



**Washington State Administrative Office of the Courts
Model Policy for Victims' Request for Rescission or Modification of
No-Contact Orders**

Courts should have written instructions explaining the process for requesting a rescission or modification of the no-contact order. Instructions should be available in multiple languages in accordance with local demographics.

Instructions for the motion to rescind or modify should include notice to the moving party victim about factors that the court will consider when deciding whether to rescind or modify the order. Those factors may include but are not limited to: whether the victim has had a chance to make alternate plans for safety, the status and nature of the criminal proceeding(s) against the defendant, the defendant's compliance with court instructions and sentence, and other risk factors.

Instructions for completing the request should also include information about local domestic violence victim advocacy programs and may offer a strong recommendation that the petitioner consult with a domestic violence advocate prior to the hearing.

Each court should provide forms for making a rescission or modification request, granting or denying the hearing, and granting or denying the request for rescission or modification. The Washington State Administrative Office of the Courts (AOC) will develop model forms which courts are encouraged to use. These forms will include:

- Motion for modification or rescission of no-contact order (completed by moving party victim).
- Notice of hearing (completed by moving party).
- Denial of hearing (completed by court).
- Findings and Order on hearing (completed by court).
- New no-contact order (completed by court).

Each court should determine the point of access for the petitioner's request. This could be the prosecutor's office, the defense, advocacy agency, the court, or a combination of

these points of access. Courts are encouraged to consider offering multiple entry points to ensure victims have broad and easy access to this process and to minimize potential conflicts of interest.

Regardless of the process for access, all court staff, prosecutors, defense and family law attorneys, advocates, and clerk's offices should know the rescission and modification process.

Courts should determine a scheduling mechanism to ensure that no-contact order rescission and modification hearings happen within a reasonable time following the request, for example through a regularly scheduled calendar for rescission and modification hearings.

Each court is strongly encouraged to develop criteria for granting or denying a hearing. The AOC will develop model criteria and courts are encouraged to adopt these criteria.

A judicial officer may or may not require a safety plan as a pre-condition for requesting a modification or rescission of a no-contact order. However, a person who wishes to rescind or modify a no-contact order is recommended to have a safety plan in place.

If a hearing is denied, the petitioner should be notified in writing of the reasons for the denial.

If a hearing is granted, all parties should be notified of the date, time, and place of the hearing.

If a no-contact order is modified, a new no-contact order should be issued stating that it replaces a prior order and notification will be sent to law enforcement.

If the no-contact order is rescinded, law enforcement should be notified.