

CRIMINAL - NO CONTACT ORDER RESCIND PROCESS

I am a 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 How do I get the No Contact Order lifted (rescinded) or modified?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 on-line at www.clark.wa.gov/courts/clerk or www.courts.wa.gov/forms (NC02.0500) or from the Clerk’s Office.

Complete the form and return it to the Clark County Clerk’s Office.
Be sure to provide your contact information such as a phone number, mailing address and e-mail address.

The judge will review your motion and determine whether to set a hearing.

If the Judge denies your motion, the court will issue an Order Denying Hearing. The order will state the reason for denial of a hearing. The Clerk’s Office will mail a copy of the order to the protected person and to the parties.

If the court grants a hearing on the motion, the Clerk’s Office will notify the protected person and the parties of the hearing date and time. Again, be sure you have provided your contact information.

Factors that will be taken into consideration during the hearing for granting or denying the motion may include but are not limited to:

Has the no-contact order has been violated?

Have there been new law violations?

Has the defendant completed Batterers treatment?

Defendant’s compliance with sentencing conditions.

The status and nature of the criminal proceeding(s).

Does the protected person have a safety plan in place.

The deputy prosecuting attorney will present the prosecutor’s recommendation about whether the No Contact Order should be lifted or modified and the court will make a decision on your motion.

It is recommended the protected person contact a domestic violence advocate prior to the hearing. The YWCA can help. They can be reached at 360-696-0167.