



## **CASE ALERT: WASHINGTON**

**DVPO renewal: New case on what types of “other factors” the court can consider to decide if a DVPO should be renewed.**

[\*Prussak v. Prussak\*, 27 Wn. App. 2d 451, 536 P.3d 199 \(2023\)](#)

**How Could This Case Help?** This case can help someone looking to renew their Domestic Violence Protection Order (DVPO). The case focuses on “other factors” from the law that relate to whether or not the Respondent shows that there has been a “substantial change in circumstances.”

**Summary of the Case** The parties were married and have two minor children. They were in the middle of a contested divorce proceeding at the time of the DVPO proceedings. In 2021, the court issued a one-year DVPO, finding that Respondent was physically violent and also engaged in “stalking-like” behaviors. The next year, Petitioner asked to renew the DVPO and included evidence of their ongoing custody dispute, Respondent’s failure to follow child support orders, Respondent’s interference with Petitioner’s tax filings, and Respondent’s monitoring Petitioner’s relationships. The court renewed the DVPO for one year, finding that Respondent (1) did not prove that he would not resume domestic violence, and (2) did not prove that there was a “substantial change in circumstances.” Respondent appealed.

The Court of Appeals agreed with the DVPO renewal. Respondent violated the DVPO which is one factor the court can consider under the law to decide if there was a “substantial change in circumstances.” The Court also said it was reasonable to consider the parties’ ongoing custody proceeding, financial disputes, and disagreements about exchanging the children, because these areas of conflict are “other factors” under the statute. “Where a history of violence exists, such stressors could reasonably be expected to trigger a return to violent behavior.” And it was reasonable for the court to consider Respondent’s monitoring behavior and explain that it was “not okay” for him to research individuals he thought the Petitioner could be involved with. It was reasonable to treat that monitoring behavior as “other harmful acts” against the Petitioner under the statute. It shows continuing similar behavior to his “stalking-like” behavior when the original DVPO was granted and is “highly relevant to whether there has been a change in circumstances.”

### **PRACTICE TIPS**

1. If you are **still going through a divorce or custody case with the other party**, and want to renew your DVPO, show the court this case. Conflict in the family law case could show you are afraid the other party will resume acts of domestic violence.
2. **If the other party has been monitoring you, this could be an “other factor”** to help you renew your DVPO, even if it does not quite rise to “stalking.”

For questions or clarifications, email or call Family Violence Appellate Project at [infoWA@fvaplaw.org](mailto:infoWA@fvaplaw.org) or (360) 680-1030. Thank you!