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SENATE BILL 6290

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State of Washington 57th Legislature

2002 Regular Session

By Senators Kline and Johnson

Read first time 01/14/2002. Referred to Committee on Judiciary.

1 AN ACT Relating to ex parte temporary orders for protection; and  
2 amending RCW 26.50.070.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 26.50.070 and 2000 c 119 s 16 are each amended to read  
5 as follows:

6 (1) Where an application under this section alleges that  
7 irreparable injury could result from domestic violence if an order is  
8 not issued immediately without prior notice to the respondent, the  
9 court may grant an ex parte temporary order for protection, pending a  
10 full hearing, and grant relief as the court deems proper, including an  
11 order:

12 (a) Restraining any party from committing acts of domestic  
13 violence;

14 (b) Restraining any party from going onto the grounds of or  
15 entering the dwelling that the parties share, from the residence,  
16 workplace, or school of the other, or from the day care or school of a  
17 child until further order of the court;

1 (c) Prohibiting any party from knowingly coming within, or  
2 knowingly remaining within, a specified distance from a specified  
3 location;

4 (d) Restraining any party from interfering with the other's custody  
5 of the minor children or from removing the children from the  
6 jurisdiction of the court;

7 (e) Restraining any party from having any contact with the victim  
8 of domestic violence or the victim's children or members of the  
9 victim's household; and

10 (f) Considering the provisions of RCW 9.41.800.

11 (2) Irreparable injury under this section includes but is not  
12 limited to situations in which the respondent has recently threatened  
13 petitioner with bodily injury or has engaged in acts of domestic  
14 violence against the petitioner.

15 (3) The court shall hold an ex parte hearing in person or by  
16 telephone on the day the petition is filed or on the following judicial  
17 day.

18 (4) An ex parte temporary order for protection shall be effective  
19 for a fixed period not to exceed fourteen days or twenty-four days if  
20 the court has permitted service by publication under RCW 26.50.085 or  
21 by mail under RCW 26.50.123. The ex parte order may be reissued. A  
22 full hearing, as provided in this chapter, shall be set for not later  
23 than fourteen days from the issuance of the temporary order or not  
24 later than twenty-four days if service by publication or by mail is  
25 permitted. Except as provided in RCW 26.50.050, 26.50.085, and  
26 26.50.123, the respondent shall be personally served with a copy of the  
27 ex parte order along with a copy of the petition and notice of the date  
28 set for the hearing. The ex parte order and notice of hearing must  
29 include at a minimum the date and time of the hearing set by the court  
30 to determine if the temporary order should be made effective for one  
31 year or more, and notice that if the respondent fails to appear or  
32 otherwise not respond, an order for protection will be issued against  
33 the respondent under this chapter, for a minimum of one year from the  
34 date of the hearing. The notice must also include a brief statement of  
35 the provisions of the ex parte order and notify the respondent that a  
36 copy of the ex parte order and notice of hearing has been filed with  
37 the clerk of the court.

38 (5) Any order issued under this section shall contain the date and  
39 time of issuance and the expiration date and shall be entered into a

1 state-wide judicial information system by the clerk of the court within  
2 one judicial day after issuance.

3 (6) If the court declines to issue an ex parte temporary order for  
4 protection the court shall state the particular reasons for the court's  
5 denial. The court's denial of a motion for an ex parte order of  
6 protection shall be filed with the court.

7 (7) The court's order, entered after a hearing under this chapter,  
8 need not be served on a respondent who fails to appear before the  
9 court, if the material terms of the order have not changed from those  
10 contained in the temporary order, and it is shown to the court's  
11 satisfaction that the respondent has previously been personally served  
12 with the temporary order.

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