

RCW 7.105.110 Filing—Provisions applicable to specified orders. (Effective until July 1, 2025.) The following apply only to the specific type of protection orders referenced in each subsection.

(1) The department of social and health services, in its discretion, may file a petition for a vulnerable adult protection order or a domestic violence protection order on behalf of, and with the consent of, any vulnerable adult. When the department has reason to believe a vulnerable adult lacks the ability or capacity to consent, the department, in its discretion, may seek relief on behalf of the vulnerable adult. Neither the department nor the state of Washington is liable for seeking or failing to seek relief on behalf of any persons under this section. The vulnerable adult shall not be held responsible for any violations of the order by the respondent.

(2)(a) If the petitioner for an extreme risk protection order is a law enforcement agency, the petitioner shall make a good faith effort to provide notice to an intimate partner or family or household member of the respondent and to any known third party who may be at risk of violence. The notice must state that the petitioner intends to petition the court for an extreme risk protection order or has already done so, and include referrals to appropriate resources, including behavioral health, domestic violence, and counseling resources. The petitioner must attest in the petition to having provided such notice, or attest to the steps that will be taken to provide such notice.

(b) Recognizing that an extreme risk protection order may need to be issued outside of normal business hours, courts shall allow law enforcement petitioners to petition after hours for a temporary extreme risk protection order using an on-call, after-hours judge, as is done for approval of after-hours search warrants. [2021 c 215 s 15.]

Effective date—2022 c 268; 2021 c 215: See note following RCW 7.105.900.

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petitioner must attest in the petition to having provided such notice, or attest to the steps that will be taken to provide such notice.

(b) Recognizing that an extreme risk protection order may need to be issued outside of normal business hours, courts shall allow law enforcement petitioners to petition after hours for a temporary extreme risk protection order using an on-call, after-hours judge, as is done for approval of after-hours search warrants.

(3) The department of children, youth, and families, when it has reason to believe that a minor lacks the ability or capacity to consent may file a petition for a sexual assault protection order on behalf of the minor. Neither the department nor the state of Washington is liable for seeking or failing to seek relief on behalf of any persons under this section. The minor shall not be held responsible for any violations of the order by the respondent.

(4) A law enforcement agency, when it has reason to believe that a minor lacks the ability or capacity to consent may file a petition for an ex parte temporary sexual assault protection order on behalf of the minor. Neither the law enforcement agency nor the state of Washington is liable for seeking or failing to seek relief on behalf of any persons under this section. The minor shall not be held responsible for any violations of the order by the respondent. [2024 c 298 s 11; 2021 c 215 s 15.]

Effective date—2024 c 298: See note following RCW 9A.40.100.

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