
Judiciary Committee

HB 2542

Title: An act relating to obtaining ex parte temporary orders outside of normal court hours.

Brief Description: Concerning ex parte temporary orders outside of normal court hours.

Sponsors: Representatives Nealey, Goodman, Jenkin, Klippert, Haler, Smith and Hansen.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Provides for the telephonic filing and issuance of an ex parte temporary order for protection outside of normal court hours in domestic violence cases.

Hearing Date: 1/17/18

Staff: Ingrid Lewis (786-7289).

Background:

An action to obtain a domestic violence temporary order for protection begins with the filing of a petition declaring that the petitioning party is a victim of domestic violence by the respondent. A petition for an ex parte temporary order for protection must be heard by the court the same day it is filed, or the next judicial day in person or by telephone. A court may issue an ex parte temporary order for protection to a person who alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent. The order can provide several types of relief, including a requirement that the respondent refrain from contacting the petitioner. The clerk of the court must forward a copy of the ex parte temporary order for protection to the appropriate law enforcement agency for entry into any law enforcement databases.

Petitions and any temporary orders for protection must be served on the respondent five days before the hearing; without service, the order cannot be enforced.

Summary of Bill:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The filing of a petition for an ex parte temporary order for protection can be initiated telephonically by a law enforcement officer responding to an act of domestic violence outside of normal court hours.

An on-call judicial officer may issue an ex parte temporary order for protection when he or she finds via sworn telephonic testimony reasonable grounds that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent.

Upon issuance of telephonic ex parte temporary order for protection, the law enforcement officer must complete the order with the court's approval and immediately serve a copy to the petitioner. If the respondent is not available for immediate personal service of a copy of the order, the officer must immediately forward the order to the appropriate law enforcement agency for service. The law enforcement officer is required to file documentation of the ex parte petition, order, and certificate of service on the next judicial day.

Appropriation: None.

Fiscal Note: Requested on 1/11/18.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.