
HOUSE BILL 2542

State of Washington

65th Legislature

2018 Regular Session

By Representatives Nealey, Goodman, Jenkin, Klippert, Haler, Smith,
and Hansen

Read first time 01/10/18. Referred to Committee on Judiciary.

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, a district court may issue an ex
28 parte temporary order for protection when a law enforcement officer
29 presents to the court by telephone, a sworn petition setting forth
30 the need for an ex parte temporary order for protection and the court
31 finds reasonable grounds that irreparable injury could result from
32 domestic violence if an order is not issued without prior notice to
33 the respondent. Sworn telephonic testimony may be considered by the
34 court in determining whether there are sufficient grounds for issuing
35 the order. The petition shall include the location and telephone
36 number of the alleged perpetrator, if known. A law enforcement
37 officer who receives an ex parte emergency order for protection from
38 the court by telephone shall: (i) If necessary, pursuant to the on-
39 call judicial officer's oral approval, write and sign the order on an
40 approved form; (ii) if possible, immediately serve a signed copy of

1 the order on the respondent and complete the appropriate affidavit of
2 service; (iii) if the respondent is not available, immediately
3 forward the order to the appropriate law enforcement agency specified
4 in the order for service upon the respondent; (iv) immediately
5 provide the petitioner with a signed copy of the order; and (v)
6 provide the original petition, order, and return of service to the
7 court by the close of business on the next judicial day.

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

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

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

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