
Judiciary Committee

HB 1573

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

Brief Description: Requiring additional information to be provided with ex parte temporary orders for protection.

Sponsors: Representatives Kirby, Newhouse, Moeller, Campbell, Morrell, Fromhold and Hinkle.

Brief Summary of Bill

- Requires certain information to be provided in an ex parte temporary domestic violence protection order and notice of hearing.

Hearing Date: 2/13/03

Staff: Edie Adams (786-7180).

Background:

Under the Domestic Violence Prevention Act, 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 on the petition 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 ex parte temporary order may include provisions restraining the respondent from committing acts of domestic violence; from going certain places, such as a residence or workplace; or from having any contact with the victim or the victim's children. The respondent must be served with the temporary order, petition for an order for protection, and notice of hearing. The court may allow service by publication or mail under certain circumstances. 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.

In 2001, the Legislature passed SHB 1591 which required that, in an action for an anti-harassment protection order, the notice of hearing that must be personally served on the

respondent must contain the following information: date and time of the hearing; notice that an ex parte order will be issued for a period of one year if the respondent fails to appear; a brief statement of the provisions of the ex parte order; and notice that the ex parte order has been filed with the clerk of the court.

Summary of Bill:

An ex parte temporary protection order and notice of hearing under the Domestic Violence Prevention Act must include the following information:

- Date and time set for the hearing to determine if the temporary order should be made effective for up to one year;
- Notice that an order of protection will be entered against the respondent if the respondent fails to appear or respond;
- Brief statement of the provisions of the ex parte order;
- Notice that a copy of the ex parte order and notice of hearing has been filed with the court clerk.

Appropriation: None.

Fiscal Note: Not Requested.

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