

Pierce County Superior Court

Instructions: Protected Person's Request to Terminate or Modify a No Contact Order

The steps listed below apply only to requests to modify or rescind (terminate) a No Contact Order which has been issued by the State as part of a Criminal Case filed with Pierce County Superior Court.

1. Complete the attached "Protected Person's Motion and Declaration to Modify/Rescind domestic Violence No Contact Order". This Motion must be completed regardless of whether the case is "open" (still pending) or "closed" (case is completed).
2. Once you have completed the "Protected Person's Motion and Declaration to Modify/Rescind Domestic Violence No Contact Order" make four (4) additional copies.
3. After the 4 copies are made, file the original in the clerk's Office, Room 110. **Make sure all copies are stamped as received – the Clerk's Office will show you how to do this.**
4. Once you have filed the original, go to Room 247 where a member of Administration will assist you in scheduling your motion. Administration will give you copy of a document called a "Scheduling Order." Note: The State requires **five (5) business days notification** of your motion being scheduled.

The 4 copies of your Motion, together with copies of the Scheduling Order give to you by Administration, will now be distributed as listed below:

- 1 – copy for your records
- 1 – copy to room 247. This copy is for the Judge assigned to hear your motion.
- 1 – copy to Room 946 Prosecuting Attorney's Office
- 1 – copy for the Defense attorney (Open cases only) OR
- 1 – copy for the defendant (Closed cases only)

If the case is closed, you must notify the defendant of your intent to modify the No Contact Order. Therefore, please make sure you have a current or last known address for the defendant. You must sign the Declaration of Mailing on the last page of the motion.

If the case is open, you must notify the defendant's attorney of your intent to modify the No Contact Order. The attorney's address can be obtained in Administration, Room 247. You must sign the Declaration of mailing on the last page of the motion.

***** It is your responsibility to serve/notify ALL parties *****

5. Unless directed by the Court, personal appearance is required. Failure to appear will NOT result in a warrant; however, the motion will be cancelled, and you will need to complete step 4 in order to have the motion rescheduled.

DISCLAIMER: NEITHER THE COURT NOR COURT PERSONNEL MAY GIVE LEGAL ADVICE. THIS IS NOT INTENDED TO BE LEGAL ADVICE AND IS PROVIDED TO YOU AS INFORMATION REQUIRED BY WASHINGTON STATE LAW, RCW 10.99.040. YOU ARE ENCOURAGED TO CONSULT WITH AN ATTORNEY IN THE EVENT YOU HAVE ANY QUESTIONS.

IN THE PIERCE COUNTY SUPERIOR COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,
Plaintiff

V.

Defendant

No. _____

**PROTECTED PERSON'S MOTION and
DECLARATION TO MODIFY/RESCIND
DOMESTIC VIOLENCE NO-CONTACT
ORDER** (RCW 10.99.040(7))

I, _____ (name), am the person protected in a Domestic Violence No-Contact Order that the court issued against the defendant. I request that the court enter an order to modify (replace) rescind the Domestic Violence No-Contact Order signed on _____ (date).

The court should modify/rescind the order referenced above **because:**

_____.

The court should modify the terms and conditions of the order referenced above, **as follows:**

_____.

I understand that if the court grants my motion to modify, the court will issue a new Domestic Violence No-Contact Order that will replace the order I want to modify.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at _____ (city) in _____ (state) on _____ (date).

Signature of Protected Person

Type or Print Name

IN THE PIERCE COUNTY SUPERIOR COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,
Plaintiff

No. _____

V.

Defendant (First, Middle, Last Name, DOB)

**Order re Motion to Modify/ Rescind
Domestic Violence No-Contact Order**

Denied (ORDYMT)

Granted (ORGMT)

(Clerk's Action Required)

The court received _____ (name of protected person)'s motion for an order to modify (replace) rescind the Domestic Violence No-Contact Order signed on _____ (date).

Based upon the motion, declarations, and testimony, if any, and relevant court records, the court:

denies the motion.

grants the motion, and

replaces the order referenced above with a new Domestic Violence No-Contact Order, filed separately.

Or,

rescinds the Domestic Violence No-Contact Order referenced above.

The clerk of court shall forward a copy of this order that rescinds on or before the next judicial day to: _____ County Sheriff's Office

_____ Police Department **where the case is filed** which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

Dated: _____

Judge/Pro Tem/Court Commissioner

I acknowledge receipt of a copy of this Order:

I acknowledge receipt of a copy of this Order:

Protected Person

Defendant

Type or Print Name

Type or Print Name

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_____ COURT OF WASHINGTON
COUNTY OF _____

_____,
Plaintiff(s),

vs.

_____,
Defendant(s).

No. _____

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that, on the date stated below, I did the following:

On the _____ day of _____, 20____, I [*strike out what doesn't apply*] mailed with delivery confirmation / hand delivered a true copy of the _____
_____ [*name of paper(s) served*] in the
above-entitled matter to _____ [*Name of Plaintiff or Plaintiff's Attorney*] at the following address: _____

Dated this ____ day of _____, 20____, in _____, _____ [*city and state*].

(Signature)