

FILED
SUPERIOR COURT
THURSTON COUNTY, WA

2021 JUN -1 AM 10:31

Linda Myhre Enlow
Thurston County Clerk

EXPEDITE (if filing within 5 court days of hearing)
 Hearing is set:
 Date: 6-1-2021
 Time: 9:00 pm
 Judge/Calendar: _____

SUPERIOR COURT OF WASHINGTON
FOR THURSTON COUNTY
FAMILY AND JUVENILE COURT

guardianship of Hazel Smith,
et al. vs. Plaintiff/Petitioner,
 Defendant/Respondent.

21-4-00443-34
CP 18
Copy
10396787



NO. 21-4-00443-34

TITLE OF DOCUMENT:

Order of Protection

NAME: Selena Smith

ADDRESS: 6901 26th CT SE
Lacey, WA 98503

PHONE: (360) 481-1900

PLEASE PRINT CLEARLY

7

FILED
SUPERIOR COURT
THURSTON COUNTY, WA

2020 DEC 17 AM 10:09

Linda Myhre Enlow
Thurston County Clerk

STATE OF WASHINGTON
County of Thurston
I, Linda Myhre Enlow, County Clerk and Ex-officio Clerk of the Superior Court of the State of Washington, for Thurston County holding session at Olympia, do hereby certify that the following is a true and correct copy of the original as the same appears on file and of record in my office containing seven pages. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court.
DATED: 06 June 2021
LINDA MYHRE ENLOW, THURSTON COUNTY CLERK
State of Washington
by _____ Deputy Clerk

20-2-30788-34
ORPRT 11
Order for Protection
9441026

**Superior Court of Washington
For Thurston County
Family and Juvenile Court**

**Order for Protection
No. 20-2-30788-34**

SELENA URSA SMITH, DOB 6/11/1976
Petitioner (First, Middle, Last Name)
vs.
JAMES DANIEL WELLS, JR, DOB 8/26/1965
Respondent (First, Middle, Last Name)

Court Address: 2801 32nd Avenue SW
Tumwater, WA 98512
Telephone Number: 360-709-3268 or 360-709-3275
(Clerk's Action Required) (ORPRT/ORWPNP)

Names of Minors: No Minors Involved
(First, Middle, Last, Age)
HAZEL BELLE URSA SMITH, Age 7
ONAWA KACHINA SMITH-WELLS, Age 2
RAVEN-GAIA SHENANDOAH SMITH-WELLS, Age 1

Respondent Identifiers		
Sex	Race	Hair
Male	White	BLK
Height	Weight	Eyes
6ft 1 in	160	Blue

Caution: Access to weapons: yes no
 unknown

Respondent's Distinguishing Features:
Respondent has unknown distinguishing features.

The Court Finds Based Upon the Court Record:

The court has jurisdiction over the parties, the minors, and the subject matter. Respondent had reasonable notice and an opportunity to be heard. Notice of this hearing was served on the respondent by personal service service by mail pursuant to court order service by publication pursuant to court order other

Respondent received actual notice of the hearing. Respondent appeared did not appear.
This order is issued in accordance with the Full Faith and Credit provisions of VAWA: 18 U.S.C. § 2265.

Respondent and the victim are:
 Intimate Partners because they are: current or former spouses or domestic partners, parents of a child-in-common, age 16 or older and are/were in a dating relationship, and are currently residing together or resided together in the past, age 16 or older and are/were in a dating relationship, but have never resided together.
 Family or household members because they are: current or former adult cohabitants as roommates, adult in-laws, adults related by blood, parent and child, stepparent and stepchild, grandparent and grandchild

Respondent committed domestic violence as defined in RCW 26.50.010.
 Credible Threat: Respondent represents a credible threat to the physical safety of the protected person/s.

Additional findings may be found below. The court concludes that the relief below shall be granted.

Court Order Summary (additional provisions are listed on the following pages):
 Respondent is restrained from committing acts of abuse as listed in provisions 1 and 2, on page 2.
 No-contact provisions apply. Prohibition and surrender of weapons apply.

FAXED/COPY TO LPE
(Law Enforcement Agency where resides for input into statewide)
Deputy Clerk's Initials JS

This order is effective immediately and for one year from today's date, unless stated otherwise here (date): 12-17-2021

It is Ordered:

①	<p><input checked="" type="checkbox"/> 1. Respondent is restrained from causing physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking <input checked="" type="checkbox"/> petitioner <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:</p> <p>(Respondent: If you and the petitioner are current or former spouses or domestic partners, parents of a child-in-common, age 16 or older and are/were in a dating relationship, and are currently residing together or resided together in the past, age 16 or older and are/were in a dating relationship, but have <i>never</i> resided together, you will not be able to own or possess a firearm, other dangerous weapon, ammunition, or concealed pistol license under state or federal law for the duration of the order.)</p>
②	<p><input checked="" type="checkbox"/> 2. Respondent is restrained from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, locations, or wire or electronic communication of <input checked="" type="checkbox"/> petitioner <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> only the minors listed below <input type="checkbox"/> members of the victim's household listed below <input type="checkbox"/> the victim's adult children listed below:</p>
③	<p><input checked="" type="checkbox"/> 3. Respondent is restrained from coming near and from having any contact whatever, in person or through others, by phone, mail, or any means, directly or indirectly, except for mailing or service of process of court documents by a 3rd party or contact by Respondent's lawyer(s) with <input checked="" type="checkbox"/> petitioner <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:</p> <p>If both parties are in the same location, respondent shall leave.</p>
④	<p><input checked="" type="checkbox"/> 4. Respondent is excluded from petitioner's <input checked="" type="checkbox"/> residence <input checked="" type="checkbox"/> workplace <input type="checkbox"/> school; <input checked="" type="checkbox"/> the day care or school of <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:</p> <p><input type="checkbox"/> Other: <input checked="" type="checkbox"/> Petitioner's address is confidential. <input type="checkbox"/> Petitioner waives confidentiality of the address which is:</p>
	<p><input type="checkbox"/> 5. Petitioner shall have exclusive right to the residence that petitioner and respondent share. The respondent shall immediately vacate the residence. The respondent may take respondent's personal clothing and tools of trade from the residence while a law enforcement officer is present.</p> <p><input type="checkbox"/> This address is confidential. <input type="checkbox"/> Petitioner waives confidentiality of this address which is:</p>
⑤	<p><input checked="" type="checkbox"/> 6. Respondent is prohibited from knowingly coming within, or knowingly remaining within 1,000 feet (distance) of: petitioner's <input checked="" type="checkbox"/> residence <input checked="" type="checkbox"/> workplace <input type="checkbox"/> school; <input checked="" type="checkbox"/> the day care or school of <input checked="" type="checkbox"/> the minors named in the table on page one <input type="checkbox"/> these minors only:</p> <p><input type="checkbox"/> Other:</p>

① 7. Petitioner shall have possession of essential personal belongings, including the following: all files and personal identifying documents for the petitioner and the minor children, the children's belongings, the petitioner's belongings.

② 8. Petitioner is granted use of the following vehicle:
Year, Make & Model 1976 Class C Holiday Rambler License No.

9. Other:

③ **Protection for minors:** This state has exclusive continuing jurisdiction; is the home state; has temporary emergency jurisdiction that may become final jurisdiction under RCW 26.27.231(2); other:

④ 10. Petitioner is **granted** the temporary care, custody, and control of the minors named in the table above these minors only: Onawa and Raven-Gaia

The respondent will be allowed visitations as follows:

Petitioner may request modification of visitation if respondent fails to comply with treatment or counseling as ordered by the court.

To comply with the Child Relocation Act, anyone with majority or substantially equal residential time (at least 45 percent) who wants to move with the child must notify every other person who has court-ordered time with the child. Specific exemptions from notification may be available if the court finds unreasonable risk to health or safety. Persons entitled to time with the child under a court order may object to the proposed relocation. See RCW 26.09, RCW 26.10 or RCW 26.26 for more information.

⑤ 11. Respondent is **restrained** from interfering with petitioner's physical or legal custody of the minors named in the table above these minors only:

⑥ 12. Respondent is **restrained** from removing from the state the minors named in the table above these minors only:

Additional requests:

13. Respondent shall participate in treatment and counseling as follows:
- domestic violence perpetrator treatment program approved under RCW 26.50.150 or counseling at: The Respondent shall participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150. The Respondent shall complete a full clinical intake as required in by RCW 26.50.150. The Respondent shall sign a release so that the Petitioner can provide information in the assessment process (collateral contact). The Respondent shall follow all recommendations made by the treatment provider. The intake shall be completed within 60 days after the substance use disorder treatment is complete.
 - parenting classes at: The respondent shall enroll in and attend an "Effects of Domestic Violence on Parenting Series" education program or a substantially similar program. The respondent shall begin the program within 30 days.
 - drug/alcohol treatment at: The Respondent shall obtain a substance use disorder assessment at a state certified agency. The Respondent shall sign a release so that the Petitioner may provide information in the assessment process (collateral contact). The Respondent shall immediately comply with all recommendations. The assessment must be completed within 30 days.
 - other:

14. Petitioner is granted judgment against respondent as provided in the Judgment, WPF DV 3.030.

15. Parties shall return to court on _____, at 1:30 p.m. for review.

Protection for pets:

16. Petitioner shall have exclusive custody and control of the following pet(s) owned, possessed, leased, kept, or held by petitioner, respondent, or a minor child residing with either the petitioner or the respondent. (Specify name of pet and type of animal.):

17. Respondent is **prohibited** from interfering with the protected person's efforts to remove the pet(s) named above.

18. Respondent is **prohibited** from knowingly coming within, or knowingly remaining within **500 feet** (distance) of the following locations where the pet(s) are regularly found:

petitioner's residence (You have a right to keep your residential address confidential.)

Park

other:

19. **Prohibit Weapons and Order Surrender**

The Respondent must:

- not access, possess or obtain any firearms, other dangerous weapons, or concealed pistol licenses; and
- comply with the **Order to Surrender and Prohibit Weapons** filed separately.

(Note: Also use form All Cases 02.050.)

Findings – The court (check all that apply):

must issue the orders referred to above because:

- ① the first restraint provision is ordered above, and the court found on page one that the Respondent had *actual notice*, represented a *credible threat*, and was an *intimate partner*.

Respondent: If the court checked this box, then effective immediately, and continuing as long as this protection order is in effect, **you may not possess a firearm** under state law. Violation is a felony. RCW 9.41.040(2).
firearm under RCW 9.41.040.

- the court finds by clear and convincing evidence that the restrained person:
- has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or
 - is ineligible to possess a firearm under RCW 9.41.040.
- may** issue the orders referred to above because the court finds by a preponderance of evidence, the Respondent:
- presents a serious and imminent threat to public health or safety, or the health or safety of any individual by possessing a firearm or other dangerous weapon; or
 - has used, displayed or threatened to use a firearm or other dangerous weapon in a felony; or
 - previously committed an offense making him or her ineligible to possess a firearm under RCW 9.41.040.

Warnings to the Respondent: A violation of provisions 1 through 6 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.

A violation of provisions 1 through 6, 17, or 18 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 your relationship to the victim is as intimate partner, then effective immediately, and continuing as long as this protection order is in effect, **you may not possess a firearm or ammunition under federal law**. 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.

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.

Warning: A person may be guilty of custodial interference in the second degree if they violate provisions 10, 11, or 12.

Petitioner: The law allows you to register for certain notifications regarding this protection order and its status. Visit www.RegisterVPO.com or call 1-877-242-4055 for more information or to sign up. If you feel that you are in danger, call 9-1-1 immediately.