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Linda Myhre Enlow
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[X] EXPEDITE (If filed within 5 court days of hearing)
[X] Hearing is set
Date: 7-6-21
Time: 9:00am Zoom #: 242-974-5214 Rm:4
Judge/Calendar: Indu Thomas, et al/Motion & argument

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

In re: Emergency Guardianship of
RAVEN GAIA SHENANDOAH SMITH-
WELLS, & ONAWA KACHINA
SMITH-WELLS

Respondent(s): Minor Child(ren)

No. 21-4-00452-34

**PRELIMINARY Objection to
Findings on 6-30-21, Reliance
on Criminal Theft of Private
Property as Evidence &
Surveillance, & Declaration by
Selena Smith (moving party)**

(filing fees waived for family
members in Guardian actions)

(Cover Sheet)
TITLE OF DOCUMENT

**PRELIMINARY Objection to Findings on 6-30-21, Reliance on Criminal Theft of
Private Property & Surveillance as Evidence, & Declaration by Selena Smith
(moving party)**

NAME: Selena Smith, indigent mother, pro se
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Preliminary Objection & Declaration by 1 Selena Smith, mother (971) 803-9898
doublekachina007@protonmail.com 6901 26th Ct SE, Lacey, WA 98503

[X] EXPEDITE (if filing within 5 court days of hearing)

[X] Hearing is set:

Date: 7-4-21

Time: 9:00pm Zoom #: 242-974-5214 Rm:4

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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,

James D. Wells (father of Raven & Onawa), Ph. (253) 948-8260, address WA unknown,
E-mail: rodytok@gmail.com

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I Identity of Parties

I, Selena Smith (indigent mother of the subject minor(s) in this action) brings this motion to join a necessary and indispensable party in interest (**John Smith**) without counsel of necessity, pro se, and do seek a court appointed attorney to represent me in this action as summarized in section II below, and such other relief as the court deems just by all the parties.

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 the young children at issue had been evaluated by any qualified Family and Children's social worker within the State of their domicile 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 at midnight, 5-30-21 in/near Oakridge, OR, the initial ex parte emergency petition for seizing my 3 children 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 me and my 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 only 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. Troxel and the notorious Elian Gonzalez international case.

JURISDICTION

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

I, Selena Smith (mother), am the person person bringing this motion. I had left Washington State without any intention of returning more than 6 months prior to the date my children were seized in Oregon where I resided and was domiciled with my children.

I, Selena Smith, the mother of the very young child(ren) at issue in this cause, due to DV, fled the State of Washington with my children prior to 11-24-20, which is the date James Wells (my boyfriend) filed a DV Protection Petition (20-2-30761-34 | JAMES DANIEL WELLS, Jr vs SELENA URSA SMITH) after I left Washington State to preserve my 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 sleeping in the open near Mt. Adams, is homeless and non-compliant with a subsequent DV protection order issued by the court.

I, Selena Smith filed a petition for DV protection, alleging Mr. Wells was violently abusive with me and the children, an alcoholic, and in need of anger management classes. Court Commissioner Rebekah Wells ruled in Selena's favor and ordered Mr. Wells to surrender his firearms. This action was filed by myself from out of State. I personally appeared before this court (Court Commissioner Rebekah Zinn, presiding) from an out of state DV women's shelter and filed the declaration of an advocate associated with that shelter confirming evidence I had seen of what appeared to be stalking while I was staying in that out-of-state DV shelter.

(20-2-30788-34 | SELENA URSA SMITH vs JAMES DANIEL WELLS, Jr)

Preliminary Objection & Declaration by 3 Selena Smith, mother (971) 803-9898.
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i.e. I, Selena Smith, and my children have been absent and no longer resided in Washington State for longer than 6 months prior to having my 3 children 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 Rebekah Zinn 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 my parents or Hans Stoker 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 in conjunction with security guard Robert Kurtz for months wherever I went using my I-phone to do so.

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 my children upon New Jersey's direction, although security guard Robert Kurtz indifferent to the invasion of my privacy.. When Kurtz's actions were challenged, a case worker supervisor retorted it was NJ Division of Children & Families to track or find missing families/children when receiving reports/suspicion of the same. **Except...there WERE NO missing children!** They were with me, 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 me, only the illegal surveillance conducted by security guard Robert Kurtz; the means by which he chose not to reveal in his declaration submitted to this court to avoid incriminating himself.

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 using software on my I-phone to track, unbeknownst to me, my movements, purchases, bills and confidential health/billing records obtained by opening my mail without permission (as well as rifling through my personal papers left where I once resided on the Stoker property). Adding outrage to injury, the Stokers kept the notices 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 the unlawfully acquired document to try and prejudice the court against me. They may have succeeded, denying me fairness in these proceedings, or even the appearance of fairness.

This rogue action by a Washington Family Court fails what even grade school children would recognize as the SMELL TEST. The statutory construction of a normal petition for guardianship of minors in Washington State replete with a full complement of meaningful due process is very different from an ex parte emergency petition for guardianship of minors with effectively **no meaningful due process**. Accordingly, the ex parte judicial excess of Washington's judiciary ought to be a pleasure enjoyed by its own citizens which it is accountable to rather than being visited upon the citizens of foreign states.

In *Troxel vs. Troxel*, the U.S. Supreme Court pronounced Washington's Courts interpretation of the 'best interests' of the child(ren) "breathtaking in scope"! Additionally, they concluded a parent's bond with their minor children was so fundamental a right that a state which substituted its judgment for a parents exceeded its authority no matter how seductive the state's reasoning might be unless there was genuine true imminent harm that would come to the child(ren). Not only is that not evident in the instant case, but the child(ren) at issue were not evaluated by a qualified expert prior to the court issuing its ex parte emergency seizure order executed out-of-state under cover of darkness.

Kathryn Stoker lied to my father when she described the circumstances and genesis of that seizure as well as the date of the court hearing (Nathan Kortokrax presiding who recused himself) as on the 18th of this

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month when it, in truth, was the 16th. The Stokers also lied about my mental condition and claims there was a "nation wide manhunt" for me.

This court did not provide me with 60 day notice to respond from service out-of-state, nor was a Return of Service filed in either of the 2 case #'s involving the child(ren) to either father or permission for alternative service ought.

In short, this case and all orders pursuant to it are void ab initio for failure to establish proper subject matter and in personam jurisdiction over all the parties. The issuance of the ex parte emergency order to seize the children executed out-of-state was based on fraudulent misrepresentations and deceptions that are a matter of record presented to the court. Nor did the court take any care to insure the child(ren) were genuinely at risk before giving them the impression that their mother was a 'bad' person as they were seized as though I was Dillinger. My father has ordered and will be paying for the video, audio, photos, and police reports from the Oakridge PD. They will reveal my children were not imperiled and their needs were being met; they were not living in squalid conditions. I will present this evidence to this court for its consideration given the chance. I have spoken to the Oakridge authorities about this case. Their assessment does not support the tale the Stokers had to tell this court. The midnight raid on myself and my child(ren) is what one would expect in a totalitarian regime or from Hollywood. I have spent many hours discussing these events with my father. He is part of my and my children's life and has always tried to maintain a relationship with us. He has never interfered with my relationship with my children. He is a necessary and indispensable party to this action as the Stokers have never respected his role in our lives which can be seen in their declarations where Hans and his wife deceives the court into believing he is my father and my children's grandfather. My story is persuasive if the court would but take the time to hear it out. My father, John Smith, has taken the time to do so since he learned of my predicament despite my mother dissembling to him. It is abundantly clear I am not delusional or mentally ill. I do cry and get upset about my babies. My father is not an attorney, but he has an important ongoing role in our lives that will be ignored by the Stokers if he is not allowed to join this action and represent himself on behalf of his relationship with me and my children.

II RELIEF SOUGHT

I am requesting the relief sought in the embedded proposed order below regardless of my inability to maintain a high fidelity voice connection while it is in session and simultaneously keep my Portland job delivering auto. parts in order to literally survive—all the more reason the court should reverse itself and furnish me with a court appointed lawyer. The printed words I have submitted speak for themselves despite the court's colloquy to plumb the depths of my understanding of the law when I cannot maintain a reliable connection with the court

I am, again, requesting my father, John Smith, be joined to this action under Rule 19 as a necessary and indispensable party in interest, and such other relief as this court deems just by all the parties. Contrary to this court's innuendo from the bench, our interests are NOT repetitious, redundant, or indistinguishable. E.g. My father is being denied contact with his grandchildren by the petitioners who even lied about their relationship to the children under penalty of perjury while their attorney knowingly aided and abetted them as an officer of this court.

It is certain the Stokers will not allow my father to remain part of my children's lives or to visit freely with them as they have always disparaged him as long as I can remember, even as a child living in their household.

I am requesting a court appointed attorney because I am indigent, cannot afford to hire one, am at risk of having my parental rights effectively extinguished by the Stokers, and because this court is an inconvenient venue I do not have meaningful access to.

Washington State's public policy with respect to children is to reunify families, not tear them apart. This court, to date, has deeply insulted that policy, without proper jurisdiction or due diligence.

DECLARATION

I have but one hand, am indigent (though employed), homeless, a DV victim fleeing my abuser, and desperately needs a court appointed lawyer, as do the child(ren) need a GAL not of the Stoker's choosing. I, Selena Smith [Name] **Declare** that:

1. A. I am the mother of Hazel Smith. Hans Stoker, contrary to his and his wife's sworn misrepresentation to this court, is **not**.

Petitioners submitted materially misleading and fraudulent information to prompt this court to issue an ex parte emergency Guardianship of Minors order executed out of state in Oregon.

The Petitioners had no standing to be granted this emergency petition devoid of meaningful due process executed in a foreign state.

There is a custody/parenting plan order that exists in Colorado defining the father's (Robert Ayers) visitation rights regarding Hazel the petitioners did not inform this court of, even though they were well aware of it. Their testimony and representations are not credible.

There was no emergency or threat of imminent harm when my children were seized in Oakridge, Oregon around midnight after this court had issued an **ex parte** emergency order which the Oakridge police erroneously acted on without oversight from any Oregon State court where the children and I resided and were domiciled. More than 6 months had elapsed since I fled the State of Washington with my children to avoid DV abuse.

The ex parte emergency guardianship order executed out-of-state issued by this court violated Oregon's sovereignty and any meaningful due process I and my children were entitled to before our rights and welfare were violated.

My child(ren) at issue in this cause had been absent from Washington State in my care for **over 6 months** when they were seized after midnight, and transferred hours later under cover of darkness to the Stokers at a gas station north of Eugene, OR. adjacent to I-5 around 3:00am on 5-31-21. Subsequently, they were spirited across the state line into Washington and are at this time being held on the Stoker's 5 million dollar estate in Thurston County on the waterfront of the Nisqually reach.

The Uniform Child-Custody Jurisdiction & Enforcement Act

The above law has been adopted by 49 out of the 50 states with the exception of Massachusetts and Puerto Rico. Its purpose evolved from a coordinated interstate effort to prevent forum shopping and stymying the other parent's due process and access to the children, the very antithesis of what is occurring in the instant case before this court. Most galling is the fact Hans Stoker is not my children's grandparent despite what he misled the court to believe under penalty of perjury. Kathryn Stoker also perjured herself in support of the false claim made by Hans Stoker, as did their attorney, an officer of this court, who admitted she knew Hans was not the grandfather when she signed and submitted her petition to this court.

Some laws enacted after the UCCJA added a Federal dimension to interstate and international child-custody practices that was unforeseen by the drafters of the UCCJA in 1968 (but which was considered by drafters of the UCCJEA in 1997). In addition to the PKPA, these Federal laws include the Full Faith and Credit provisions of the VAWA, enacted in 1994; the Hague Convention, ratified in 1986; and the ICARA, enacted in 1988.¹⁹ The VAWA. In recognition of the fact that domestic violence victims often leave the State where they were abused and need continuing protection in their new locations, the VAWA provides, among other things, for interstate enforcement of protection orders. Custody provisions incorporated into protection orders, however, are not governed by the VAWA.²⁰ These provisions are "custody determinations," subject to the PKPA and State law governing jurisdiction in child-custody cases. Neither the PKPA nor the UCCJA explicitly addresses the key concerns of domestic violence victims who must litigate child custody interstate. The UCCJEA, however, addresses these concerns with a number of provisions. For instance, it protects against disclosure of a victim's address, expands emergency jurisdiction to cases in which a parent or sibling is at risk, and requires courts to **consider family abuse in their "inconvenient forum" analysis.**

It is aimed at and constructed to discourage/prevent **parents** from forum shopping by moving children from one state's jurisdiction to another so as to prevent access to and/or meaningful due process in resolving custody disputes litigation...precisely the strategy the Stokers have used in dispossessing me of my children except they are **NOT** the **parents** of the children, had no court standing or ordered visitation rights or pending litigation affecting the status of the children and **no genuine emergency existed where the children were at risk of immediate/imminent harm when seized out of state in Oakridge, OR. in the dead of night.**

Certainly Washington is an 'inconvenient forum/jurisdiction' given my indigent status and circumstances. It effectively deprives me of all meaningful due process protections that might otherwise have been available via a normal guardianship of minors petition. Petitioners have acted illegally and in bad faith by rifling through my personal records and opening my mail without permission.

The Stokers are also far too old to be raising my children. Hans is an alcoholic and both of them take a variety of mood altering/psychosomatic prescribed drugs, insisting I should do the same.

The Stokers have smeared my reputation and credibility from here to Kingdom Come using their false narrative of character assassination and mental illness to anybody who would listen, their own children in particular. Kathy's older brother (Dee) now suffers from dementia. Kathy's younger brother, Thomas Warren and his wife, Diane Warren are estranged from the Stokers for the parental alienation of affections of Thomas Warren's own children for much the same reason my father complains of the Stokers alienating my children from him.

Kathryn Stoker admitted to me she was using my I-PHONE TO TRACK me across the U.S., which explains a lot which the New Jersey Division of Children & Families security guard, Robert Kurtz, would not. His was a declaration full of unsubstantiated speculation, innuendos, and illegal surveillance (fruit of a poisoned tree doctrine) fed to him largely by the Stokers the court relied on heavily when signing its order for ex parte emergency relief executed out of state erroneously and unlawfully allowing the seizure of my children from me in a foreign state where we were domiciled and hiding from my DV abuser, James Wells, as permitted by law.

THE SMELL TEST

Your Honor,

My investigation into this affair has revealed the Division of Child Protection and Permanency (DCP&P or the Division) is the agency in charge of investigating referrals of child abuse or neglect in New Jersey. When DCP&P receives a referral, it is required by law to send investigators to gather more information about the referral and the specific allegations (claims that accuse a person of committing child abuse or neglect). This process is called a child protection investigation. **DCP&P must begin a child protection investigation before the end of the day that it receives the report or within 24 hours of finding out about the report.**

DCP&P can come to your house to investigate your family without calling or telling you first. The investigators can go into your home and talk to you and your family without a warrant. Investigators are allowed to interview children in private. If you want to be in the room when your child is interviewed, ask the investigator.

The law does require the investigators to tell you the following information:

A report of child abuse or neglect has been made and is being investigated as required by New Jersey law.

General information about the abuse or neglect that was reported.

The investigators' names and phone numbers and their supervisor's name and phone number.

If you are named in the report as the person who allegedly committed child abuse or neglect, the investigators must tell you details about the allegations. You cannot find out who referred your information to DCP&P. You do not have to talk to investigators.

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DCP&P Investigators are not police officers. They cannot arrest you. At times, the police will be involved in a child protection investigation. If the investigators find that you did commit child abuse or neglect, the law requires them to report their finding to the prosecutor (person in charge of pursuing criminal charges for the government). If the prosecutor feels a criminal case should be made against you, the police may become involved in your investigation. You may be arrested and criminal charges may be filed against you.

The investigators may call the police if they feel it is necessary. For example, if something violent occurs during an interview or if your child is believed to be in immediate danger, the investigators may call the police.

The Division can go to superior court and make an application or request for an order to investigate before a judge. In these situations, you should receive notice of the request for an order to investigate and be told about any upcoming court hearings. You should attend these court hearings because you will have an opportunity to explain your case.

The investigators may call the police if they feel it is necessary. For example, if something violent occurs during an interview or if your child is believed to be in immediate danger, the investigators may call the police.

During your investigation, the investigators will need to contact their supervisors to review their findings.

Investigators may sometimes use different terms to identify themselves. For example, if your case is investigated at night or on the weekend during non-work hours, the investigators might be from the Special Response Unit (SPRU). If at any time you feel confused about who you or the investigators are talking to, you should politely ask the investigating caseworker to explain who they are and what role they play in the investigation process.

The investigators are allowed to ask your child to remove clothing if they think he or she has a hidden injury. Generally, investigators may not do this if they know the child will soon be examined by a doctor. Also, investigators may not force older children or children of the opposite sex to remove clothing. If a child is upset about taking off his or her clothes, the investigators should only remove the child's clothing if it is an emergency. Investigators are also allowed to take photos of a child's injuries to document the images for their files.

DCP&P may interview anyone who might have any knowledge about the allegations made against you and how your child is doing under your care. Usually, the investigators will interview you, the child named in the report, and anybody else living in your home. The investigators may also want to talk to teachers, school counselors, or anybody else who might know something about your child's situation or if there are any concerns with your child or your care. The investigators do not need permission to talk to your child's teacher, but they do need your permission to speak to the pediatrician. In order to get medical information about your child, DCP&P must ask you to sign a release.

Ultimately, you have control over your private information and, even after signing a release, you have the power to revoke the release (take your permission away).

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If the investigators feel your children are in imminent danger, they are allowed to remove your children from the home at any time without a court order. If this happens, DCP&P will have to get a court order within two court days of removing your children and you will receive a notice to appear in court for a hearing. You are allowed to bring an attorney to court for the hearing or, if you qualify financially, you may be given a Public Defender to represent you.

Before removing your children, the Division has to make reasonable efforts to keep your children in the home. This means the Division must work with you to help your family stay safely together if possible. If the investigators want to remove your children, you may make suggestions to keep them at home. For example, if the Division wants to remove your children because you have a problem with alcohol, you could offer to remove all alcohol from your home and arrange for another adult family member to stay with you while you get treatment. Keep in mind, the Division may still remove your children at any time if the investigators think they are in immediate danger or if the steps you take are not going to keep your children safe.

Even if your children are not removed and there is no evidence of child abuse or neglect, the investigators may decide you need more services. Typically, this means that DCP&P will develop a case plan or safety plan. A case plan or safety plan is an agreement between you and the Division that identifies and addresses problems that may be occurring in your family. A case plan may require you and your children to go to counseling or have regular contact with a case worker. A safety plan may require you to take certain steps to keep your children safe while they stay with you. For example, if the Division feels your children have been absent from school too many times, your case plan may lay out certain steps you need to take in order to make sure your children do not miss more days of school.

After you and the case worker agree on a case plan or safety plan, you will both sign a document that explains your plan.

Child protection investigations are generally required to be closed within 60 days. After the investigation, DCP&P will make a finding (a decision about whether there was abuse or neglect) about your case. DCP&P will send you a letter to let you know what finding they made in your case.

DCP&P uses the following four-tier system to make findings: substantiated, established, not established, and unfounded. If the claims of child abuse or neglect made against you are substantiated, your children may be removed and you will be required to have more contact with DCP&P. Also, your name will be added to the child abuse registry. The child abuse registry is not available to the public but can be searched by the DCP&P and certain employers. Having your name on the child abuse registry can make you ineligible to adopt or foster children and could also prevent you from working with children and the elderly. Once your name is on the registry, it can never be removed.

If DCP&P finds that your case was not serious enough to be substantiated but there is some evidence of abuse or neglect, the allegations will be established or not established, depending on the circumstances of your case. Your information will not be added to the child abuse registry, but DCP&P will keep your information on record. You may appeal a finding of established in the same way that you would appeal a finding of substantiated.

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You may appeal a not established finding directly to the Appellate Division of the Superior Court of New Jersey.

If DCP&P finds that there is no evidence of child abuse or neglect, the allegations against you will be unfounded. Your information will not be added to the child abuse registry and, after three years, you can ask DCP&P to erase your information from their files.

It is important to remember that, regardless of DCP&P's findings, the agency can require you to follow a case plan. Also, at any time, DCP&P can go to court to request a new order of investigation or an order for care and supervision (court order that permits DCP&P to require family services).

Robert Kurtz and this entire proceeding on the part of the Stoker's is legally out of step with what is normal procedurally or otherwise. I am not mentally ill. The children and I are victims of domestic violence protected by a court order provided by this court, and victims of a dysfunctional family. What matters is that the children have a solid attachment to a loving parent, their mother, and I love and protect them. My bank records will also show I have been their main source of provision. We have a wonderful school, community and home in Portland they should be returned to. Immediately. Thank you.

After decades of allowing my mother to support me in exchange for generous visitation and association with my children, I realized in the wake of a falling out with my drug/alcohol addled boyfriend and DV abuser (James Wells) over a dispute regarding who the government social agencies would send the children's public assistance to, my relationship with my mother was more a liability than an asset to the integrity of my bond with my young children. James (father) was more like having an extra special needs child in an adult's body in my household than a parental partner. With only one good hand, my handicap made doing household chores more difficult than it would be for a normal person with two good hands. I had exhausted my support from Washington welfare agencies in the wake of my dispute with Jim (father) over the money which made both of us look suspicious/fraudulent, or worse, in the State's eyes. Washington refused to provide either of us further public assistance benefits.

James Wells filed petitions for a DV restraining order and one for a parenting plan seeking custody for himself of his two young children, Onawa and Raven in Thurston County Family Court. The house I and James resided in belonging to the Stokers became squalid by the owner's (and Maya Stoker's) own declaration--a condition on their own doorstep, which developed AFTER I left it, the Stokers had allowed to continue unabated. They also allowed the drug and alcohol abuse within that 'squalid' residence along with the DV to continue throughout those same years. None of this was a secret to the Stokers. The Stoker residence, though a waterfront mansion on the Nisqually Reach worth many millions of dollars, is falling into disrepair. It certainly isn't squalid, but Maya's declaration indicates the home the Stokers allowed myself, James Wells, and my children to live in practically at the Stokers door step, rent free, was!—according to them. It would appear the Stokers find fault with squalid home conditions unless it's a home they own and control.

I filed my own counter petition for DV protection against Jim Wells with the court circa December 3, 2020 while out of state in a DV protected women's shelter. The matter was heard before court commissioner Rebekah Zinn who entered the DV protection order in my (and my children's) favor. James Wells was ordered to undergo drug/alcohol evaluation and treatment, a condition he has not complied with along with anger management classes. Commissioner Zinn asked me what my financial status was, and I told her I had virtually nothing. She could see I was in an out of state DV women's shelter and was told I was indigent. Despite her knowledge of these mitigating factors under the UCCJEA, they were not considered in this case. Rather, Commissioner Zinn bought into the unsubstantiated fable I was mentally ill, allowing the Stokers to discredit me.

James had begun to describe me as an "evil woman", implying I should be 'eliminated'. I became frightened due to Jim's association with drug addicts, his own use of meth and alcohol as well as his association with the Hell's Angels biker club. I fled WA State out of fear, seeking safety in out of state DV shelters for women. I began to notice vehicles (at least one in particular) that appeared to be stalking me. My DV advocate noted it as well and filed a report with the Thurston Family court so stating under penalty of perjury. But this all fed into the Stoker's false narrative that Selena was delusional and mentally ill--a classic example of gaslighting. Yet it was consistent with Kat's history many years prior of hiring a detective to surveil my father and a Mason County Court clerk to monitor him on her behalf.

As I traveled, Hans and my mother began to amass illegally obtained evidence of unpaid traffic tickets and toll road/bridge violations in various states, stolen from my mail opened without my permission and then rifling through my personal paper without permission. The Stokers received the notices of the same in their mailbox where I was receiving my mail. Out of curiosity, or worse, they unlawfully opened that mail and then submitted some of it in their declarations to this court in the instant ex parte emergency guardianship cases--products of violating my right to privacy. Neither did I give permission for the Stokers to rifle through my personal records in the house I left. The Stokers used my medical billing records they discovered in my personal belongings and submitted those to the court as well--another instance of their invading my privacy, an actionable cause for collateral litigation.

I started to become aware that the CPS agencies in various states I was traveling through or near were receiving complaints about my children long after I had transited them. I imagined this might be due to retaliation from James for my obtaining a DV protection order against him. On occasion, I would call my mother in Washington. I spent some time in Massachusetts, NY, Maryland, Montana, Wisconsin, Wyoming, Oregon, and no more than 5 days in New Jersey (Brooklawn, not Camden as Hans Stoker falsely claimed before this court), yet I noted 12 CPS complaints lodged with NJ authorities when I was not present in NJ--long after I'd, in fact, left New Jersey on 1-16-21. This is consistent with someone tracking me with my I-phone, but not knowing my exact location. It is also consistent with the decision of Hans Stoker to abuse process while perjuring himself in his declarations submitted to this court anticipating the court would aid and abet him. It has. It issued an ex parte emergency guardianship of minors order executed at midnight in a foreign state with no due process afforded me whatsoever and beyond the 4 corners of its own

Preliminary Objection & Declaration by 12 Selena Smith, mother (971) 803-9898
doublekachina007@protonmail.com 6901 26th Ct SE, Lacey, WA 98503

borders, a gross violation of Oregon sovereignty and my children's right along with myself to seek due process protection WITHIN the home state wherein we were domiciled.

Security guard Robert Kurtz declined in his declaration to name the methods he had access to for tracking me across the country, perhaps to avoid criminal liability. But he freely admits he did so. His employer in NJ stated Kurtz had no authority to engage in this conduct under their aegis. Yet he developed a great quantity of detailed facts regarding me and the Stokers--information he could only have gotten from the Stokers, including their misrepresentation to him they were the grandparents of my children. An unholy alliance and intrigue developed between the Stokers and Robert Kurtz, a NJ security guard without portfolio.

Amy (my best friend) confirmed my suspicions about my I-Phone which Kathy paid for in a 'family' plan. How ironic. I turned the I-phone off and that seemed to stop the incidents associated with the tracking. I confronted my mother (Kathy) about this once I had purchased a burner cell phone at a retail store. Kathy admitted to my suspicions and promised to turn the tracking off. I didn't believe her. The burner cell phone I purchase lacked many of the capabilities my I-phone had. In a moment of naive weakness (the time I spent vacationing with my children next to a park in Oakridge, Oregon) I turned the I-phone on. That was enough to trigger the plan the Stokers and security guard Kurtz had hatched. They now knew my approximate location, had a description of my RV and license plate. They turned to their scheme of gaslighting and deception before this court

Without knowing **anything** about the condition or immediate circumstances of my children, they resorted to filing an ex parte emergency guardianship petition in Washington State rather than in Oregon where I and my children were then residing and domiciled. It was a course already set by Habs Stroker as revealed in the accompanying exhibit from the Thurston County Sheriff's office dated 4-21-21. This was done **IN ADVANCE** (before the circumstances and any claimed 'imminent risk of harm' to my children could be determined) so as to conspire with Kurtz and some Oregon officials (but not Oregon's courts) to seize my children in the dead of night. An Oakridge LEO observed, at the time, my children had adequate care and their basic needs met from all appearances. I have requested copies of the Oakridge Police report that will confirm the children were fine when they were seized, but only due to the unlawful ex parte emergency order issued by a foreign state without concurrent or original jurisdiction at the time it was executed.

""We've GOT them," announced the call the Stokers received after dark and after they'd already filed their ex parte emergency guardianship petition in anticipation rather than in a reaction to any determination of an emergency reflecting the children's instant circumstances. In fact, **there was no emergency or imminent risk of harm to the children.** My fears of my mother's hysterical possessiveness and control fetish had been realized. But it was too late to stop the cascade of events when my children were seized and taken from their me as though I was on the FBI's most wanted list, a fugitive from justice. Dillinger? The effect this had on my children is incalculable. The effect this had on me was devastating to the point I was inconsolable. I still begin to cry every time Raven's (my youngest) name comes up. It is to be noted how the Stokers displayed my

children on their court Zoom session screen (6-30-21) so I (and the court) could see and hear them crying "Mommam Mommam" when they recognized me. Only sadistic monsters pull this kind of thing. Hans' speech was slurred. I know him well. He was drunk.

My children were sped to a handoff point at a gas station north of Eugene somewhere around 3:00am at night. The Stokers then smuggled their kidnapped wards into Washington State where they had secured a court order prohibiting me from visiting or contacting my children. This is exceptionally cruel to me and my children. It's likely my very young and confused children now believe their mom is a 'bad' person (to use Maya's phrase) and a fugitive from justice akin to Al Capone.

There was no legitimate reason why a normal petition for the guardianship of minors replete with meaningful due process protections could not have been pursued absent any imminent risk to my children. The Stokers have managed to destroy me and my children, leaving them only with a drug addled alcoholic homeless father too habitually indolent to work. The Stokers, according to plan, have picked up the pieces (once again!) of the family they shattered to gratify their own egos and sense of self-righteous importance.

My father is very saddened by the recent turn of events. He has difficulty expressing this.

My father very much wants to continue to be part of our lives and is committed to me and my children. He says he will continue to pursue (including an appeal if necessary) his motion to join this action, as will I to join him under Rule 19 in order to preserve any access he has to access my children. The Stokers certainly aren't going to willingly accommodate him in any event. They never have. They did everything possible to convince us as children behind his back he was the bugaboo. I expect they won't change their habits when they engage with my children, perpetuating the cycle of abuse for yet another generation. Parental alienation abuses children and destroys families. To date, this court has seen fit to aid and abet their immoral and illegal scheme to do so.

OBJECTIONS & RULE 19

I object to these proceeding as being without proper jurisdiction, thus void ab initio. I further object to them as an abuse of process under color of state law based on fraudulent misrepresentations to this court, discrimination against my handicap (in violation of the Americans with a Disability Act (ADA)), and failure to provide me sufficient time to prepare and object and make my case for vacating/dismissing this action and restoring my children to me immediately.

I also object to these proceedings because the are tantamount to cruel and unusual punishment visited on myself and my children that will leave them deeply scarred should they survive this ordeal in violation of the 8th Amendment, the 14th, and the 6th (transparency).--Cutting me off without providing me with a meaningful


Preliminary Objection & Declaration by 14 Selena Smith, mother (971) 803-9898
doublekachina007@protonmail.com 6901 26th Ct SE, Lacey, WA 98503

quantum of time to make my case does not meet the requirement of the court to provide justice and fairness to all the parties. It has not.

I have electronically e-mailed a copy of this document to the petitioner's attorney, Breckan Scott, Selena Smith, but have yet to receive Robert Ayers' (father) contact info. Ms. Scott may presently have that info.

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 2, 2021 [Date].



Signature of Petitioner or Lawyer/WSBA No.

Selena Smith (mother), pro se

Print Name

I have, on 7-2-21, e-mailed a copy of this entire document (& Exhibits B – E) to Breckan Scott, attorney for the Stokers, Selena Smith, and James Wells. James Wells claims to live adjacent to Mt. Adams.

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

In re: Emergency Guardianship of
RAVEN GAIA SHENANDOAH SMITH-
WELLS, & ONAWA KACHINA
SMITH-WELLS

Respondent(s): Minor Child(ren)

No. 21-4-00443-34

**Proposed Order of Selena
Smith Sustaining
PRELIMINARY Objection to
Findings on 6-30-21, Reliance
on Criminal Theft of Private
Property as Evidence &
Surveillance, & Declaration by
Selena Smith (moving party)
*(Clerk to Enter Order & mail
copies to all parties)***

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 (aka: Laura?), e-mail: girlsforscience@yahoo/girlsforscience.icloud.com,
current address uncertain, undisclosed(?);

AND,

James Daniel Wells (father of Raven and Onawa), (253)948-8260(?), rodytok@gmail.com; homeless,

AND,

Robert Ayers (father of Hazel), Ph. Unknown, address: unknown in Colorado, E-mail: (?)

Preliminary Objection & Declaration by
doublekachina007@protonmail.com

16 Selena Smith, mother (971) 803-9898
6901 26th Ct SE, Lacey, WA 98503

Findings of Fact and Conclusions of law

This court finds beyond reasonable doubt by the evidence and declarations presented that John Smith is the father of Selena Smith and the maternal grandfather of her children.

This court will take Selena Smith's objections to jurisdiction into consideration and under advisement.

Establishing lawful Domicile/Residency requires MORE than mere transit/temporary visits across/to a state. Mobile homes/boats/RV's, in law, can serve as an abode as part of establishing domicile.

Selena Smith ☐ is, ☐ is not, mentally ill. The court finds the sin qua non cornerstone of petitioners' case in this instance is their allegation of Selena's mental health/illness.

The court finds the petitioners ☐ have / ☐ have not established by clear & cogent evidence Selena Smith is presently mentally ill

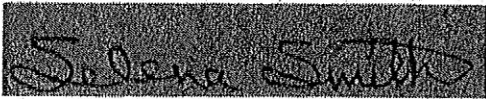
ORDER

Selena Smith's request for a court appointed attorney is granted on the basis of need rendered by her indigency, loss of her parental rights and children, and ☐ mental illness.

☐ Finding no prevailing clear and cogent present evidence/expert testimony/affidavit of Selena Smith suffering from mental illness within the relevant/material time frame withing this ex parte emergency petition for guardianship of the minor children, executed under cover of darkness at midnight in a foreign state without adequate prerequisite due process or Washington State jurisdiction, it is ordered the children be restored immediately to their mother, Selena Smith.

The Clerk of the court is ordered to make the arrangements promptly and provide Selena Smith with the appointed attorney's contact information.

Selena Smith's request to join John Smith to this action pursuant to RULE 19 is ☐ granted / ☐ denied.



7-2-21

Respectfully submitted by Selena Smith

Date

Signature of Judge/Commissioner

Date

Preliminary Objection & Declaration by
doublekachina007@protonmail.com

17 Selena Smith, mother (971) 803-9898
6901 26th Ct SE, Lacey, WA 98503

[X] EXPEDITE (If filed within 5 court days of hearing)

[X] Hearing is set

Date: 7-6-21

Time: 9:00am Zoom #: 242-974-5214 Rm:4

Judge/Calendar: Indu Thomas, et al/Motion & argument

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

In re: Emergency Guardianship of
Hazel Belle Ursa Smith

Respondent(s): Minor Child(ren)

No. 21-4-00443-34

**Exhibits 'B' - 'E' for
PRELIMINARY Objection to
Findings on 6-30-21, Reliance
on Criminal Theft of Private
Property as Evidence &
Surveillance, & Declaration by
Selena Smith (moving party)**

**(filing fees waived for family
members in Guardian actions)**

(Cover Sheet)

TITLE OF DOCUMENT

**Exhibits 'B' - 'E' for PRELIMINARY Objection to Findings on 6-30-21, Reliance on
Criminal Theft of Private Property & Surveillance as Evidence, & Declaration by
Selena Smith (moving party)**

**NAME: Selena Smith, indigent mother, pro se
Mailing ADDRESS: 6901 26th Ct, SE,
Lacey, WA 98503
PHONE: (360)427-3599**

Exhibits 'B' - 'E' In Limine for
doublekachina007@protonmail.com

1 Selena Smith, mother (971) 803-9898
6901 26th Ct SE, Lacey, WA 98503

Selena' SMITH'S EXHIBIT 'B'

Detailed History for Police Event #211110452 As of 7/01/2021 15:13:53

Output for: DAVISB

Priority:3P Type:FOLLOW - 1B41

Location:6943 76TH AVE NE, OL btwn MARVIN RD NE and ANDREWS BEACH RD NE

Map:E20

Created:	04/21/2021 14:19:37	P08	MANIXL
Entered:	04/21/2021 14:22:01	P08	MANIXL
Dispatch:	04/21/2021 14:35:25	P13	WILDK
Enroute:	04/21/2021 14:35:25	P13	WILDK
Onscene:	04/21/2021 14:35:25	P13	WILDK
Closed:	04/21/2021 14:44:08	P13	WILDK

ICUnit: PrimeUnit:1B41 Dispo:A Type:FOLLOW - 1B41

Agency:TC Group:TCSO Beat:TC-B Grid:E20 ☐ Detail

14:19:37	pd	CREATE	MANIXL/P08	Location:6943 76TH AVE NE, OL Type:FOLLOW Name:STOKER, HANS Phone:360/790-9529 Group:TCSO Area:E20 TypeDesc:FOLLOW-UP LocDesc:btwn MARVIN RD NE and ANDREWS BEACH RD NE Priority:3P Response:1PAT Agency:TC Map:E20 LocType:S Contact?:P GeoLong:- 122.787761 GeoLat:47.140839
14:22:01		ENTRY		TypeDesc:FOLLOW-UP-->1B41 Comment:REQ ANOTHER CALL
14:22:01		-PREMIS		Comment:PPR
14:22:06		XREF		Service:P Event:#211110277 Type:WELFAR Agency:TC
14:22:08		NOMORE		
14:23:56		SELECT	WILDK/P13	
14:24:11		HOLD		Unknown:PHONE
14:35:25		DISPOS		1B41 Location:PHONE Operator:COMANDIB OperName:COMANDINI, BRITTANY M
14:35:25		-PRIU		1B41
14:43:41		*MISC	COMANDIB/TC25M	1B41 Comment:Callled Hans back he sald he thought about the situation and wants to go legal and get custody of his grandchildren. He wanted contact information . I asked him if he wanted the phone number of the person I spoke to earlier in NJ. He sald he did and I provided Hans with Robert's phone # from NJ child/family SVCS. Hans thanked me for my time.
14:44:08		CLEAR	WILDK/P13	1B41 Dispo:A
14:44:08		-CLEAR		
14:44:08		CLOSE		

CONTACT INFO:

Name	Phone	RAddr	Contact?	CBDOrig	CBDUpgrd	NatureUpgrd
STOKER, HANS	360/790-9529		P			

THURSTON COUNTY SUPERIOR COURT

Thursday, December 17, 2020, 9:00 a.m.
Domestic Violence Calendar

Court Commissioner Rebekah Zinn

Susie Pittman, Deputy Clerk

Hearing Recorded

Underlined Parties Present at Hearing

5. 20-2-30788-34
20-2-30761-34
20-3-01280-34

SMITH, SELENA URSA

PRO SE

vs.

WELLS, JAMES DANIEL JR

Protection Order/Str Weapon

Ms. Smith appeared by Zoom. Mr. Wells was not in attendance.

The Court held a discussion with Ms. Smith.

The Court granted the petition.

The Court approved and signed: Order for Protection

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:

LINDA MYHRE ENLOW, THURSTON COUNTY CLERK

State of Washington

by _____ Deputy Clerk

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

SELENA URSA SMITH, DOB 6/11/1976

Petitioner (First, Middle, Last Name)

vs.

JAMES DANIEL WELLS, JR, DOB 8/26/1966

Respondent (First, Middle, Last Name)

Order for Protection

No. 20-2-30788-34

Court Address: 2801 32nd Avenue SW

Tumwater, WA 98512

Telephone Number: 360-709-3268 or 360-709-3276

(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

Respondent's Distinguishing Features:

Respondent has unknown distinguishing features.

Caution: Access to weapons: ☒ yes ☐ no

☐ unknown

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.

EXHIBIT COPY TO LAD
(Law Enforcement Agency where Petitioner resides for input into statewide computer system)
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 9A.01.260, 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. <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>

7	<input checked="" type="checkbox"/> 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.
8	<input checked="" type="checkbox"/> 8. Petitioner is granted use of the following vehicle: Year, Make & Model 1976 Class C Holiday Rambler License No.
	<input type="checkbox"/> 9. Other:
	Protection for minors: This state <input checked="" type="checkbox"/> has exclusive continuing jurisdiction; <input type="checkbox"/> is the home state; <input type="checkbox"/> has temporary emergency jurisdiction <input type="checkbox"/> that may become final jurisdiction under RCW 26.27.231(2); <input type="checkbox"/> other:
10	<input checked="" type="checkbox"/> 10. Petitioner is granted the temporary care, custody, and control of <input type="checkbox"/> the minors named in the table above <input checked="" type="checkbox"/> these minors only: Onawa and Raven-Gala
	<input type="checkbox"/> 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 <u>must notify</u> 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.
11	<input checked="" type="checkbox"/> 11. Respondent is restrained from interfering with petitioner's physical or legal custody of <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:
12	<input checked="" type="checkbox"/> 12. Respondent is restrained from removing from the state <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:
	Additional requests:

①

- ☒ 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:

②

☒ **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:

②

- ☒ 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.

Washington Crime Information Center (WACIC) Data Entry

IT IS FURTHER ORDERED that the clerk of court shall forward a copy of this order on or before the next judicial day to the law enforcement agency WHERE PETITIONER LIVES (as set forth on page 1), which shall enter it into WACIC.

Service

- ☒ The clerk of the court shall also electronically forward a copy of this order, and any order to surrender weapons, on or before the next judicial day to THURSTON
- ☒ County Sheriff's Office ☐ City Police Department *where respondent lives* which shall personally serve the respondent with a copy of this order and shall promptly complete and return to this court proof of service.
- ☐ Respondent appeared and was informed of the order by the court; further service is not required.
- ☐ Petitioner shall serve this order by ☐ mail ☐ publication.
- ☐ (Only if surrender of weapons not ordered) Petitioner shall make private arrangements for service of this order with law enforcement agency _____.

☒ **Law Enforcement Assistance**

- ☒ Law enforcement shall assist petitioner in obtaining:
- ☒ Possession of petitioner's ☐ residence ☒ personal belongings located at: ☐ the shared residence ☒ respondent's residence ☐ other:
- ☐ Custody of the above-named minors, including taking physical custody for delivery to petitioner.
- ☐ Possession of the vehicle designated in paragraph 7, above.
- ☐ Other:
- ☐ Law enforcement shall assist respondent for no longer than 15 minutes (unless additional time is agreed to by law enforcement) in obtaining respondent's personal belongings from the shared residence.

This order is in effect until the expiration date on page one.

If the duration of this order exceeds one year, the court finds that an order of one year or less will be insufficient to prevent further acts of domestic violence.

Dated: 12/17/2020 at 9:42 a.m.

REBEKAH ZINN
COURT COMMISSIONER

17
Judge/Commissioner

I acknowledge receipt of a copy of this Order:

> _____
Signature of Respondent/Lawyer WSBA No. _____ Print Name _____

> _____
Signature of Petitioner/Lawyer WSBA No. _____ Print Name _____

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

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.

FILED
SUPERIOR COURT
THURSTON COUNTY, WASH.

20 DEC 24 PM 2:22

Linda Myhre Enlow
Thurston County Clerk

SUPERIOR COURT OF WASHINGTON
IN AND FOR THURSTON COUNTY
FAMILY & JUVENILE COURT

SELENA URSULA SMITH

Petitioner,

and

JAMES DANIEL WELLS, JR.

Respondent.

NO. 20-2-30788-34

ORDER ON WEAPONS SURRENDER
REVIEW

☒ Clerk's Action Required

I. BASIS

This matter came before the Court for review and the Court having heard argument and having reviewed all relevant pleadings, makes the following:

II. FINDINGS/CONCLUSIONS OF LAW

1. This Court has jurisdiction to hear this matter.

Based upon the foregoing Findings/Conclusions of Law, the Court enters the following:

III. ORDER

IT IS ORDERED that:

☐ The Respondent is in Compliance with the Court's Order to Surrender.

☒ The Respondent failed to appear at the Review Hearing and has failed to file any documentation noting compliance with the Order to Surrender Weapons.

☒ A new Review Hearing is being scheduled on: 12/31/20 at 2:00 a.m. (p.m.).

☒ Other: Court administration shall mail a copy of this order to the Respondent.

DATED this 24th day of December, 2020

[Signature]
COURT COMMISSIONER ZINN

Megan Card

PETITIONER

RESPONDENT

How to attend your virtual hearing In Thurston County by Zoom

1. Find the Calendar your Case Is scheduled on for the Zoom Meeting ID

Dependency Cases	Zoom Meeting ID
Dependency Hearings- Monday and Wednesday	429-655-5966 #
Family Recovery Court- Tuesday	429-655-5966 #
Shelter Care Hearings	Monday & Thursday 8:30 am: 772-162-1402 # Tuesday 1:30 pm: 429-655-5966 # Thursday 1:30 pm (Check Notice): 772-162-1402 # or 242-974-5214 # Friday 8:30 am: 429-655-5966 # Friday 1:30 pm: 242-974-5214 #
Family Law Calendars	Zoom Meeting ID
Adoption Hearings - Friday	772-162-1402 #
Concurrent Calendar- Thursday	242-974-5214 #
Ex Parte-Emergency Motions	Monday & Friday: 786-408-0165 # Tuesday/ Wednesday/ Thursday: 242-974-5214 #
Family Law with Attorneys- Tuesday & Thursday	242-974-5214 #
Family Law without Attorneys	Monday: 429-655-5966 # Wednesday & Friday: 786-408-0165 #
Judges' Family Law Motions, Revisions and Relocations- Friday	242-974-5214 #
Non-Parental Custody- Wednesday	786-408-0165 #
State Family Law- Wednesday	242-974-5214 #
Juvenile Cases- Youth in person, other participants encouraged to appear by ZOOM	Zoom Meeting ID
Arraignments- Thursday	786-408-0165 #
Change of Plea- Thursday	786-408-0165 #
Cross System Youth- Monday	242-974-5214 #
Detention- Monday, Tuesday, Wednesday, & Thursday	786-408-0165 #
Detention- Friday	242-974-5214 #
Miscellaneous Motions- Monday	786-408-0165 #
Pre-Trial- Tuesday	786-408-0165 #
Probation Violation- Tuesday, Wednesday, & Thursday	786-408-0165 #
Probation Violation- Friday	242-974-5214 #
Youth at Risk & CHINS Cases- Monday	786-408-0165 #
Orientation- Thursday 12:00 pm	837-2088-7597 #
Probate and Guardianship Cases	Zoom Meeting ID
Friday Motions	429-655-5966 #
Protection Order Cases	Zoom Meeting ID
Initial Protection Orders- 1:15 pm	Monday & Wednesday- 242-974-5214 # Tuesday- 772-162-1402 # Thursday & Friday- 429-655-5966 #
Domestic Violence Protection Orders- Monday 2:00 & Wednesday 9:00/10:00/11:00 am	242-974-5214 #
Domestic Violence Protection Orders- Tuesday & Friday 9:00/10:00/11:00 am	786-408-0165 #
Domestic Violence Protection Orders- Thursday 9:00/10:00/11:00 am/3:00 pm	429-655-5966 #
Sexual Assault Protection Orders- Friday 11:00 am	786-408-0165 #
Unlawful Harassment, Stalking, & Extreme Risk PO- Wednesday 2:00/3:00 pm	786-408-0165 #
Vulnerable Adult Protection Orders- Wednesday 3:30 pm	786-408-0165 #
DV Compliance- Tuesday 2:30 & Weapons Surrender Reviews- Tuesday 2:00 pm	772-162-1402 #
DV Compliance- Thursday 2:30 & Weapons Surrender Reviews- Thursday 2:00 pm	429-655-5966 #

Settlement Conferences	Zoom Meeting ID
Family Law- Look on your "Case Schedule Order" for Courtroom number	Courtroom 1: 772-162-1402 # Courtroom 3: 786-408-0165 # Courtroom 4: 242-974-5214 # Conference Room 35: 835-2138-4214 #
Dependency/Termination- Monday	786-408-0165 #
Trial Confirmation, Trial & Ruling	Zoom Meeting ID
Trial Confirmation- Thursday	Courtroom 1: 772-162-1402 #
Termination/Pre-Trial/Trial Confirmations- Thursday (At Main Campus)	929-097-5249#
Starting February 2021- Thursday (At EJC)	Courtroom 1: 772-162-1402 #
Trial & Ruling- Look on your "Assignment of Trial Date" or "Notice of Hearing" for Courtroom number	Courtroom 1: 772-162-1402 # Courtroom 2: 429-655-5966 #

2. Instructions for how to attend your virtual hearing via Zoom Meetings

You will need the Zoom Meeting ID number for the hearing. The Zoom Meeting ID for your hearing can be found in section 1 at the beginning of these instructions or the notice of hearing.

- Go to <https://zoom.us> or download the free application to your smartphone or device by going to <https://zoom.us/download>
- Once on the Zoom site click the "Join a Meeting" option, or use this link: <https://zoom.us/join>
- Enter the Zoom Meeting ID and click "Join"
- Once you have joined you will enter the virtual waiting room. Before the start of your hearing, the judicial officer will admit you into the virtual hearing. You might have to wait past the start of your hearing time. Please be patient. However, if you have not been admitted for more than 10 minutes after the calendar start time, please confirm you have the correct zoom meeting ID.

Considerations for Virtual Hearings:

Virtual hearings are just like attending court in person.

Who can attend:

- Witnesses may be placed in a separate location until it is time for their testimony.
- No one may speak during the hearing unless requested to do so by the judicial officer; no one present with you as a support can tell you what to say to the court.

Required:

- Everyone must dress appropriately and act respectfully during the time they will spend in the virtual courtroom;
- Mute your microphone unless you are asked to speak;
- Follow judicial officer's stated rules or you may be removed from the hearing;
- Only appear to one virtual hearing at a time. If you have a scheduling conflict, please contact Court Administration at (360) 709-3295.

If Possible:

- Avoid moving your camera and making quick movements;
- Find a quiet space;
- Have a plan to call into the hearing in case you have technology problems;
- Be aware of your background and what is showing in your video display;
- Close out other applications and create distance from other devices to avoid interference with reception;
- Login five minutes prior to your hearing start time.

JOIN BY TELEPHONE IF:

- You do not have a microphone or speaker on your PC/Mac,
- You do not have a smartphone (IOS or Android), or
- You cannot connect to a network for video or computer audio.

To join by telephone:

- Call (253) 215-8782
- Enter the assigned Zoom Meeting ID number followed by # symbol.
 - Phone Controls:
 - *6 - Toggle mute/unmute
 - *9 - Raise hand