
ENGROSSED Senate Bill 6357

State of Washington

60th Legislature

2008 Regular Session

By Kohl-Welles, Keiser, Regala, Kline, Murray, Fairley, McDermott, Hargrove, McCaslin, Tom, Marr, and Rasmussen

Read first time 01/15/08. Referred to Committee on Judiciary.

1 AN ACT Relating to service of process in domestic violence cases;
2 amending RCW 26.50.050 and 26.50.130; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** Recent tragic events have demonstrated the
5 need to find ways to make legal protections for domestic violence
6 victims more accessible. On March 6, 2007, Rebecca Jane Griego, an
7 employee at the University of Washington, had obtained a temporary
8 protection order against the man who eventually shot her and then
9 himself in a murder-suicide on April 2, 2007. However, because her
10 stalker had evaded the police and service of process, Ms. Griego had to
11 return to court numerous times and did not have the opportunity to have
12 a hearing for a permanent protection order. Under current court rules,
13 which vary by court, if a process server fails to serve process after
14 an unspecified number of times, process may be served by publication or
15 by mail. Establishing greater uniformity in the service of process of
16 petitions for orders for protection or modifications of protection
17 orders in domestic violence cases may help to protect the safety of
18 future domestic violence victims.

1 **Sec. 2.** RCW 26.50.050 and 1995 c 246 s 6 are each amended to read
2 as follows:

3 Upon receipt of the petition, the court shall order a hearing which
4 shall be held not later than fourteen days from the date of the order.
5 The court may schedule a hearing by telephone pursuant to local court
6 rule, to reasonably accommodate a disability, or in exceptional
7 circumstances to protect a petitioner from further acts of domestic
8 violence. The court shall require assurances of the petitioner's
9 identity before conducting a telephonic hearing. Except as provided in
10 RCW 26.50.085 and 26.50.123, personal service shall be made upon the
11 respondent not less than five court days prior to the hearing. If
12 timely personal service cannot be made, the court shall set a new
13 hearing date and shall either require an additional attempt((s)) at
14 obtaining personal service or permit service by publication as provided
15 in RCW 26.50.085 or service by mail as provided in RCW 26.50.123. The
16 court shall not require more than two attempts at obtaining personal
17 service and shall permit service by publication or by mail unless the
18 petitioner requests additional time to attempt personal service. If
19 the court permits service by publication or by mail, the court shall
20 set the hearing date not later than twenty-four days from the date of
21 the order. The court may issue an ex parte order for protection
22 pending the hearing as provided in RCW 26.50.070, 26.50.085, and
23 26.50.123.

24 **Sec. 3.** RCW 26.50.130 and 1984 c 263 s 14 are each amended to read
25 as follows:

26 (1) Upon application with notice to all parties and after a
27 hearing, the court may modify the terms of an existing order for
28 protection.

29 (2) Except as provided in RCW 26.50.085 and 26.50.123, personal
30 service shall be made upon the nonmoving party not less than five court
31 days prior to the hearing to modify.

32 (a) If timely personal service cannot be made, the court shall set
33 a new hearing date and shall either require an additional attempt at
34 obtaining personal service or permit service by publication as provided
35 in RCW 26.50.085 or service by mail as provided in RCW 26.50.123.

36 (b) The court shall not require more than two attempts at obtaining

1 personal service and shall permit service by publication or by mail
2 unless the moving party requests additional time to attempt personal
3 service.

4 (c) If the court permits service by publication or by mail, the
5 court shall set the hearing date not later than twenty-four days from
6 the date of the order permitting service by publication or by mail.

7 (3) In any situation where an order is terminated or modified
8 before its expiration date, the clerk of the court shall forward on or
9 before the next judicial day a true copy of the modified order or the
10 termination order to the appropriate law enforcement agency specified
11 in the modified or termination order. Upon receipt of the order, the
12 law enforcement agency shall promptly enter it in the law enforcement
13 information system.

--- END ---