

RCW 7.105.405 Renewal of protection orders—Other than extreme risk protection orders. The following provisions apply to the renewal of all full protection orders issued under this chapter, with the exception of the renewal of extreme risk protection orders.

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

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

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

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

(a) For a domestic violence protection order, that the respondent proves that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's family or household members who are minors or vulnerable adults when the order expires;

(b) For a sexual assault protection order, that the respondent proves that the respondent will not engage in, or attempt to engage in, physical or nonphysical contact with the petitioner when the order expires;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) If the court declines to renew the protection order, the court shall state, in writing in the order, the particular reasons for the court's denial. If the court declines to renew a protection order that had restrained the respondent from having contact with children protected by the order, the court shall determine on the record whether the respondent and the children should undergo reunification therapy. Any reunification therapy provider should be made aware of the respondent's history of domestic violence and should have training and experience in the dynamics of intimate partner violence.

(12) In determining whether there has been a substantial change in circumstances for respondents under the age of 18, or in determining the appropriate duration for an order, the court shall consider the circumstances surrounding the respondent's youth at the time of the initial behavior alleged in the petition for a protection

order. The court shall consider developmental factors, including the impact of time of a youth's development, and any information the minor respondent presents about his or her personal progress or change in circumstances. [2021 c 215 § 54.]

Effective date—2022 c 268; 2021 c 215: See note following RCW 7.105.900.