

RCW 26.55.030 Enforcement of Canadian domestic violence

protection order by court. (1) A court may issue an order granting recognition and enforcement or denying recognition and enforcement of a Canadian domestic violence protection order on petition of:

(a) A protected individual;

(b) A person authorized by law of this state other than this chapter to seek enforcement of a domestic violence protection order; or

(c) A respondent.

(2) A petitioner is not required to post a bond to obtain relief in any proceeding under this section. No fees for any type of filing or service of process may be charged by a court or any public agency to petitioners seeking relief under this chapter. Courts may not charge petitioners any fees or surcharges the payment of which is a condition precedent to the petitioner's ability to secure access to relief under this chapter. Petitioners shall be provided the necessary number of certified copies, forms, and instructional brochures free of charge. A respondent who is served electronically with a protection order shall be provided a certified copy of the order free of charge upon request.

(3) Upon receipt of the petition, the court shall order a hearing, which shall be held not later than 14 days from the date of the order. Service shall be provided as required in RCW 7.105.080 and 7.105.150 through 7.105.165.

(4) The hearing shall be conducted as required by RCW 7.105.200 and 7.105.205.

(5) Interpreters must be appointed as required in RCW 7.105.245. An interpreter shall interpret for the party in the presence of counsel or court staff in preparing forms and participating in the hearing and court-ordered assessments, and the interpreter shall sight translate any orders.

(6) A Canadian domestic violence protection order is enforceable under this section if:

(a) The order identifies a protected individual and a respondent;

(b) The order is valid and in effect;

(c) The issuing court had jurisdiction over the parties and the subject matter under law applicable in the issuing court; and

(d) The order was issued after:

(i) The respondent was given reasonable notice and had an opportunity to be heard before the court issued the order; or

(ii) In the case of an ex parte temporary protection order, the respondent was given reasonable notice and had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the right of the respondent to due process.

(7) A claim that a Canadian domestic violence protection order does not comply with subsection (6) of this section is an affirmative defense in a proceeding seeking enforcement of the order. If the court determines that the order is not enforceable, the court shall issue an order that the Canadian domestic violence protection order is not enforceable under this section and RCW 26.55.020 and may not be filed under RCW 26.55.040. [2021 c 215 s 82; 2019 c 263 s 904.]

Effective date—2022 c 268; 2021 c 215: See note following RCW 7.105.900.