

SENATE BILL REPORT

SB 6290

As of Third Reading, February 14, 2002

Title: An act relating to ex parte temporary orders for protection.

Brief Description: Regarding ex parte protection orders.

Sponsors: Senators Kline and Johnson.

Brief History:

Committee Activity: Judiciary: 1/17/02, 1/28/02 [DP, DNP].

Failed Senate: 2/14/02, 23-24.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Costa, Hargrove, McCaslin, Poulsen and Thibaudeau.

Minority Report: Do not pass.

Signed by Senator Kastama, Vice Chair.

Staff: Lidia Mori (786-7755)

Background: A person may seek an order for protection by filing a petition with a court alleging that the person has been the victim of domestic violence committed by the respondent. The court will then set a hearing date and may issue an ex parte temporary order for protection pending the hearing. The court may grant an ex parte temporary order for protection if the applicant alleges that irreparable injury could result from domestic violence if an order is not issued. The respondent may be personally served with the temporary order, petition for an order for protection, and notice of hearing or the court may allow service by publication or mail. A full hearing must be set for not later than 14 days from the issuance of the temporary order or not later than 24 days if service is by publication or by mail.

Summary of Bill: The ex parte order and notice of hearing must include the date and time of the hearing. It must also notify the respondent that if he or she fails to appear or respond, the order will be issued for a minimum of one year from the date of the hearing. The notice must inform the respondent of the provisions of the ex parte order and that the order and notice of hearing have been filed with the clerk of the court.

If the respondent has been personally served with the temporary order and fails to appear at the hearing, the respondent need not be served with the order entered after a hearing as long as the material terms of the order have not changed from those contained in the temporary order.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill mirrors what was accomplished with harassment orders last year. It also reduces the amount of documents which must be served by sheriffs and police. The respondent must be personally served with the temporary order and notice of hearing and he or she elected not to appear. He or she may still appeal an order.

Testimony Against: The orders covered in this bill often deal with the issue of contact with the parties' children; they are more important than harassment orders. A warning that the order could be issued by the court for a minimum of one year is too vague. They could therefore be issued for two years, three years, or however long. Is the reason for this bill just to save money? A person might get personally served with the temporary order and notice of hearing but could just put the papers on a pile because people involved in domestic disputes get served with lots of papers.

Testified: Peter Lukevich, District and Municipal Court Judges Assn. (pro); Sharon Case, WA State Coalition Against Domestic Violence (pro); Bill Harrington, American Fathers Alliance (con); Lisa Scott, Taking Action Against Bias in the System (con); Tom Burdick (con).