
SENATE BILL 5437

State of Washington 52nd Legislature 1991 Regular Session

By Senators Nelson, Owen, McMullen, Talmadge, Moore, A. Smith, Wojahn and Skratek.

Read first time January 31, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to court orders; and amending RCW 26.50.050,
2 26.50.070, and 10.14.080.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 26.50.050 and 1984 c 263 s 6 are each amended to read
5 as follows:

6 Upon receipt of the petition, the court shall order a hearing which
7 shall be held not later than (~~fourteen~~) twenty-one days from the date
8 of the order. Personal service shall be made upon the respondent (~~not~~
9 ~~less than five court days prior to the hearing~~). If timely service
10 cannot be made, the court may set a new hearing date.

11 **Sec. 2.** RCW 26.50.070 and 1989 c 411 s 2 are each amended to read
12 as follows:

13 (1) Where an application under this section alleges that
14 irreparable injury could result from domestic violence if an order is

1 not issued immediately without prior notice to the respondent, the
2 court may grant an ex parte temporary order for protection, pending a
3 full hearing, and grant relief as the court deems proper, including an
4 order:

5 (a) Restraining any party from committing acts of domestic
6 violence;

7 (b) Excluding any party from the dwelling shared or from the
8 residence of the other until further order of the court;

9 (c) Restraining any party from interfering with the other's custody
10 of the minor children or from removing the children from the
11 jurisdiction of the court; and

12 (d) Restraining any party from having any contact with the victim
13 of domestic violence or the victim's children or members of the
14 victim's household.

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

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

22 (4) An ex parte temporary order for protection shall be effective
23 for a fixed period not to exceed ((fourteen)) twenty-one days, but may
24 be reissued. A full hearing, as provided in this chapter, shall be set
25 for not later than ((fourteen)) twenty-one days from the issuance of
26 the temporary order. The respondent shall be served with a copy of the
27 ex parte order along with a copy of the petition and notice of the date
28 set for the hearing.

1 **Sec. 3.** RCW 10.14.080 and 1987 c 280 s 8 are each amended to read
2 as follows:

3 (1) Upon filing a petition for a civil antiharassment protection
4 order under this chapter, the petitioner may obtain an ex parte
5 temporary antiharassment protection order. An ex parte temporary
6 antiharassment protection order may be granted with or without notice
7 upon the filing of an affidavit which, to the satisfaction of the
8 court, shows reasonable proof of unlawful harassment of the petitioner
9 by the respondent and that great or irreparable harm will result to the
10 petitioner if the temporary antiharassment protection order is not
11 granted.

12 (2) An ex parte temporary antiharassment protection order shall be
13 effective for a fixed period not to exceed (~~fourteen~~) twenty-one
14 days, but may be reissued. A full hearing, as provided in this
15 chapter, shall be set for not later than (~~fourteen~~) twenty-one days
16 from the issuance of the temporary order. The respondent shall be
17 personally served with a copy of the ex parte order along with a copy
18 of the petition and notice of the date set for the hearing.

19 (3) At the hearing, if the court finds by a preponderance of the
20 evidence that unlawful harassment exists, a civil antiharassment
21 protection order shall issue prohibiting such unlawful harassment. An
22 order issued under this chapter shall be effective for not more than
23 one year. At any time within the three months before the expiration of
24 the order, the petitioner may apply for a renewal of the order by
25 filing a new petition under this chapter.

26 (4) The court, in granting an ex parte temporary antiharassment
27 protection order or a civil antiharassment protection order, shall have
28 broad discretion to grant such relief as the court deems proper,
29 including an order:

1 (a) Restraining the respondent from making any attempts to contact
2 the petitioner;

3 (b) Restraining the respondent from making any attempts to keep the
4 petitioner under surveillance; and

5 (c) Requiring the respondent to stay a stated distance from the
6 petitioner's residence and workplace.

7 (5) A petitioner may not obtain an ex parte temporary
8 antiharassment protection order against a respondent if the petitioner
9 has previously obtained two such ex parte orders against the same
10 respondent but has failed to obtain the issuance of a civil
11 antiharassment protection order unless good cause for such failure can
12 be shown.