

**SPOKANE COUNTY SUPERIOR COURT**  
**POLICY AND PROCEDURES FOR PROTECTED PERSON'S REQUEST FOR**  
**RESCISSION OR MODIFICATION OF NO-CONTACT ORDERS**  
**(eff. January 2011)**

**Applicability:**

This policy and procedure applies to victims of domestic violence defined by RCW 10.99.010 et seq who wish to file a motion to modify or rescind the “no contact order” (NCO), as provided in RCW 10.99.040(7).

**Policy:**

It shall be the policy of Spokane Superior Court to provide victims of domestic violence an opportunity to request modification or rescission of an NCO. The Court shall hear the motion, using relevant criteria in determining whether to grant or deny the motion.

**Procedure:**

**Forms/Point of Contact**

Victims of domestic violence may pick up forms for modification or rescission of the no contact order at the Court Administrator's Office, 3<sup>rd</sup> Floor Courthouse Annex, 1116 W. Broadway Ave., Spokane, Washington.

**Forms Packet/Instructions**

The forms packet will include this policy, instructions for completing the forms and the necessary forms to proceed.

**Factors in approving the motion**

The court will consider the following factors when deciding whether to rescind or modify the NCO:

- 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;
- Other factors at the discretion of the judicial officer.

## **Scheduling Hearings**

The following procedures govern the filing and adjudication of the motion:

1. The moving party must meet with the Victim Witness Advocate from the Spokane County Prosecutor's Office prior to scheduling a hearing.
2. A Criminal Motion Calendar Note for Hearing-Issue of Law form must be completed scheduling the hearing for a Thursday at 9:00 a.m. before the Chief Criminal Department.
3. The moving party must call the Chief Criminal Department and the Criminal Coordinator no later than noon the Tuesday prior to the hearing to indicate they are ready to proceed with the hearing as scheduled.
4. The Criminal Case Coordinator will forward the copy of the motion paperwork to the Chief Criminal Judge or said judge's judicial assistant.
5. The court may deny the motion at any time without a hearing.

## **Motion Denial/Approval**

No-Contact Orders (NCO) that are issued, modified or terminated shall be forwarded by the Spokane County Clerk to the appropriate law enforcement agency on or before the next judicial day.