

HOW TO OBTAIN IMMEDIATE EX PARTE RESTRAINING ORDERS

(Unmarried Parents)

(Effective for a Maximum of Fourteen Days
or Until Hearing Within Fourteen Day Time Period)

SPOKANE COUNTY FAMILY COURT FACILITATOR

If you have an emergency situation you may need to seek an IMMEDIATE order restraining the other party. You must be able to assure the court that irreparable harm WILL occur if the immediate order is NOT granted without notice to the other party. Examples of such situations include restraints against an abuser in a domestic violence situation when there are threats to snatch the child(ren) of the parties, or financial harm may be likely.

These orders are effective as soon as the Court signs the order. But the order is only good for a **MAXIMUM OF FOURTEEN DAYS**. The order must be served on the other party and a hearing scheduled within the 14-day time period.

Checklist of Steps to Complete:

____1. Fill out the following papers completely and sign. Print clearly in black ink or type.

() *Motion for Immediate Restraining Order (Ex Parte) (FL Parentage 321)*

*(Be sure to clearly state with details, dates, places, what the problem is and what the court must do to help. **You must clearly show your fear or the harm you are trying to prevent and that notifying the other party could cause increased harm or fear.**)*

() *Immediate Restraining Order (Ex Parte) (FL Parentage 322)*

() *Law Enforcement and Confidential Information (LECIF) (PO 003)*

PLUS the following forms, as these will be needed after the 14-day period:

() Notice of Hearing of Family Law Motion Calendar
(<http://www.spokanecounty.org/DocumentCenter/Home/View/3627>)

(You must schedule any hearings before the Commissioner assigned your case. To determine if your case has been assigned to a Court Commissioner and/or to determine which day your assigned Commissioner is scheduled to hear motions, please see the Court's web page: <http://www.spokanecounty.org/DocumentCenter/View/4266> and search for the commissioner's rotation schedule;

OR call the Superior Court Clerk's Office at 509-477-2211.

(You must choose the day that is appropriate for your matter. The date should be at least 14 days from the date you file the documents in court and serve them on the other party, not including the date of service on the other party.)

() *Motion for Temporary Family Law Order and Restraining Order (FL Parentage 323)*

() *Information for Temporary Parenting Plan (FL All Family 139)* (if children and placement/contacts are at issue)

() Your *Declaration (FL All Family 135)* and those of others who can support your position, if needed. Be specific in providing details, avoid stating what someone else has told you, and be certain everything has been personally observed. You should type or print very clearly in black ink.

() Your *Financial Declaration (FL All Family 131)* if there are finances at issue, such as payment of bills, appointment of a Guardian ad Litem, payment of attorney fees.

() *Proposed Parenting Plan (FL All Family 140)*, *Child Support Worksheets (SCSS Worksheets)* and *Proposed Child Support Order (FL All Family 130)*, if these are issues needing to be addressed and have not already been filed.

____2. Make two copies (original and two copies) of documents before going to court and staple each separate document. Copies may be made on the public copy machine on the first floor of the courthouse near the security station.

____3. Take the original of each document to Courtroom 202, (the Ex Parte Courtroom) between 9:00 a.m. - 12:00 p.m. and 1:30 p.m. - 4:00 p.m., Monday, Wednesday, Friday or 1:30p.m. – 4:00p.m., Tuesday/Thursday to have the Court sign the *Immediate Restraining Order (Ex Parte) (FL Parentage 322)*. After the Court has signed the Order, take your copies to Room 300, between the hours of 8:30 a.m. – 12:00 noon and 1:00 p.m. – 4:00 p.m., Monday through Friday and stamp the name of the Judge/Commissioner who signed the Order and put the date stamp on the top, front page of each of your copies.

____4. If the restraining order provides for your personal safety or that of the children, you should request a **CERTIFIED** copy of the Order to carry with you in the event police may need to enforce this order. The fee is \$5.00 for the first page and \$1.00 for each additional page.

____5. A copy of all documents filed with the court must be personally served on the opposing party by a third person. **YOU** cannot serve the opposing party. The person who serves the opposing party, must complete and sign the *Proof of Personal Service (FL All Family 101)* form. Make a copy for yourself.

____6. After the opposing party has been served, file the *Proof of Personal Service* form with the Superior Court Clerk. Put the date stamp on your copy.

____7. The party seeking temporary orders must call in the case as “ready,” **three court days prior to the hearing**, using the Family Law Coordinator’s Office main line of 509-477-5702 extension 0, or by emailing familylaw@spokanecounty.org, and provide a copy of the signed mandatory local form Family Law/Paternity Motion Status Report

<https://www.spokanecounty.org/DocumentCenter/View/3675/Family-Law-Paternity-Motion-Status-Report-PDF>

Please see the court’s local rules:

<https://www.spokanecounty.org/DocumentCenter/View/34440/2020-Local-Court-Rules-Effective-912020?bidId>

____8. Attend your scheduled hearing for temporary orders.

Be prepared to tell the Court why the proposed temporary orders are necessary.

If you are participating in the hearing via Zoom, instructions can be found on the Superior Court’s website at:

<https://www.spokanecounty.org/DocumentCenter/View/33364/Participant-Instructions-for-Zoom---Family-Law>

____9. If you and the other party reach agreement on a *Temporary Family Law Order (FL Parentage 324)* or Continuance: 1) Complete the Temporary Family Law Order or Continuance and both parties sign it; 2) Copies can be made for a fee in the Clerk’s Office on the second floor of the courthouse; 3) The original Temporary Family Law Order (by agreement) or Continuance should be handed to the courtroom clerk in courtroom 202 and when it has been signed by the Court, you should return to Room 300, between the hours of 8:30 a.m. – 12:00 noon and 1:00 p.m. – 4:00 p.m., to stamp your copies with the name of the Commissioner/Judge who signed the order and place the filing stamp in the upper right hand corner of the documents; 4) Provide a copy to the other party.

____10. At your hearing: You should take notes when the decision is stated so you do not forget any of the provisions ordered when you write out the order; You will need to complete the *Temporary Family Law Order (FL Parentage 324)* form to show what the Court ordered or decided, and follow the judicial officer’s instructions on submitting the order.

NOTE: All of the above-mentioned forms can be found on the Washington State Court website: www.courts.wa.gov/forms.

The Family Court Facilitator, Room 200, Family Law Center, is available to review your documents and answer procedural questions. It is recommended you have all documents reviewed before filing and presenting to the court.