



GENDER AND JUSTICE COMMISSION

November 4, 2011, 8:45 a.m. – 3:00 p.m.

RED LION HOTEL
SEATAC, WASHINGTON

CHIEF JUSTICE BARBARA MADSEN, CHAIR
JUDGE ALICIA NAKATA, VICE CHAIR

		TAB
8:45 a.m.	CALL TO ORDER - Introductions and Approval of Minutes	
	COMMISSION BUSINESS <ul style="list-style-type: none"> • Introduction of new Commission members: <ul style="list-style-type: none"> ○ Judge Stephen Brown, Grays Harbor District Court ○ Mr. Ron Miles, Spokane Superior Court Administrator • Commission budget • Brief history of Commissions and Task Force • Website Update 	
	PLANNING SESSION Review of survey results <ul style="list-style-type: none"> • What are our strengths • What areas do we need to improve • What are the suggestions for improvement Committee Structure Discussion <ul style="list-style-type: none"> • What's should we keep doing • What should we start doing • Structure and process for committee work Communication <ul style="list-style-type: none"> • What's working • What isn't • Structure and process for communication Outreach <ul style="list-style-type: none"> • Define what this means to us • Identify outreach parameters • Structure and process for outreach activities • Review Membership 	
	UNFINISHED BUSINESS <ul style="list-style-type: none"> • Annual report • DV Webinars • Sexual Assault Bench Guide 	
	NEW BUSINESS <ul style="list-style-type: none"> • Anti-Stalking Legislation 	
3:00 p.m.	ADJOURNMENT	

**Gender and Justice Commission
September 9, 2011
Meeting Minutes**

In Attendance: Chief Justice Barbara Madsen, Judge Vickie Churchill, Judge Joan DuBuque, Ms. Ruth Gordon, Ms. Michelle Hankins, Dr. Margaret Hobart, Judge Cynthia Jordan, Ms. Judith Lonquist, Professor Natasha Martin, Judge Craig Matheson, Judge Alicia Nakata, Ms. Yvonne Pettus, Mr. Bernie Ryan, Judge Ann Schindler, Judge Chris Wickham, Ms. Myra Downing, and Ms. Pam Dittman

Guests: Ms. Beth McGrath, Ms. Paula Malleck-Odegaard, and Ms. Maya Raghu via phone

Absent: Ms. Barbara Carr, Ms. Mirta Laura Contreras, Ms. Jennie Laird, Ms. Leslie Owen, Justice Jane Smith, and Mr. David Ward

The May 13, 2011, meeting minutes were approved as presented in the meeting packet.

COMMISSION BUSINESS

Staff Report – Ms. Myra Downing

DMCJA Conference

- **Elder Abuse Session:** The Commission led a simulated exercise to assist attendees in recognizing how decisions made upon leaving an intimate partner violence relationship leads to different ramifications per individual.
- **Cultural Competency:** The Commission sponsored a workshop on this topic. It was well received.

Conflicting Orders Regional Meetings

The Commission sponsored seven regional meetings throughout the state from June through August 2011 regarding ESHB2777 and received input from various parties on concerns and suggestions on how to reconcile conflicting and duplicative no-contact and protection orders.

The DV Protocol Workgroup will be meeting on Friday, September 16, to draft the guidelines for a process to reconcile these orders. The report is due to the Legislature by December 2011.

Annual Report

The Commission's Annual Report was sent out for review and comment. A final revision will be completed within the next few weeks.

Sexual Assault Bench Guide

The Sexual Assault Bench Guide is still progressing. Law students from Seattle University School of Law have volunteered to assist with researching and writing in several areas of the bench guide. The suggestion for the model of this bench guide was to start with a story and/or scenario and provide guidance (or pinch points) where bias might occur. Then follow with the law. Commission members recommended focusing on the legal and or ethical questions that might be posed at any point during a sexual assault proceeding.

ACTION: Judge Churchill, Judge Jordan, Judge Matheson, and Judge Wickham have agreed to have a conference call to discuss the best way to proceed with the bench guide.

Concealed Pistol Licenses (CPL)

In ESHB 2777 there is a direction to AOC to increase the efficiency of the process for revocation of CPLs. At this time, staff is examining the forms in which CPL revocations occur. There is a proposal to have a sub-docket code created in JIS that can be used to pull a nightly query to send to DOL.

ACTION: Need to check with DOL on how quickly will they process the revocation of the CPL (i.e., update their system) when they receive the reports from AOC.

Women in the Professions – October 28

The University of Washington Bothell is presenting a day of inquiry, cross professional conversations, and strategizing about women's next steps in gaining leadership roles in the professions. For more information: <http://www.uwb.edu/cusp/news/womenintheprofessions>

ACTION: For the next Commission meeting: 1) provide information from the Chief's participation in presentation regarding this subject; 2) provide Glass Ceiling Report (2001) information; 3) provide any newer research or studies on this subject.

Contact WSBA's Paula Littlewood or Roger Leischman to discuss this topic.

Grants

- **Imaging** – The grant was received and is to be used for the Proof of Concept project with Thurston County Superior Court regarding imaging of documents and accessibility by JIS and middle-ware systems for sharing purposes.
- **SJI** – This grant was extended through December 31, 2011 and will be used to create webinars and a bench guide. Grace Huang and Ann Benson working on these projects.

Risk Assessment

There continues to be discussion regarding the development of a non-static risk assessment tool. Dr. Barnowski, along with the Seattle PD, and the Thurston County Superior Court, has been working on this project. It was then discovered that AOC was also working on a project to develop a risk assessment tool. A meeting was held to discuss the two projects and the overlap.

- What is the value of creating two risk assessment tools, if any?
- Does the risk assessment tool being developed by AOC include the DV component?
- What is the predictability of either risk assessment tool as county councils have begun to dictate that they be used in bail proceedings?
- Is the development of a risk assessment tool currently in the JISC budget?

ACTION: Chief Justice Madsen to initiate a conference call regarding the risk assessment tool, the budget, the DV component, and the inclusion of the Commission in on-going discussions. (Chief Justice Madsen, Justice Fairhurst, Justice Wiggins, Judge Inouye, Judge Inveen, Judge Wickham, Mr. Jeff Hall, and Mr. John O'Conner.)

Chair Report – Chief Justice Barbara Madsen

WSBA Presentation

The Chief Justice was a presenter as part of a panel discussion this past summer regarding why women are leaving the legal profession.

IDGC – ABA Young Lawyer's Presentation

The IDGC added a question to their membership encouraging firms to agree to the standard commitments of increasing diversity through hiring, retention, promotion, and elevating diverse attorneys to leadership positions.

Gonzaga Program

The Chief Justice has been asked to be the keynote speaker at Gonzaga University later in September on the topic of race and justice. The Chief Justice will be one of four members of the Supreme Court to be in attendance and presenting.

Budget Update

The current forecast is there will be a budget deficit and a special legislative session will be needed. It appears agencies will need to make deeper cuts ranging up to another 10 percent. AOC understands that the Gender and Justice and Minority and Justice Commissions are of high importance in the scheme of things. Further decisions are still in the works regarding task forces, boards, and commissions and either realigning some of their duties or combining them. Other recommendations are still being discussed.

Miscellaneous – Others

Membership

There are two vacant positions, district court judge, and court administrator. Additionally, the Commission updated the by-laws to include a Vice Chair position which has yet to be filled. Judge Nakata has indicated she would be willing to fill this position if there are no other candidates.

ACTION: A subcommittee to be formed to approach viable candidates for the open positions.

Subcommittee: Judge Churchill, Judge DuBuque, Professor Martin, Judge Nakata, and Leslie Owen

Strategic Planning

ACTION: Readdress the Strategic Plan during the November 4, Commission meeting and incorporate how we want to continue to grow the credibility of the Commission.

SPECIAL PRESENTATIONS

Beyond Pink – Barbara Carr – Unable to attend.

A one-day gathering of juvenile justice professionals will be held on Friday, October 14, 2011, in Burien. For questions and/or to register, e-mail Ann Muno at justiceforgirls.wa@gmail.com.

Work Place Violence – Maya Raghu, Futures Without Violence

Maya Raghu from Futures Without Violence walked the Commission through the Work Place Violence interactive Web site. (<http://www.workplacesrespond.org/>) The Web site has the ability to assist others with creating work place violence policies based on state specific laws. The site also provides interactive training exercises (i.e., scenarios with cause/effect rationale) through the “Interact with a virtual employee” tool.

A lively discussion ensued regarding how to utilize this tool and promote its use to others. It is an easy-to-use tool and provides a “decision tree” interactive element that would be useful to supervisors, human resource employees, judicial staff, and many others.

ACTION: Subcommittee to flesh out the proposal to promote this tool during October (Domestic Violence Awareness Month), to others.

Sub-Committee: Judge Wickham, Judge Schindler, Judge Nakata, Yvonne Pettus

ACTION: Before November 4, Commission Meeting, members agree to explore the www.workplacesrespond.org Web site and provide feedback on best way to use the site.

Gender and Justice Commission Web Page

Thanks to Paula Malleck-Odegaard for continuing to be a driving force in having the G&J Commission Web page updated. Beth McGrath presented on a proposed Web page design change. Questions regarding who is the audience, how does it promote the Commission, how easily can it be updated, navigation, design, etc., led to the conclusion that more work was needed.

ACTION: Subcommittee formed to discuss the various questions and concerns and design aspects. A report back to the Commission membership will be conducted at the November 4, meeting.

Subcommittee: Myra Downing, Ruth Gordon, Margaret Hobart, Judith Lonquist, Bernie Ryan

COMMITTEE REPORTS AND PROJECTS

DV Committee

- Regional Meetings
 - The regional meetings have been completed. See Page 1, *Conflicting Orders Regional Meetings* for information.
 - Goodman Workgroup
 - Representative Goodman held a DV Workgroup meeting in early September. The meeting was well attended and much of it was spent on various discussions regarding the effectiveness of Perpetrator Treatment.
 - The other topic was the proposal of creating a separate Stalking Order as the current anti-harassment order has limitations and does not provide for stacking of offenses and tends to be low level on the law enforcement enforceability.
- Attorney General's Workgroup
 - Will be meeting September 13, to discuss the Stalking Order.
- SJI Immigration Grant Project Update

**Gender and Justice Commission
Meeting Schedule
2011 – 2012**

Date	Time	Location
January 13, 2012	8:45 a.m. – 12:30 p.m.	AOC SeaTac Office
March 9, 2012	8:45 a.m. – 12:30 p.m.	Temple of Justice Olympia, WA
May 11, 2012	8:45 a.m. – 12:30 p.m.	AOC SeaTac Office
July 13, 2012	8:45 a.m. – 12:30 p.m.	AOC SeaTac Office
September 14, 2012	8:45 a.m. – 12:30 p.m.	AOC SeaTac Office
November 2, 2012	8:45 a.m. – 12:30 p.m.	AOC SeaTac Office

AOC Staff: Myra Downing, Executive Director

FY12 Management Report - Judicial Services Division - September 2011

Judicial Services Division

2011-2013 36* Commissions

FY12 36201 Gender & Justice

Object	FTEs	Fiscal Year Allotments	YTD Expenditures	YTD Encumbrances	Total YTD Expenditures	Percent Expended	Projected Expenditures	Projected Variance
A Salaries and Wages	1.0	\$69,348	\$16,812	\$0	\$16,812	24.2%	\$52,536	\$0
B Employee Benefits		\$20,860	\$4,658	\$0	\$4,658	22.3%	\$16,202	\$0
C Contracts		\$0	\$0	\$0	\$0	0.0%	\$0	\$0
E Goods and Services		\$39,300	\$1,415	\$0	\$1,415	2.4%	\$0	\$37,885
G Travel		\$20,000	\$1,694	\$0	\$1,694	0.0%	\$0	\$18,306
J Capital Outlays		\$0	\$0	\$0	\$0	0.0%	\$0	\$0
N Grants		\$0	\$0	\$0	\$0	0.0%	\$0	\$0
Total	1.0	\$149,508	\$24,579	\$0	\$24,579	16.4%	\$68,738	\$56,191

FY13 36201 Gender & Justice

Object	FTEs	Fiscal Year Allotments	YTD Expenditures	YTD Encumbrances	Total YTD Expenditures	Percent Expended	Projected Expenditures	Projected Variance
A Salaries and Wages	1.0	\$69,348	\$0	\$0	\$0	24.2%	\$0	\$69,348
B Employee Benefits		\$20,888	\$0	\$0	\$0	22.3%	\$0	\$20,888
C Contracts		\$0	\$0	\$0	\$0	0.0%	\$0	\$0
E Goods and Services		\$39,300	\$0	\$0	\$0	2.4%	\$0	\$39,300
G Travel		\$20,000	\$0	\$0	\$0	0.0%	\$0	\$20,000
J Capital Outlays		\$0	\$0	\$0	\$0	0.0%	\$0	\$0
N Grants		\$0	\$0	\$0	\$0	0.0%	\$0	\$0
Total	1.0	\$149,536	\$0	\$0	\$0	16.4%	\$0	\$149,536

2011-2013 Biennium 36201 Gender & Justice

Object	FTEs	Fiscal Year Allotments	YTD Expenditures	YTD Encumbrances	Total YTD Expenditures	Percent Expended	Projected Expenditures	Projected Variance
A Salaries and Wages	1.0	\$138,696	\$16,812	\$0	\$16,812	24.2%	\$52,536	\$69,348
B Employee Benefits		\$41,748	\$4,658	\$0	\$4,658	22.3%	\$16,202	\$20,888
C Contracts		\$0	\$0	\$0	\$0	0.0%	\$0	\$0
E Goods and Services		\$78,600	\$1,415	\$0	\$1,415	2.4%	\$0	\$77,185
G Travel		\$40,000	\$1,694	\$0	\$1,694	0.0%	\$0	\$38,306
J Capital Outlays		\$0	\$0	\$0	\$0	0.0%	\$0	\$0
N Grants		\$0	\$0	\$0	\$0	0.0%	\$0	\$0
Total	1.0	\$299,044	\$24,579	\$0	\$24,579	16.4%	\$68,738	\$205,727

Anti Stalking Protection Order Bill
Note from the Honorable Ruth Gordon

I have received two documents from Barb Miner, who is representing the clerks on that work group. She says they want input so I am sending these documents to you to distribute to the GJC and perhaps we could wedge a consideration of this legislation into our agenda tomorrow.

A concern that the clerks have and I would think the bench would share it is that we have such a proliferation of various orders lately. One idea would be to have a generic petition for a protective order and have the judge decide which type of order should be granted, if any, rather than having a front counter clerk spend 15 minutes trying to guide the party through petitioning for the correct type of order and the party insisting she needs a RESTRAINING or HARRASSMENT or NO CONTACT order because that is what the police told her she needs and us finally wrangling her down to something we think the facts fit – it is a lot like practicing law – and then have the judge deny it but tell us he would have signed something else.

Another problem, of course, is that with every new type of order Law Enforcement has to learn how to read and apply a new order. A standard front page that functions kind of like a Judgment Summary with all the information right there in a synopsis would be another possible way to quell the confusion that so many different types of orders create.

Here is an excerpt of King County Clerk Barbara Miner's letter to the clerks:

...This is intended to break out some of the situations currently covered in the AH protection order and heighten up the consequences, etc. related to stranger to stranger stalking. Not DV stalking. There are holes in the current criminal laws related to this area too, so the group is working on both the civil and the criminal side of stranger to stranger stalking. Attached is their proposed bill language. Don't be alarmed – they made it look like it is already an RCW but it is not. It is just proposed. They modeled it after the SAPO law. There is a component related to "service by publication" which I think we want to make clear does not come from county funds. There are many issues with service in this category of cases, as you can imagine, since everyone is a stranger to everyone else....

In re: her comment about the counties not bearing the cost of publication – that is true. The counties will fight yet another unfunded mandate.



24 October 2011

MEMORANDUM

TO: Attorney General Domestic Violence Task Force

FROM: David Martin and Dennis McCurdy

SUBJECT: Stalking Laws

The problem of insufficient penalties for serial stalkers is made clear with the seventeen year stalking campaign of Shaun Moul, Middle school acquaintance, lifetime stalker, Seattle PI and Seattle Times, August, 2011, and the murder of Jennifer Paulson by her stalker. Elementary school teacher Jennifer Paulson shot and killed by alleged stalker in Washington, Associated Press, February, 2010. In each case strangers who had no relationship with the victim became obsessed serial stalkers. In Washington, serial stalking cases, although low in number, pose lethal danger to victims. Legislation is needed to provide protection for victims of the worst of the worst stalking cases.¹

All 50 states have enacted criminal laws directed at stalking.² However, in some states the stalking laws lack "teeth" or sufficient penalties. The problem of insufficient penalties is compounded by a failure to coordinate stalking laws with related laws. For example, in Washington there is a stalking law ranked as only a class C felony, but no provision to aggravate the charge in extreme circumstances as can be done in practically every other felony crime. This is a significant gap because research suggests that by the time victims report stalking to police, the stalking behavior has been well established and victim-initiated countermeasures have failed to stop the stalker.³ according to the

Option 1--Create a stalking aggravator combined with DV Aggravator:

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, **or stalking, as defined in RCW 9A.46.110**, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of a victim or multiple victims manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children

¹ The Sentencing Guidelines Commission indicates there were 31 felony stalking and felony cyberstalking sentences in 2010 and 29 felony stalking and cyberstalking sentences in 2009.

² See the Institute for Law and Justice article: Stalking Laws and Implementation Practices.

³ United States Department of Justice, A Statewide Study of Stalking and its Criminal Justice Response, September, 2009.

under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

Option 2--create new aggravator specific for stalking:

The current offense involved **stalking, as defined in RCW 9A.46.110**, and one or more of the following was present (options to select):

- The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of a victim or multiple victims manifested by multiple incidents over a prolonged period of time
- Federal aggravator stalking language is "*The defendant stalked the victim on many occasions over a prolonged period of time.*" Or "*a pattern of activity involving stalking, threatening, harassing, or assaulting the same victim or multiple victims.*"
- The offense occurred within sight or sound of minor children under the age of eighteen years;
- The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.
- The offender's conduct during the commission of the current offense caused bodily injury to the victim.

And

Modify the stalking statute to a class B to make sure the aggravator can have meaning:

(1) A person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

(a) He or she intentionally and repeatedly harasses or repeatedly follows another person; and

(b) The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and

(c) The stalker either:

(i) Intends to frighten, intimidate, or harass the person; or

(ii) Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.

(2)(a) It is not a defense to the crime of stalking under subsection (1)(c)(i) of this section that the stalker was not given actual notice that the person did not want the stalker to contact or

follow the person; and

(b) It is not a defense to the crime of stalking under subsection (1)(c)(ii) of this section that the stalker did not intend to frighten, intimidate, or harass the person.

(3) It shall be a defense to the crime of stalking that the defendant is a licensed private investigator acting within the capacity of his or her license as provided by chapter [18.165](#) RCW.

(4) Attempts to contact or follow the person after being given actual notice that the person does not want to be contacted or followed constitutes prima facie evidence that the stalker intends to intimidate or harass the person. "Contact" includes, in addition to any other form of contact or communication, the sending of an electronic communication to the person.

(5)(a) Except as provided in (b) of this subsection, a person who stalks another person is guilty of a gross misdemeanor.

(b) A person who stalks another is guilty of a **class C B felony** if any of the following applies: (i) The stalker has previously been convicted in this state or any other state of any crime of harassment, as defined in RCW [9A.46.060](#), of the same victim or members of the victim's family or household or any person specifically named in a protective order; (ii) the stalking violates any protective order protecting the person being stalked; (iii) the stalker has previously been convicted of a gross misdemeanor or felony stalking offense under this section for stalking another person; (iv) the stalker was armed with a deadly weapon, as defined in *RCW [9.94A.602](#), while stalking the person; (v)(A) the stalker's victim is or was a law enforcement officer; judge; juror; attorney; victim advocate; legislator; community corrections' officer; an employee, contract staff person, or volunteer of a correctional agency; or an employee of the child protective, child welfare, or adult protective services division within the department of social and health services; and (B) the stalker stalked the victim to retaliate against the victim for an act the victim performed during the course of official duties or to influence the victim's performance of official duties; or (vi) the stalker's victim is a current, former, or prospective witness in an adjudicative proceeding, and the stalker stalked the victim to retaliate against the victim as a result of the victim's testimony or potential testimony.

Per Stalking Resource Center and National Center Victims of Crime:

While all states provide civil protection orders against domestic violence, only 29 states now authorize protective orders against stalking. P4

Stalking victims also secure civil protective or restraining order petitions, as well as, in the 25 states that have them, stalking protective orders.¹² According to the National Center for Victim of Crime, Stalking Resource Center, these states include AK, CA, CO, FL, GA, HI, KS, MD, MO, MT, NE, NV, NH, NC, OH, OK, SC, TN, UT, VT, VA, WI, and WY. Additionally, 38 states have harassment protective orders, including AK, AL, AZ, CA, CO, DE, DC, FL, GA, HI, IN, KS, LA, MD, MO, MT, NE, NM, NV, NH, NY, NC, OH, OK, OR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WI, and WY.

California has the broadest set of anti-stalking laws, including felony penalties, warrantless arrest, civil orders of protection, and stalking training availability. P6

Chapter 7.95 RCW
Stalking protection order act

7.95.005

Legislative declaration.

Stalking is a crime that affects 3.4 million people over the age of 18 each year in the United States. Almost half of those victims experience at least one unwanted contact per week. 29% of stalking victims fear that the stalking will never stop. The prevalence of anxiety, insomnia, social dysfunction, and severe depression is much higher among stalking victims than the general population. Three in four stalking victims are stalked by someone they know, and at least 30% of stalking victims are stalked by a current or former intimate partner. For many of those victims, the Domestic Violence Protection Order is a tool they can access to help them stay safer. For those who have not had an intimate relationship with the person stalking them, there are few remedies for them under the law. Victims who do not report the crime still desire safety and protection from future interactions with the offender. Some cases in which the stalking is reported are not prosecuted. In these situations, the victim should be able to seek a civil remedy requiring that the offender stay away from the victim. It is the intent of the legislature that the stalking protection order created by this chapter be a remedy for victims who do not qualify for a domestic violence order of protection.

7.95.010

Definitions.

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

(1) *Removed—was definition of non-consensual contact*

(2) "Petitioner" means any named petitioner for the stalking protection order or any named victim of stalking conduct on whose behalf the petition is brought.

(3) "Stalking protection order" means an ex parte temporary order or a final order granted under this chapter, which includes a remedy authorized by RCW [7.95.090](#).

(4) "Stalking" means the following: **NEED TO INSERT STALKING DEFINITION PER RCW 9A.46.110 HERE UNLESS WE ONLY REFER TO THE RCW.**

7.95.020

Petition for a stalking protection order — Creation — Contents — Administration.
There shall exist an action known as a petition for a stalking protection order.

(1) A petition for relief shall allege the existence of stalking conduct and shall be accompanied by an affidavit made under oath stating the specific reasons that have caused the petitioner to become **reasonably fearful** that the respondent intends to injure the petitioner or another person, or the petitioner's property or the property of another. Petitioner and respondent shall disclose the existence of any other litigation or of any other restraining, protection, or no-contact orders between the parties.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(3) Within ninety days of receipt of the master copy from the administrative office of the courts, all court clerk's offices shall make available the standardized forms, instructions, and informational brochures required by RCW [7.95.180](#) and shall fill in and keep current specific program names and telephone numbers for community resources. Any assistance or information provided by clerks under

this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition. **LEAVE ALONE?**

(4) Forms and instructional brochures and the necessary number of certified copies shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

(6) If the petition states that disclosure of the petitioner's address would risk abuse of the petitioner or any member of the petitioner's family or household, that address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner shall designate an alternative address at which the respondent may serve notice of any motions.

7.95.030

Petition — Who may file.

(1) A petition for a stalking protection order may be filed by a person:

(a) Who does not qualify for a protection order under chapter 26.50 RCW and who is a victim of stalking; or

(b) On behalf of any of the following persons who is a victim of stalking and who does not qualify for a protection order under chapter 26.50 RCW:

(i) A minor child;

(ii) A vulnerable adult as defined in RCW 74.34.020 or 74.34.021; or

(iii) Any other adult who, because of age, disability, health, or inaccessibility, cannot file the petition.

Seems we should somehow address this order vs. SAPO'S V. ANTI-HARASSMENTS as well?

7.95.040

Petition — Additional requirements.

(1) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim stalking committed by the respondent.

(2) A person under eighteen years of age who is **sixteen/fourteen** years of age or older may seek relief under this chapter and is not required to seek relief by a guardian or next friend.

(3) No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter who is under eighteen years of age if such respondent is **sixteen/fourteen** years of age or older.

(4) The court may, if it deems necessary, appoint a guardian ad litem for a petitioner or respondent who is a party to an action under this chapter.

(5) Jurisdiction of the courts over proceedings under this chapter shall be the same as jurisdiction over domestic violence protection orders under RCW 26.50.020(5).

(6) An action under this chapter **may** be filed in the county or the municipality where the petitioner resides.

7.95.050

Petition — Hearings prior to issuance of protection order.

Option 1 (From the SAPO):

Upon receipt of the petition, the court shall order a hearing which shall be held not later than fourteen days from the date of the order. The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further stalking behavior. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. Except as provided in RCW [7.90.110](#), personal service shall be made upon the respondent not less than five court days prior to the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall require additional attempts at obtaining personal service. The court may issue an ex parte temporary stalking order pending the hearing as provided in RCW [7.90.110](#).

Option 2 (from the DVPO):

Upon receipt of the petition, the court shall order a hearing which shall be held not later than fourteen days from the date of the order. The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further acts of domestic violence. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. Except as provided in RCW [26.50.085](#) and [26.50.123](#), personal service shall be made upon the respondent not less than five court days prior to the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall either require an additional attempt at obtaining personal service or permit service by publication as provided in RCW [26.50.085](#) or service by mail as provided in RCW [26.50.123](#). The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or by mail unless the petitioner requests additional time to attempt personal service. If the court permits service by publication or by mail, the court shall set the hearing date not later than twenty-four days from the date of the order. The court may issue an ex parte order for protection pending the hearing as provided in RCW [26.50.070](#), [26.50.085](#), and [26.50.123](#).

Note: Tracy and Jennifer favor **Option 2**, as the SAPO does not have an alternative to personal service!

7.95.055

Fees not permitted — Filing, service of process, certified copies.

No fees for filing or service of process may be charged by a public agency to petitioners seeking relief under this chapter. Petitioners shall be provided the necessary number of certified copies at no cost.

7.95.060

Victim Advocates.

Victim Advocates shall be allowed to accompany the victim and confer with the victim, unless otherwise directed by the court. Court administrators shall allow advocates to assist victims of stalking in the preparation of petitions for stalking protection orders. Advocates are not engaged in the unauthorized practice of law when providing assistance of the types specified in this section.

7.95.070

Appointment of counsel.

The court may appoint counsel to represent the petitioner if the respondent is represented by counsel.

7.95.080

REMOVE CURRENT LANGUAGE. NOT APPROPRIATE FOR STALKING ORDER.

Evidence.

(1) In proceedings for a stalking protection order and prosecutions for violating a stalking protection order, the prior sexual activity or the reputation of the petitioner is inadmissible except:

(a) As evidence concerning the past sexual conduct of the petitioner with the respondent when this evidence is offered by the respondent upon the issue of whether the petitioner consented to the sexual conduct with respect to which the offense is alleged; or

(b) When constitutionally required to be admitted.

(2) No evidence admissible under this section may be introduced unless ruled admissible by the court after an offer of proof has been made at a hearing held in camera to determine whether the respondent has evidence to impeach the witness in the event that prior sexual activity with the respondent is denied. The offer of proof shall include reasonably specific information as to the date, time, and place of the past sexual conduct between the petitioner and the respondent. Unless the court finds that reasonably specific information as to date, time, or place, or some combination thereof, has been offered as to prior sexual activity with the respondent, counsel for the respondent shall be ordered to refrain from inquiring into prior sexual activity between the petitioner and the respondent. The court may not admit evidence under this section unless it determines at the hearing that the evidence is relevant and the probative value of the evidence outweighs the danger of unfair prejudice. The evidence shall be admissible at trial to the extent an order made by the court specifies the evidence that may be admitted and areas with respect to which the petitioner may be examined or cross-examined.

7.95.090

Burden of proof — Issuance of protection order — Remedies — Violations.

(1)(a) If the court finds by a preponderance of the evidence that the petitioner has been a victim of STALKING by the respondent, the court shall issue a STALKING protection order; provided that the petitioner must also satisfy the requirements of RCW [7.95.110](#) for ex parte temporary orders or RCW [7.95.120](#) for final orders.

(b) The petitioner shall not be denied a STALKING protection order because the petitioner or the respondent is a minor or because the petitioner did not report the STALKING to law enforcement. The court, when determining whether or not to issue a STALKING protection order, may not require proof of **THE RESPONDANT'S INTENTIONS REGARDING THE ACTS ALLEGED BY THE PETITIONER.** Modification and extension of prior STALKING protection orders shall be in accordance with this chapter.

(2) The court may provide relief as follows:

(a) Restrain the respondent from having any contact, including nonphysical contact, with the petitioner directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(b) Exclude the respondent from the petitioner's residence, workplace, school, or from the day care or school of **THE PETITIONER AND/OR THE PETITIONER'S MINOR CHILDREN;**

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

(d) **PROHIBIT THE RESPONDENT FROM KEEPING THE PETITIONER AND/OR THE PETITIONER'S MINOR CHILDREN UNDER SURVEILLANCE, TO INCLUDE ELECTRONIC SERVEILLANCE; AND**

(e) Order any other injunctive relief as necessary or appropriate for the protection of the petitioner.

(3) In cases where the petitioner and the respondent are under the age of eighteen and attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger or emotional distress to the petitioner, and the expense difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the person restrained in the order not attend the public or approved private elementary, middle, or high school attended by the person under the age of eighteen protected by the order. In the event the court orders a transfer of the restrained person to another school, the parents or legal guardians of the person restrained in the order are responsible for transportation and other costs associated with the change of school by the person restrained in the order. The court shall send notice of the restriction on attending the same school as the person protected by the order to the public or approved private school the person restrained by the order will attend and to the school the person protected by the order attends.

REMOVE ALL OF SUB (4) AS NOT APPLICABLE

(4) Denial of a remedy may not be based, in whole or in part, on evidence that:

- (a) The respondent was voluntarily intoxicated;*
- (b) The petitioner was voluntarily intoxicated; or*
- (c) The petitioner engaged in limited consensual sexual touching.*
- (5) Monetary damages are not recoverable as a remedy.*

(6) A knowing violation of a court order issued under this section is punishable under RCW [26.50.110](#).

7.95.100

Accountability for conduct of others.

For the purposes of issuing a STALKING protection order, deciding what relief should be included in the order, and enforcing the order, RCW [9A.08.020](#) shall govern whether the respondent is legally accountable for the conduct of another person.

7.95.110

Ex parte temporary STALKING protection orders — Issuance.

(1) An ex parte temporary STALKING protection order shall issue if the petitioner satisfies the requirements of this subsection by a preponderance of the evidence. The petitioner shall establish that:

(a) The petitioner has been a victim of STALKING by the respondent; and

(b) There is good cause to grant the remedy, regardless of the lack of prior service of process or of notice upon the respondent, because the harm which that remedy is intended to prevent would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner's efforts to obtain judicial relief.

(2) If the respondent appears in court for this hearing for an ex parte temporary order, he or she may elect to file a general appearance and testify. Any resulting order may be an ex parte temporary order, governed by this section.

(3) If the court declines to issue an ex parte temporary STALKING protection order, the court shall

state the particular reasons for the court's denial. The court's denial of a motion for an ex parte temporary order shall be filed with the court.

(4) A knowing violation of a court order issued under this section is punishable under RCW [26.50.110](#).

7.95.120

Ex parte orders — Duration.

(1)(a) An ex parte temporary STALKING protection order shall be effective for a fixed period not to exceed fourteen days. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order. Except as provided in RCW [7.90.050](#), the respondent shall be personally served with a copy of the ex parte temporary STALKING protection order along with a copy of the petition and notice of the date set for the hearing. **(see 26.50.050 Rebecca Jane Griego Act for language)**

(b) Any ex parte temporary order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(2) Except as otherwise provided in this section or RCW [7.95.150](#), a final STALKING protection order shall be effective for a fixed period of time, not to exceed **5 YEARS**.

(3) Any ex parte temporary or final STALKING protection order may be renewed **AS MANY TIMES as required**. The petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. 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 or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal. Renewals may be granted only in open court.

(4) Any STALKING protection order which would expire on a court holiday shall instead expire at the close of the next court business day.

(5) The practice of dismissing or suspending a criminal prosecution in exchange for the issuance of a STALKING protection order undermines the purposes of this chapter. This section shall not be construed as encouraging that practice.

7.95.130

STALKING protection orders — Contents.

(1) Any STALKING protection order shall describe each remedy granted by the court, in reasonable detail and not by reference to any other document, so that the respondent may clearly understand what he or she must do or refrain from doing.

(2) A STALKING protection order shall further state the following:

(a) The name of each petitioner that the court finds was the victim of STALKING by the respondent;

(b) The date and time the STALKING protection order was issued, whether it is an ex parte temporary or final order, and the duration of the order;

(c) The date, time, and place for any scheduled hearing for renewal of that STALKING protection

order or for another order of greater duration or scope;

(d) For each remedy in an ex parte temporary STALKING protection order, the reason for entering that remedy without prior notice to the respondent or greater notice than was actually given;

(e) For ex parte temporary STALKING protection orders, that the respondent may petition the court, to reopen the order if he or she did not receive actual prior notice of the hearing and if the respondent alleges that he or she had a meritorious defense to the order or that the order or its remedy is not authorized by this chapter.

(3) A STALKING protection order shall include the following notice, printed in conspicuous type: "A knowing violation of this STALKING protection order is a criminal offense under chapter [26.50](#) RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

7.95.140

STALKING protection orders — Service to respondent.

(1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsection **(6), OR SUBSECTION (7) OR SUBSECTION (8) of this section.**

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party.

(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification.

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules.

(6) If an order entered by the court recites that the respondent appeared in person before the court, the necessity for further service is waived and proof of service of that order is not necessary.

(7) INSERT LANGUAGE FROM 26.50.085

(8) INSERT LANGUAGE FROM 26.50.123

7.95.150

Court initiated issuance of STALKING protection orders — Terms, conditions, requirements, etc.

(1)(a) When any person charged with or arrested for STALKING as defined in RCW [9A.46.110](#), HARASSMENT AS DEFINED IN RCW [9A.46.020](#), OR ANY OTHER STALKING RELATED

OFFENSE UNDER RCW [9A.46.060](#), is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or

protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a STALKING protection order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW [9.41.800](#).

(c) The STALKING protection order shall also be issued in writing as soon as possible.

(2)(a) At the time of arraignment or whenever a motion is brought to modify the conditions of the defendant's release, the court shall determine whether a STALKING protection order shall be issued or extended. If a STALKING protection order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

(b) A STALKING protection order issued by the court in conjunction with criminal charges shall terminate if the defendant is acquitted or the charges are dismissed, unless the victim files an independent action for a STALKING protection order. If the victim files an independent action for a STALKING protection order, the order may be continued by the court until a full hearing is conducted pursuant to RCW [7.95.050](#).

(3)(a) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter [26.50](#) RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(b) A certified copy of the order shall be provided to the victim at no charge.

(4) If a STALKING protection order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into the computer-based criminal intelligence information system in this state which is used by law enforcement agencies to list outstanding warrants.

(5) Whenever an order prohibiting contact is issued pursuant to subsection (2) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

(6)(a) When a defendant is found guilty of **STALKING as defined in RCW [9A.46.110](#), HARASSMENT AS DEFINED IN RCW [9A.46.020](#), OR ANY OTHER STALKING RELATED OFFENSE UNDER RCW [9A.46.060](#)** and a condition of the sentence restricts the defendant's ability to have contact with the victim, the condition shall be recorded as a STALKING protection order.

(b) The written order entered as a condition of sentencing shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter [26.50](#) RCW and will

subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A final STALKING protection order entered in conjunction with a criminal prosecution shall remain in effect for a period of **FIVE years** following the expiration of any sentence of imprisonment and subsequent period of community supervision, conditional release, probation, or parole.

(d) A certified copy of the order shall be provided to the victim at no charge.

(7) A knowing violation of a court order issued under subsection (1), (2), or (6) of this section is punishable under RCW [26.50.110](#).

(8) Whenever a STALKING protection order is issued, modified, or terminated under subsection (1), (2), or (6) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (2) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

7.95.155

STALKING protection orders — Personal jurisdiction — Nonresident individuals.

(1) In a proceeding in which a petition for a STALKING protection order is sought under this chapter, a court of this state may exercise personal jurisdiction over a nonresident individual if:

(a) The individual is personally served with a petition within this state;

(b) The individual submits to the jurisdiction of this state by consent, entering a general appearance, or filing a responsive document having the effect of waiving any objection to consent to personal jurisdiction;

(c) The act or acts of the individual or the individual's agent giving rise to the petition or enforcement of a STALKING protection order occurred within this state;

(d)(i) The act or acts of the individual or the individual's agent giving rise to the petition or enforcement of a STALKING protection order occurred outside this state and are part of an ongoing pattern of stalking that has an adverse effect on the petitioner or a member of the petitioner's family or household and the petitioner resides in this state; or

(ii) As a result of acts of stalking, the petitioner or a member of the petitioner's family or household has sought safety or protection in this state and currently resides in this state; or

(e) There is any other basis consistent with RCW [4.28.185](#) or with the constitutions of this state and the United States.

(2) For jurisdiction to be exercised under subsection (1)(d)(i) or (ii) of this section, the individual must have communicated with the petitioner or a member of the petitioner's family, directly or indirectly, or made known a threat to the safety of the petitioner or member of the petitioner's family while the petitioner or family member resides in this state. For the purposes of subsection (1)(d)(i) or

(ii) of this section, "communicated or made known" includes, but is not limited to, through the mail, telephonically, or a posting on an electronic communication site or medium. Communication on any electronic medium that is generally available to any individual residing in the state shall be sufficient to exercise jurisdiction under subsection (1)(d)(i) or (ii) of this section.

(3) For the purposes of this section, an act or acts that "occurred within this state" includes, but is not limited to, an oral or written statement made or published by a person outside of this state to any person in this state by means of the mail, interstate commerce, or foreign commerce. Oral or written statements sent by electronic mail or the internet are deemed to have "occurred within this state."

Notes:

Intent -- 2010 c 274: See note following RCW 10.31.100. ALSO NOTE THAT THIS NEEDS TO BE ADDED TO RCW 10.31.100 FOR ARREST PROVISIONS!.

7.95.160

Law enforcement agencies — Entry of protection order data.

(1) A copy of a STALKING protection order granted under this chapter shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall immediately enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order shall remain in the computer for one year or until the expiration date specified on the order. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system. The law enforcement agency shall only expunge from the computer-based criminal intelligence information system orders that are expired, vacated, terminated, or superseded. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(2) The information entered into the computer-based criminal intelligence information system shall include notice to law enforcement whether the order was personally served, served by publication, or served by mail.

7.95.170

Modification or termination of protection orders.

Upon application with notice to all parties and after a hearing, the court may modify the terms of an existing STALKING protection order. In any situation where an order is terminated or modified before its expiration date, the clerk of the court shall forward on or before the next judicial day a true copy of the modified order or the termination order to the appropriate law enforcement agency specified in the modified or termination order. Upon receipt of the order, the law enforcement agency shall promptly enter it in the computer-based criminal intelligence information system, or if the order is terminated, remove the order from the computer-based criminal intelligence information system.

7.95.180 DO WE NEED THIS? IF WE DO, IT WILL NEED TO BE ADAPTED TO STALKING

Administrative office of the courts — Court clerks — Instructional and informational material.

(1) The administrative office of the courts shall develop and prepare instructions and informational brochures required under RCW 7.90.020, standard petition and order for protection forms, and a court staff handbook on sexual assault, and the protection order process. The standard petition and order for protection forms must be used after September 1, 2006, for all petitions filed and orders issued under this chapter. The instructions, brochures, forms, and handbook shall be prepared in

consultation with interested persons, including a representative of the state sexual assault coalition, judges, and law enforcement personnel.

(a) The instructions shall be designed to assist petitioners in completing the petition, and shall include a sample of standard petition and order for protection forms.

(b) The informational brochure shall describe the use of and the process for obtaining, modifying, and terminating a protection order as provided under this chapter.

(c) The order for protection form shall include, in a conspicuous location, notice of criminal penalties resulting from violation of the order, and the following statement: "You can be arrested even if the person or persons who obtained the order invite or allow you to violate the order's prohibitions. The respondent has the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application."

(d) The court staff handbook shall allow for the addition of a community resource list by the court clerk.

(2) All court clerks shall obtain a community resource list from a sexual assault program serving the county in which the court is located. The community resource list shall include the names and telephone numbers of sexual assault programs serving the community in which the court is located, including law enforcement agencies, domestic violence agencies, sexual assault agencies, legal assistance programs, interpreters, multicultural programs, and batterers' treatment programs. The court shall make the community resource list available as part of or in addition to the informational brochures described in subsection (1) of this section.

(3) The administrative office of the courts shall distribute a master copy of the petition and order forms, instructions, and informational brochures to all court clerks and shall distribute a master copy of the petition and order forms to all superior, district, and municipal courts.

(4) For purposes of this section, "court clerks" means court administrators in courts of limited jurisdiction and elected court clerks.

(5) The administrative office of the courts shall determine the significant non-English-speaking or limited English-speaking populations in the state. The administrator shall then arrange for translation of the instructions and informational brochures required by this section, which shall contain a sample of the standard petition and order for protection forms, into the languages spoken by those significant non-English-speaking populations and shall distribute a master copy of the translated instructions and informational brochures to all court clerks by December 1, 2006.

(6) The administrative office of the courts shall update the instructions, brochures, standard petition and order for protection forms, and court staff handbook when changes in the law make an update necessary.

7.95.190

Admissibility of ex parte temporary orders in civil actions.

An ex parte temporary order issued under this chapter shall not be admissible as evidence in any subsequent civil action for damages arising from the conduct alleged in the petition or the order.

7.95.900

Short title — 2006 c 138.

This act may be cited as the STALKING assault protection order act.

RCW 26.50.050

Hearing — Service — Time.

Upon receipt of the petition, the court shall order a hearing which shall be held not later than fourteen days from the date of the order. The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further acts of domestic violence. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. Except as provided in RCW [26.50.085](#) and [26.50.123](#), personal service shall be made upon the respondent not less than five court days prior to the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall either require an additional attempt at obtaining personal service or permit service by publication as provided in RCW [26.50.085](#) or service by mail as provided in RCW [26.50.123](#). The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or by mail unless the petitioner requests additional time to attempt personal service. If the court permits service by publication or by mail, the court shall set the hearing date not later than twenty-four days from the date of the order. The court may issue an *ex parte* order for protection pending the hearing as provided in RCW [26.50.070](#), [26.50.085](#), and [26.50.123](#).

[2008 c 287 § 2; 1995 c 246 § 6; 1992 c 143 § 1; 1984 c 263 § 6.]

Notes:

Short title -- 2008 c 287: "This act shall be known as the Rebecca Jane Griego act. Recent tragic events have demonstrated the need to find ways to make legal protections for domestic violence victims more accessible. On March 6, 2007, Rebecca Jane Griego, an employee at the University of Washington, had obtained a temporary protection order against the man who eventually shot her and then himself in a murder-suicide on April 2, 2007. However, because her stalker had evaded the police and service of process, Ms. Griego had to return to court numerous times and did not have the opportunity to have a hearing for a permanent protection order. Under current court rules, which vary by court, if a process server fails to serve process after an unspecified number of times, process may be served by publication or by mail. Establishing greater uniformity in the service of process of petitions for orders for protection or modifications of protection orders in domestic violence cases may help to protect the safety of future domestic violence victims." [2008 c 287 § 1.]

Severability -- 1995 c 246: See note following RCW [26.50.010](#).

View that opens when click on GJCOM link from Courts and/or through search or direct input of web address

The screenshot shows the Washington Courts website. The header includes "WASHINGTON COURTS" and navigation links: "Courts Home | Programs & Orgs | Gender and Justice Commission". The main title is "THE WASHINGTON STATE SUPREME COURT GENDER AND JUSTICE COMMISSION" with the tagline "Promoting Gender Equality in the Justice System". A sidebar on the left lists: "About Us", "Domestic Violence", "Gender Equality", "Immigration", and "Incarcerated Women". The main content area has three columns: "Legislation, Policies & Court Rules" (Find Research Publications, Studies, and Data on gender based issues in the justice and legal system), "Court Resources" (Find Court Forms, Resources, and Guidelines for participants in the justice system), and "Education, Training & Resources" (Find information & material from past trainings, or learn about support provided by the GJCOM). Below these is a section titled "PROMOTING GENDER EQUALITY IN THE JUSTICE SYSTEM" with a paragraph and a bulleted list: "The Gender and Justice Commission (GJCOM) promotes gender equality through: researching, recommending, and supporting the implementation of best practices; providing educational programs that enhance equal treatment of all parties; serving as a liaison between the courts and other organizations in working toward communities free of bias." It also includes a link to "Read our complete Mission Statement". Another section is "Assistance with Grant Writing" with a paragraph and contact info: "The Commission provides technical assistance with grant writing to courts. Please feel free to contact us if you have a need and believe it fits within our mission. Please contact Myra Downing at Myra.Downing@courts.wa.gov". A final section is "Grants & Scholarships" with a paragraph: "The Commission provides: scholarships for judicial officers to attend domestic violence training, grants for courts to use for domestic violence, stalking, sexual assault, and teen violence projects. They will be posted as they come available." The browser status bar at the bottom shows "Local intranet | Protected Mode: Off" and "125%".

Example of Legislation, Policies & Court Rules

This screenshot shows the "Legislation, Policies & Court Rules" page on the Washington Courts website. A red arrow points from the "Legislation, Policies & Court Rules" link in the top navigation bar to the page title. The page title is "THE WASHINGTON STATE SUPREME COURT GENDER AND JUSTICE COMMISSION" with the tagline "Promoting Gender Equality in the Justice System". The sidebar on the left lists: "About Us", "Domestic Violence", "Gender Equality", "Immigration", and "Incarcerated Women". The main content area has three columns: "Legislation, Policies & Court Rules" (Find Research Publications, Studies, and Data on gender based issues in the justice and legal system), "Court Resources" (Find Court Forms, Resources, and Guidelines for participants in the justice system), and "Education, Training & Resources" (Find information & material from past trainings, or learn about support provided by the GJCOM). Below these is a section titled "Legislation, Policies & Court Rules" with a sub-section "Court Rules" and a bulleted list: "Washington State Court Rules". The footer contains navigation links: "Courts | Organizations | News | Opinions | Rules | Forms | Directory | Library" and "Back to Top | Privacy and Disclaimer Notices".

View when click on "About Us"

The screenshot shows a web browser displaying the Washington Courts website. The header includes the logo for Washington Courts and navigation links for Courts Home, Programs & Orgs, and Gender and Justice Commission. The main title is 'THE WASHINGTON STATE SUPREME COURT GENDER AND JUSTICE COMMISSION' with the tagline 'Promoting Gender Equality in the Justice System'. A sidebar on the left lists categories: About Us, Domestic Violence, Gender Equality, Immigration, and Incarcerated Women. The main content area features three columns: 'Legislation, Policies & Court Rules', 'Court Resources', and 'Education, Training & Resources'. Below these is a section titled 'About Us' with a sub-navigation bar containing 'Authority', 'Background', 'Bylaws', 'Meetings', 'Members', 'Mission', 'Accomplishments', and 'Annual Reports'. The 'Authority' tab is selected, showing text about the 1987 mandate and the 1994 establishment of the GJCOM. A footer contains links for Courts, Organizations, News, Opinions, Rules, Forms, Directory, Library, Back to Top, and Privacy and Disclaimer Notices. The browser status bar at the bottom shows 'Local intranet | Protected Mode: Off' and a zoom level of 125%.

WASHINGTON COURTS

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THE WASHINGTON STATE SUPREME COURT GENDER AND JUSTICE COMMISSION

Promoting Gender Equality in the Justice System

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Find Court Forms, Resources, and Guidelines for participants in the justice system

Education, Training & Resources
Find information & material from past trainings, or learn about support provided by the GJCOM

About Us

Authority | Background | Bylaws | Meetings | Members | Mission | Accomplishments | Annual Reports

In 1987 the Washington State Legislature mandated the Office of the Administrator for the Courts initiate measures to prevent gender and minority bias in the state court system. The Washington State Supreme Court established two task forces to conduct this work: the Gender and Justice Task Force and the Minority and Justice Task Force.

After two years of research, public hearing and surveys, the Gender and Justice Task Force concluded gender bias does exist in the Washington State court system and described the extent of that bias in its final report Gender and Justice in the Courts, Washington State, 1989. The Supreme Court appointed the Gender and Justice Implementation Committee to monitor the **75 Task Force report recommendations**.

In 1994, the Supreme Court established the Gender and Justice Commission (GJCOM) and has continued to renew the order.

Courts | Organizations | News | Opinions | Rules | Forms | Directory | Library

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