 restriction is imposed under subsection (1)(c) or (d) of this section
28 arising out of the same incident, and the person has already met the
29 requirements for removal of the device under subsection (4) of this
30 section, the department may waive the requirement that a device be
31 installed or that the person again meet the requirements for removal.

32 (6) **Employer exemption.** (a) Except as provided in (b) of this
33 subsection, the installation of an ignition interlock device is not
34 necessary on vehicles owned, leased, or rented by a person's employer
35 and on those vehicles whose care and/or maintenance is the temporary
36 responsibility of the employer, and driven at the direction of a
37 person's employer as a requirement of employment during working
38 hours. The person must provide the department with a declaration
39 pursuant to chapter 5.50 RCW from his or her employer stating that
40 the person's employment requires the person to operate a vehicle

1 owned by the employer or other persons during working hours. When the
2 department receives a declaration under this subsection, it shall
3 attach or imprint a notation on the person's driving record stating
4 that the employer exemption applies.

5 (b) The employer exemption does not apply when the employer's
6 vehicle is assigned exclusively to the restricted driver and used
7 solely for commuting to and from employment.

8 (c) The employer exemption does not apply to a person who is
9 self-employed unless the person's vehicle is used exclusively for the
10 person's employment.

11 (7) **Ignition interlock device revolving account.** In addition to
12 any other costs associated with the use of an ignition interlock
13 device imposed on the person restricted under this section, the
14 person shall pay an additional fee of \$21 per month. Payments must be
15 made directly to the ignition interlock company. The company shall
16 remit the additional fee to the department to be deposited into the
17 ignition interlock device revolving account, except that the company
18 may retain 25 cents per month of the additional fee to cover the
19 expenses associated with administering the fee. The department may
20 waive the monthly fee if the person is indigent under RCW 10.101.010.

21 (8) **Foreign jurisdiction.** For a person restricted under this
22 section who is residing outside of the state of Washington, the
23 department may accept verification of installation of an ignition
24 interlock device by an ignition interlock company authorized to do
25 business in the jurisdiction in which the person resides, provided
26 the device meets any applicable requirements of that jurisdiction.
27 The department may waive one or more requirements for removal under
28 subsection (4) of this section if compliance with the requirement or
29 requirements would be impractical in the case of a person residing in
30 another jurisdiction, provided the person is in compliance with any
31 equivalent requirement of that jurisdiction. The department may waive
32 the monthly fee required by subsection (7) of this section if
33 collection of the fee would be impractical in the case of a person
34 residing in another jurisdiction.

35 NEW SECTION. **Sec. 20.** A new section is added to chapter 43.101
36 RCW to read as follows:

37 (1) By July 1, 2026, the commission shall develop training for
38 law enforcement personnel regarding impaired driving protection
39 orders under chapter 7.105 RCW. The training must include information

1 on the appropriate use of impaired driving protection orders by a law
2 enforcement agency to prevent alcohol-impaired driving and the relief
3 available under an impaired driving protection order. The training
4 must also include information regarding the circumstances in which a
5 peace officer may conduct a lawful motor vehicle stop based
6 exclusively or primarily on a third-party report that a driver is
7 driving the vehicle or has physical control of the vehicle while
8 under the influence of intoxicating liquor.

9 (2) By July 1, 2027, every peace officer currently employed by a
10 state, county, or municipal law enforcement agency shall complete the
11 training specified in subsection (1) of this section.

12 (3) Beginning July 1, 2027, every new peace officer employed by a
13 state, county, or municipal law enforcement agency shall complete the
14 training specified in subsection (1) of this section within six
15 months of employment.

16 **Sec. 21.** RCW 36.28A.300 and 2014 c 221 s 912 are each amended to
17 read as follows:

18 There is created a 24/7 sobriety program to be administered by
19 the criminal justice training commission in conjunction with the
20 Washington association of sheriffs and police chiefs. The program
21 shall coordinate efforts among various local government entities for
22 the purpose of implementing alternatives to incarceration for
23 offenders convicted under RCW 46.61.502 or 46.61.504 with one or more
24 prior convictions under RCW 46.61.502 or 46.61.504, and facilitating
25 compliance with impaired driving protection orders under chapter
26 7.105 RCW.

27 **Sec. 22.** RCW 36.28A.330 and 2015 2nd sp.s. c 3 s 17 are each
28 amended to read as follows:

29 The definitions in this section apply throughout RCW 36.28A.300
30 through 36.28A.390 unless the context clearly requires otherwise.

31 (1) "24/7 sobriety program" means a program in which a
32 participant submits to testing of the participant's blood, breath,
33 urine, or other bodily substance to determine the presence of alcohol
34 or any drug as defined in RCW 46.61.540. Testing must take place at a
35 location or locations designated by the participating agency, or,
36 with the concurrence of the Washington association of sheriffs and
37 police chiefs, by an alternate method.

38 (2) "Participant" means ((a)):

1 (a) A person who has been charged with or convicted of a
2 violation of RCW 46.61.502, 46.61.504, or those crimes listed in RCW
3 46.61.5055(14), in which the use of alcohol or drugs as defined in
4 RCW 46.61.540 was a contributing factor in the commission of the
5 crime and who has been ordered by a court to participate in the 24/7
6 sobriety program; or

7 (b) A person who has been ordered by a court to participate in
8 the 24/7 sobriety program as part of an impaired driving protection
9 order under chapter 7.105 RCW.

10 (3) "Participating agency" means any entity located in the state
11 of Washington that has a written agreement with the Washington
12 association of sheriffs and police chiefs to participate in the 24/7
13 sobriety program, and includes, but is not limited to, a sheriff, a
14 police chief, any other local, regional, or state corrections or
15 probation entity, and any other entity designated by a sheriff,
16 police chief, or any other local, regional, or state corrections or
17 probation entity to perform testing in the 24/7 sobriety program.

18 (4) "Participation agreement" means a written document executed
19 by a participant agreeing to participate in the 24/7 sobriety program
20 in a form approved by the Washington association of sheriffs and
21 police chiefs that contains the following information:

22 (a) The type, frequency, and time period of testing;

23 (b) The location of testing;

24 (c) The fees and payment procedures required for testing; and

25 (d) The responsibilities and obligations of the participant under
26 the 24/7 sobriety program.

27 **Sec. 23.** RCW 36.28A.390 and 2016 c 203 s 19 are each amended to
28 read as follows:

29 (1) A general authority Washington peace officer, as defined in
30 RCW 10.93.020, who has probable cause to believe that a participant
31 has violated the terms of participation in the 24/7 sobriety program
32 may immediately take the participant into custody and cause him or
33 her to be held until an appearance before a judge on the next
34 judicial day.

35 (2) A participant who violates the terms of participation in the
36 24/7 sobriety program or does not pay the required fees or associated
37 costs pretrial or posttrial shall, at a minimum:

38 (a) Receive a written warning notice for a first violation;

1 (b) Serve a minimum of one day imprisonment for a second
2 violation;

3 (c) Serve a minimum of three (~~(days['])~~) days' imprisonment for a
4 third violation;

5 (d) Serve a minimum of five (~~(days['])~~) days' imprisonment for a
6 fourth violation; and

7 (e) Serve a minimum of seven (~~(days['])~~) days' imprisonment for a
8 fifth or subsequent violation.

9 (3) The court may remove a participant from the 24/7 sobriety
10 program at any time for noncompliance with the terms of
11 participation. If a participant is removed from the 24/7 sobriety
12 program, the court shall send written notice to the department of
13 licensing within five business days.

14 (4) This section does not apply to a person whose participation
15 in the 24/7 sobriety program is required based solely on an impaired
16 driving protection order issued against the person under chapter
17 7.105 RCW.

18 **Sec. 24.** RCW 7.105.105 and 2022 c 268 s 6 are each amended to
19 read as follows:

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

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

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

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

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

33 (4) The petitioner and the respondent must disclose the existence
34 of any other litigation or of any other restraining, protection, or
35 no-contact orders between the parties, to the extent that such
36 information is known by the petitioner and the respondent. To the
37 extent possible, the court shall take judicial notice of any existing
38 restraining, protection, or no-contact orders between the parties
39 before entering a protection order. The court shall not include
40 provisions in a protection order that would allow the respondent to

1 engage in conduct that is prohibited by another restraining,
2 protection, or no-contact order between the parties that was entered
3 in a different proceeding. The obligation to disclose the existence
4 of any other litigation includes, but is not limited to, the
5 existence of any other litigation concerning the custody or
6 residential placement of a child of the parties as set forth in RCW
7 26.27.281. The court administrator shall verify for the court the
8 terms of any existing protection order governing the parties.

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

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

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

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

25 (9)(a) No fees for service of process may be charged by a court
26 or any public agency to petitioners seeking relief under this
27 chapter. Except as provided in (b) of this subsection, courts may not
28 charge petitioners any fees or surcharges the payment of which is a
29 condition precedent to the petitioner's ability to secure access to
30 relief under this chapter. Petitioners shall be provided the
31 necessary number of certified copies, forms, and instructional
32 brochures free of charge, including a copy of the service packet that
33 consists of all documents that are being served on the respondent. A
34 respondent who is served electronically with a protection order shall
35 be provided a certified copy of the order free of charge upon
36 request.

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

39 (i) No filing fee may be charged to a petitioner seeking an
40 antiharassment protection order against a person who has engaged in

1 acts of stalking as defined in RCW 9A.46.110, a hate crime under RCW
2 9A.36.080(1)(c), or a single act of violence or threat of violence
3 under RCW 7.105.010(~~(36)~~) (38)(b), or from a person who has engaged
4 in nonconsensual sexual conduct or penetration or conduct that would
5 constitute a sex offense as defined in RCW 9A.44.128, or from a
6 person who is a family or household member or intimate partner who
7 has engaged in conduct that would constitute domestic violence; and

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

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

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

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

37 (13) Courts shall not require a petitioner to file duplicative
38 forms.

39 (14) The Indian child welfare act applies in the following
40 manner.

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

9 (b) Every order entered in any proceeding under this chapter
10 where the petitioner is not a parent of the minor or minors protected
11 by the order must contain a finding that the federal Indian child
12 welfare act or chapter 13.38 RCW does or does not apply, or if there
13 is insufficient information to make a determination, the court must
14 make a finding that a determination must be made before a full
15 protection order may be entered. If there is reason to know the child
16 is an Indian child, but the court does not have sufficient evidence
17 to determine that the child is or is not an Indian child, 25 C.F.R.
18 Sec. 23.107(b) applies. Where there is a finding that the federal
19 Indian child welfare act or chapter 13.38 RCW does apply, the order
20 must also contain a finding that all notice, evidentiary
21 requirements, and placement preferences under the federal Indian
22 child welfare act and chapter 13.38 RCW have been satisfied, or a
23 finding that removal or placement of the child is necessary to
24 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
26 federal Indian child welfare act or chapter 13.38 RCW does not apply,
27 the order must also contain a finding as to why there is no reason to
28 know the child may be an Indian child.

29 NEW SECTION. **Sec. 25.** Section 18 of this act expires January 1,
30 2026.

31 NEW SECTION. **Sec. 26.** Section 19 of this act takes effect
32 January 1, 2026.

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