

PROCEDURE FOR:

OBTAINING DISMISSAL OR MODIFICATION OF A NO CONTACT ORDER
GRANTED BY THE CHEHALIS MUNICIPAL COURT

STEP 1:

Contact the Chehalis Municipal Court at 350 N. Market Blvd., Rm. 105, Chehalis, WA or call 360-345-1025 between the hours of 8:00 AM and 5:00 PM, Monday through Friday to **obtain a form** to Modify/Rescind a Domestic Violence No Contact Order.

Identify yourself, provide the **name of the person** against whom the No Contact Order has been filed, and **the court case number**.

STEP 2:

Contact the Human Response Network at 125 NW Chehalis Ave., Chehalis, WA or call 360-748-6601 or 800-244-7414 to schedule an appointment to speak with an advocate.

The Domestic Violence Advocate will talk with you regarding safety issues and community resources. A Screening Report will be completed and given to you.

STEP 3:

Take your copy of the "Protected Person's Motion to Modify/Rescind Domestic Violence No Contact Order", along with the screening report from the Human Response Network, to the Court where the no contact order was issued.

A hearing date will be set by the clerk. If you would like a DV advocate to accompany you to your hearing, please contact the Human Response Network at 360-748-6601

You must appear for the hearing in order for the Court to consider your request to dismiss or modify the No Contact Order.

Revised:1/10/11

JUDGE DALE A. MC BETH

Modifying or Rescinding a Domestic Violence No Contact Order



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municourt@ci.chehalis.wa.us

CHEHALIS MUNICIPAL
COURT

RCW 10.99

Pursuant to RCW 10.99, a court is authorized to enter a no contact order prohibiting a defendant from contacting the protected party upon arrest or conviction of a domestic violence crime. This order can be entered without either the request or permission of the protected party.

If a protected party wishes the Court to modify or rescind the no contact order, the protected party is required to be interviewed by a domestic violence advocate. (See back of brochure for contact information.) Information gathered from the confidential interview will be provided to the Judge. Requests for a modification or rescission of a no contact order in which the protected party is a minor is to be done pursuant to probation guidelines. Victims ages 13 and above will be interviewed with their non-offending parent or guardian. The interviewer will offer the victim an opportunity to speak with them alone if agreed to by the non-offending parent or guardian. Ages 12 and under, the non-offending parent or guardian will be interviewed and the minor victim may be present. If the protected party is 13 years of age or older, the Court requires that person to be present at the court hearing.

Notice of the hearing shall be provided to both the protected party and the defendant, counsel, if any, as well as the prosecutor's office.

At the time of the hearing, the Judge will consider the following factors before modifying or rescinding a no contact order:

➔ Appearance of protected party

- ♦ If the protected party is requesting that the No Contact order be rescinded/modified, then they must appear at the hearing, including a minor protected party if 13 years or over

➔ Appearance of the defendant

- ♦ Defendant **MUST** appear if the order is to be modified.
- ♦ Defendant need not appear for the Court to rescind the order

➔ Information provided by both parties

- ♦ The Court may ask the protected party what the request is and why
- ♦ Defendant may be entitled to join in request or provide additional information

➔ The following Information may be provided at the hearing, including, but not limited to:

- ♦ What circumstances have changed since incident
- ♦ Are there weapons in home
- ♦ Has victim received Human Response Counseling information
- ♦ Is there a safety plan in effect
- ♦ Any prior history of defendant, including bench warrants
- ♦ Facts surrounding the case, including probable cause statement
- ♦ Is the defendant on probation and/or in compliance with court requirements, including treatment

➔ Stage of the criminal case

- ♦ The Court is more likely to modify or rescind the no contact order if the case has been disposed of

(sentence, deferred prosecution, pre-trial diversion agreement) considering all of the factors above

- ♦ The Court is **NOT** likely to modify or rescind the no contact order if the incident occurred recently, the case is still pending and no circumstances have changed since the incident

➔ Court Compliance

- ♦ If the defendant currently has a bench warrant for his or her arrest from any court in this state or is currently out of compliance with conditions of any other court case, the Court may not modify or rescind the no contact order

If the Judge modifies or rescinds the no contact order, please keep a copy of the order on you at all times. The fact that the order has been modified or rescinded does not prevent you from asking the Court in the future to grant a no contact order. Please contact the Human Response Network at 360-748-6601, or 800-244-7414 for information regarding this procedure. In addition, there may exist a valid no contact order from another court that would not be affected by an action by this Court.

911
FOR ALL EMERGENCIES

1-800-562-6025
Statewide 24 hour multi-lingual help

1-800-244-7414
Human Response Network

1-360-880-0515
After hours Spanish Language Line