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## **Motion for Immediate Restraining Order (Ex Parte)**

**Use this form** in marriage/domestic partnership cases only. For parentage cases, use form FL Parentage 321. 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 <a href="https://www.courts.wa.gov">www.courts.wa.gov</a>.

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 Divorce 222). 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 other party.

#### 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* 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.

Child's name	Age	Chi	ild's name	
1.		4.		
2.		5.		
3.		6.		
repair):				
(If you need additional space use th	ne Declaration i	orm FL All Family	<sup>,</sup> 135.)	
	e other side i	n advance that I beyond repair it	am filing this <i>Mo</i> f I gave any adv	ance no
Notice (check one):  ☐ I should not have to notify the because my children or I cou (Explain why the harm could	e other side i	n advance that I beyond repair it	am filing this <i>Mo</i> f I gave any adv	ance no
Notice (check one):  ☐ I should not have to notify the because my children or I cou (Explain why the harm could	e other side i	n advance that I beyond repair it	am filing this <i>Mo</i> f I gave any adv	ance no
Notice (check one):  ☐ I should not have to notify the because my children or I cou (Explain why the harm could	e other side i	n advance that I beyond repair it	am filing this <i>Mo</i> f I gave any adv	ance no
Notice (check one):  ☐ I should not have to notify the because my children or I cou (Explain why the harm could	e other side i	n advance that I beyond repair it	am filing this <i>Mo</i> f I gave any adv	ance no

4.	Court hearing request					
	I ask the court to approve an <i>Immediate Restraining Order</i> now, and hold a hearing within 14 days to consider all of my requests for temporary orders listed below. I will have my spouse/domestic partner served with notice of the hearing so the court can hear his/her side.   Other:					
5.	Active duty military					
	<ul> <li>(The federal Servicemembers Civil Relief Act covers:         <ul> <li>Army, Navy, Air Force, Marine Corps, and Coast Guard members on active duty;</li> <li>National Guard or Reserve members under a call to active service for more than 30 days in a row; and</li> <li>commissioned corps of the Public Health Service and NOAA.</li> </ul> </li> <li>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.)</li> </ul>					
	☐ My spouse/domestic partner is covered by the ☐ state ☐ federal Service Members' Civil Relief Act.					
	☐ For persons covered only by the <b>state</b> 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:					
l as	sk the Court to approve these orders immediately (check all that apply):					
6.	Do not disturb					
	☐ No request.					
	<ul> <li>Order my spouse/domestic partner not to disturb my peace or the peace of any child listed in 1.</li> </ul>					
7.	Stay away					
	☐ No request.					
	☐ Order my spouse/domestic partner not to go onto the grounds of or enter my home, workplace, or school, and the daycare or school of any child listed in <b>1</b> .					
	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.					
	My spouse/domestic partner and I <i>(check one):</i> ☐ live together. ☐ do not live together.					
8.	Do not hurt or threaten					
	☐ No request.					

		Order my spouse/domestic partner not to:			
		<ul> <li>Assault, harass, stalk or molest me or any child listed in 1; or</li> </ul>			
		<ul> <li>Use, try to use, or threaten to use physical force against me or the children that would reasonably be expected to cause bodily injury.</li> </ul>			
		<b>Warning!</b> If the court extends this order after a full hearing, 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.			
9.	Su	rrender weapons			
		No request.			
		Order my spouse/domestic partner to surrender any firearms and other dangerous weapons that he/she possesses to <i>(check one):</i> the police chief or sheriff his/her lawyer other person <i>(name):</i>			
10.	Pre	otect children			
		No request.			
		Order my spouse/domestic partner not to take the children listed in <b>1</b> out of Washington State.			
		Order that the children listed in <b>1</b> will live with <i>(check one):</i> $\square$ me $\square$ my spouse/domestic partner until the hearing.			
		Other (specify):			
11.	11. Protect property				
		No request.			
		Order <i>(check one):</i>			
12.	Do	not change insurance			
		No request.			
		Order <i>(check one):</i>			
	O٤	her <u>immediate</u> orders			
13.	Οt				
13.		No request.			
13.					

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

(0//0	or all that apply).					
14.	Extend immediate orders					
	Extend the immediate orders I asked for above to stay in effect until the case is done					
15.	Prohibit weapons and order surrender					
	☐ No request.					
	Order my spouse/domestic partner:					
	<ul> <li>Not to possess or obtain any firearms, other dangerous weapons, or concealed pistol license until the Order ends, and to</li> </ul>					
	<ul> <li>Surrender any firearms, other dangerous weapons, or concealed pistol license that he/she possesses or controls to (check one):</li></ul>					
16.	Care of children					
	☐ No request.					
	☐ Approve the parenting plan proposed by ☐ me ☐ my spouse/domestic partner.					
	☐ Order my spouse/domestic partner not to take the children listed in <b>1</b> 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:					
17.	Provide support					
	☐ No request.					
	☐ Order child support according to the Washington state child support schedule.					
	☐ Order (check one): ☐ me ☐ my spouse/domestic partner to pay spousal support (maintenance/alimony) in the amount of: \$ every month until (date or event):					
18.	Family home					
	☐ No request.					
	☐ Stay in the home					
	☐ I want continue living in the family home.					

		☐ My spouse/domestic partner may continue living in the family home.						
		] Move out						
		Order my spouse/domestic partner to move out of the family home by (date):						
19.	Us	e of property						
		No request.						
		Order that I can possess and use (specify):	Order that I can possess and use (specify):					
		property in my possession now.						
		vehicle(s):						
		other:	_					
	П	Order that my spouse/domestic partner can possess and u	use (specify):					
		property in his/her possession now.	(-)					
		vehicle(s):						
		other						
20.	Но	ousehold expenses						
		No request.						
		Order household expenses to be paid as follows:						
Expense Who should pay								
	☐ First Mortgage	☐ Petitioner ☐ Respondent						
		☐ First Mortgage ☐ Second Mortgage/Line of Credit	☐ Petitioner ☐ Respondent ☐ Petitioner ☐ Respondent					
		☐ Second Mortgage/Line of Credit ☐ Rent or lease payment ☐ Utilities	☐ Petitioner ☐ Respondent					
		☐ Second Mortgage/Line of Credit ☐ Rent or lease payment	☐ Petitioner ☐ Respondent ☐ Petitioner ☐ Respondent					
		☐ Second Mortgage/Line of Credit ☐ Rent or lease payment ☐ Utilities	☐ Petitioner ☐ Respondent ☐ Petitioner ☐ Respondent ☐ Petitioner ☐ Respondent					
		☐ Second Mortgage/Line of Credit ☐ Rent or lease payment ☐ Utilities ☐ Homeowner's Insurance	☐ Petitioner ☐ Respondent					
		☐ Second Mortgage/Line of Credit ☐ Rent or lease payment ☐ Utilities ☐ Homeowner's Insurance ☐ Property Taxes	☐ Petitioner ☐ Respondent					
		☐ Second Mortgage/Line of Credit ☐ Rent or lease payment ☐ Utilities ☐ Homeowner's Insurance ☐ Property Taxes ☐ Vehicle (specify):	☐ Petitioner       ☐ Respondent					
		□ Second Mortgage/Line of Credit   □ Rent or lease payment   □ Utilities   □ Homeowner's Insurance   □ Property Taxes   □ Vehicle (specify):   □ Vehicle (specify):	□ Petitioner □ Respondent					
21.	Div	□ Second Mortgage/Line of Credit   □ Rent or lease payment   □ Utilities   □ Homeowner's Insurance   □ Property Taxes   □ Vehicle (specify):   □ Vehicle (specify):   □ Child Care	□ Petitioner □ Respondent   □ Petitioner □ Respondent					
21.	<b>Div</b>	□ Second Mortgage/Line of Credit   □ Rent or lease payment   □ Utilities   □ Homeowner's Insurance   □ Property Taxes   □ Vehicle (specify):   □ Vehicle (specify):   □ Child Care   □ Other:	□ Petitioner □ Respondent   □ Petitioner □ Respondent					
21.	<b>Div</b>	□ Second Mortgage/Line of Credit □ Rent or lease payment □ Utilities □ Homeowner's Insurance □ Property Taxes □ Vehicle (specify): □ Vehicle (specify): □ Child Care □ Other:	□ Petitioner □ Respondent   □ Petitioner □ Respondent					

No request.   Pay insurance premiums as follows (list policies and who should pay each one):    Policy (describe)  1.			Divide our debts as follows (list debts and who will pay each one):					
2.   Petitioner   Respondent			Debt (describe)	Who should pay				
3.   Petitioner   Respondent   4.   Petitioner   Respondent   5.   Petitioner   Respondent   6.   Petitioner   Respondent   7.   Petitioner   Respondent			1.	☐ Petitioner ☐ Respondent				
4.   Petitioner   Respondent   5.   Petitioner   Respondent   6.   Petitioner   Respondent   22. Pay for insurance   No request.   Pay insurance premiums as follows (list policies and who should pay each one):    Policy (describe)   Who should pay   1.   Petitioner   Respondent   2.   Petitioner   Respondent   3.   Petitioner   Respondent   3.   Petitioner   Respondent   4.   Petitioner   Respondent   5.   Petitioner   Respondent   6.   Petitioner   Respondent   7.   Petitioner   Respondent   8.   Petitioner   Respondent   9.   Petitioner   Respondent			2.	☐ Petitioner ☐ Respondent				
5.   Petitioner   Respondent   6.   Petitioner   Respondent   22. Pay for insurance   No request.   Pay insurance premiums as follows (list policies and who should pay each one):    Policy (describe)   Who should pay   1.   Petitioner   Respondent   2.   Petitioner   Respondent   3.   Petitioner   Respondent   3.   Petitioner   Respondent   4.   Petitioner   Respondent   4.   Petitioner   Respondent   5.   Petitioner   Respondent   6.   Policioner   Respondent   7.   Petitioner   Respondent   8.   Petitioner   Respondent   8.   Petitioner   Respondent   9.   Petitioner   Respondent			3.	☐ Petitioner ☐ Respondent				
Petitioner   Respondent			4.	☐ Petitioner ☐ Respondent				
22. Pay for insurance  No request. Pay insurance premiums as follows (list policies and who should pay each one):  Policy (describe)  1. Petitioner Respondent 2. Petitioner Respondent 3. Pay fees and costs No request. Order my spouse/domestic partner 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):  24. Other temporary orders No request. (Specify):			5.	☐ Petitioner ☐ Respondent				
No request.   Pay insurance premiums as follows (list policies and who should pay each one):    Policy (describe)  1.			6.	☐ Petitioner ☐ Respondent				
No request.   Pay insurance premiums as follows (list policies and who should pay each one):    Policy (describe)  1.	22	Pav	y for insurance					
Pay insurance premiums as follows (list policies and who should pay each one):   Policy (describe) Who should pay   1. □ Petitioner □ Respondent   2. □ Petitioner □ Respondent   3. □ Petitioner □ Respondent    23. Pay fees and costs  □ No request. □ Order my spouse/domestic partner 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): □   24. Other temporary orders □ No request. □ (Specify): □		-						
Policy (describe)    Policy (describe)   Who should pay			·	uld pav each one):				
1.		r	Policy (describe)					
3. Pay fees and costs  No request. 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): No request. (Specify):				☐ Petitioner ☐ Respondent				
3. Pay fees and costs  No request. 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): No request. (Specify):			2.	☐ Petitioner ☐ Respondent				
□ No request.   □ Order my spouse/domestic partner 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):    24. Other temporary orders  □ No request. □ (Specify):				☐ Petitioner ☐ Respondent				
□ No request.   □ Order my spouse/domestic partner 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):    24. Other temporary orders  □ No request. □ (Specify):	23.	Pav	r fees and costs					
<ul> <li>□ Order my spouse/domestic partner to:</li> <li>□ Pay my lawyer's fees for this case. Amount: \$</li></ul>		-						
□ 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):    24. Other temporary orders  □ No request. □ (Specify):			·					
Make payments to (name):  Pay other professional fees and costs for this case. Amount: \$  to (name):  for (purpose):  No request.  (Specify):								
to (name): for (purpose):  24. Other temporary orders No request (Specify):								
for (purpose):			<ul> <li>Pay other professional fees and costs for this case. Amo</li> </ul>	ount: \$				
24. Other temporary orders  No request.  (Specify):			to (name):					
□ No request. □ (Specify):			for (purpose):					
(Specify):	24.	Other temporary orders						
			No request.					
			(Specify):					
	_							

- 25. 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, also fill out the Information for Temporary Parenting Plan, form FL All Family 139, and a proposed Parenting Plan, form FL All Family 140.

- If you are asking for child support, also fill out the Child Support Worksheets. If you have 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 for any order involving money (including child support), also fill out the *Financial Declaration*, form FL All Family 131, and file the required financial records.
- 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.
☐ Re	easons 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):				
Person ask	ing for this order fills	out below:			
	der penalty of perjury under this form are true.	er the laws of the state of Wash	ington that th	e facts I have	
Signed at (c	ity and state):		Date:		
<u> </u>	g for this order signs here				
Person asking	g for this order signs here	Print name here			
my lawye	ccept legal papers for this er's address, listed below. ving address <i>(this does <b>n</b>e</i>	,	ss):		
street add	dress or PO box	city	state	zip	
(Optiona	<i>I)</i> email:				
use the No		ends, you <b>must</b> notify all parties and th FL All Family 120). You must also upd res parentage or child support.)			
Lawyer (if	any) fills out below:				
<u> </u>					
Lawyer signs	here	Print name and WSBA No.		Date	
Lawyer's stre	et address or PO box	city	state	zip	
Email (if appli	cable):				
medical, and the court, the	confidential reports, as describ other party, and the lawyers in	are available for anyone to see unlessed in General Rule 22, <b>must</b> be sealed your case. Seal those documents by 012, or 013). You may ask for an order	ed so they can or filing them sep	only be seen by arately, using a	