

OUTLINE
CHELAN COUNTY

**PARENTAGE
IMMEDIATE RESTRAINING ORDER**

Use this outline if you need Emergency Orders (Immediate Restraining Order) to provide immediate protections or rights.

If you have not already filed a case Petitioning for a Parenting Plan and/or Child Support, you must file a new case along with this motion. You may not file a Motion for Immediate Temporary Orders unless you have a pending family law case or you are filing a new family law case at the same time you are filing this motion.

Local Court Rule 94.04 requires that all pro se (self-represented) people have their proposed Temporary Orders and all Final Orders reviewed and pre-approved by the Family Law Court Facilitator, Navigator, Limited License Legal Technician or private attorney before the Clerk can set a hearing date. You may call the Chelan County Clerk's Office at (509) 667-6380 or (509) 667-6236 to make an appointment with the Family Law Court Facilitator. The fee for a 45-60 minute appointment is \$40.00. The Court Facilitator will review your papers, answer questions, help you with the process and set a hearing date. **NOTE: Pre-approval is not required when requesting an Immediate Restraining Order.**

- 1. FORMS:** Obtain the forms listed in this outline. The Chelan County Superior Court Clerk sells ***Parentage Immediate Restraining Order*** packets which include the required state and local forms. The packet costs \$10.00. You may also download the forms for free at the Washington State Court website: www.courts.wa.gov/forms. Chelan County Local Court Rules and local forms are available for view or download at www.co.chelan.wa.us/superior-court or you may purchase individual local forms at the Chelan County Clerk's Office.
- 2. HELP:** If you need help understanding forms or procedures, the Family Law Court Facilitator can review your papers you have completed yourself, answer questions and help you with procedures. The Family Law Court Facilitator cannot give legal advice, does not represent you, will assist but cannot fill your papers out for you and may also help the other party. There is a \$40 fee per 45-60 minute appointment. To see a Family Law Court Facilitator you must make an appointment by calling (509) 667-6380 or (509) 667-6236.
- 3. COMPLETE THE FORMS:**

Fill out:

- ***Motion for Immediate Restraining Order (Ex Parte) (FL Parentage 321)**
- ***Declaration (FL All Family 135)**
- ***Immediate Restraining Order (Ex Parte) and Hearing Notice (FL Parentage 322)**
- ***Law Enforcement Information Sheet (WPF All Cases 01.0400)**
- ***Temporary Family Law Order (FL Parentage 324)**
- ***Restraining Order (FL All Family 150)**

Complete the Motion, Declaration, Immediate Restraining Order and Law Enforcement Information Sheet. Make two copies of all the completed forms except the **Law Enforcement Information Sheet**. One set of copies must be served on the other party and the other copy is for you to keep for your records. Make sure you **KEEP the Temporary Family Law Order and Restraining Order** so you can bring it to court on the day of the hearing to present to the Judge. Complete the caption and

identifiers where indicated on the first page of each order and sign the orders on the last page as presented by you (Petitioner or Respondent).

4. **IMMEDIATE ORDER AND HEARING DATE:** Bring your completed papers to the Clerk's Office or the Navigator's desk, who will send you to Judge's Chambers to get your Immediate Restraining Order signed. You must then return to the Clerk's Office with your papers to finish filing and processing your Immediate Restraining Order. **NOTE: You must have a pending/existing case before you can request an immediate order OR be filing your case at the same time you are requesting an immediate order.**
5. **FILE YOUR PAPERS:** Bring your papers to the Chelan County Superior Court Clerk for filing and processing. There is no fee to file these papers, however you must have an open family law case or file these documents at the same time you open a new family law case. If you are filing a new case at the same time you file this motion, the filing fee is \$310 payable by cash, check, money order, cashier's check, Mastercard or Visa (there is an additional fee if a credit or debit card is used). There is a process by which you can ask the Court to waive, reduce or allow payments of the filing fee if you qualify. Ask the Clerk's Office for a "Fee Waiver Packet".
6. **SERVICE:** An Immediate Restraining Order (Ex Parte) is in effect only for a period of 14 days. During that 14 day period, there must be a hearing in order to continue the restraining orders beyond the 14 days. If the Judge signs your Immediate Restraining Order a hearing date will also be set and appear on the first page of the Immediate Restraining Order. **During the 14 day period the other party must be personally served with a copy of the Immediate Restraining Order, Motion for an Immediate Restraining Order and your Declaration. You must arrange to have your papers served.**

You cannot serve the papers yourself. If you are filing this motion at the same time you file a Summons and Petition you may have your Motion for Immediate Restraining Order, Declaration and the Immediate Restraining Order and Hearing Notice served at the same time as the Summons and Petition are served. The person personally serving your papers must be 18 years or older and cannot be a party to your case. The papers must be personally handed to the other party. The person serving the papers must completely fill out and sign a Proof of Personal Service (FL All Family 101). Make sure all the documents that were served are listed on the **Proof of Personal Service** form and the date, time and address of service are filled in. This is your proof the other party was properly served. File the **Proof of Personal Service** at the Clerk's Office.

7. **ATTEND THE HEARING:** The Judge will make an order based on the paperwork you filed, any responding papers filed by the other party and any other information provided at the hearing. If you have not been able to serve the other party, you may ask the Judge to continue the restraints for another 14 days to allow you additional time to have your papers served. If the Judge continues the Immediate Restraining Order you will need to present an **Extension of Immediate Restraining Order and Hearing Notice (FL All Family 151)** for the Judge to sign and set a new hearing date. This order, then too, needs to be personally served on the other party so they know when to appear for the hearing. Make sure you file a **Proof of Personal Service** with the Clerk's Office. The Judge cannot sign a Temporary Family Law Order and Temporary Restraining Order until the other party is properly served and has had the opportunity to respond to your **Motion for Immediate Restraining Order.**

If you need help understanding the forms or procedures, the Family Law Court Facilitator can review your papers you've completed, answer questions and help you with procedures. There is a \$40 fee for a 45 to 60 minute appointment. You may make an appointment by calling 509 667-6380 or (509) 667-6236. Complete your papers to the best of your ability and bring all the forms listed above with you to the appointment.

Helpful Phone Numbers and Websites:

Chelan County Superior Court Clerk's Office (509) 667-6380

Volunteer Lawyer Program of Chelan County (509) 663-2778

CLEAR line for a referral to the Volunteer Legal Professional (888) 201-1014

State Prosecuting Attorney – Family Support Division (360) 336-9461

www.courts.wa.gov/forms to download standard family law forms

www.washingtonlawhelp.org for general information on a variety of legal topics

www.nwjustice.org for general information and resources

www.co.chelan.wa.us/superior-court Superior Court website

www.co.chelan.wa.us/clerk Chelan County Clerk website.

www.dshs.wa.gov/dcs Washington Division of Child Support (forms and information)

This list of instructions is not a substitute for legal advice. Before starting any legal action, it is always wise to consult an attorney regarding your rights and responsibilities. Many attorneys offer consultations. Your specific situation may require additional forms and procedures which may not be listed on this outline. The Family Law Court Facilitator and the Clerk's Office cannot give legal advice. Only an attorney can give legal advice.

Step 1 – 2 PARENTAGE IMMEDIATE RESTRAINING ORDER (Ex Parte)

STEP 1

Motion for Immediate Restraining Order (Ex Parte)

Declaration

Immediate Restraining Order (Ex Parte) and Hearing Notice

Law Enforcement Information Sheet

Note for Motion

Proof of Personal Service

STEP 2

Temporary Family Law Order

Temporary Restraining Order

Extension of Immediate Restraining Order and Hearing Notice