

JUDGE JEFFREY L. TOLMAN

PROCEDURE FOR:
OBTAINING DISMISSAL OF A NO CONTACT ORDER
GRANTED BY COURTS IN KITSAP COUNTY

Modifying or Rescinding a Domestic Violence No Contact Order

STEP 1:

Municipal Courts call **YWCA Legal Advocate Office** at :
North End of Kitsap County (360)551-3140 or (206)780-5451, Bremerton (360) 479-0522.
**Kitsap County District Court and DV Cases From Superior Court call the Kitsap County
contact District Court Office at (360) 337-7109, ask for the Probation Office, between the
hours of 8:00 AM - 12:15 PM and 1:15 PM - 4:30 PM, Mon.- Fri.**

Identify yourself, provide the **name of the person** against whom the No Contact Order has been
filed, and the **court case number**.

Request an **appointment** with a Domestic Violence Specialist.

STEP 2:

You must **appear** at the date and time given you to speak personally with the Domestic Violence
Specialist.

The **Domestic Violence Specialist will talk with you regarding safety issues and community
resources**. A Screening Report will be completed and sent to the Court in which the No Contact
Order was granted.

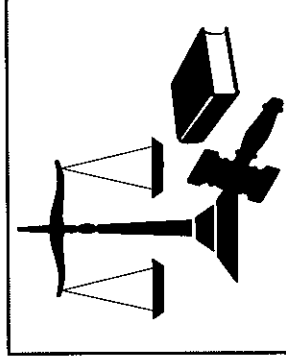
STEP 3:

Take your copy of the **“Request for Hearing”** form to the Court where the no contact order
was issued.

A hearing date will be set by the clerk.

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

POULSBO MUNICIPAL COURT



200 NE Moe St
Poulsbo, WA 98370
Phone: 360-779-9846
Fax: 360-779-1584

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 be interviewed by a domestic violence specialist. (See back of brochure for contact information.) 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 is to be done pursuant to probation guidelines. Victims ages 13 and above will be interviewed with their non-offending parent or guardian. The interviewer will offer the victim an opportunity to speak with them alone if agreed to by the non-offending parent or guardian. Ages 12 and under, the non-offending parent or guardian will be interviewed and the minor victim may be present. If the protected party is 13 years of age or older, the Court requires that person to be present at the court hearing.

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

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, 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 by Probation, including, but not limited to:**
 - ◆ What circumstances have changed since incident
 - ◆ Are there weapons in home
 - ◆ Has victim 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 on probation and/or 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) considering all of the factors above

- ◆ 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 the Court in the future to grant a no contact order. Please contact the Domestic Violence clerk at 360-307-4224 for information regarding this procedure. In addition, there may exist a valid no contact order from another court that would not be affected by an action by this Court. The Clerk 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.

Revised 07/23/07

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