The Domestic Violence Prevention Act creates "an action known as a petition for an order for protection in cases of domestic violence." RCW 26.50.030. "Domestic violence" includes the infliction of fear of imminent physical harm, bodily injury or assault, or stalking as defined in RCW 9A.46.110. RCW 26.50.010(1). The protective order petition must be accompanied by a sworn affidavit, setting forth the facts supporting the request for relief. RCW 26.50.030(1). To receive a temporary order, the petitioner must allege that irreparable injury could result if an order is not immediately issued. RCW 26.50.070(1). The temporary order may not exceed 14 or 24 days, depending on the type of service. RCW 26.50.070(4).

The court may restrain the respondent from committing domestic violence, from entering the petitioner's residence or workplace, and from contacting the petitioner. RCW 26.50.060(1)(a), (b), (h). If the court finds that the respondent "is likely to resume acts of domestic violence against the petitioner . . . when the order expires," the court has discretion to enter a permanent protective order. RCW 26.50.060(2). We will not disturb an exercise of discretion on appeal absent a clear showing of abuse. *State ex rel. Carroll v. Junker*, 79 Wn.2d 12, 26, 482 P.2d 775 (1971).

A trial court's findings will be upheld on appeal if substantial evidence in the record supports them. *In re the Marriage of McDole*, 122 Wn.2d 604, 610, 859 P.2d 1239 (1993). Substantial evidence is evidence sufficient to persuade a fair-minded, rational person of the truth of the finding. *In the Matter of the Contested Election of Schoessler*, 140 Wn.2d 368, 385, 998 P.2d 818 (2000) (citing *State v. Hill*, 123 Wn.2d 641, 644, 870 P.2d 313 (1994)); *Pilcher v. State Dep't of Revenue*, 112 Wn. App. 428, 435, 49 P.3d 947 (2002).

In *Hecker v. Cortinas*, 110 Wn. App. 865, 43 P.3d 50 (2002), we found sufficient evidence to support the issuance of a protective order when the respondent appeared uninvited at the petitioner's house, pounded on the exterior wall, demanded that petitioner come outside, followed the petitioner, and threatened to shoot the petitioner. We pointed out that the Domestic Violence Prevention Act does not require infliction of physical harm; rather, the infliction of "fear" of physical harm is sufficient. *Hecker*, 110 Wn. App. at 870.

Here, the trial court found that the crimes of stalking and trespass had occurred and that was "terrified". RP (10/27/04) at 8. Carr broke into home while she was out of town and also forced himself through her doorway, into her house on another occasion when she was home. The trial court observed that was terrified during the hearing and specifically stated this to Carr.

Given these facts, we find no error in the trial court's issuance of the protective order. There are facts sufficient to persuade a fair-minded, rational person that Carr was stalking and that she feared Carr would commit acts of domestic violence against her. We hold that the trial court did not err in issuing a protective order against Carr.

II. CARR'S PROTECTIVE ORDER

Carr argues that the trial court erred in not granting him a protective order against Huntting. He argues that Huntting committed three acts of violence against him and that the trial court's denial was "sexual stereotyping". Br. of Appellant at 33.

Again, a trial court's findings will be upheld on appeal if substantial evidence in the record supports them. *Schoessler*, 140 Wn.2d at 385. In his petition, Carr stated that Huntting threw a cup of coffee at him and struck a plate of food he was holding. The trial court did not abuse its discretion by denying Carr's petition and finding that 's actions did not constitute domestic violence.

III. DUE PROCESS VIOLATIONS

Carr argues that his due process rights and his right to have a judge adjudicate his case were violated because Clark County allegedly appointed more than three court commissioners. However, a family law commissioner is not a "commissioner" within the meaning of the constitutional provision limiting the number of court commissioners in counties. *Ordell v. Gaddis*, 99 Wn.2d 409, 409-10, 662 P.2d 49 (1983). Furthermore, in *State v. Karas*, 108 Wn. App. 692, 700-02, 32 P.3d 1016 (2001), we held that a domestic violence protective order did not violate the defendant's right to procedural due process and the statute granting authority to court commissioners included power to issue permanent protective orders under the Domestic Abuse Prevention Act. Therefore, Carr's challenge to the constitutionality of a protective order under the Domestic Violence Protection Act and to the commissioner's authority to issue the order must fail.

Finally, Carr argues that he was unable to appeal the protective order issued against him and that his motions were denied without a hearing. The trial court specifically found that a hearing was not necessary. Carr's motions did not comply with Civil Rule (CR) 7(b)(1), which

requires an application for order to state with particularity the grounds for the motion, and to set forth the relief or order sought. We find no due process violation.

We affirm.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record pursuant to RCW 2.06.040, it is so ordered.

Penoyar, J.

We concur:

Bridgewater, J.

Hunt, J.