
SUBSTITUTE HOUSE BILL 2542

State of Washington 65th Legislature 2018 Regular Session

By House Judiciary (originally sponsored by Representatives Nealey, Goodman, Jenkin, Klippert, Haler, Smith, and Hansen)

READ FIRST TIME 01/26/18.

1 AN ACT Relating to obtaining ex parte temporary orders outside of
2 normal court hours; and 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 2010 c 274 s 305 are each amended to
5 read 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
11 an 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
17 a child until further order of the court;

18 (c) Prohibiting any party from knowingly coming within, or
19 knowingly remaining within, a specified distance from a specified
20 location;

1 (d) Restraining any party from interfering with the other's
2 custody of the minor children or from removing the children from the
3 jurisdiction of the court;

4 (e) Restraining any party from having any contact with the victim
5 of domestic violence or the victim's children or members of the
6 victim's household;

7 (f) Considering the provisions of RCW 9.41.800; and

8 (g) Restraining the respondent from harassing, following, keeping
9 under physical or electronic surveillance, cyberstalking as defined
10 in RCW 9.61.260, and using telephonic, audiovisual, or other
11 electronic means to monitor the actions, location, or communication
12 of a victim of domestic violence, the victim's children, or members
13 of the victim's household. For the purposes of this subsection,
14 "communication" includes both "wire communication" and "electronic
15 communication" as defined in RCW 9.73.260.

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

20 (3)(a) The court shall hold an ex parte hearing in person or by
21 telephone on the day the petition is filed or on the following
22 judicial day.

23 (b) Where a law enforcement officer responds to an act of
24 domestic violence which has occurred, is occurring, or is likely to
25 occur outside of normal court hours and a party expresses a fear of
26 imminent physical harm, bodily injury, or abduction or assault,
27 between family or household members, and that party requests an ex
28 parte temporary order for protection, a district court may issue an
29 ex parte temporary order for protection when a law enforcement
30 officer, at the request of the petitioning party, presents to the
31 court by telephone, a sworn petition setting forth the need for an ex
32 parte temporary order for protection and the court finds reasonable
33 grounds that irreparable injury could result from domestic violence
34 if an order is not issued without prior notice to the respondent.
35 Sworn telephonic testimony may be considered by the court in
36 determining whether there are sufficient grounds for issuing the
37 order. The petition shall include the location and telephone number
38 of the alleged perpetrator, if known. When an ex parte emergency
39 order for protection is granted pursuant to this subsection by the
40 court via telephone, the responding law enforcement officer shall:

1 (i) If necessary, pursuant to the on-call judicial officer's oral
2 approval, write and sign the order on an approved form; (ii) if
3 possible, immediately serve a signed copy of the order on the
4 respondent and complete the appropriate affidavit of service; (iii)
5 if the respondent is not available, immediately forward the order to
6 the appropriate law enforcement agency specified in the order for
7 service upon the respondent; (iv) immediately provide the petitioner
8 with a signed copy of the order; and (v) provide the original
9 petition, order, and return of service to the court by the close of
10 business on the next judicial day.

11 (4) An ex parte temporary order for protection shall be effective
12 for a fixed period not to exceed fourteen days or twenty-four days if
13 the court has permitted service by publication under RCW 26.50.085 or
14 by mail under RCW 26.50.123. The ex parte order may be reissued. A
15 full hearing, as provided in this chapter, shall be set for not later
16 than fourteen days from the issuance of the temporary order or not
17 later than twenty-four days if service by publication or by mail is
18 permitted. Except as provided in RCW 26.50.050, 26.50.085, and
19 26.50.123, the respondent shall be personally served with a copy of
20 the ex parte order along with a copy of the petition and notice of
21 the date set for the hearing.

22 (5) Any order issued under this section shall contain the date
23 and time of issuance and the expiration date and shall be entered
24 into a statewide judicial information system by the clerk of the
25 court within one judicial day after issuance.

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

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