

MUNICIPAL COURT INSTRUCTIONS FOR PROCESS FOR PROTECTED PERSONS REQUESTING RECISSION OR MODIFICATION OF A NO-CONTACT ORDER

These instructions are intended to give you an explanation of the process for requesting a rescission or modification of your no-contact order.

I. WHO MAY MAKE THE REQUEST?

Any protected person named in a No-Contact Order pursuant to RCW 10.99 issued in Cheney Municipal Court may move the court by written motion to rescind or modify an existing No-Contact Order.

II. HOW TO MAKE A MOTION TO RESCIND/MODIFY A NO-CONTACT ORDER? (INCLUDES MOTION TO REINSTATE A PREVIOUSLY RESCINDED ORDER).

Contact the Cheney Municipal Court to request forms and instructions in person or by mail at 611 2nd St, Cheney, WA 99004; or online at www.cityofcheney.org.

Upon receipt of your request the court clerk shall:

1. Make available at no cost to the protected person instructions and forms for filing a Motion to Modify/Rescind Domestic Violence No-Contact Order.
2. Upon receipt of the Motion the clerk shall set the date and time for first available hearing, providing proper time for notice to all parties.
3. Provide a copy of the written Notice of Hearing to the moving party with the set date, time and place affixed to the notice.
4. Provide information about local domestic violence victim advocacy programs and strongly encourage the victim to consult with advocacy services through Cheney Probation or other agency prior to the hearing.

III. WHAT FACTORS WILL THE JUDGE CONSIDER?

Factors include but are not limited to:

1. Whether the victim has had a chance to make alternate plans for safety
2. The status and nature of criminal proceedings against the defendant
3. The defendant's compliance with court instructions and/or sentence
4. Other risk factors

Please note: The judge or commissioner may require the victim to have a safety plan in place as a pre-condition of modification or rescission of a no-contact order. (See Cheney Probation Services or DV advocacy program for more information about safety plans).

IV. WHERE ELSE ARE THE FORMS AVAILABLE?

Forms and information will also be available at the Cheney Police Department, Cheney public defender's office, and Cheney prosecutor's office.

IMPORTANT

- *Be sure to update your contact address and phone number with the court clerk*
- *Read carefully any documents sent to you by the court.*
- *If you do not appear for a scheduled hearing your motion will be denied.*
- *These instructions are intended to provide you with an overview of the procedures and process for the modification or rescission of a no-contact order. You should also consult the Criminal Rules for Courts of Limited Jurisdiction (CrRLJ) and RCW 10.99 which govern the court and criminal processes.*

I acknowledge receipt of a copy of these instructions, forms, and referrals.

DATED: _____ CASE NO: _____ Moving Party: _____