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Governor

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PROCLAMATION BY THE GOVERNOR AMENDING PROCLAMATION 20-05 AND AMENDING, REINSTATING, AND EXTENDING PROCLAMATIONS 20-45 AND 20-45.1

20-45.2
Protection Orders and Personal Service – Technical Corrections

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, which is causing an economic downturn throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to the closure of nonessential businesses; and

WHEREAS, in response to the COVID-19 pandemic and consistent with directives from public health agencies such as the World Health Organization, the federal Center for Disease Control, and the State of Washington Department of Health, the Governor has issued amendatory Proclamations 20-25, 20-25.1, 20-25.2, and 20-25.3 ("Stay Home, Stay Healthy") restricting Washington residents' movement outside their homes; and

WHEREAS, protection from harassment, violence, stalking, abuse, intimidation, and other forms of harm is a vital governmental function, as is protection from the COVID-19 pandemic, and public health agencies indicate that the COVID-19 pandemic and travel restrictions enacted in response to the COVID-19 pandemic will increase the need for various types of protection orders; and

WHEREAS, law enforcement agencies, advocates, and service providers nationally have reported an increase in domestic violence reports; and

WHEREAS, domestic violence survivors rely on protection orders for their immediate safety and peace of mind. Access to expedient court review, processing, and service of orders is essential to their safety, and perpetual litigation of protection orders creates additional danger for domestic violence survivors; and

WHEREAS, emergency protection orders mitigate the danger of domestic violence survivors' efforts to separate from their abusers and other situations with heightened risk of lethality, making access to emergency protection orders vital to public safety; and

WHEREAS, domestic violence survivors and other petitioners obtain emergency protection orders through the state's district, municipal, and superior civil court systems, making predictable, sustained, and consistent access to the court systems also vital to public safety; and

WHEREAS, current statutes limit courts' authority to utilize electronic alternatives to personal service of process; and

WHEREAS, changes to court access ordered by the judiciary based on proclamations issued by the Governor and directives from public health authorities, and other restrictions enacted in response to the COVID-19 pandemic, make access to Washington State courts extremely limited; and

WHEREAS, Washington State residents who are threatened or are experiencing violence, harassment, stalking, or abuse face obstacles and restrictions that hinder their ability to safely access the courts and obtain and extend protection orders during the COVID-19 pandemic; and

WHEREAS, we must take additional steps to preserve access to our courts, expeditious review and processing, particularly for emergency orders, timely service, and vigorous enforcement of civil protection orders for victims to preserve public safety; and

WHEREAS, on March 20, 2020, our Washington State Supreme Court directed courts to make use of available technology whenever possible to conduct judicial proceedings and court operations remotely, in order to continue to provide access to justice and to protect the health and safety of the public, court personnel, jurors, litigants, and witnesses; and

WHEREAS, in order to support courts in conducting essential court functions, proceedings, preliminary hearings, and full hearings, while at the same time implementing the social-distancing measures necessary to limit the spread of COVID-19, it is necessary to suspend certain provisions of statutes related to protection orders to the extent they create barriers regarding the use of technology. In many cases, technology, including but not limited to video, audio and telephonic means, can be used to conduct judicial proceedings and court operations remotely, and to allow for remote appearances. Technology also provides the means to e-file documents; to allow service of process by law enforcement through text, email, or other social media; to enable the electronic exchange and authentication of documentary evidence; and to facilitate remote interpreting, remote reporting, and electronic recording to make the official records of actions or proceedings; and

WHEREAS, requiring personal service of process and in-person hearings for protection orders may pose a health risk and be impractical due to COVID-19; and

WHEREAS, with current technology, courts can modify operations to allow for telephonic and electronic filing of civil protection orders and telephonic and video participation in hearings to provide access without requiring in-person participation; and

WHEREAS, statutes currently require personal service of all pleadings and orders, except for service by mail or by publication under specific and very limited conditions, with prior court permission; and

WHEREAS, electronic means of service – by email or text message, or through social media applications – are readily available to law enforcement personnel and restrained parties. Electronic communications are instantaneous, inexpensive, and simple to document and preserve; and

WHEREAS, service by mail requires a petitioner to physically go to a post office and interact with another person to pay for and initiate a certified mailing, and service by publication is costly and time-consuming and is the least effective method of proving that a respondent had prior knowledge of an order for enforcement purposes; and

WHEREAS, personal service by law enforcement remains a priority for all protection orders (domestic violence, sexual assault, stalking, extreme risk, and others), particularly when the restrained person has been ordered to surrender weapons, when the restrained person needs to be vacated from a shared residence, for child custody transfers, or in other cases where public safety demands it; and

WHEREAS, waiving certain statutory requirements for personal service and certain statutory requirements for in-person hearings that may not be necessary or appropriate for the individual case will minimize personal contacts that could contribute to the spread of COVID-19; and

WHEREAS, there are currently at least 18,433 cases of COVID-19 in Washington State with 1,001 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on April 10, 2020, I issued Proclamation 20-45, waiving and suspending certain statutes; and

WHEREAS, all of the four members who comprise the leadership of the Washington State Senate and House of Representatives who are required to agree to extensions for certain emergency proclamations did not agree to extend all of the statutory waivers and suspensions set forth in Proclamation 20-45 as required by RCW 43.06.220(4), and the statutory waivers and extensions set forth in Proclamation 20-45 therefore expired at 11:59 p.m. on May 10, 2020; and

WHEREAS, on May 15, 2020, pursuant to the provisions of RCW 43.06.220(4), the leadership of the Washington State Senate and House of Representatives agreed to amend, reinstate, and extend the statutory waivers and suspensions contained in Proclamation 20-45 as described

herein until the termination of the COVID-19 State of Emergency or June 15, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended and Proclamation 20-45 is amended, reinstated in part, and extended to waive and suspend specified statutes that limit the use of alternative methods of holding hearings and means of service, including electronic means of service, while continuing in-person service by law enforcement, when feasible, when courts have ordered firearms to be surrendered and there are concerns about increased risk of lethality, or other important public safety matters arise, including when a respondent is to be removed from a shared residence or child custody matter needs to be addressed.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I again find that strict compliance with the following statutory and regulatory

obligations or limitations will risk reducing the availability of essential services and prevent, hinder, or delay the response to the COVID-19 pandemic State of Emergency under Proclamation 20-05, and that the portion or language of each statutory and regulatory provision specified below is hereby waived and suspended as provided herein with specific language stricken (for example, "~~personal~~"), until 11:59PM on June 15, 2020:

1. RCW 10.14.070, (Harassment, Hearing—Service), the following stricken language only:
   Upon receipt of the petition alleging a prima facie case of harassment, other than a petition alleging a sex offense as defined in chapter 9A.44 RCW or a petition for a stalking protection order under chapter 7.92 RCW, the court shall order a hearing which-shall be held not later than fourteen days from the date of the order. If the petition alleges a sex offense as defined in chapter 9A.44 RCW, the court shall order a hearing which shall be held not later than fourteen days from the date of the order. ~~Except as provided in RCW 10.14.085, personal~~ service shall be made upon the respondent not less than five court days before the hearing. If timely ~~personal~~ service cannot be made, the court shall set a new hearing date and shall ~~either~~ require additional attempts at obtaining ~~personal~~ service ~~or permit service by publication as provided by RCW 10.14.085. If the court permits service by publication, the court shall set the hearing date not later than twenty- four days from the date of the order.~~ The court may issue an ex parte order for protection pending the hearing as provided in RCW 10.14.080 and 10.14.085.

2. RCW 10.14.080(2), (Harassment: Antiharassment protection orders –Ex parte temporary-
   -et al) the following stricken language only:
   (2) An ex parte temporary antiharassment protection order shall be effective for a fixed period not to exceed fourteen days. ~~or twenty- four days if the court has permitted service by publication under RCW 10.14.085.~~ The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order ~~or not later than twenty- four days if service by publication is permitted~~. Except as provided in RCW 10.14.070 and 10.14.085, the respondent shall be ~~personally~~ served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing. The ex parte order and notice of hearing shall include at a minimum the date and time of the hearing set by the court to determine if the temporary order should be made effective for one year or more, and notice that if the respondent should fail to appear or otherwise not respond, an order for protection will be issued against the respondent pursuant to the provisions of this chapter, for a minimum of one year from the date of the hearing. The notice shall also include a brief statement of the provisions of the ex parte order and notify the respondent that a copy of the ex parte order and notice of hearing has been filed with the clerk of the court.

3. RCW 10.14.080(5), (Harassment: Antiharassment protection orders –Ex parte temporary—et al), the following stricken language only:
   (5) At any time within the three months before the expiration of the order, the petitioner may apply for a renewal of the order by filing a petition for renewal. The

petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal, the court shall order a hearing which shall be not later than fourteen days from the date of the order. ~~Except as provided in RCW 10.14.085, personal~~ service shall be made upon the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall ~~either~~ require additional attempts at obtaining ~~personal~~ service ~~or permit service by publication as provided by RCW 10.14.085. If the court permits service by publication, the court shall set the new hearing date not later than twenty-four days from the date of the order.~~ If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in this section. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume harassment of the petitioner when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in subsection (4) of this section.

4. RCW 10.14.085(1)(a) through (d), (Harassment: Hearing reset after ex parte order— Service by publication—et al):
(1) ~~If the respondent was not personally served with the petition, notice of hearing, and ex parte order before the hearing, the court shall reset the hearing for twenty-four days from the date of entry of the order and may order service by publication instead of personal service under the following circumstances:~~
~~(a) The sheriff or municipal officer files an affidavit stating that the officer was unable to complete personal service upon the respondent. The affidavit must describe the number and types of attempts the officer made to complete service;~~
~~(b) The petitioner files an affidavit stating that the petitioner believes that the respondent is hiding from the server to avoid service. The petitioner's affidavit must state the reasons for the belief that the respondent is avoiding service;~~
~~(c) The server has deposited a copy of the summons, in substantially the form prescribed in subsection (3) of this section, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address; and~~
~~(d) The court finds reasonable grounds exist to believe that the respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome.~~

5. RCW 10.14.100, (Harassment: Service of order.), the following stricken language only:
(1) An order issued under this chapter shall be ~~personally~~ served upon the respondent, except as provided in subsections (5) and (7) of this section.
(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent ~~personally~~ unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.

(3) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner.
(4) Returns of service under this chapter shall be made in accordance with the applicable court rules.
(5) If an order entered by the court recites that the respondent appeared in person before the court, the necessity for further service is waived and proof of service of that order is not necessary. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court, if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been personally served with the temporary order.
(6) Except in cases where the petitioner has fees waived under RCW 10.14.055 or is granted leave to proceed in forma pauperis, municipal police departments serving documents as required under this chapter may collect the same fees for service and mileage authorized by RCW 36.18.040 to be collected by sheriffs.
(7) ~~If the court previously entered an order allowing service by publication of the notice of hearing and temporary order of protection pursuant to RCW 10.14.085, the court may permit service by publication of the order of protection issued under RCW 10.14.080.~~ Service by publication must comply with the requirements of RCW 10.14.085.

6. RCW 26.50.050, (Domestic Violence Protection: Hearing—Service—Time): the following stricken language only:
Upon receipt of the petition, the court shall order a hearing which shall be held not later than fourteen days from the date of the order. The court may schedule a hearing by telephone ~~pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further acts of domestic violence~~. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. ~~Except as provided in RCW 26.50.085 and 26.50.123, personal~~ service shall be made upon the respondent not less than five court days prior to the hearing. If timely ~~personal~~ service cannot be made, the court shall set a new hearing date and shall ~~either~~ require an additional attempt at obtaining ~~personal~~ service or permit service ~~by publication as provided in RCW 26.50.085 or service by mail as provided in RCW 26.50.123. The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or by mail unless the petitioner requests additional time to attempt personal service. If the court permits service~~ by mail, the court shall set the hearing date not later than twenty-four days from the date of the order. The court may issue an ex parte order for protection pending the hearing as provided in RCW 26.50.070, 26.50.085, and 26.50.123.

7. RCW 26.50.060(2) and (6), (Domestic Violence Prevention: Relief et al): the following stricken language only:
(2) If a protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period ~~not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09,~~

~~*26.10, 26.26A, or 26.26B RCW.~~ With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following ~~personal~~ service, ~~service by publication, or service by mail~~ and whether the court has approved service ~~by publication or mail of an order issued under this section~~.

8. RCW 26.50.070(5), (Domestic Violence Prevention: Ex parte temporary order for protection), the following stricken language only:

(5) An ex parte temporary order for protection shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by ~~publication under RCW 26.50.085 or by~~ mail ~~under RCW 26.50.123~~. The ex parte temporary order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the ex parte temporary order ~~or not later than twenty- four days if service by publication or by mail is permitted. Except as provided in RCW 26.50.050, 26.50.085, and 26.50.123~~, the respondent shall be ~~personally~~ served with a copy of the ex parte temporary order along with a copy of the petition and notice of the date set for the hearing.

9. RCW 26.50.085(1)(a) through (d), (Domestic Violence Prevention: Hearing reset after ex parte order et al), the following stricken language only:

(1) If the respondent was not ~~personally~~ served with the petition, notice of hearing, and ex parte order before the hearing, the court shall reset the hearing for twenty-four days from the date of entry of the order and ~~may~~ order service ~~by publication instead of personal service under the following circumstances:~~

(a) ~~The sheriff or municipal officer files an affidavit stating that the officer was unable to complete personal service upon the respondent. The affidavit must describe the number and types of attempts the officer made to complete service;~~

~~(b) The petitioner files an affidavit stating that the petitioner believes that the~~ respondent ~~is hiding from the server to avoid service. The petitioner's affidavit must state the reasons for the belief that the respondent is avoiding service;~~

~~(c) The server has deposited a copy of the summons, in substantially the form prescribed in subsection (3) of this section, notice of hearing, and the ex parte~~ order of protection in ~~the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address; and~~

~~(d) The court finds reasonable grounds exist to believe that the respondent is~~ concealing ~~himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome.~~

10. RCW 26.50.090, (Domestic Violence Prevention: Order—Service—Fees), the following stricken language only:
(1) An order issued under this chapter shall be ~~personally~~ served upon the respondent, except as provided in subsections (6) ~~and (8)~~ of this section.
(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent ~~personally~~ unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.
(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter electronically forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.
(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. ~~The petitioner shall provide information sufficient to permit notification.~~
(5) Returns of service under this chapter shall be made in accordance with the applicable court rules.
(6) If an order entered by the court recites that the respondent appeared ~~in person~~ before the court, the necessity for further service is waived and proof of service of that order is not necessary.
(7) Municipal police departments serving documents as required under this chapter may collect from respondents ordered to pay fees under RCW 26.50.060 the same fees for service and mileage authorized by RCW 36.18.040 to be collected by sheriffs.
(8) ~~If the court previously entered an order allowing service of the notice of hearing and temporary order of protection by publication pursuant to RCW 26.50.085 or by mail pursuant to RCW 26.50.123, the court may permit service by publication or by mail of the order of protection issued under RCW 26.50.060. Service by publication must comply with the requirements of RCW 26.50.085 and service by mail must comply with the requirements of RCW 26.50.123. The court order must state whether the court permitted service by publication or by mail.~~

11. RCW 26.50.123(1), (Domestic Violence Prevention: Service by mail), the following stricken language only:
(1) ~~In circumstances justifying service by publication under RCW 26.50.085(1),~~ if the serving party files an affidavit stating facts from which the court determines that service by mail is ~~just as~~ likely to give actual notice ~~as service by publication and that the serving party is unable to afford the cost of service by publication~~, the court may order that service be made by mail. Such service shall be made by any person over eighteen years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address or any other address determined by the court to be appropriate. ~~Two copies shall be mailed, postage prepaid, one by ordinary first-~~

~~class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender.~~

12. RCW 74.34.120(1), (2) and (3), (Abuse of Vulnerable Adults: Protection of vulnerable adults—Hearing), the following stricken language only:
(1) The court shall order a hearing on a petition under RCW 74.34.110 not later than fourteen days from the date of filing the petition.
(2) ~~Personal~~ service shall be made upon the respondent not less than six court days before the hearing. ~~When good faith attempts to personally serve the respondent have been unsuccessful,~~ the court shall permit service by mail ~~or by publication~~.
(3) When a petition under RCW 74.34.110 is filed by someone other than the vulnerable adult, notice of the petition and hearing must be ~~personally~~ served upon the vulnerable adult not less than six court days before the hearing. In addition to copies of all pleadings filed by the petitioner, the petitioner shall provide a written notice to the vulnerable adult using the standard notice form developed under RCW 74.34.115. ~~When good faith attempts to personally serve the vulnerable adult have been unsuccessful,~~ the court shall permit service by mail~~, or by publication if the court determines that personal service~~ and service by mail ~~cannot be obtained~~.
(4) If timely service under subsections (2) and (3) of this section cannot be made, the court shall continue the hearing date until the substitute service approved by the court has been satisfied.
(5)(a) A petitioner may move for temporary relief under chapter 7.40 RCW. The court may continue any temporary order for protection granted under chapter 7.40 RCW until the hearing on a petition under RCW 74.34.110 is held.
(b) Written notice of the request for temporary relief must be provided to the respondent, and to the vulnerable adult if someone other than the vulnerable adult filed the petition. A temporary protection order may be granted without written notice to the respondent and vulnerable adult if it clearly appears from specific facts shown by affidavit or declaration that immediate and irreparable injury, loss, or damage would result to the vulnerable adult before the respondent and vulnerable adult can be served and heard, or that show the respondent and vulnerable adult cannot be served with notice, the efforts made to serve them, and the reasons why prior notice should not be required.

13. RCW 74.34.135(2), reflecting amendments passed by the Legislature in 2020 pursuant to ESSB 6287, Chapter 312, 2020 Laws, and signed by the Governor on April 2, 2020, that are not yet codified in the RCWs (Abuse of Vulnerable Adults: Protection of vulnerable adults—Filings by others—Dismissal of petition or order et al), the following stricken language only:
(2) An evidentiary hearing on the issue of whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order, shall be held within fourteen days of entry of the temporary order for protection under subsection (1) of this section. If the court did not enter a temporary order for protection, the evidentiary hearing shall be held within fourteen days of the prior hearing on the petition. Notice of the time and place of the evidentiary hearing shall be ~~personally~~

served upon the vulnerable adult and the respondent not less than six court days before the hearing. ~~When good faith attempts to personally serve the vulnerable adult and the respondent have been unsuccessful,~~ the court shall permit service by mail~~, or by publication if the court determines that personal service and service by mail cannot be obtained~~. If timely service cannot be made, the court may set a new hearing date. A hearing under this subsection is not necessary if the vulnerable adult has been determined to be ~~((fully incapacitated over 38 either the person or the estate, or both, under the guardianship laws,))~~ subject to a guardianship, conservatorship, or other protection arrangement under chapter ((~~11.88~~)) 11.130 RCW. If a hearing is scheduled under this subsection, the protection order shall remain in effect pending the court's decision at the subsequent hearing.

14. RCW 7.90.050: (Sexual Assault Protection Order: Petition et al), the following stricken language only:
Upon receipt of the petition, the court shall order a hearing which shall be held not later than fourteen days from the date of the order. The court may schedule a hearing by telephone ~~pursuant to local court rule, to reasonably accommodate a disability, or in~~ ~~exceptional circumstances to protect a petitioner from further nonconsensual sexual~~ ~~conduct or nonconsensual sexual penetration~~. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. ~~Personal~~ service shall be made upon the respondent not less than five court days prior to the hearing. If timely ~~personal~~ service cannot be made, the court shall set a new hearing date and shall ~~either~~ require additional attempts at obtaining ~~personal~~ service ~~or permit service by publication~~ ~~as provided in RCW 7.90.052 or service by mail as provided in RCW 7.90.053~~. The court shall not require more than two attempts at obtaining ~~personal~~ service and shall permit ~~publication or~~ service by mail ~~unless the petitioner requests additional time to~~ ~~attempt personal service.~~ If the court permits service ~~by publication or service~~ by mail, the court shall set the hearing date not later than twenty-four days from the date of the order. The court may issue an ex parte temporary sexual assault order pending the hearing as provided in RCW 7.90.110.

15. RCW 7.90.052(1), (Sexual Assault Protection Order: Service by publication), Subsection
(1) is stricken in its entirety.

16. RCW 7.90.053(1), (Sexual Assault Protection Order: Service by mail), the following stricken language only:
(1) ~~In circumstances justifying service by publication under RCW 7.90.052,~~ if the serving party files an affidavit stating facts from which the court determines that service by mail is ~~just as~~ likely to give actual notice ~~as service by publication and that the serving party is unable to afford the cost of service by publication~~, the court may order that service be made by mail. The service must be made by any person over eighteen years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address or any other address determined by the court to be appropriate. ~~Two copies must be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when~~

~~and to whom it was delivered. The envelopes must bear the return address of the sender.~~

17. 7.90.120(1)(a), (Sexual Assault Protection Order: Ex parte orders), the following stricken language only:
(1)(a) An ex parte temporary sexual assault protection order shall be effective for a fixed period not to exceed fourteen days. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service ~~by publication or service~~ by mail is permitted. If the court permits service ~~by publication or service~~ by mail, the court shall also reissue the ex parte temporary protection order not to exceed another twenty-four days from the date of reissuing the ex parte protection order. ~~Except as provided in RCW 7.90.050, 7.90.052, or 7.90.053,~~ the respondent shall be ~~personally~~ served with a copy of the ex parte temporary sexual assault protection order along with a copy of the petition and notice of the date set for the hearing.

18. RCW 7.90.121(4), (Sexual Assault Protection Order: Renewal of ex parte order), the following stricken language only:
(4)(a) If the motion is contested, upon receipt of the motion, the court shall order that a hearing be held not later than fourteen days from the date of the order.
(b) The court may schedule a hearing by telephone ~~pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further nonconsensual sexual conduct or nonconsensual sexual penetration~~. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing.
(c) The respondent shall be ~~personally~~ served not less than five court days prior to the hearing. If timely ~~personal~~ service cannot be made, the court shall set a new hearing date and shall ~~either~~ require additional attempts at obtaining ~~personal~~ service ~~or permit service by publication as provided in RCW 7.90.052 or service by mail as provided in RCW 7.90.053~~. ~~The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or service by mail unless the petitioner requests additional time to attempt personal service.~~ If the court permits ~~service by publication or~~ service by mail, the court shall set the hearing date not later than twenty-four days from the date of the order.

19. RCW 7.90.140, (Sexual Assault Protection Order: Service to respondent), the following stricken language only:
(1) An order issued under this chapter shall be ~~personally~~ served upon the respondent, except as provided in subsection (6) of this section.
(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent ~~personally~~ unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.
(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the

court shall have a copy of any order issued under this chapter electronically forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.
(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. ~~The petitioner shall provide information sufficient to permit notification.~~
(5) Returns of service under this chapter shall be made in accordance with the applicable court rules.
(6) If an order entered by the court recites that the respondent appeared ~~in person~~ before the court, the necessity for further service is waived and proof of service of that order is not necessary.
(7) ~~If the court previously entered an order allowing service of the notice of hearing and temporary order of protection by publication under RCW 7.90.052 or service by mail under RCW 7.90.053, the court may permit service by publication or service by mail of the order of protection issued under this chapter. Service by publication must comply with the requirements of RCW 7.90.052 and service by mail must comply with the requirements of RCW 7.90.053~~. The court order must state whether the court permitted service ~~by publication or service~~ by mail.

20. RCW 7.90.170(3), (Sexual Assault Protection Order: Modification or termination of protection orders), the following stricken language only:
(3) The court shall order that a hearing on the motion for termination or modification of the order be held not later than fourteen days from the date of the order. The nonmoving party shall be ~~personally~~ served not less than five days before the hearing. If timely service cannot be made, the court shall set a new hearing date and shall ~~either~~ require additional attempts at obtaining ~~personal~~ service ~~or permit service by publication as provided in RCW 7.90.052 or service by mail as provided in RCW 7.90.053. If the court permits service by mail or service by publication, the court shall set the new hearing date not later than twenty-four days from the date of the order.~~

21. RCW 7.92.060, (Jennifer Paulson Stalking Protection Order: Petition et al) The following stricken language only:
Upon receipt of the petition, the court shall order a hearing which shall be held not later than fourteen days from the date of the order. The court may schedule a hearing by telephone~~, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further stalking behavior~~. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. ~~Except as provided in RCW 7.92.150, personal~~ service shall be made upon the respondent not less than five court days prior to the hearing. If timely ~~personal~~ service cannot be made, the court shall set a new hearing date and shall require additional attempts at obtaining ~~personal~~ service ~~or other service as permitted under RCW 7.92.150~~. The court may issue an ex parte temporary stalking order pending the hearing as provided in RCW 7.92.120.

22. RCW 7.92.120(5), (Jennifer Paulson Stalking Protection Order: Ex parte temporary order et al), the following stricken language only:
(5) An ex parte temporary stalking protection order shall be effective for a fixed period ~~not to exceed fourteen days or twenty-four days if the court has permitted service by publication or~~ mail. The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service ~~by publication or~~ by mail is permitted. ~~Unless the court has permitted service by publication or mail,~~ the respondent shall be ~~personally~~ served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

23. RCW 7.92.150(1) through (7)(e) and (8), (Jennifer Paulson Stalking Protection Order: Protection orders—service to respondent et al), the following stricken language only:
(1) An order issued under this chapter shall be ~~personally~~ served upon the respondent, except as provided in subsection (6)~~, (7), or (8)~~ of this section. If the respondent is a minor, the respondent's parent or legal custodian shall also be ~~personally~~ served.
(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent ~~personally~~ unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.
(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter electronically forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.
(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. ~~The petitioner shall provide information sufficient to permit notification.~~
(5) Returns of service under this chapter shall be made in accordance with the applicable court rules.
(6) If an order entered by the court recites that the respondent appeared ~~in person~~ before the court, the necessity for further service is waived and proof of service of that order is not necessary.
(7) If the respondent was not ~~personally~~ served with the petition, notice of hearing, and ex parte order before the hearing, the court shall reset the hearing for twenty-four days from the date of entry of the order and may order service ~~by publication instead of personal service under the following circumstances:~~
(a) ~~The sheriff or municipal officer or private process server files an affidavit stating that the officer or private process server was unable to complete personal service upon the respondent. The affidavit must describe the number and types of~~

~~attempts the officer or private process server made to complete service;~~
(b) ~~The petitioner files an affidavit stating that the petitioner believes that the respondent is hiding from the server to avoid service. The petitioner's affidavit must state the reasons for the belief that the respondent is avoiding service;~~
(c) ~~The server has deposited a copy of the petition, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address;~~
(d) ~~The court finds reasonable grounds exist to believe that the respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome;~~
(e) The court shall reissue the temporary order of protection not to exceed another twenty-four days from the date of reissuing the ex parte protection order ~~and order to provide service by publication~~; and
…
(8) ~~In circumstances justifying service by publication under subsection (7) of this section,~~ if the serving party files an affidavit stating facts from which the court determines that service by mail is likely to give actual notice ~~as service by publication and that the serving party is unable to afford the cost of service by publication,~~ the court may order that service be made by mail. Such service shall be made by any person over eighteen years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address or any other address determined by the court to be appropriate. ~~Two copies shall be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender.~~
(a) Proof of service under this section shall be consistent with court rules for civil proceedings.
(b) ~~Service under this section may be used in the same manner and shall have the same jurisdictional effect as service by publication for purposes of this chapter.~~ Service shall be deemed complete upon the mailing ~~of two copies as prescribed in this section~~.

24. RCW 7.94.040(1), (Extreme Risk Protection Orders: Hearings on petition et al), the following stricken language only:
(1) Upon receipt of the petition, the court shall order a hearing to be held not later than fourteen days from the date of the order and issue a notice of hearing to the respondent for the same.
(a) The court may schedule a hearing by telephone ~~pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from potential harm~~. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing.
(b) The court clerk shall cause a copy of the notice of hearing and petition to be forwarded on or before the next judicial day to the appropriate law enforcement agency for service upon the respondent.
(c) ~~Personal~~ service of the notice of hearing and petition shall be made upon the respondent by a law enforcement officer not less than five court days prior to the

hearing. Service issued under this section takes precedence over the service of other documents, unless the other documents are of a similar emergency nature. If timely ~~personal~~ service cannot be made, the court shall set a new hearing date and shall ~~either~~ require additional attempts at obtaining ~~personal~~ service ~~or permit service by publication or mail as provided in RCW 7.94.070~~. ~~The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or mail after two attempts at obtaining personal service unless the petitioner requests additional time to attempt personal service. If the court issues an order permitting service by publication or mail, the court shall set the hearing date not later than twenty-four days from the date the order issues~~.
(d) The court may, as provided in RCW 7.94.050, issue an ex parte extreme risk protection order pending the hearing ordered under this subsection (1). Such ex parte order must be served concurrently with the notice of hearing and petition.

25. RCW 7.94.050(5), (Extreme Risk Protection Orders: Ex parte orders), the following language only:
(5) In accordance with RCW 7.94.040(1), the court shall schedule a hearing within fourteen days of the issuance of an ex parte extreme risk protection order to determine if a one-year extreme risk protection order should be issued under this chapter.

26. RCW 7.94.060(1), (2) and (6), (Extreme Risk Protection Orders: Service of orders), the following stricken language only:
(1) An extreme risk protection order issued under RCW 7.94.040 must be ~~personally~~ served upon the respondent, except as otherwise provided in this chapter.
(2) The law enforcement agency with jurisdiction in the area in which the respondent resides shall serve the respondent ~~personally, unless the petitioner elects to have the respondent served by a private party~~.
…
(6) ~~If the court previously entered an order allowing service of the notice of hearing and petition, or an ex parte extreme risk protection order, by publication or mail under RCW 7.94.070, or if the court finds there are now grounds to allow such alternate service,~~ the court may permit service by ~~publication or~~ mail of the extreme risk protection order issued under this chapter as provided in RCW 7.94.070. The court order must state whether the court permitted service ~~by publication or service~~ by mail.

ADDITIONALLY, while the purposes of this order are to ensure access to justice for victims; to promote public safety and public health; and to relieve the severe strain on our judicial system and law enforcement officers during the COVID-19 crisis, nothing in this order or the amendment, reinstatement, and extension of this order prohibits the use of personal service, including in instances in which it is no longer required under statute. In matters where personal service is not employed, service must still be made, and should be made using electronic/telephonic means of service with verification of receipt, such as by email, text message, facsimile or through social media applications. Furthermore, personal service is

encouraged whenever possible, but in particular in all cases in which public safety demands personal service.

ADDITIONALLY, my office again acknowledges the extraordinary steps already taken by our Supreme Court to encourage or require telephonic and other remote hearings, online filing, and other approaches in order to prevent further outbreak of the virus while maintaining consistent and equitable access to justice. This Order is intended to complement, support, and further those efforts.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State