

911
FOR ALL EMERGENCIES

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

1-800-500-5513
YWCA/ALIVE local 24 hour
shelter care

1-800-843-4793
24 hour crisis clinic support &
referral

JUDGE TINA ROBINSON, DEPARTMENT NO. 1
JUDGE MICHELLE ADAMS, DEPARTMENT NO. 2
JUDGE MELISSA HEMSTREET, DEPARTMENT NO. 3
JUDGE WILLIAM C. HOUSER, DEPARTMENT NO. 4
JUDGE JEFFREY P. BASSETT, DEPARTMENT NO. 5
JUDGE KEVIN D. HULL, DEPARTMENT NO. 6
JUDGE JENNIFER A. FORBES, DEPARTMENT NO. 7
JUDGE SALLY F. OLSEN, DEPARTMENT NO. 8

**Modifying or Rescinding
a Domestic Violence
No Contact Order**



CRIMINAL DIVISION

614 Division Street, MS-24
Port Orchard, WA 98366
Fax: 360-337-4865

KITSAP COUNTY SUPERIOR 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 call the YWCA Legal Advocacy Program at 360-479-0491 to set up an appointment for screening.

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

- ◆ Protected party 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.
- ◆ Defendant will be notified and instructed to supply the Court with a progress report from any treatment agency with which they are working.

➔ Information provided by both parties

- ◆ The Court will ask the protected party

what the request is and why.

- ◆ Defendant entitled to join in request or provide additional information.
- ◆ Probable cause statement on file
- ◆ Criminal history of defendant
- ◆ Any pending cases of defendant
- ◆ Has victim received YWCA/Counseling information?
- ◆ Is there a safety plan in effect?

➔ 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), and defendant is in total compliance with all court orders.
- ◆ 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 WILL 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 while the criminal case is still pending.

In addition, there may exist a valid no contact order from another court that would not be affected by an action by this Court. Court Clerks will be able to tell you if another order exists. If the Judge does not modify or rescind the no contact order, you are entitled to request another hearing in the future based on changed circumstances. You will not be required to screen more than one time.

PROCEDURE FOR SETTING A HEARING:

- Call the YWCA Legal Advocacy Program at 360-479-0491 to set up an appointment for screening.
- YWCA Legal Advocacy hours are Monday through Friday, 8:30 AM to 4:30 PM. Appointments are available in Bremerton, Port Orchard or Bainbridge Island, pending schedule availability
- At the time of the screening, you will receive your court date.
- **You will not be given a hearing date unless you have been screened by the YWCA.**