

Subject Amending service requirements for orders for protection and harassment restraining orders

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Date March 8, 2024

Overview

A person who has been the victim of abuse or harassment can petition a court for an order directing the other person to stop the abuse or harassment. When the individuals live together or have a romantic or family connection, the person seeks an order for protection. When the individuals do not have any of those relationships, the person seeks a harassment restraining order. In both situations, state law requires certain documents to be provided to the respondent personally. While personal service can be accomplished in several ways, the most common method is for a sheriff in the county where the respondent lives to locate the person and hand over the documents personally.

This bill consolidates several references to service that appear in the statutes governing orders for protection and harassment restraining orders. It requires certain individuals to provide information to a sheriff, or other officer, who is attempting to locate a respondent to serve orders or other papers. It requires the sheriff or other officer to make reasonable efforts to locate the respondent. The bill also allows service to be made electronically or by mail in situations where a respondent appears at a hearing through remote technology and is told at the hearing that the court will issue an order.

Summary

Section	Description
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1	Filing fee.
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Makes a conforming change in the statute addressing orders for protection to remove references to how the person seeking the order and the other party must receive information about when a hearing will take place or that the court issued an order. This type of notice is called “service.” Service provisions are moved to a single subdivision.

Section	Description
2	<p>Service; alternate service; publication; notice.</p> <p>Authorizes service of a petition for an order for protection and any order issued to be served electronically or by mail if a respondent appears remotely for a hearing and the respondent is informed that the court will issue an order for protection against the respondent.</p>
3	<p>Assistance of sheriff; possession of dwelling or residence.</p> <p>Makes a conforming change in the statute addressing orders for protection to remove references to how the person seeking the order and the other party must receive information about when a hearing will take place or that the court issued an order. This type of notice is called “service.” Service provisions are moved to a single subdivision.</p>
4	<p>Personal service; procedures; cost; reasonable efforts and cooperation required.</p> <p>Consolidates service requirements in the statute addressing orders for protection into a single subdivision. Requires peace officers, probation officers, court services officers, parole officers, and employees of jail or correctional facilities to provide any sheriff or other officer attempting to effectuate service of an order for protection with relevant information regarding where a respondent may be found. Requires a sheriff or other law enforcement officer attempting to serve a respondent with an order for protection or related document to make reasonable efforts to locate the respondent. Requires the sheriff or other officer serving an order to provide a copy of the served order or notification of service to the respondent’s probation officer.</p>
5	<p>Filing fee.</p> <p>Makes a conforming change in the statute addressing harassment restraining orders to remove references to how the person seeking the order and the other party must receive information about when a hearing will take place or that the court issued an order. This type of notice is called “service.” Service provisions are moved to a single subdivision.</p>
6	<p>Restraining order.</p> <p>Authorizes service of a petition for a harassment restraining order and any order issued to be served electronically or by mail if a respondent appears remotely for a hearing and the respondent is informed that the court will issue a harassment restraining order against the respondent.</p>
7	<p>Personal service; procedures; cost; reasonable efforts and cooperation required.</p> <p>Consolidates service requirements in the statute addressing harassment restraining orders into a single subdivision. Requires peace officers, probation officers, court services officers, parole officers, and employees of jail or correctional facilities to provide any sheriff or other officer attempting to effectuate service of a harassment</p>

Section	Description
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	restraining order with relevant information regarding where a respondent may be found. Requires a sheriff or other law enforcement officer attempting to serve a respondent with a harassment restraining order or related document to make reasonable efforts to locate the respondent. Requires the sheriff or other officer serving an order to provide a copy of the served order or notification of service to the respondent's probation officer.
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8	Dismissals.
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	Authorizes orders for dismissal of a temporary restraining order or a restraining order to be served personally or by certified mail.
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