
HOUSE BILL 1573

State of Washington 58th Legislature 2003 Regular Session

By Representatives Kirby, Newhouse, Moeller, Campbell, Morrell,
Fromhold and Hinkle

Read first time 01/30/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to ex parte temporary orders for protection; and
2 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 2000 c 119 s 16 are each amended to read
5 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 an
11 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 a
17 child until further order of the court;

18 (c) Prohibiting any party from knowingly coming within, or

1 knowingly remaining within, a specified distance from a specified
2 location;

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

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

9 (f) Considering the provisions of RCW 9.41.800.

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

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

17 (4) An ex parte temporary order for protection shall be effective
18 for a fixed period not to exceed fourteen days or twenty-four days if
19 the court has permitted service by publication under RCW 26.50.085 or
20 by mail under RCW 26.50.123. The ex parte order may be reissued. A
21 full hearing, as provided in this chapter, shall be set for not later
22 than fourteen days from the issuance of the temporary order or not
23 later than twenty-four days if service by publication or by mail is
24 permitted. Except as provided in RCW 26.50.050, 26.50.085, and
25 26.50.123, the respondent shall be personally served with a copy of the
26 ex parte order along with a copy of the petition and notice of the date
27 set for the hearing. The ex parte order and notice of hearing must
28 include at a minimum the date and time of the hearing set by the court
29 to determine if the temporary order should be made effective for not
30 more than one year, and notice that if the respondent fails to appear
31 or otherwise not respond, an order for protection will be issued
32 against the respondent under this chapter, for not more than one year
33 from the date of the hearing. The notice must also include a brief
34 statement of the provisions of the ex parte order and notify the
35 respondent that a copy of the ex parte order and notice of hearing has
36 been filed with the clerk of the court.

37 (5) Any order issued under this section shall contain the date and

1 time of issuance and the expiration date and shall be entered into a
2 statewide judicial information system by the clerk of the court within
3 one judicial day after issuance.

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

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