



WRIT OF HABEAS CORPUS – POLICIES AND PROCEDURES

Any time the Whatcom County Sheriff's Office is requested to assist in procuring a child or individual that a petitioner alleges is being held in violation of a court order, custody decree or other lawful proceeding, the process of taking custody of the child shall be done by a Writ of Habeas Corpus.

In order to carry out a Writ of Habeas Corpus, the Sheriff's Office will need the following:

- A certified copy of the Order To Issue Writ of Habeas Corpus

(Original signature of judge/commissioner must be on this document. The Order To Issue Writ of Habeas Corpus and Warrant In Aid of Writ must list the break and enter and arrest language that also appears in the Warrant In Aid of Habeas Corpus. The order is the only document requiring the judge's signature and that is why the break and enter language must be listed in the order. Without a judge's signature authorizing this language, the Warrant In Aid would not be valid.

- The original Writ of Habeas Corpus
- The original Warrant In Aid of Writ of Habeas Corpus
- Law Enforcement Information Sheet (provided by Superior Court) which contains information regarding the parties and child(ren)
- A copy of the Petition for Writ of Habeas Corpus
- A copy of the most recent Order or Decree that grants the petitioner custody
- A recent photograph of the child(ren), if available
- A recent photograph of the respondent, if available
- Payment of \$200.00 for advanced service fees



A law enforcement interview of the petitioner or petitioner's attorney will be conducted at the Sheriff's Office in order to obtain information helpful towards locating the child(ren) and assuring officer safety.

The petitioner, petitioner's attorney, family members and private investigators may not accompany law enforcement during attempts to execute the Writ.

The custody of a child will never be transferred in the field by law enforcement. When a child is recovered, both the petitioner and respondent will immediately be notified by law enforcement and advised to appear in Superior Court. The child will remain in the care of the detective or deputy who brought them to the court until a hearing is held before a Superior Court Judge/Commissioner. The Judge/Commissioner will decide who is to have custody of the child and will notify law enforcement to release the child to that party.

If the Superior Court is not in session when the child is recovered, the child will be placed in temporary care through DSHS. Temporary care is avoided if at all possible and, unless specifically ordered by the court, writs are not served on weekends, holidays or after court hours.