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THURSTON COUNTY, WA
SUPERIOR COURT
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Linda Myhre Enlow
Thurston County Clerk

[X] EXPEDITE (If filed within 5 court days of hearing)
[X] Hearing is set: Present in tandem w/Reconsideration Motion
Date: 7-29-21
Time: 10:30am Zoom #: 242-974-5214 Rm:4
Judge/Calendar: Indu Thomas/Reconsideration

**Superior Court of Washington
for Thurston County Family &
Juvenile Court**

21-4-00443-34
AF 110
Affidavit
10754025



In re: Emergency Guardianship of
Hazel Belle Ursa Smith

Respondent(s): Minor Child(ren)

**No. 21-4-00443-34
Counter-Affidavit to
Kathryn Stoker Declaration
Attacking
John Smith & his Motion for
Reconsideration of Motion To
JOIN (CR 19 & 59)
By SELENA SMITH, Mother**

(Cover Sheet)
TITLE OF DOCUMENT
**Counter-Affidavit to
Kathryn Stoker Declaration Attacking
John Smith & his Motion for Reconsideration of Motion To JOIN (CR 19 & 59)**
By SELENA SMITH, Mother

**NAME: Selena Smith, mother
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PHONE: (360)427-3599**

Counter-Affidavit to Kathryn Stoker Declaration Selena Smith, (360)427-3599
pinbalwyz@yahoo.com 1 PO Box 1711, WA 98584

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By SELENA SMITH, Mother**

TO: The Clerk of the Thurston County and Juvenile Court, (360)709-3260, 2801 32nd AVE SW,
Tumwater, WA 98512;

AND,

Breckan Scott-Gabriel, bar #:41585, attorney for Kathryn Stoker (maternal grandmother) and Hans
Stoker (husband of Kathryn Stoker, but NOT the grandfather), PO Box 1123, Yelm, WA 98597-1123,
PH. (360)960-8951, fax (360)485-1916, e-mail: breckan@breckanlaw.com;

AND,

Selena Ursa Smith, mother, e-mail: doublekachina007@protonmail.com, domiciled in Oregon
mailing address: 6901 26th Ct SE, Lacey, WA 98503, Ph. (971)803-9898

AND,

Robert Ayers (father), e-mail: unknown, Ph. unknown, address: unknown

I Identity of the Parties

I, Selena Smith (mother of the subject minor(s) in this action) enter this counter-affidavit to the **Kathryn Stoker Declaration Attacking John Smith & his Motion for Reconsideration of Motion To JOIN**, without counsel of necessity, pro se, for this court's consideration as the truth and nothing but the truth. I reserve the right and continue to object to the jurisdiction of this court as stated below under **JURISDICTION**. I also **object to Shelley Brandt presiding** over ANY aspect of this case due to her having received money from the Stokers, previously representing, Kathryn Stoker, a party herein, against my father who I seeks to join this action and also represented myself, Selena Smith, on the Stokers' dime on a separate occasion. A fair hearing without her recusal cannot be had.

Counter-Affidavit to Kathryn Stoker Declaration
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2

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Kathryn Stoker (maternal grandmother) and her husband, Hans Stoker (who is NOT the grandfather of the children, contrary to his and his wife's sworn misrepresentations in their filed pleadings to this court) brought this action before this court well BEFORE my young children at issue had been evaluated by any qualified Family and Children's social worker within the State of their domicile (Oregon) or oversight of a state court properly presiding over the same, i.e. Oregon, where this court's emergency ex parte order to seize the children was executed around midnight and they were spirited, under cover of darkness, out of Oregon after handing off the very young three to the Stokers at a gas station adjacent to I-5 north of Eugene that night. The seizure was executed, as described after midnight, 5-30-21 in/near Oakridge, OR, the initial ex parte emergency petition for seizing my 3 grandchildren was filed 5-27-21, the order granting the petition was entered on 5-28-21. The Stokers filed their petition prior to the children being examined and evaluated precisely to deny myself and children due process with this court's approval, aid, and abetment under color of state law in violation of Oregon's sovereignty, the federal ADA (I have but one hand), my status as a destitute DV survivor (contrary to UCCJEA requirements, and in violation of meaningful protection under the 6th and 14 Amendment as well as principles laid out in Troxel vs. Granville (530 U.S. 57) and the notorious Elian Gonzalez international case—I have been the object of a nationwide witch hunt relentlessly and unlawfully pursued by the Stokers and their coconspirator, NJ Security Guard Robert Kurtz, the primary declarant in the genesis of this case as presented before the court on 5-27-21.

JURISDICTION

The Petitioners (Stokers) are wealthy longtime residents of and domiciled in Thurston County, Washington.

I, Selena Smith (mother), seek to join my father, John Smith, the true grandfather of my children, to this action. I left Washington State without any intention of returning **more than 6 months** prior to the date my grandchildren were seized in Oregon where Selena Smith resided and was domiciled with her children. She returned briefly in March to recover some of her property, from the Stokers, but did not reside in Washington or reestablish it since 11-21-21. The Stokers deliberately misconstrued this date to deceive the court into believing less than 6 months had lapsed since Selena left Washington in late November, 2020 as a DV survivor with her 3 young children. Thus, this court does not have proper in personam or subject matter emergency jurisdiction even if there had not been a less than 6-month absence of my grandchildren who were safely residing/domiciled in Oregon with their mother. **In light of these facts, all actions/orders taken/entered by this court are void ab initio.** The basis for this court's rulings have been based on fraudulent misrepresentations and deception submitted to this court without question from the Stokers. Objections to jurisdiction are **always timely**, even if raised for the first time on appeal.

I am the mother of the very young child(ren) at issue in this cause, and due to DV at the hands of my ex-boyfriend, James Wells and long term emotional/psychological abuse at the hands of the Stokers, fled the State of Washington with my children prior to 11-21-20, which is the date James Wells filed a DV Protection Petition (20-2-30761-34 | JAMES DANIEL WELLS, Jr vs SELENA URSA SMITH) after I left Washington State to preserve myself and my children's safety. Mr. Wells' purpose was to use the children (who he sought custody of in the petition) to support himself. The petition was denied by Court Commissioner Rebekah Zinn. Mr. Wells is currently homeless sleeping near Mt. Adams, and is non-compliant with a DV protection order issued by the court prohibiting him from contact with my children. The Stokers have announced, in their pleadings, they intend to violate that court order by granting the defiant James Wells access to the children protected under that court order. The Petition for a parenting plan filed by Mr. Wells (Thurston case # 20-3-01280-34 | JAMES DANIEL WELLS, Jr vs

SELENA URSA SMITH) was found by this court on 7-6-21 upon examination of the record to have never completed proper original process, thus depriving that family court of jurisdiction.

For longer than 6-months, I and my children had left and no longer resided in or ever reestablished residence in Washington State **prior** to having my 3 children illegally seized around midnight on 5-30-21 under the color of Washington State law via an ex parte emergency guardianship order executed beyond Washington's own borders in a foreign state (Oregon). Court Commissioner Kortokrax was either well aware I had left Washington State with my children (or should have been) **more** than 6 months before the instant case had been filed. I was under no legal obligation to inform the Stokers of my whereabouts, nor did the Stokers have standing to object since there was no court order granting them standing, custody, or visitation. Yet they conspired to track me cross-country in conjunction with NJ security guard Robert Kurtz for months, **ALONE**, wherever I went, using my I-phone and credit card to do so. **There was NO 'Nationwide manhunt' for me**, only the witch hunt the Stokers and security guard Robert Kurtz (without authorization) had orchestrated, stolen (including MY identity) to support and deceive others unaware of the deception into supporting--**INCLUDING THIS COURT!**

THIS COURT HAS REPEATEDLY CONFLATED NORMAL UCCJEA TYPE CUSTODY DISPUTES INVOLVING PARENTS/GUARDIANS WITH EX PARTE EMERGENCY PETITIONS FOR GUARDIANSHIP OF MINORS ORDERS EXECUTED OUT-OF-STATE, EFFECTIVELY STRIPPING THE RESPONDENT(S) OF ALL MEANINGFUL DUE PROCESS IN ALL BUT NAME ONLY. FOR THIS REASON, THE VERIFIABLE RATIONALE FOR DOING SO (IF IT IS NOT AN IMMUTABLE ABUSE OF PROCESS AB INITIO) MUST BE ASSURED. It was not. (See Exhibits 'F' & 'G'). Thus the unceasing ongoing objection to jurisdiction continues irrespective of the perjured and fraudulent declaration of a security guard without portfolio AND NO "PROFESSIONAL" CREDENTIALS in children's services or authorization from New Jersey to criminally stalk me across America—a "nationwide manhunt" (or witch hunt) of 3...the Stokers and Robert Kurtz. He misrepresented his position to police agencies in other jurisdictions and made use of numerous criminally unlawful means of invading my privacy for months in tandem with the Stokers whose purloined information he used. Notwithstanding the 'evidentiary' value of his sworn Declaration, his lies to other agencies and law enforcement regarding his authority, his credentials, Robert Kurtz's statements should be discounted/ignored and any evidence presented through his office should be **SUPPRESSED**. Robert Kurtz has tainted this entire process and this court along with any basis for its jurisdiction in this matter. Ergo, the court should vacate its rulings under Rule 60(b) and dismiss this case with extreme prejudice and sanctions against Breckan Scott-Gabriel, esq, who actively conspired with the Stokers from the outset, pursuant to Rule 11 along with the Stokers themselves. Breckan Scott has continued to bias and prejudice this court by introducing e-mail exchanges between her and my father who was trying to resolve scheduling issues, comment on the competency of and criticize the court. She sneered and made light of it saying it could not harm my case more than my father already had. The difference being, Breckan Scott is an officer of the court, but an alarmingly disreputable one deserving of a bar complaint. An administrator of this court took it upon herself to enter into my court record, an e-mail exchange between her and my father regarding his objecting to Shelley Brandt ever presiding (as Kortokrax had) over my case and then recusing herself after damaging me, as Kortokrax's egregious granting of an ex parte emergency order to seize my children had done. The object of this court's administrative agent in entering the inflammatory/incendiary e-mail exchange was precisely to prejudice and bias this court against me and my human rights. Breckan Scott's continuation of that course by introducing e-mail correspondence between my father and her is irremedial

unmitigated reversible error deliberately targeting the neutrality of this court by appealing to its emotions to ingratiate Breckan Scott and her clients to this court at my expense by expanding on the court's already existing bias which was clearly demonstrated by its tone when I attempted to explain why I did not want to be found by the abusive Stokers and James Wells, who they have formed common cause with.

Even case officers with the New Jersey Division of Children & Families admitted they had no authority to use a New Jersey Court Order (under the circumstances) to order law enforcement in Oregon to seize Selena's children upon New Jersey's direction, although security guard Robert Kurtz was indifferent to the invasion of Selena's privacy when we spoke. When I challenged Kurtz's actions, a case worker supervisor claimed it was NJ Division of Children & Families 'policy' to track or find missing families/children when receiving reports/suspicions of the same. A supervising NJ Family Services official contradicted her. **Except...there WERE NO missing children!** They were with Selena, their mother, who had no legal duty to provide the State of New Jersey or the Stokers with such information. Nor was there a **nation-wide manhunt for her**, only the illegal surveillance conducted by NJ security guard Robert Kurtz and the Stokers, the means by which, in his declaration submitted to this court, he chose **not** to reveal to avoid incriminating himself. Ostensibly, Kurtz should be as clean as a hound's tooth. He's a RETIRED U.S. Marshal, now a security guard and ONLY a security guard, not a child/family case worker authorized to do the crimes he has implicated himself in doing. He declares hearsay on hearsay as fact, and swears to it despite it being contradictory to the patrol officer's own report—speaking of which, where is it?

Where are the photos of rotting food and detritus ankle high Kurtz speaks of? Where is the audio? Contemporary cops have body cameras and recorders. Where is the body? Where is the witchcraft? Where is the proof of the 'nationwide manhunt'? And where are the documents surveilled by Mr. Kurtz? Where is the "warrant" signed by a court of law authorizing him to stalk and spy on me, invading my privacy even to minute by minute alerts of purchases I made with my credit card and my location while doing so? What other methods did Mr. Kurtz use to completely invade my privacy? If there was a "warrant" of any kind issued by a court of law, why hasn't this court or any of the parties herein seen it? Why hasn't it been submitted to this court? **BECAUSE IT DOESN'T EXIST AND NEVER DID.** It was a ruse, a witch hunter's noose, a prod for a rush to judgment without the slightest nod to due process. It was a fraud and a witch hunt this court chose to join. But I was no Dillinger to be tracked own and hunted and stripped of my rights and my children after midnight in Oregon with no judicial oversight there by an Oregon court of law. This court has misconstrued the law by conflating UCCJEA proceedings with those of Washington's ex parte emergency guardianship of minors act. In so doing, it ignored the sovereignty of a foreign state's jurisdiction in such ex parte emergency proceedings and stripped me of my rights to truly proper due process and protection as well as my children in the bargain.

Robert Kurtz was acting only on his own without authority from his agency or direction to invade my privacy by conspiring with the Stokers who were tracking my I-phone, credit card, and making unauthorized use by opening my mail to track, unbeknownst to me, my movements, purchases, bills and confidential health/billing records (as well as rifling through my personal papers left where i once resided on the Stoker property). Where did they get these medical bills? Why didn't this court conduct a colloquy or inquire into how this stolen information fell into the hands of the Stokers? Adding outrage to injury, the Stokers kept the notices intended for me of fines received in the mail they opened rather than forwarding it to my new mailing address of which they were aware—putting my Driver's License at risk of suspension for want of notice. They used those unlawfully acquired documents to try and prejudice the court against me. They

may have inevitably succeeded, denying me fairness in these proceedings, or even the appearance of fairness.

This last point is germane: This court, commissioner Indu Thomas presiding, commented on reviewing a number of threadbare reports in reaching her decision. Thomas commented on an occasion where Oregon's Family services offered me any help they could provide. But the record of what commissioner had seen and was weighing in her ruling was never offered or made available to the parties in this action for review or rebuttal. Nor were ANY of the official agency documents commissioner Indu Thomas stated she had reviewed offered to the parties to review or rebut. I now need a stay to subpoena those records because they are all exculpatory. I'm sick of the innuendo, the Stoker orchestrated echo chamber, the smoke and mirrors being offered as 'evidence' where none exists.

If a "nationwide manhunt" for me and my children provoked by the incident in Brooklawn, NJ on 1-16-21 was underway, why wasn't I detained and my children seized when I briefly came to collect my belongings and RV on the Stoker Property in March or April of 2021. If a "Nationwide Manhunt" was underway, why didn't Portland's Family and Childrn's services detain me and seize the children instead of offering me assistance? If my children were visibly in such a bad way, as Kurtz and the Stokers allege, why didn't the Portland Family agency recognize it and take my children into custody on the spot?

The answer is fairly obvious. **There was no ongoing 'nationwide manhunt' for m and my children.** Robert Kurtz and Breckan Scott, esq. **lied** to this court. I heard this **lie** from attorney Breckan Scott's lips to the court with my own ears during the 7-6-21 hearing.

And the children were not seized by Portland's Family and Children's Services because they were neither abused nor neglected. It was just one of a **series of lies** like trying to label the dog (me) as "mentally ill" to have the court dispatch it. In the interest of justice and the safety/welfare of my children, the witch must be hung? Why doesn't the court cut to the chase and simply send me to the gas chamber because I'm a 'loser' like the Nazis did to their social undesirables in the Holocaust? Why spare any of the poor or destitute? God will know His own!

I will never forgive those who had a hand in virtually raping me and never rest until I die to have my babies restored to my arms from the claws of the Stokers, their attorney, and this court.

The court of public opinion grinds slowly, but finely. The Stokers, their attorney, Breckan Scott, and this court have already lost (and not by a little) in that forum which shall remain as a matter of public record damning all who had a hand in this travesty of justice long after I am gone.

Kathryn Stoker's Declaration Attacking my father to Bias this Court, Conflicts of Interest

II Additional DECLARATION

I, Selena Smith, am the mother of the children at issue before the court in this case. I am unrepresented and necessarily come, without counsel, pro se before this court to voluntarily and honestly make the following Counter-Affidavit to Kathryn Stoker's Declaration attacking my father in this cause:

Counter-Affidavit to Kathryn Stoker Declaration
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6

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Attempt to bias the court. This has nothing to do with the proposed order hearing. In fact, it demonstrates why we need a full evidentiary hearing with live testimony, and cross examination, because virtually nothing in it is true.

I knocked. My parents are somewhat deaf. I walked in. My mother was where she always is, in front of the computer, adjacent to the foyer. I would ask the court to keep in mind that as a member of the family, we all are fairly casual about announcing ourselves and walking into the family home. I did nothing atypical in terms of behavior, in announcing or entering the home, that other family members or myself haven't done in the past, without complaint from the Stoker 's. Furthermore , at the time, I did not have minutes on my phone. I had not seen the children in person for two months. I had only spoken to Hazel three times over the phone, and the two youngest once. Given the young age of my children and the strong attachment the children and I have with each other, the fact that Hazel had used every opportunity on the phone (with witnesses present on my end), to ask me where I was, why I wasn't there yet, when was I coming, and my mother's statements that she was not seeing me from seeing the children, along with my review of court papers indicating there was no reason I could not see the children , under the supervised care of the Stoker's, I had taken my first opportunity that Saturday , 7/17/21, to finally come visit in person with the children. I had been working full-time . Thus , that Saturday was my only opportunity. The following is what actually transpired:

Selena : "Hey"

Kathryn Stoker : "What are you doing here?"

Selena : "I'm here to visit with the children."

(At this point , Hazel, who was upstairs, heard my voice, and grew excited, running downstairs to see me.)

(Upstairs) Hans Stoker: "Who's that?"

Kathryn Stoker : "It's Selena. She's here to visit the kids."

Selena: "Where's Onawa?"

Kathryn Stoker : "In the TV room"

(My mother also informs me that Raven, 1 year old, isn't there. She's been staying with Alex Stoker. Hazel and I walked to the TV room, where we all hugged, and were excited to see each other again. The kids were very excited, Onawa exuberantly yelling "Mommy! Mommy!", and Hazel talking rapidly about all the things she wanted to share with me. Saturday morning cartoons were on the TV. The children were still in their pajamas. I sat down on the couch. Onawa leaped into my lap, hugging me, and would not let go. I let her cuddle up with me. She was extremely happy to see me, and so was Hazel. I practically cried. It had been so long. The Stoker's had disconnected their main phone line they had for decades, reducing all communications to Kathryn Stoker's cell phone. I had little contact with my children by any means in the two month interim that had passed. I was equally excited to be seeing them. I settled in, and began visiting with the children, focusing on them. Hans wandered downstairs. Mom wandered into the kitchen . Hans sat down in his easy chair in the TV room. He looked tired, but relaxed. Mom asked me from the kitchen if I wanted a cup of coffee. I said yes. Hans continued to sit, and not say anything, while I visited with the kids. Mom brought a cup of coffee over to me. I thanked her. Communication with the children , on my part, was listening to all the things Hazel wanted to tell me, and responding with interest to what she wanted to express . With my daughter Onawa , it was telling her how beautiful she was, stroking her cheek , hugging her, and her hugging me back. And expressing to both my daughters how wonderful it was to see them both, and how happy I was . After a while of observing us, maybe 10 minutes of this, Hans began to speak .)

Hans Stoker: "You know, I didn't know about Robert Kurtz. I barely spoke to him at all. Really, our only intent was to keep the children from becoming wards of the state."

Selena Smith: "Ok, but didn't you think to fact check? To verify? And that's not what the records

suggest. You apparently had many conversations with Robert Kurtz."

(Hans grew visibly exasperated)

Hans Stoker : "Do you know how much money we've spent on you over the years, Selena?"

Selena Smith: "That's besides the point. You know the facts about Robert Kurtz and the whole matter. Given that, why haven't you done the right thing and dropped the case? If you know the truth?"

(Hans begins to get angry)

Hans Stoker : "I don't trust you. I haven't liked you for 40 years. I've NEVER liked you, Selena."

Selena Smith: "Hans, I know you've never liked me. I was just a kid, Hans. You were the adult."

Hans Stoker: "Why does that matter?"

(At this point, we stare at each other, not saying anything, and my mother walks over, touching Hans on the arm, and asks him to calm down. She asks if he'll take the dogs for a walk .)

Selena Smith: "This is inappropriate to be doing in front of the kids."

(He begins to sputter)

Kathryn Stoker: "Hans, please."

(Hans Stoker grunts and shakes his head, and gets up angrily. He gets up, and follows my mom to the foyer. I peek around the corner at them, and see her handing him the dog leashes. She puts her hand on his arm.)

Kathryn Stoker: "Give it a chance. I want to see how it goes."

(Hans leaves through the front door with the dogs. My mother goes to smoke a cigarette on the other side of the house off their patio. I go back to the TV room and continue visiting with the children . Eventually, I hear Hans and the dogs return through the front door. But neither he or my mother return to the area of the house where we are in the TV room. I believe they are leaving us alone while I visit and play with the children. Maybe 15 minutes pass. At this point, I've been in the house perhaps one hour. I hear a commotion at the door, the dogs are barking. I know that someone must be at the door. I wonder who it might be. I walk through the kitchen toward the front door, around the corner, and see a police officer standing with Kathryn and Hans Stoker in the foyer speaking with them. I am shocked. I also know that due to a previous incident where a police officer was abusive towards my autistic 8-year old, and the trauma of being taken from me in Oakridge , OR where police were present and an Oregon CPS worker removed them, the presence of the police is likely to frighten my daughters. I quickly walk back to the TV room, and make my daughter Hazel aware that the police are there. Onawa is already frightened, and clinging to me in my arms, beginning to cry. I tell my daughter Hazel of their presence because I want to prepare her, but she begins to cry too, and is scared. I sit down on the couch again in the TV room, and Hazel clings to me, with Onawa . I tell Hazel it's not her fault.)

Hazel : "It IS all my fault "

~I ~ontinue to reas~ure my daughter it is not her fault, that I've got her. I know that my daughter is in danger of having a complete melt down. The police officer follows me into the TV room. He is apparently unaware that he is dealing with an autistic child, or unaware of what is about to happen to he~, and _demanding that I leave. He accuses me of trespassing. At this point, I have a dau_ghter with autism about to lose it competing with a police officer's requests. I admit to focusing on the well-being of my daughter Hazel, and my scared three year old, over the offic~r~ request. However , I am also flustered. What is happening is frightening . Unexpected. Reminiscent of when the children were seized . Coming with the realization that my mother and her husband are being disingenuous . And my PTSD is being triggered . From all the bad family experiences I've had. What is happening to the children and myself all over again is horrifying. I want to protect my children, I am actively attuned to their fright and my daughter Hazel's escalating state towards a probable melt down. I can barely control my own shaking and PTSD. Words are being exchanged at this point. I refuse to leave the children. I can't fathom the idea

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of pushing my children away or leaving them in that condition. Other officer's arrive. They ask that I come outside. I comply. I walk with the children and Hazel, who are still just as frightened, outside, where we sit down on a curb together. We're all hugging each other. Hazel is getting worse, not better. I continue to try to express to the police what actually happened. I'm confused by what their telling me. Trespassing? Burglary? I don't understand. And they don't understand what's going on with Hazel. They keep asking me to leave, but I can't. Because of what's going on with Hazel. I know she needs me to help her until she can regain control. Then the unexpected happens. I am unaware that the Sheriff and his deputies, a great number of them, (7-10?) have formed a circle from the side and behind us sitting on the curb.

They begin to rush us. We are scared. I bend my head down. I clutch Onawa to my chest. Hazel sees what is happening and begins to scream uncontrollably. She can no longer contain herself. The police dog pile us like football players. They yank Hazel away, who kicks, screams, punches, struggles, and does not stop. She is in complete autistic melt down. The officers have crushed me to the ground on top of my three year old, Onawa. We are both having trouble breathing. I know she is being hurt. I keep trying to roll off her and the police keep crushing me down back on top of her. I can hear Hazel screaming continuously and fighting. My mother walks directly into all of this. She is directed back by officers, but not before she is injured as a result of wandering into a pile of struggling police and individuals. An officer finally manages to restrain Hazel successfully enough and rushes her into the house, where she continues screaming uncontrollably behind closed doors. I can hear her. The police finally get off of me enough I am able to roll off Onawa, and they retrieve her and bring her inside. Officers are kneeling on me, laying on the ground, with my face in the dirt, my arms cuffed behind my back. I am bruised and hurt from many large men crushing me and the children. I am read my Miranda rights. But not told what I am being charged with. I don't learn what the charges are, in fact, until my appearance at the pretrial hearing from Thurston County Jail before Commissioner Kortokrax, who had already recused himself because of his relationship with the family in another case. That represents my first knowledge that I have been charged with burglary and three counts of domestic violence 4.)

It is telling In Kathryn Stoker's declaration to the court, Intonded lo bloa lllle court, alnoo hor declaration has nothing to do with the proposed orders, thol eho etalos "w had to pull tho kids away from her/from under her." She got right In there with lbe police after they rushed and dog-piled us. Furthermore, her statement belles a sentiment that lbe polles are somehow an extension of her.

Kathryn Stoker misrepresents what the actual charges were. I was not charged with reckless endangerment. Furthermore, at the time her declaration was entered with the court, I was no longer incarcerated. Bail had been posted.

I want to point out that the criminal matter Is not yet resolved or determined by Thurston County Superior Court. I do want to hlghlght for this court that misrepresentation In both the cvll and criminal matter is a pattern with the Stoker's and Robert Kurtz that records requests are already beginning to reveal. Just because an arrest was made, and an excuse for arrest manufactured, does not mean that I am guilty of Kathryn (or Hans) Stoker's allegations or assertions. While It is convenient to their case, at a time when Robert Kurtz Is being revealed as a fraud, operating under the color of authority and impersonating a LEO, and other unlawful transgressions, to appeal to the incident on 7-17-21 and prejudice the court In this matter, the facts will eventually show that for the Stoker's to take what should have been a peaceful, normal visitation with the

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9

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children and use it to falsely report and create a police Incident (with severe negative Impact on all parties involved) is self serving. And deeply selfish.

We do not agree to the proposed order because It is misstating what the commissioner ruled. The commissioner noted that James Wells had never completed service of the parenting plan. And that he had also failed to date still in any way to comply with the DV final protection order for all three children and myself. Commissioner Zinn herself, who finalized the protection order on 1-5-21, told James Wells in court, when he raised the Issue of the parenting plan, she wouldn't even consider it as a matter until he had complied with the order. An order almost 7 months later since that date he still hasn't complied with, or made any effort to.

There is nothing more accurate or reflective of Commissioner Thomas's ruling in the proposed order. In fact, it is less accurate, and less reflective of her ruling, and actually diminishes it and is encroaching on the court's ruling by undermining it. This court should be wary and conscious of the Stoker's and their attorney's efforts to make subtle or not so subtle changes in the court's language, rulings and so forth to undermine and shift it in their favor. While they may expect this to go unnoticed by the court or this party, that Is not the case, nor should It be. The Stoker's and their attorney would like to prejudice this court with the criminal matter, which hasn't been ruled on yet, and encourage it to ignore the accuracy of Its own rulings In their favor. That Is not appropriate. No one, myself included, is happy with what occurred on 7-17-21. However, that does not mean it should be treated as determinate for this court's determination In this matter, as of yet.

Furthermore, there is a preliminary matter this court really must address. I want to point out that under Washington's new guardianship laws, there is actually a higher standard, not a lesser one: Consider the following point on service, a very important one, that is further supported by Exhibit 'G', containing the Oakridge Police Department's notes on improper service, from when the children wer~ taken. If you are filing a minor guardianship petition, more people must be served than previously. Fundamentally, it does make the case more complicated, because you have to serve more people, which is oftentimes one the hardest parts about starting a case.

TO SERVE. means that ALL of the legal documents need to get officially given to someone who has an interest in the case. That includes parents and anyone else who may have an interest; paternal grandma, aunt, who were helping care for the child, etc. as an example. There is a notice that you need to fill out and serve with petition for minor guardianship really walks plaintiffs through who those people are and who must be notified and how. I was never served with a GDN M 201 Notice Of Hearing Emergency Minor Guardianship Petition.

I received 4 pages, as "service" and/or "notice" that was NOT material constituting service or notice at all.

The following is a more in-depth review of what I would hope the court would consider in this matter.

There 's really nothing that is the equivalent of a temporary order like existed in non-parent custody. If you need an order right away, you have to file an emergency guardianship petition AND you have to file a motion for an immediate order.

Counter-Affidavit to Kathryn Stoker Declaration
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10

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I was never served officially with document (motion order) indicating temporary restraining order, which only dictated I could not take the children out of Washington state.

The petitioners request in the motion for immediate order the petitioners have the right to claim the children as dependents for purposes of personal tax exemptions and associated tax credits on their tax forms. However, they claimed them before they had ever filed the emergency guardianship petition or motion for an immediate order.

Reasons for an immediate Minor Guardianship Order that were given by plaintiffs:

- **Mother 's history of flight risk** - I fled domestic violence abuse. Documented in the DV Temporary and Final Protection Order granted against James Wells. His mental health is a question in that instance, not mine for having fled him. Furthermore, there was no "fleeing" from authorities documented in New Jersey or elsewhere. No evidence. This is pure heresy.

- **Removing children from oversight of authorities** - Again, this has never happened. It is heresy. There is no evidence of this. I have never done this. This has never occurred. Ever.

- **Removing children from family members** - I certainly did remove myself and the children from our home at 6943 76th Ave NE, Olympia, WA 98503, after repeated domestic violence and abuse the children and myself were exposed to and that was directed towards us or in our vicinity. I had every right to protect my children and myself and remove us from that dynamic and situation with James Wells and family. I would, in fact, have been guilty of threatening the health, safety and welfare of the children and myself, and risking substantial and irreparable harm, if I had not, given the active alcohol abuse, drug abuse, prescription pill abuse, domestic abuse and violence that was perpetuating and persisting. Which is why we were granted a DV final protection order, which in itself is enough to explain why we were fleeing rather than "flight risks", and I took the children and myself away from a toxic and extremely dysfunctional family dynamic to be accepted into the domestic violence shelter system and advocacy network and programs available, utilizing all public and private resources available to us in the transition, resulting in a stable living situation we were able to establish for ourselves in Portland, OR, with all basic care and needs met for both the children and myself, when the children were unjustly and traumatically seized from my care.

- **Mother's mental illness** - The Stoker's make the argument in the Motion for an Immediate Order that I am unable to recognize what is in my or the children's best interest. Yet, I took appropriate action in leaving a domestic abuser and a toxic dysfunctional family situation, represented by the Stoker's, behind. I appropriately leveraged and utilized the public and private resources available to me and successfully had transitioned to a new life with my daughter finishing up school, successfully enrolling her in a new school for next school year, was transitioning to residency in a new state with healthcare, and the help of a

paraeducator, a youth specialist, a soc/al worker, dv advocates and other advocates and community support. A broad swath of community support and advocates. I had shelter, employment, had kept our finances stable throughout, despite challenges, made appropriate decisions accordingly in all dimensions of our lives . **There was no mental illness.**

There is still no mental illness that is interfering with the basic care or needs of the children, nor the decision making or Judgment necessary to meet the children 's needs or make good, quality life choices for either them or myself. I was not overwhelmed by the care of my three children. I was working hard and embracing the hard work of nurturing and supporting our new life free of abuse and a bad family dynamic we had left behind rationally. My children never went without their basic needs met. My daughter with autism never went without her needs being met. In fact, the affidavits from people with direct knowledge of such from the time the DV temporary order and final protection orders were filed with this court, and those filing them in Portland who knew us since winter in February 2021 and after, testify to the excellent care and welfare of the children. The Oakridge PD officers report even testify to this effect, even as the children were being taken from me. All real evidence points to their good care and we/I-being and health. They were thriving. Happy. Well-adjusted. NOT under immediate risk or evidence of harm.

- One of the petitioner's noted severe regression in March 2021 - The petitioner is not a doctor. Not an expert. Does not have a doctor's report or expertise to attest to this. The visit was only overnight . While I worked diligently that night to retrieve items at the house we had left. While experiencing aggression from the family, both my brother Alex Stoker and stepfather Hans Stoker, who openly displayed their aggression towards me In front of the children. The children do not like that. They love their mother and It frightens them and myself. Furthermore, there was no severe regression. Once we were back in Portland, the children were happy again.

- One child has a deep rooted cavity that has not been treated - / was transitioning to Oregon Health Plan in Oregon, and services were delayed in Oregon of this nature because of COVID. I was making every effort. However, dentistry was an area of contention between my mother and me since she was bypassing my parental authority and making decisions regarding dental surgery on Hazel's teeth she had no authority to make even prior, and had actually resulted In Hazel's teeth being mismanaged. It was absolutely necessary to remove my mother from being inappropriately intrusive and violating parental decision making where Hazel's medical care was concerned. It was resulting in poor care for Hazel. My mother makes "patients" out of people, and, I would argue, has hallmarks of being on the spectrum of Munchausen by Proxy Syndrome, which I believe she should be evaluated for. As further evidence of this, I would point out that this Emergency Guardianship Ex-Parle Order and the Motion for an Immediate Order pushes the narrative, without any evidence but an echo-chamber of hearsay and speculation that I am mentally Ill and I must be required to take medication. This Is despite all the

successes and growth we achieved once out of her oversight and the toxic environment we were in living at the address adjacent to her's. I would like to point out that my mother has forced me to doctors over the course of my childhood, forced medication on me, and ascribed labels to me, doctor shopped, found willing doctors, and other hallmarks of Munchausen by Proxy Syndrome. Yet, as an adult, once out of her care and oversight, independent doctors and review, many times over, found I was not mentally ill. They could not ascribe a diagnosis to me. In truth, they noted my resilience, despite challenging circumstances and situations, and my stresses and reactions to be normal, not pathologies. Furthermore, they found I responded better than most to such. The Stoker's echo-chamber of heresy in ascribing pathologies to normal responses, normal behavior, and circumstances that have understandable and reasonable explanations is typical. It is a known fact that my children and I were experiencing DV. That the family was unsupportive, toxic and dysfunctional in its response. Faced with challenges, they didn't make it better, they made it worse. I made up for where they were deficient. I did what I needed to do to carry my children and myself to better health, circumstances, community and opportunities we could count on without their disparagement, labels, poor prescriptions, negative reinforcement, prejudice and poor attitudes used to control and abuse their family members.

- Petitioners arrange for and ensure that the health needs of the children are met - This was NEVER true, accurate or correct. I arranged for ALL of my children's care and needs, with very little exception. My mother often fought me trying to wrestle for control of the children's basic health needs, especially Hazel's. I found this bizarre, pathological and inappropriate. I rightly maintained parental authority on all care and needs where the children were concerned, in conjunction with their fathers, and kept doing for the children and myself, ignoring her and continuing to parent appropriately.

- Child is not currently in school or therapy - Hazel was always being schooled and never stopped being schooled. And she was enrolled in public school for 2021-2022 in Portland, OR, where the school was also active in providing educational resources and materials, and she had a paraeducator and other supports. We were finishing up the school year with her when the children were seized. Education was a major part of our daily life. Where therapy was concerned, the Stoker's are not experts. They are also failing to acknowledge or recognize that children's needs shift and change as they get older and develop, and this was no less true with my daughter Hazel. Her need for therapies had lessened, not increased. ABA therapy was no longer needed. Her speech was continuing to improve and develop appropriately, and her progress was measurable. Since her progress and development was appreciable, and steady, she was getting what she required and needed. There was every reason to be confident in the strides she was making developmentally and educationally. She has strengths and weaknesses that we were noting and working with appropriately.

Notice - No explanation is given for why the children would be harmed irreparably if notice was given, in the Motion for Immediate Order with the Emergency Guardianship **Ex-Parte Order**. Argument of counsel is not evidence.

Custody - The Stoker's are given custody with an immediate emergency guardianship based on an argument someone needs to be making appropriate basic and special health decisions and take over the schooling of Hazel, all of which I had already been doing successfully and well and was attending to full-time. They argue they must be able to access health records as well. My two youngest, Onawa and Raven, were always in good health, and required few trips to the doctor, but they did go on occasion, as appropriate. My daughter Hazel's medical records are long and extensive, and are a testament to ALL that I managed with her where her medical care was concerned. I did not overlook or neglect her care at all.

Moving the children to Washington actually created a disruption to the continuity of care and support the children had, especially Hazel. Having to attend to court in a wrongly granted ex-parte emergency guardianship order also adversely affected myself and everything I had invested in for us in Portland, from appropriately finishing up Hazel's school year, transitioning to Oregon Health Plan, residency, a new school Hazel is enrolled in, employment, community (public and private resources and support systems we had going, the children's friendship circles, summer school programs, etc). It cost me financially and was expensive to travel back and forth at a time when I needed to keep working and focus our financial resources on paying rent, daycare, and other matters in securing and maintaining our new life in Portland, OR. It has had a deleterious effect, impacted my employment negatively, affected our housing, healthcare (which includes the support Hazel was getting and continuity of care). It affected Hazel's ability to finish her school year for 2020-2021. It was disruptive emotionally and traumatic for both the children and myself. Furthermore, the children are getting mixed messages about the man who abused us and that we left behind, and were granted a DV final protection order for. The stoker's clearly stated in their declarations they had no issue with James Wells or him seeing the children, even though he has not met the conditions of the order. I am not convinced they are not letting him see the children while the children are in their care. I did not need an emergency ex-parte order and motion for immediate order to meet the challenges in my life while another caregiver was assigned as guardian and took over in place of my parenting because I was already meeting the merits, responsibilities and duties in every dimension as a parent to my children, and the evidence speaks more strongly to that than the Stoker's and others echo-chamber of hearsay does. Just because they repeat their misrepresented allegations and assertions/subjective opinions often and mirror each other does NOT make it evidence, does NOT make it true. The declarations of others in this matter, the opinions of other family outside of themselves, the broader community beyond the Stoker's, and most importantly, the EVIDENCE ... can provide the accurate perspective necessary that this case is missing and needs. The reality is quite different from what the start of this case asserted. Furthermore, for Robert K. Kurtz to be given credibility as a professional, he has to act as a professional. He is not a OHS investigator. He has no social work training. He has no case management or caseworker status or authority. He operated under the color of authority and lacked authority and expertise, as well as evidence. Of all the people in this case, he should have documentation, photographs, OHS case numbers, and other records. The Oakridge, OR Police Department report rightly noted the inconsistencies where Robert Kurtz was concerned, and the agency he falsely purported to be authorized by, representing and acting on behalf of.

A review of the New Jersey Division of Family Services Manual and New Jersey statutes Title 30 and Title 9 quickly reveal Robert Kurtx was conducting himself deceptively and not under the authority of that Division or anyone else other than the interests of the Stoker's and himself. He broke the law. Misled this court. Created immeasurable damage for the children involved and myself. Tore my family apart and ruined our lives. The fallout has been immense in every way. This court can only do the next best thing, in light of this, in terms of remedy, to begin to undo the damage by restoring the children to a mother who committed no crimes, no instances of child abuse or neglect, who's children and herself had the reasonable explanation recognized by this court as domestic violence victims who were fleeing abuse, and had a final order meant to protect us and help us. There were no arrests. No warrants. I had no record of a violent past. I was not a criminal or a felon. I had a stellar job history and list of accomplishments. I had been a great parent in my own right, though I had faced unusual circumstances, challenges and hardships. There were no missing or kidnapped children. My phone number was known, as was my mailing address, which I did collect mail from and call to check on. It was known we were living in the domestic violence shelter system and receiving support. That travel was necessary to that. I had savings and finances. All the resources we needed, keeping in mind the pandemic disruptions that everyone had to endure, not just the children or myself. There was no basis for an emergency ex-parte emergency order and motion for an immediate order without notice, because there was no irreparable harm that would be occurring to the children with notice, and the very basis for a motion for guardianship could have been addressed without the course taken by the Stokers, an abuse of process by any measure.

Within the past few days, I have been able to ascertain through Colorado Court Case searches online that Robert Ayer is living in Boulder, CO. He has two cases in Boulder County Court that were scheduled. Case #21 M876, 7/26/21, 8am, Room F, Division 7. Case #21 M880, 7/29/21, 8am, Room F, Division 7. The Division Clerk's phone number is (303)441-3760. Certainly, I would have expected that this information Breckana Scott could have obtained on her own, given any effort. I am not an expert on skip tracing. It took me much longer to find this information.

A guardian ad litem is not necessary in this matter? The assertions by which this guardianship has been sought are misrepresented as it is. My mental health should not be up for debate. The Stoker's, their attorney, and James Wells, continue to assert that it is severe mental illness, not the reality of domestic violence and family abuse and dysfunction, that created hardship for the children and I. Hardship we overcame after this court rightly granted a DV final protection order and we properly utilized the DV shelter system and advocacy to settle into Portland, where we continued to have support, advocacy, and all our needs, including the children's, were being met. I had filed a Letter of Intent to Homeschool with North Thurston School District, unbeknownst to the Stoker's. I was engaged with a local Portland, OR school receiving educational materials and resources, as well as with a paraeducator for Hazel, and finishing up her homeschooling and assessments when the children were seized. I have had full time employment in Portland. A house. An RV. Two other vehicles. Both in running, good condition. My children were not neglected, but well cared for, as the declarants on our behalf, most of which have known us since February 2021, when we settled in Portland, have attested to. As to the children's medical care, the facts will show that my mother actively interfered with my ability from 2017 to receive Apple Health Care and other benefits/services from the state of Washington, creating confusion with Washington State with false claims she was a guardian, and in many instances, the mother, as state records show with DSHS, the Healthcare Authority, Apple Healthcare, and North Thurston School District. Something Hans Stoker was aware of,

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15

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and complicit with, that he did not challenge. While I do not want to distract the court, I must respond to the content of Kathryn Stoker's declaration regarding the proposed orders. As to the emails they are highlighting, I don't see how that's relevant to me? Or this case? Other than to prejudice the court? I don't understand the purpose of that, or why they think it's important. What's important to me is the children and the truth.

SUMMARY & ARGUMENT

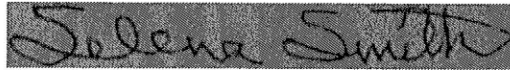
1. This court, commissioner Indu Thomas presiding, erred by not providing all the parties and myself an opportunity to inspect and rebut all the material it was using to influence her ruling.
2. This court erred in finding it had proper jurisdiction when the ex parte emergency guardianship of minors Washington statutory construction requires proper original process and notification, a 48 hour limit on notifying the fathers (which was not met) and conflating the requirements of UCCJEA requirements with an ex parte emergency guardianship order executed in a foreign state in the middle of the night with no Oregon judicial oversight or protection before an Oregon State court of law. Basically, the State of Washington kidnapped the children under color of state law under the cover of darkness in violation of Oregon's sovereignty, the UCCJEA, and its citizens, Selena and her children.
3. This court erred when it denied me court appointed counsel, opining I appeared to be doing fine and didn't need one and wasn't entitled to one, despite this court's equitable power (IF it had genuine jurisdiction as it stated it believes) to provide such an attorney. I had no way or resources to do so, no printer, no laptop or PC, no reliable access to the internet, was barely surviving working for what nets to be subminimum wages delivering auto parts in the Portland area. I lived in a community where child reliable child care is available.
4. This court erred when it opined my legal position/strategy for all intents and purposes was "aligned" with my father's. This is not true. I have own best interests and rights to my children. I'm heartened by my decision to become more independent. The Stokers (all of them) have always been hostile to my father and interfered with his relationship with his children and grandchildren. They do not like each other.
5. The Stokers have refused to allow my father to speak with or visit his grandchildren. They have always done so by a variety of excuses, delays, and obstructive tactics. Their latest ruse was to instruct their attorney to claim he was "spying" on them when I took his call during my phone visit with Hazel Smith. I provided him with an opportunity to say Hi to my daughter and exchange brief pleasantries until he encouraged me to resume my conversation with my daughter and he simply enjoyed listening to our banter silently. It is true, however, he heard Hans Stoker bellowing at his wife in the distance, but could not make out the words. He dialed me, unaware I was on the phone with anyone else. He was happy to speak with my child after so long and not hearing from her at all.
6. By irrationally reasoning his interests in this case are aligned with mine and refusing to appoint me a court designated competent attorney while simultaneously refusing to honor his and my request to JOIN him to this action pursuant to Rule 19 & 24, this court effectively

consigns his interest which can easily be distinguished from mine by even the most cursory examination, to an inexperienced pro se litigant with very little practice or education in how to prepare or submit a case. If I loses this case, which is the most likely outcome if guided only by my own vision and ability, he will lose any meaningful right or access to visit with my children, whether in person, by phone, or electronically.

7. In either event, he will remain separated from my children or any contact with them.
8. I ask this court to grant my father's motion for reconsideration, and permit him to JOIN this action under Rule 19 & 24 pursuant to CR 59 in order that he may seek a visitation plan of 1 weekend (the first contiguous one) per month and mid-weekly (Wednesdays after 5:00pm) phone or electronic visitation of 45 minutes.
9. I would ask this court to also grant any other relief it thinks is just such as relieving myself and my father of fees associated with this action such as the \$10,00 fees for bench/working copies. Neither of us live in Thurston county and it works a hardship on us both. The timelines are often too awkward or impractical to rely on the U.S. mail and printing is expensive. I assume the court can read what has been submitted via Odyssey as well as I.

I declare under penalty of perjury of the laws of the State of Washington and pursuant to GENERAL Court RULE 13 and RCW 9A.72.085 that the foregoing is true and correct to the best of my knowledge.

Signed at Mason, [County] Washington [State] on July 29, 2021 [Date]



Signature of Petitioner or Lawyer/WSBA No.

Selena Smith (mother), pro se

Print Name

I have e-mailed a copy of this entire document to Breckan Scott, attorney for the Stokers, Selena Smith & not Robert Ayers on 7-29-21.

Signed at Mason, [County] Washington [State] on July 29, 2021 [Date]

Respectfully Submitted by



Signature of Petitioner or Lawyer/WSBA No.

Selena Smith (mother), pro se

Print Name

Counter-Affidavit to Kathryn Stoker Declaration
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17

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