

Modifying or Rescinding a Domestic Violence No Contact Order



Kitsap County Superior Court
Kitsap County Courthouse
614 Division Street MS-24
Port Orchard, WA 98366
Phone: 360-337-7140

**THERE'S NO EXCUSE
FOR DOMESTIC VIOLENCE**

RCW 10.99

A court is authorized to enter a no contact order prohibiting a defendant from contacting the protected party upon the 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 must contact the District Court Probation Office for an interview and obtain a screening checklist. Information gathered from the confidential interview will be provided to the Judge. Requests for a modification or rescission of a no contact order in which the protected party is a minor are to be done pursuant to probation guidelines. Victims 13 and older will be interviewed with their non-offending parent or guardian. In this case, the victim will be given the option to speak privately with the interviewer upon agreement of the non-offending parent or guardian. When victims are 12 or younger, the interviewer will speak with the non-offending parent or guardian and the victim may be present. If the protected party is 13 or older, the Court requires that protected party be present at the court hearing.

Notice of the hearing shall be provided to both the protected party and the defendant, counsel, if any, Department of Corrections, and the prosecutor's office.

FOR ALL EMERGENCIES: 911

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

YWCA/ALIVE Local Shelter (available 24 hours)
Local Phone Number..... 360-479-1980
Toll-Free 1-800-500-5513

24 Hour Crisis Clinic Support 1-800-843-4793

Superior Court Clerk..... 360-337-7164

National Domestic Violence Hotline ...1-800-799-SAFE



Persons Who Attend the Hearing —

Protected Party who is age 13 or over
Defendant **MUST** appear for order modification
(Need not appear for rescission)



Required Information —

Reason for the request to modify or rescind?
Circumstances that have changed since the incident?
Are there weapons at home?
Has the victim received YWCA/Counseling Information?
Has checklist been completed?
Is there a safety plan in effect?



Information to be Provided by Defendant and Other Governmental Agencies —

Prior criminal history of the defendant
Bench warrant information
Facts surrounding the case
Probable Cause Statement
Probation/compliance status of defendant
Information regarding other pending no contact orders
Subsequent arrests or convictions



Factors Considered to Grant Request —

Proof of disposition of the criminal case:
- Judgment and Sentence (and documentation that defendant is in compliance with the Court's orders)
- Deferred Prosecution Order
- Pre-Trial Diversion Order
Any other no contact orders between the parties?



Factors Considered When Denying a Request —

How recent the incident occurred?
Criminal case is pending?
No change in circumstance since the incident?
Bench warrant issued against the defendant?
Defendant not in compliance with any court's orders?
(If the judge denies the request, a future hearing may be scheduled based on changes in circumstances.)

ALWAYS keep a copy of your no contact order or any order modifying or rescinding a no contact order with you.

Do not hesitate to file a request for a no contact order if you feel it is necessary, even if you've had a no contact order modified or rescinded.

Always let the Domestic Violence Clerk know of other no contact orders that have been issued in the past, whether you think they are valid or not.

Was the No Contact Order initially granted by Kitsap County Superior Court?

- No - **Stop!**
Contact the Court issuing the order.
- Yes - Proceed with the following:
- Go to Kitsap County Superior Court Clerk**
614 Division Street, Room 202
Port Orchard, Washington
Hours Available: Monday - Friday 9:00 a.m. to 4:30 p.m.
 - Identify yourself
 - Provide name of the person against whom the No Contact Order has been filed
 - Court case number of the No Contact Order
 - Complete the forms provided by the Clerk
- Go to Kitsap County District Court Probation**
614 Division Street (Bullard Building)
Port Orchard, Washington (360-337-7010)
Hours Available: Monday - Friday 9:00 a.m. to 4:30 p.m.
 - Request screening checklist to provide the Court
- Return to Superior Court Clerk's Office (RM 202)**
 - Clerk will schedule a hearing date
 - _____
Hearing Date
 - _____
 - Time
- Provide notice of the hearing to the Kitsap County Prosecutor (proof required by the Court)**
- Provide notice of the hearing to the Department of Corrections (proof required by the Court)**
- Appear personally in Court on the date and time scheduled for the hearing
(If you do not appear, your request will not be granted)

ABOUT DOMESTIC VIOLENCE

- ◆ Domestic violence is the actual or threatened physical, sexual, psychological or economic abuse of an individual by someone with whom they have or have had an intimate relationship.
- ◆ Domestic violence is the most common but least reported crime in the nation. It affects men and women in all cultures, races, occupations, income levels, and ages. It is a serious, unacceptable crime which affects our children and society.
- ◆ Domestic violence in families with children is child abuse and profoundly affects children.
- ◆ Boys who witness their father's violence are 10 times more likely to abuse their partners in adulthood than other families.
- ◆ 85% of domestic violence perpetrators witnessed domestic violence in their own homes growing up.
- ◆ If every woman victimized by domestic violence last year were to join hands in a line, the string of people would span from New York to Los Angeles, and back again.
- ◆ Abusers generally do not have a simple anger management problem. They abuse in order to establish and maintain power and control.
- ◆ No amount of care in your housekeeping, child rearing, or personal habits will prevent your abuser's inevitable build up of anger, rage and desire for control. Sooner or later, your abuser will find or make up some reason to abuse you.
- ◆ Your situation will not improve, and your abuser will not change for the better until the abuser receives professional counseling.
- ◆ Part of an abuser's power comes from secrecy. Find a trusted friend, family member, or victim advocate and talk about your experiences and concerns.

DOMESTIC VIOLENCE INDICATORS

- ◆ **Using Emotional Abuse**
Putting you down; calling you names
Making you feel bad about yourself
Constant criticism
Manipulating your feelings
- ◆ **Using Isolation**
Controlling what you do, who you talk to, where you go, what you read
Limiting outside involvement with others
Withholding or limiting phone usage
Constant "checking up" on you
Constant accompaniment
- ◆ **Using Coercion and Threats**
Threat or actual use of blackmail
Threats to leave you
Threats to hurt self
Threats to commit suicide
Making you do illegal things
- ◆ **Using Intimidation**
Making you afraid by looks, gestures, or actions
Destroying property
Abusing pets
Displaying weapons
- ◆ **Economic Abuse**
Maintaining total control over financial resources
Withholding money or access to money
Forbidding or restricting school or employment
Taking away money
No access or knowledge about family income
- ◆ **Sexual Abuse**
Coercing or attempting to coerce sexual contact without consent
Accusations of infidelity
- ◆ **Using Children**
Making you feel guilty about the children
Using visitation to harass
Threatening to take children away
Threatening to harm the children
Intentionally exposing children to violence
- ◆ **Physical Abuse**
Inflicting or attempting to inflict physical injury
Withholding access to medical resources
Forced use of alcohol or other drug use
- ◆ **Minimizing, Denying, Blaming**
Making light of the abuse
Not taking concerns about abuse seriously
Denying any abuse happened
Blaming you for any abuse
- ◆ **Using "Male Privilege"**
Treating you like a servant
Making all the big decisions
Being the one to define men's and women's roles