

COURT PROCEDURE

OBTAINING DISMISSAL OR MODIFICATION OF A "NO CONTACT ORDER" GRANTED BY THE PORT ORCHARD MUNICIPAL COURT

STEP 1:

Call the YWCA Legal Advocacy Program at (360) 479-491 to schedule an appointment for screening.

YWCA Legal Advocacy hours are Monday through Friday, 8:30-4:30. Appointments are available in Bremerton, Port Orchard, or Bainbridge Island pending schedule availability.

STEP 2:

You must appear at the date and time given to you to speak personally with the YWCA Advocate. The Advocate will talk to you regarding safety issues and community resources. A screening report will be completed and a court date will be set for you to appear in the court in which your No Contact Order was granted.

STEP 3:

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

***PLEASE BE ADVISED THAT A FAILURE TO FOLLOW THESE
INSTRUCTIONS MAY RESULT IN A DENIAL OF YOUR REQUEST TO
RESCIND OR MODIFY THE NO CONTACT ORDER.***

Port Orchard Municipal Court

Modifying or Rescinding a Domestic Violence No Contact Order



JUDGE TIMOTHY A DRURY

**Port Orchard Municipal Court
3rd Floor, Court Room 316
216 Prospect Street
Port Orchard, WA 98366**

Tel: 360-876-1701

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 Alive Program at (360) 479-0491 to set up an appointment for screening.

A protected party, including a minor protected party, must be interviewed by the Domestic Violence Advocate of the YWCA.

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

- ◇ **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.
- ◇ **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.
- ◇ **Information provided during interview, including, but not limited to:**
 - What circumstances have changed since the incident?
 - Are there weapons in the home?
 - Has protected party received YWCA/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 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), 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 a Court in the future to grant a protection 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. 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.

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