

MODIFYING OR RESCINDING A DOMESTIC VIOLENCE NO CONTACT ORDER

ABERDEEN MUNICIPAL COURT

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 appear at Court to request a hearing.

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.

◆ Appearance of the Defendant

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

◆ Information Provided by Both Parties

- * Reason for the request to modify or rescind
- * Changed circumstances from the incident
- * Facts surrounding the case
- * Probable cause statement on file
- * Prior criminal history of the defendant
- * Subsequent arrests or convictions
- * Any pending cases of the defendant
- * Any pending other no contact orders
- * Has the victim received victim services
From the Domestic Violence Center
- * Defendant entitled to join in request or provide
Additional information
- * Bench warrant information
- * Probation/Compliance status of the defendant

◆ Stage of the Criminal Case & Court Compliance

- * The Court is more likely to modify or rescind the no contact order if the case is no longer pending, and the 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.
- * 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.

PROCEDURE FOR SETTING A HEARING

- If you have not already done so, you must contact the Domestic Violence Center of Grays Harbor to set up an appointment at 538-0733, 2306 Sumner Ave, Hoquiam.
- You will not be given a hearing date unless you show proof that you have received victim services from the Domestic Violence Center.
- You must obtain a Request for Hearing form from the court clerk and complete it.
- You must submit the completed Request for Hearing form with proof of DV services to the court clerk.
- You will be notified by the Court if your request for a hearing has been granted.

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. In addition, there may exist a valid no contact order from another court that would not be affected by an action by this Court.

If the Judge does not modify or rescind the no contact order, a future hearing may be scheduled based on changed circumstances.

**ABERDEEN MUNICIPAL COURT
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