

Superior Court of Washington, County of _____

In re parentage / parenting and support:

Petitioner/s (person/s 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 for unmarried parents (parentage) cases only. For other cases, use FL Divorce 221, FL Non-Parent 421, or FL Modify 621, depending on the type of case.

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.

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 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 or Reserve 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 those service members listed above who are either stationed in or residents of Washington state, and their dependents, except for the commissioned corps of the Public Health Service and NOAA.)

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 to go onto the grounds of or enter my home, workplace, or school, and the daycare or school of any child listed in **1**.

- Also, 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**.

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.

Intimate Partner: The Restrained Person and the Protected Person are/were intimate partners because they are (check all that apply):

current or former spouses or domestic partners, or parents of a child-in-common.

age 16 or older and are/were in a dating relationship, and are currently residing together or resided together in the past.

age 16 or older and are/were in a dating relationship, but have never resided together.

9. Surrender weapons

No request.

Order (name/s): _____ to immediately 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. Care and safety of children until the hearing

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 to stay in effect until the case is done (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 access, possess, or obtain any firearms, other dangerous weapons, or concealed pistol licenses until the Order ends, and to
 - Immediately surrender any firearms, other dangerous weapons, or concealed pistol licenses that he/she possesses or controls to (check one): the police chief or county sheriff. his/her lawyer. other person (name): _____.

14. Care and safety of children (check all that apply)

- 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): _____
- A *Sexual Assault Allegation* form has been filed saying the child was conceived by a sexual assault. The fact-finding hearing on this allegation has not happened yet:
 - No residential time or decision making should be ordered until after the fact-finding hearing.
 - I have a bonded and dependent relationship with the child that is parental in nature. It is in the child’s best interests to order residential time or decision making now.
- 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):* _____

Based on the Sexual Assault Allegation, award lawyer's fees consistent with RCW 26.09.140. RCW 26.26.760(12).
Order *(name):* _____ to:
Pay my lawyer's fees for this case. *Amount:* \$ _____
Make payments to *(name):* _____

17. Other temporary orders

No request.
 (Specify): _____

➤ ***Reasons for my requests***

18. Why are you asking the court for the orders you checked above? (Explain):

- If you need additional space use the *Declaration* form FL All Family 135.
- If you are asking for a parenting plan or residential schedule, also fill out the *Information for Temporary Parenting Plan*, form FL All Family 139, and a proposed *Parenting Plan*, form FL All Family 140, or *Residential Schedule*, form FL Parentage 304.
- If you are asking for child support, also fill out the *Child Support Worksheets* and *Financial Declaration*, form FL All Family 131, and file the required financial records. If you or anyone else has ever received public assistance for any child in this case, also fill out the *Public Assistance Declaration*, form FL All Family 132.
- If you are asking to prohibit weapons or order surrender, give your reasons at the end of this section.
- If you are asking to change an earlier temporary order, give the date of the earlier order and explain how circumstances have changed since then.

