

**Superior Court of Washington  
County of**

In re the Custody of:

Child(ren),  
and  
Petitioner(s),  
Respondent(s).

**No.**

**Ex Parte Restraining Order/  
Order to Show Cause  
(Nonparental Custody)  
(TPROTSC/ORTSC)**

Clerk's Action Required  
 Law Enforcement Notification, ¶ 4.1

**Restraining Order Summary:**

Does not apply.  Restraining Order Summary is set forth below:

Name of person(s) restrained: \_\_\_\_\_ . Name of person(s) protected: \_\_\_\_\_ . **See paragraph 4.1.**

***Violation of a Restraining Order in Paragraph 4.1 Below With Actual Knowledge of its Terms is a Criminal Offense Under Chapter 26.50 RCW and Will Subject the Violator to Arrest. RCW 26.10.115.***

**I. Show Cause Order**

It is ordered that (name) \_\_\_\_\_ appear and show cause, if any, why the restraints below should not be continued in full force and effect pending final determination of this action and why the other relief, if any, requested in the motion should not be granted. A hearing has been set for the following date, time and place:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ a.m./p.m.

Place: \_\_\_\_\_ Room/Department: \_\_\_\_\_

**If you disagree with any part of the motion, you must respond to the motion in writing before the hearing and by the deadline for your county. At the hearing, the court will consider *Written* sworn affidavits or declarations. Oral testimony may *Not* be allowed. To respond, you must:**

**(1) file your documents with the court; (2) provide a copy of those documents to the judge or commissioner's staff; (3) serve the other party's attorney with copies of your documents (or have the other party served if that party does not have an attorney); and (4) complete your filing and service of documents within the time period required by the local court rules in effect in your county. If you need more information, you are advised to consult an attorney or a courthouse facilitator.**

***Failure to Appear May Result in a Temporary Order Being Entered by the Court Which Grants the Relief Requested in the Motion Without Further Notice.***

## **II. Basis**

A motion for a temporary restraining order without written or oral notice to (name of nonrequesting party) \_\_\_\_\_ or that party's lawyer has been made to this court. The court has consulted the judicial information system, if available, to determine the existence of any information and proceedings that are relevant to the placement of the child(ren).

## **III. Findings**

### **Indian Child Welfare Act**

Indian child status:

The child(ren) are Indian child(ren) as defined by 25 U.S.C. § 1903. The Indian Child Welfare Act does apply to these proceedings; [ ] all notice and evidentiary requirements under the Indian Child Welfare Act have been satisfied, as follows:

All notice and evidentiary requirements under the Indian Child Welfare Act have not been satisfied. The court directs the following actions occur to ensure that notice and evidentiary requirements under the Indian Child Welfare Act have been or will be satisfied:

The child(ren) are not Indian child(ren) as defined by 25 U.S.C § 1903 and the Indian Child Welfare Act, 25 U.S.C. § 1901, et seq., does not apply to these proceedings.

Jurisdiction:

The child(ren) are Indian child(ren) as defined by the Indian Child Welfare Act, 25 USC § 1903, but are not domiciled or residing within the boundaries of an Indian reservation; and no Tribal Court has continuing jurisdiction over the child(ren); this court has jurisdiction under 25 USC § 1911.

The child(ren) are Indian child(ren) as defined by the Indian Child Welfare Act, 25 USC § 1903, and are domiciled or residing within the boundaries of an Indian reservation; or a Tribal Court has continuing jurisdiction over the child(ren).

The court adopts paragraphs 2.1, 2.2, and 2.4 of the Motion/Declaration for an Ex Parte Restraining Order and for an Order to Show Cause (Form WPF CU 03.0150) as its findings, except as follows:

- Further, the court finds that the nonrequesting party is absent and a) is on active duty as a National Guard member or Reservist residing in Washington, or b) is a dependent of a National Guard member or Reservist residing in Washington on active duty. Despite the service member's or dependent's absence, failure to enter the temporary orders below would result in manifest injustice to the other interested parties.

#### IV. Order

**It is Ordered:**

##### 4.1 Restraining Order

***Violation of a Restraining Order in Paragraph 4.1 With Actual Notice of its Terms Is a Criminal Offense Under Chapter 26.50 RCW and Will Subject the Violator to Arrest. RCW 26.10.115.***

- Does not apply.
- (Name) \_\_\_\_\_ is restrained and enjoined from disturbing the peace of (name(s) of the protected person(s)) \_\_\_\_\_.
- (Name) \_\_\_\_\_ is restrained and enjoined from going onto the grounds of or entering the home, work place or school of the protected person(s) or the day care or school of the following named children: \_\_\_\_\_.
- (Name) \_\_\_\_\_ is restrained and enjoined from knowingly coming within or knowingly remaining within (distance) \_\_\_\_\_ of the home, work place, or school of the protected person(s) or the day care or school of these children: \_\_\_\_\_.
- (Name) \_\_\_\_\_ is restrained and enjoined from molesting, assaulting, harassing, or stalking (Name) \_\_\_\_\_.
- Clerk's Action.*** The clerk of the court shall forward a copy of this order, on or before the next judicial day, to (name of appropriate law enforcement agency) \_\_\_\_\_ which shall enter this order into any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants. **(A law enforcement information sheet must be completed by the party or the party's attorney and provided with this order before this order will be entered into the law enforcement computer system.)**

##### **Service**

The requesting party must arrange for service of this order on the restrained party. File the original Return of Service with the clerk and provide a copy to the law enforcement agency listed above.

**4.2 Other Restraining Order**

- (Name) \_\_\_\_\_ is restrained and enjoined from removing any of the children from the state of Washington.
- The children shall reside with (name) \_\_\_\_\_ until the hearing.
- Other:

**4.3 Surrender of Deadly Weapons**

- Does not apply.
- It is ordered that (name) \_\_\_\_\_ surrender any deadly weapon in his or her immediate possession or control or subject to his or her immediate possession or control to:
  - the (name of county) \_\_\_\_\_ county sheriff.
  - (Name) \_\_\_\_\_.

The court finds that irreparable injury could result if an order is not issued until the time for response has elapsed. (See RCW 26.09.060(2)(b).)

**4.4 Expiration Date**

This order shall expire on the hearing date set forth above or 14 days from the date of issuance, which ever is sooner, unless otherwise extended by the court.

**4.5 Other**

Dated: \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
**Judge/Commissioner**

Presented by:

\_\_\_\_\_  
Signature of Requesting Party or Lawyer/WSBA No.

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Date