

## **INSTRUCTIONS FOR PROTECTED PERSONS: HOW TO REQUEST MODIFICATION OR REMOVAL OF A DOMESTIC VIOLENCE NO CONTACT ORDER**

### **WHY DID THE COURT ISSUE A DOMESTIC VIOLENCE NO CONTACT ORDER?**

#### **RCW 10.99.040 Duties of court – No-contact order**

(2)(a) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence 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 no-contact 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. . . .

(4)(c) A certified copy of the order shall be provided to the victim.

### **WHO MAY REQUEST TO MODIFY OR RESCIND/REMOVE THE DV NO CONTACT ORDER?**

Any Protected Person named in a Domestic Violence No Contact Order pursuant to RCW 10.99 may file a motion with the Court to request the Court rescind or modify an existing DV No Contact Order.

### **HOW TO FILE A MOTION TO RESCIND/MODIFY A DV NO CONTACT ORDER:**

Motions can be filed at Spokane County District Court Courtroom 3, located on the Second floor of the Public Safety Building, at 1100 W Mallon, any court day Monday to Friday between 1:30 p.m. and 4 p.m.. Forms and instructions will be provided at this location, at District Court Windows 7 & 8 on the first floor of the Public Safety Building, at the Advocates Offices (see information below) and are also available online at <http://www.spokanecounty.org/districtcourt/content.aspx?c=1934>

- Upon receipt of the completed Motion form the clerk will have Judge Walker review the Motion to set the matter for a hearing. The Protected Person will be given a copy of the motion with the date, time and location of hearing.
- The Court will forward a copy of the Protected Party's Motion and Order Granting or Denying Request to Set Hearing to Modify or Rescind No Contact Order with the County Prosecutor's Office, the Defendant, Defense counsel and Advocate's Office.
- The Protected Person is **strongly encouraged** to contact the Domestic Violence Advocates **PRIOR TO THE HEARING**. The Advocates can provide information and assistance to Protected Parties. If your case involves intimate partner violence contact the YWCA Domestic Violence Advocates at (509) 477-3656 or 24/7 crisis line 326-2255 (326-CALL) [www.ywca.org/spokane](http://www.ywca.org/spokane). For non-intimate partner domestic violence cases and sexual assault cases contact Lutheran Community Services Advocates at (509) 747-8224 or 24/7 crisis line 624-7273; [www.lcsnw.org](http://www.lcsnw.org).

### **WHAT OTHER INFORMATION WILL THE JUDGE CONSIDER WHEN HEARING YOUR MOTION?**

Information and factors considered by the Court may include but are not limited to:

- Safety of the Protected Party and the community
- Defendant's criminal history and history of Protection and No Contact Orders
- The status and nature of criminal proceedings against the Defendant
- The Defendant's compliance with court instructions and/or sentence
- Other lethality and risk factors