

Superior Court of Washington, County of _____

In re parentage / parenting and support:

Petitioner (person who started this case):

And Respondent/s (other party/parties):

No. _____

Motion for Immediate Restraining Order
(Ex Parte)
(MTSC)

Motion for Immediate Restraining Order (Ex Parte)

Use this form in parentage cases only. For marriage/domestic partnership cases, use form FL Divorce 221. For non-parent custody cases, use form FL Non-Parent 421.

To both parties:

Deadline! Your papers must be filed and served by the deadline in your county's Local Court Rules, or by the State Court Rules if there is no local rule. Court Rules and forms are online at www.courts.wa.gov.

If you want the court to consider your side, you **must**:

- File your original documents with the Superior Court Clerk; AND
- Give the Judge/Commissioner a copy of your papers (if required by your county's Local Court Rules); AND
- Have a copy of your papers served on all other parties or their lawyers; AND
- Go to the hearing.

The court may not allow you to testify at the motion hearing. Read your county's Local Court Rules, if any.

Bring proposed orders to the hearing.

To the person filing this motion:

You must ask the court to sign the *Immediate Restraining Order (Ex Parte) and Hearing Notice* (FL Parentage 322). This Order may be signed "ex parte" (without the other party there). Contact the Superior Court Clerk's office for the procedure in your county. You must have this *Motion* and the *Immediate Restraining Order* personally served (by someone else) on the restrained person.

To the person receiving this motion:

If you do not agree with the requests in this motion, file a statement (using form FL All Family 135, *Declaration*) explaining why the court should not approve those requests. You may file other written proof supporting your side, and propose your own *Parenting Plan, Residential Schedule, or Child Support Worksheets*.

If the court grants an *Immediate Restraining Order* without notice to you, you can file a motion to change or terminate it before the hearing date. (Civil Rule 65(b).) There is no pattern form for that motion.

4. Court hearing request

I ask the court to approve an *Immediate Restraining Order* now, and hold a hearing within 14 days to consider all of my requests for temporary orders listed below. I will have the other parties served with notice of the hearing so the court can hear their sides.

Other: _____

5. Active duty military

(The **federal** Servicemembers Civil Relief Act covers:

- Army, Navy, Air Force, Marine Corps, and Coast Guard members on active duty;
- National Guard members under a call to active service for more than 30 days in a row; and
- commissioned corps of the Public Health Service and NOAA.

The **state** Service Members' Civil Relief Act covers Washington state residents who are National Guard or Reserve members under a call to active service for more than 30 days in a row, and their dependents.)

None of the other parties are covered by the state or federal Service Members Civil Relief Acts.

(Name): _____ is covered by the state federal Service Members Civil Relief Act.

For persons covered only by the **state** act – Military duty may keep the service member or dependent from responding or coming to the hearing on this motion. I ask the court to approve temporary orders even if the covered person asks for a stay or doesn't respond. It would be very unfair (a manifest injustice) not to make temporary orders now because: _____

➤ **I ask the Court to approve these orders immediately (check all that apply):**

6. Do not disturb

No request.

Order (name/s): _____ not to disturb my peace or the peace of any child listed in **1**.

7. Stay away

No request.

Order (name/s): _____:

Not knowingly to go or stay within _____ feet of my home, workplace, or school, or the daycare or school of any child listed in **1**.

To stay away from my home, workplace, or school, and the daycare or school of any child listed in **1**.

8. Do not hurt or threaten

No request.

- Order (name/s): _____ not to:
- Assault, harass, stalk or molest me or any child listed in **1**; or
 - Use, try to use, or threaten to use physical force against me or the children that would reasonably be expected to cause bodily injury.

Warning! If the court extends this order after a full hearing and the parties are intimate partners, the court must consider if weapons restrictions are required by state law; federal law may also prohibit the Restrained Person from possessing firearms or ammunition.

- The Restrained Person and I are intimate partners because (check all that apply):
- we are current or former spouses or domestic partners.
 - we are parents of a child-in-common.
 - we live/d together as part of a dating relationship.

9. Surrender weapons

- No request.
- Order (name/s): _____ to surrender any firearms and other dangerous weapons that he/she possesses to (check one):
- the police chief or sheriff. his/her lawyer. other person (name): _____.

10. Protect children

- No request.
- Order (name/s): _____ not to take the children listed in **1** out of Washington State.
- Order that the children listed in **1** will live with me until the hearing.
- Other (specify): _____
- _____

11. Other immediate orders

- No request.
- (Specify): _____
- _____

➤ ***I ask the court to approve these temporary orders at the hearing***
(check all that apply):

12. Extend immediate orders

Extend the immediate orders I asked for above to stay in effect until the case is done.

13. Prohibit weapons and order surrender

- No request.
- Order (name/s): _____:

- Not to possess or obtain any firearms, other dangerous weapons, or concealed pistol license until the Order ends, and to
- Surrender any firearms, other dangerous weapons, or concealed pistol license that he/she possesses or controls to (*check one*): the police chief or county sheriff.
 his/her lawyer. other person (*name*): _____.

14. Care of children

- No request.
- Approve the *Parenting Plan* (form FL All Family 140) or *Residential Schedule* (form FL Parentage 304) proposed by me (*name*): _____.
- Order (*name*): _____ not to take the children out of Washington State.
- Appoint a person to investigate and report to the court about what is in the children's best interest, and order who will pay this person's fees. This person should be a/n (*check one*):
 - Guardian ad Litem (GAL) or Evaluator/Investigator as chosen by the court.
 - Guardian ad Litem (GAL).
 - Evaluator/Investigator.
 - (*Name*): _____
- Other: _____

15. Provide support

- No request.
- Order child support according to the Washington state child support schedule.

16. Pay fees and costs

- No request.
- Order (*name*): _____ to:
 - Pay my lawyer's fees for this case. *Amount*: \$ _____
 Make payments to (*name*): _____
 - Pay other professional fees and costs for this case. *Amount*: \$ _____
 to (*name*): _____
 for (*purpose*): _____

17. Other temporary orders

- No request.
- (*Specify*): _____

Reasons for “Prohibit weapons and order surrender” request *(check all that apply):*

(Name): _____ has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony. *(Describe):*

(Name): _____ previously committed an offense making him or her ineligible to possess a firearm under RCW 9.41.040. *(Describe):*

(Name): _____'s possession of firearm presents a serious and imminent threat (harm that may happen immediately) to public health or safety, or to the health or safety of any individual. *(Describe):*

Person asking for this order fills out below:

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true.

Signed at *(city and state)*: _____ Date: _____

▶ _____
Person asking for this order signs here *Print name here*

I agree to accept legal papers for this case at *(check one)*:

my lawyer's address, listed below.

the following address *(this does not have to be your home address)*:

street address or PO box *city* *state* *zip*

(Optional) email: _____

(If this address changes before the case ends, you must notify all parties and the court clerk in writing. You may use the Notice of Address Change form (FL All Family 120). You must also update your Confidential Information form (FL All Family 001) if this case involves parentage or child support.)

Lawyer (if any) fills out below:

▶ _____
Lawyer signs here *Print name and WSBA No.* *Date*

Lawyer's street address or PO box *city* *state* *zip*

Email *(if applicable)*: _____

Warning! Documents filed with the court are available for anyone to see unless they are sealed. Financial, medical, and confidential reports, as described in General Rule 22, **must** be sealed so they can only be seen by the court, the other party, and the lawyers in your case. Seal those documents by filing them separately, using a Sealed cover sheet (form FL All Family 011, 012, or 013). You may ask for an order to seal other documents.