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SHARON K. FOGO CO. CLERK

BY BH4 DEPUTY

**Superior Court of Washington
For Mason County**

In re the Matter of:

Robert Charleston 1-13-47
A Vulnerable Adult (Protected Person) DOB

Tim Mallea
Respondent (Restrained Person) DOB

No. 21-2-00056-23

**Temporary Order for Protection and
Notice of Hearing - Vulnerable Adult
(TMORVA)
(Clerk's Action Required)**

Next Hearing Date/Time: 2-22-21 @ 9AM
Held through ZOOM: Meeting ID# 614 241 0088
By phone: 1+ (253) 215-8782
Smart phone/Computer: <https://us02web.zoom.us/j>

Violation of restraint provisions 1, 3, 4 or 5 with actual notice of its terms is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. RCW 26.50.110

The Petitioner is:

- the vulnerable adult.
- (name) _____ who filed on behalf of the vulnerable adult and is:
 - the vulnerable adult's guardian or legal fiduciary.
 - an interested person as defined in RCW 74.34.020(12).
 - WA Dep't of Social and Health Services.

Respondent Identification:

Sex	Race	Hair
<u>male</u>	<u>white</u>	<u>brown</u>
Height	Weight	Eyes
<u>5'8"</u>	<u>140</u>	

Respondent's Distinguishing Features:

Access to weapons: yes no unknown

The terms of this order shall be effective until

the end of the hearing noted above.

Summary of court order: No contact provisions are on the next page.
The court finds based upon the court record that:

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The court has jurisdiction over the parties and the subject matter. The respondent and the vulnerable adult, if not the petitioner, were notified in writing of the ex parte hearing and their opportunity to be heard, or will be served notice of his or her opportunity to be heard at the scheduled hearing noted above. RCW 74.34.110.

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TMORVA 6
Temporary Vulnerable Adult Protection Order
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After the guardian or limited guardian imposed a restriction on the vulnerable adult's right to associate with the respondent:

Petitioner did timely file the petition in this case within 14 days.

The restraint provisions below are no more restrictive than necessary to protect the vulnerable adult.

Placing reasonable time, place, or manner restrictions is unlikely to sufficiently protect the vulnerable adult.

Additional findings and conclusions of law as required under Title 11.92 RCW follow:

Petitioner did not timely file the petition in this case within 14 days. The immediate restriction ended by operation of law on the 14th day. This petition may continue under Title 74.34 RCW.

The court finds that an emergency exists and that a Temporary Protection Order should be issued without notice to the respondent to avoid irreparable harm.

The court orders:

1. The respondent is *restrained* from committing or threatening to commit physical harm, bodily injury, assault, including sexual assault against the vulnerable adult and from molesting, harassing, or stalking the vulnerable adult.

2. The respondent is *restrained* from committing or threatening to commit acts of abandonment, abuse, personal exploitation, improper use of restraints, neglect, or financial exploitation against the vulnerable adult.

3. The respondent is *excluded* from the vulnerable adult's residence. The vulnerable adult's address is confidential. The vulnerable adult waives confidentiality of the address which is:

531 E Wood Ln Shelton WA

4. The respondent is *restrained* from coming near and from having any contact with the vulnerable adult, in person or through others, by phone, mail, or any means, directly or indirectly, except through an attorney, or mailing or delivery by a third party of court documents.

5. Respondent is *prohibited* from knowingly coming within, or knowingly remaining within 1000 Ft (distance) of the vulnerable adult's residence workplace adult day program; the premises of the long-term care facility where the vulnerable adult resides.

other:

6. The respondent is *required* to provide an accounting of the disposition of the vulnerable adult's income or other resources.

<input checked="" type="checkbox"/> 7. The respondent is <i>restrained</i> from transferring the vulnerable adult's property until the hearing scheduled on page one.
<input checked="" type="checkbox"/> 8. The respondent is <i>restrained</i> from transferring respondent's property until the hearing scheduled on page one.
<p>9. Bond:</p> <p><input type="checkbox"/> Bond in the amount of \$ _____ as required by the court under RCW 7.40.080 has been posted.</p> <p><input checked="" type="checkbox"/> Bond is waived because:</p> <p><input type="checkbox"/> State of Washington is petitioner.</p> <p><input type="checkbox"/> Life or health of vulnerable adult is in jeopardy under RCW 7.40.080.</p>
<input type="checkbox"/> 10. Other:

The respondent is directed to appear and show cause why this temporary order should not be made effective for up to five years and why the court should not order the relief requested in the petition. ***Failure to appear at the hearing may result in the court granting such relief. The next hearing date is shown on page one.***

Warnings to Respondent: Violation of restraint provisions 1, 3, 4 or 5 of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW and will subject you to arrest. If the violation of the protection order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, you may be subject to criminal prosecution in federal court under 18 U.S.C. § 2261, 2261A, or 2262.

Violation of restraint provisions 1, 3, 4, or 5 of this order is a gross misdemeanor unless one of the following conditions apply: Any assault that is a violation of this order and that does not amount to assault in the first degree or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. Also, a violation of this order is a class C felony if you have at least two previous convictions for violating a protection order issued under Titles 7, 10, 26, or 74 RCW.

If the court issues a final protection order, and your relationship to the vulnerable adult is that of spouse or former spouse, parent of a common child, or former or current cohabitant as intimate partner, you may not possess a firearm or ammunition for as long as that final protection order is in effect. 18 U.S.C. § 922(g)(8). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1). If you are convicted of an offense of domestic violence, you will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C. § 922(g)(9); RCW 9.41.040.

You can be arrested even if the person or persons who obtained the order invite or allow you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

Washington Crime Information Center (WACIC) Data Entry

It is further ordered that the clerk of the court shall forward a copy of this order on or before the next judicial day to Mason County Sheriff's Office the City Police Department *Where the protected person lives* which shall enter it into WACIC.

Service

Petitioner shall arrange for service of the petition and this order on:

- Respondent.
- Vulnerable Adult.
- Vulnerable Adult's guardian.

The following persons appeared, further service is not required:

- Respondent.
- Vulnerable adult.
- Vulnerable adult's guardian.

Service may be done by a law enforcement agency, free of charge, a hired professional process server, or a person 18 or over who is not a party to this action.

Law Enforcement Assistance

Pursuant to RCW 74.34.140, law enforcement shall assist petitioner as follows:

To accompany MR Melton to obtain his personal belongings.

Dated: 2/9/21 at 7:50 a.m./p.m.

[Signature]
Judge/Commissioner
Robert Sauerlender

Presented by:

I acknowledge receipt of a copy of this Order:

Petitioner Date

Respondent Date

Petitioner or petitioner's lawyer must complete a Law Enforcement Information Sheet (LEIS).