



## Modifying/Rescinding Domestic Violence No Contact Order

### Procedure (effective 6/1/2017)

Pursuant to RCW 10.99 a court is authorized to issue 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.

**ONLY** a protected party may modify or rescind the no contact order. The protected party is required to contact the Court and follow the step-by-step procedure to obtain a modification or rescind.

**STEP 1:** You must appear and be interviewed by a Domestic Violence Advocate of either the Crystal Judson Family Justice Center or the YWCA. The interview will take approximately 1 hour. The domestic violence advocate will talk to you regarding safety issues and community resources. A screening report will be completed for you to take to the Court.

**Crystal Judson Family Justice Center | 718 Court E Tacoma WA 98402**  
(253) 798-4166 | (800) 764-2420 | [www.familyjusticecenter.com](http://www.familyjusticecenter.com)

No appointment is needed. Walk-ins accepted Monday through Friday between 8:30am – 3:30pm

**YWCA Community Center for Pierce/Kitsap Counties**  
(253) 383-2593 Pierce County | (360) 479-0491 Kitsap County  
[www.ywcapiercecounty.org](http://www.ywcapiercecounty.org) | [www.ywcakitsap.org](http://www.ywcakitsap.org)

**STEP 2:** Take your screening report to the Gig Harbor Municipal Court where the no contact order was issued. The clerk will give you the Motion and Notice of Hearing forms to complete. You may also obtain the forms from the Gig Harbor Municipal Court webpage. A hearing date will be set by the clerk on a Wednesday at 3:00pm ONLY if the above conditions have been met.

**STEP 3:** You must appear for the hearing or the hearing will be cancelled. At least 7 days' notice of the hearing shall be provided to the city prosecutor, the defendant, and defense counsel, if any. The City Prosecutor copies can be delivered to the Gig Harbor Municipal Court. Faxes and emails are not accepted.

### FACTORS CONSIDERED BY THE COURT

The Court is **NOT** likely to modify or rescind the no contact order if the incident occurred recently, the case is still pending, or no circumstances have changed since the incident. The Court is **more likely** to modify or rescind if the case has been disposed of (sentenced, diversion, deferred prosecution), and considering all other factors such as the following:

- Have circumstances have changed since the incident;
- Weapons in the home;
- Has protected party received screening by Domestic Violence Advocate;
- Is there a safety plan in effect;
- Defendant's prior history, including bench warrants;
- Facts surrounding the case, including probable cause statement;
- Is the defendant in compliance with court requirements, including treatment.

The Municipal Court of Washington  
For the City of Gig Harbor

No.

City of Gig Harbor

Plaintiff

vs.

Defendant

Protected Person's Motion to  
Modify/Rescind Domestic Violence  
No-Contact Order  
(MT)  
(Clerk's Action Required)

I, \_\_\_\_\_, am the person protected in a Domestic Violence No-Contact Order that the court issued against the defendant. I request that the court enter an order to  modify (replace)  rescind the Domestic Violence No-Contact Order signed on \_\_\_\_\_.

The court should modify/rescind the order referenced above **because:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

The court should modify the terms and conditions of the order referenced above, **as follows:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

I understand that if the court grants my motion to modify, the court will issue a new Domestic Violence No-Contact Order that will replace the order I want to modify.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at \_\_\_\_\_ (City, State) on \_\_\_\_\_ (date).

\_\_\_\_\_  
Signature of Protected Person

\_\_\_\_\_  
Type or Print Name