

Washington's New Civil Protection Order Law – Q&A

	Question	Answer
1	Why is some King County data excluded??	<p>I don't know - but we can find out and let you know.</p> <p><u>Follow up:</u> King County Superior & District Courts have case management systems that put their data directly into the Electronic Data Repository (EDR). The new reporting application that pulls from the EDR is still in progress.</p>
2	Has the legislation removed the filing fee for Anti Harassment petitions?	<p>We will cover that a bit later.</p> <p>(See Slide #28)</p>
3	Will the Panel be forwarding questions / replies on up the line so the larger committee can review and respond to those questions?	<p>We are capturing this information, and can be shared with those that need to know.</p>
4	Does the change to the definition of family or household member also apply to the definition of DV for criminal matters?	<p>RCW 10.99.020 - EFFECTIVE 07/01/22: (7) "Family or household members" means: (a) Adult persons related by blood or marriage; (b) adult persons who are presently residing together or who have resided together in the past; and (c) persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.</p> <p>RCW 10.99.020 effective 07/01/22: (8) "Intimate partners" means: (a) Spouses or domestic partners; (b) former spouses or former domestic partners; (c) persons who have a child in common regardless of whether they have been married or have lived together at any time; (d) adult persons presently or previously residing together who have or have had a dating relationship; (e) persons 16 years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship; or (f) persons 16 years of age or older with whom a person 16 years of age or older has or has had a dating relationship.</p> <p>RCW 7.105.010 - effective 07/01/22 (12) "Family or household members" means: (a) Persons related by blood, marriage, domestic partnership, or adoption; (b) persons who currently or formerly resided together; (c) persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren, or a parent's intimate partner and children; and (d) a person who is acting or has acted as a legal guardian.</p>

5	I am the chair of the PO Forms Subcommittee. You can report, if relevant and if you want, re the questions about forms, that the committee is working as quickly as possible to get the most-used forms published in time for the effective date, and that the forms will be published publicly and as-usual.	Thank you.
6	Will the anticipation date of when the forms will be completed and available on the State Courts Website be disseminated to ALL County Clerks Offices? This will help those offices know NOT to order a larger supply of their existing forms ... which then will only get tossed out (wasting tax payer funds) when the new forms are published? Also, will there be funding provided for Clerk's Offices to print up these forms? It can be a hardship on some Counties.	Good question. We can investigate and get back to you Sheila. Also, from Commissioner Laird: I am chair of the PO Forms subcommittee. We are working fast and furious to update the most-used forms and will rely on the larger forms committee (which must approve our work) to publish a schedule when there is more certainty. The committee is all volunteer and we are working as fast as we can. As far as funds for copies, did any courts/court associations/or clerk association request funding as a fiscal note to the bill? I think that's how it might have had to happen for there to be funding. You would have to ask AOC if there is some other mechanism for funding that.
7	When do the new transfer provisions take effect?	July 1, 2022
8	Will the new forms be mandatory for all courts, including District Courts, to use?	To the best of my knowledge.
9	Any guidance in statute about when to appoint counsel other than R being represented??	No. Pursuant to RCW 7.105.240 court has discretion to appoint for petitioner if respondent has attorney (if available funds).
10	I think the statute states electronic submissions options and not filing options for petitioners. These are two different terms.	Thank you.
11	When someone is filing on behalf of another, does the DC need to make any findings about this?	This is usually in the caption - as applicable. So, it typically is known.
12	Is any form of electronic signing acceptable, or are there specific requirements?	I am not aware of specific requirements.
13	In situations when a Petitioner files for the incorrect type of protection(s), will there be a standardized form which "converts" the case to the 'correct type of protection case'? This would seem to be an easy and quick way for all courts to still hear and process the protection requests.	We don't have this information at this time. Stay tuned. You can check in with AOC and the forms committee. Not so far. There are many clerks on the forms subcommittee weighing in on how the clerks need to manage the forms, and to ensure the coding system will work.
14	Is the no service fee requirement only for law enforcement? Can a private process server still charge?	See RCW 7.105.105(9)(a) - No fees for service of process may be charged by a court or any public agency to petitioners seeking relief under this chapter.

15	What is the standard of proof for electronic service? Just that it was sent to a particular address or account? What about enforcement if the defense is "I never check that account"?	Standard in 7.105.150(1)(b)(iv) re: verification provisions. Courts will need to make findings. Address would need to be reasonably probable to provide actual notice.
16	And so in Polly's scenario, if service is done by a lay person, and we have good proof and the Respondent appears at the hearing, can we "count" this as good service even though LE didn't do it? Or do we have to reissue and send it back to LE (if the Respondent won't formally accept service)?	I think OK to count as good service.
17	What is sufficient proof of service in electronic service cases?	Read-receipt mechanisms, a response, sworn statement from the person who effected service verifying transmission, follow-up communications, appearance by respondent. See SHB 1901 Sec. 9(1)(b)(iv) which amends RCW 7.105.150(9)(1)(b)(iv).
18	And so with two failed personal service attempts by LE, electronic service...by LE...is permitted? But not by a layperson?	That is default unless petitioner elects 3rd party e-service.
19	If there is a weapon surrender order, where in the statute does it say that service by non-law enforcement means is permitted?	Has to be by law enforcement.
20	Who will pay for service by publication? I'm assuming that the petition is not required to pay?	Pursuant to RCW 7.105.105(9)(a), "no fees for service of process may be charged by a court or any public agency to petitioners seeking relief."
21	We are considering imposing a page limit for exhibits in Petitions/Responses for Anti-Harassment Orders. Is there any issue in imposing an exhibit-page-limit in light of the new legislation, or otherwise? Thank you!	Not aware of any issue with exhibit-page-limits.
22	What section of the statute requires us to inform them of their right to amend?	RCW 7.105.305(5) - If the court doesn't set a full hearing, the petitioner may file an amended petition within 14 days of the court's denial.
23	If the court declines to enter an ex parte order, without granting or denying a protection order, would they still be required to set a full hearing? And if so, would the court be setting the hearing on a separate order form, rather than using the denied form or temporary order form?	Live answered
24	Most of the anti-harassment fees are intact. There is no fee for the single-incident prong. Can't recall about the others off the top of my head.	See RCW 7.105.105(9)(b) - No filing fees for petitioner seeking antiharassment PO against a person who has engaged in stalking, a hate crime under RCW 9A.36.080(1)(c), a single act of violence or threat of violence under RCW 7.105.010(35)(b), nonconsensual sexual conduct or penetration, or domestic violence
25	I am not convinced that last slide answered the question.	Thank you.

26	So, using the ZOOM link on the court's website is not allowed?	If you are asking about public online access it is only allowed at agreement of parties or if there is no in person location where public can watch.
27	Can you elaborate on "proceeding cannot be recorded"? We would still have the recording software running I assume	<p>See RCW 7.105.205(4) - "Courts shall not post or stream proceedings or recordings of protection order hearings online unless (a) a waiver has been received from all parties, or (b) the hearing is being conducted online and members of the public do not have in-person access to observe or listen to the hearing..." This provision went into effect July 25, 2021.</p> <p><u>Additional follow-up:</u> RCW 7.105.204 sets forth best practices for remote hearings to ensure the right of public access while prioritizing access for litigants and reduced risk of harm.</p> <p>What the last clause in the section: "courts should provide access to members of the public who wish to observe or listen to a hearing conducted by telephone, video, or other electronic means" is describing is that in order to fulfill the Constitutional mandate of open courts, just as a court conducting an in-person hearing allows members of the public to sit in the courtroom, for remote hearings courts should provide members of the public an equivalent means to observe or listen to a remote proceeding. If for some reason a jurisdiction is not able to provide a means for in-person observation of a video hearing or for listening to a telephonic hearing, and thus the only access for observation or listening is via the Internet, courts should design and use protocols specific to protection order proceedings that take into account the risks of harm and trauma unique to these cases.</p> <p>See also: 34 U.S.C. 12291(b)(2) (VAWA confidentiality provision that applies to entities receiving federal VAWA funding)</p>
28	300 yards - most people know how long a football field is and could POSSIBLY recognize a person that far	Thanks.
29	On a matter where someone files in an incorrect county, is there any authority to still grant the immediate restraining order (for safety) and then transfer the case from there? Probably not, but so often the need for protection is immediate and it's hard to say how long a transfer might take. Similar to taking emergency jurisdiction.	Live answered

30	I want to clarify, is this currently in effect or is that coming with the new PO document release?	I don't understand. Would you clarify? Thank you.
31	Will you email us the link for this presentation and the questions?	Yes. Look on the GJC website as well.
32	I might have missed this earlier on (I saw it asked but not answered) will the Power Point slides be distributed after we close today?	Yes. PowerPoint slides will provided, along with a recording of the training and other materials on the GJC's website.
33	Is that an upcoming change? .305 doesn't currently have a section (5) as codified. Does it specifically require us to inform them of that? That is my concern where I don't hold hearings on ex partes requests.	That was an amendment made by SHB 1901
34	Is there any changes in the legislation regarding the In re: KGT Division 3 opinion?	To be answered later.
35	Provision re: mutual protection orders?	See RCW 7.105.310(4)(b) re: mutual protection orders. "The court shall not issue a full protection order to any party except upon notice to the respondent and the opportunity for a hearing pursuant to a petition or counter-petition filed and served by the party seeking relief..."