
SENATE BILL 5066

State of Washington

60th Legislature

2007 Regular Session

By Senator Jacobsen

Read first time 01/09/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to animal protection orders; and amending RCW
2 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; and

10 (g) Directing the care, custody, or control of any animal owned,
11 possessed, leased, kept, or held by either party or a minor child
12 residing in the household.

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

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

20 (4) An ex parte temporary order for protection shall be effective
21 for a fixed period not to exceed fourteen days or twenty-four days if
22 the court has permitted service by publication under RCW 26.50.085 or
23 by mail under RCW 26.50.123. The ex parte order may be reissued. A
24 full hearing, as provided in this chapter, shall be set for not later
25 than fourteen days from the issuance of the temporary order or not
26 later than twenty-four days if service by publication or by mail is
27 permitted. Except as provided in RCW 26.50.050, 26.50.085, and
28 26.50.123, the respondent shall be personally served with a copy of the
29 ex parte order along with a copy of the petition and notice of the date
30 set for the hearing.

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

35 (6) If the court declines to issue an ex parte temporary order for
36 protection the court shall state the particular reasons for the court's

1 denial. The court's denial of a motion for an ex parte order of
2 protection shall be filed with the court.

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