

NO CONTACT ORDER RECALL PROCESS **FREQUENTLY ASKED QUESTIONS**

(revised February 2011)

1. I am the protected person under a No Contact Order. How do I get the No Contact Order lifted(rescinded) or modified?

There is a form titled Protected Person's Motion to Modify/Rescind Domestic Violence No-Contact Order. You may obtain the form from the Advocate at the King County Prosecutor's Office, the bailiff of the sentencing judge who entered the No Contact Order, the King County Clerk's Office, or on-line at

<http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=61>.

Complete the form and contact the bailiff in the sentencing Judge's court, or the bailiff for the Chief Criminal Judge, if the defendant has not yet been sentenced. The judges, their bailiffs, and contact information is available on the court's web site at

<http://www.kingcounty.gov/courts/SuperiorCourt/judges.aspx> or call the court's receptionist at 206 296-9100.

Be sure to provide the bailiff with your contact information such as a phone number, mailing address, and e-mail address. The judge will review your motion and decide whether to set a hearing. The judge's bailiff will advise you further about the process.

2. What if the defendant is in jail at the time of the hearing?

If the Court agrees to set a hearing, the defendant will have to be brought into the courtroom when that matter is heard. The court bailiff handles this matter. Typically, if a defendant is in any facility other than a King County Jail facility, the court may invite the defendant to participate by telephone. If the defendant does not appear in person or by telephone, the hearing cannot go forward. This decision of how to assure the defendant's participation in the hearing is made on a case-by-case basis and can be decided only by the supervising Judge.

3. What happens at the hearing?

The court will take your sworn testimony as to the reasons you want the No Contact Order lifted or modified. The court will also take testimony from the supervising Department of Corrections officer, if there is one, as to the defendant's compliance with his sentencing conditions, e.g. whether he has completed Domestic Violence Batterer's Treatment, whether he has violated the No Contact Order, or whether he has committed new law violations. The

defendant may also testify. The deputy prosecuting attorney will present the prosecutor's recommendation about whether the No Contact Order will be lifted or modified, and the court will make a decision on your motion.

4. What if the defendant is not in compliance with the sentencing conditions?

Whether a hearing can be set is determined solely by the supervising Judge. In general, however, it is best to wait until a defendant is in compliance before requesting a hearing as there is a better likelihood the request will be considered and granted.

5. What if there is more than one No Contact Order in the system?

The requesting party must go to each court individually to request that each order be lifted. It is important for the requesting party to remember that until ALL orders are lifted in all jurisdictions, the defendant remains in danger of being charged with new crimes if the parties have contact.

6. What if I only want to modify the order, not lift it entirely?

Each case is considered individually. You should follow the same process described in question #1.

7. What if the defendant is no longer under court supervision?

In some cases, the defendant's term of supervision has ended. In these cases, the No Contact Order can still be reviewed and the normal process should be followed (see question #1).

8. What if the defendant has a pending DV case?

Only the Judge can decide whether or not to set a hearing and/or lift or rescind a No Contact Order. But it is important to remember that until all no contact orders have been lifted, the defendant remains in danger of being charged with new crimes if the parties have contact.

9. If I don't want a No Contact Order, why should a Judge be allowed to put one in place?

A No Contact Order is a condition of a person's sentence. A Judge has the authority to restrict contact between parties if he/she believes that there is a possibility that there could be further violence or crimes committed between the two people named on the order. Prior to conviction, the victim, as a possible witness, may need to be protected from intimidation by the defendant.

10. If I think my rights are being violated by the existence of this order, can I hire an attorney to represent me?

You have the right to hire legal representation for yourself whenever you feel the need to do so.