

Domestic Violence Protection Order Process

Personal Service

The Respondent in a domestic violence protection order action must be personally served not less than five judicial days prior to the hearing. "**Personally served**" means that the Respondent gets a copy of the papers, usually from a law enforcement officer, that there is a hearing scheduled to determine if the temporary protection order should be made effective for a longer time period.

Protection orders have high priority for law enforcement officers. They must serve these orders ahead of most other documents. Most law enforcement agencies attempt service within two days of receiving the Order.

Respondent Not Served in Time

If the Respondent was not served in time and shows up at the hearing, the court may proceed even though service was not timely.

If the Respondent does not show up, the court can grant a reissuance of the Temporary Order so that another attempt to serve Respondent can be made. (See Reissuance of Orders in 6. Commonly Asked Questions.)

Persons Who Can Serve the Papers

Any adult 18 or over, other than you, can serve the papers.

However, people usually want a law enforcement officer to serve the papers, since there could be a dangerous or uncomfortable situation. Law enforcement officers are an objective third party trained to handle problems. The Court may order the law enforcement agency where the Respondent resides to serve the papers.

Places Where Respondent Can Be Served

Technically, service can be made anywhere the server has access to the Respondent including a residence, workplace, or hangout.

Some workplaces refuse to allow service of documents during work hours. Law enforcement agencies usually have guidelines they follow.

Cost of Service

If you make private arrangements for service, then the service fee is determined between you and the server. The server must complete and file with the court a Return of Service form.

If law enforcement serves the papers, they may collect fees for service and mileage--these fees vary with each agency. The Respondent may be responsible for these fees.

Papers That Must Be Served

The following must be served on Respondent before the 14 day hearing:

- Temporary Order for Protection (if any)
- Notice of Hearing
- Petition for Order for Protection

If the Temporary Order is reissued, the following must be served on Respondent:

- Temporary Order/Notice of Hearing
- Petition for Order for Protection
- Reissuance of Temporary Order for Protection

After the hearing on the full protection order, the signed Order for Protection must be served on Respondent, unless Respondent was present and signed the Order acknowledging receipt of the Order.

Whenever law enforcement serves papers they must be given a Law Enforcement Information Sheet.

Waiver of Service

If an order entered by the court states that the Respondent appeared in person before the court, the necessity for further service is waived. This means that personal service is not required, because the Respondent is aware of the hearing and the order, and is able to personally respond to the requests you have made in your Petition.

If Personal Service is Not Possible

When attempts at personal service are unsuccessful, you can request the court for **service by publication**. The Clerk has forms which must be filled out before you can serve by publication. Service by publication lets you use the newspaper to notify the Respondent of the upcoming hearing and the protection order. This can be an expensive process.

Some courts allow service by certified mail, return receipt requested, instead of service by publication. Ask the Clerk if the court allows service by mail, and if it does, follow the instructions given you for this process.

Even if proper service is not possible, attempting to notify the Respondent of the hearing is still useful as it may result in the Respondent's appearance at the hearing.

If proper service is not made, the court may grant a reissuance of the temporary protection order so that further attempts to serve Respondent can be made.

Violation of Order Because Respondent Claims Service Was Not Made

Law enforcement must have proof of service or notification in the Order that Respondent was present at the hearing before they can arrest the Respondent for violating the protection order. (NOTE: Police may always arrest if an assault occurs, even without a protection order.)

If the Respondent is still present when police arrive, you can give police a copy of the Order to serve right then. If service takes place in this manner, law enforcement should note that service was made by writing on your certified copy of the order, as a proof of service. Law enforcement should also obtain and complete a Return of Service and file this with the court. If the full hearing is still pending you should present this proof of service at the hearing.

Forwarding Papers to Law Enforcement

The law says that the Clerk of the Court shall forward the papers to be served.

In some areas, the papers are given to the Petitioner to personally deliver to law enforcement. However, this should only be done if it is advantageous to the Petitioner. The advantages to having you personally delivering the papers are:

- You can discuss any service problems or questions with law enforcement prior to their attempting service.
- Papers are delivered faster, allowing more time for service.
- You gain a better understanding of law enforcement's involvement in this process and the importance of service.

http://www.courts.wa.gov/dv/?fa=dv_order.ordersrv#A2