

SENATE BILL REPORT

SB 5437

AS OF FEBRUARY 13, 1991

Brief Description: Extending temporary restraining orders for domestic relations to twenty-one from fourteen days.

SPONSORS: Senators Nelson, Owen, McMullen, Talmadge, Moore, A. Smith, Wojahn and Skratek.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Jon Carlson (786-7459)

Hearing Dates: February 14, 1991

BACKGROUND:

Persons who are the object of domestic violence or harassment may petition the court for a protective court order. In emergency cases, a temporary order may be obtained "ex parte," that is, without notifying the party alleged to be responsible for the violence or harassment. An ex parte order requires a showing of likely irreparable harm if the order is not immediately issued. An ex parte temporary order is valid for 14 days.

A protective order, which is valid for one year, requires notice to the alleged perpetrator and an opportunity for the parties to appear at a hearing. The hearing must be held within 14 days after the petition is filed requesting the order. State law and local court rules also require that the alleged perpetrator be served notice at least five days before the hearing.

Some jurisdictions have experienced difficulty in meeting the timing requirements for notice prior to the hearing.

SUMMARY:

The hearing on a petition for a domestic violence protective order must be held within 21 days, instead of within 14 days, after the filing of the petition. Ex parte temporary orders are valid for 21 days.

The statutory requirement that personal service for domestic violence protective orders occur not less than five days prior to the hearing is stricken.

Appropriation: none

Revenue: none

Fiscal Note: none requested

