

Hearing Date: 06/30/21
Hearing Time: 9am
Judge/Calendar: Review Hearing

E-FILED
THURSTON COUNTY, WA
SUPERIOR COURT
06/28/2021 10:44:08 AM
Linda Myhre Enlow
Thurston County Clerk

21-4-00443-34
DCLR 62
Declaration Affidavit
10565514



Superior Court of Washington, County of Thurston

In re:

Petitioner/s (person/s who started this case):
Kathryn and Hans Stoker

And Respondent/s (other party/parties):
Hazel Smith

No. 21-4-00443-34

Declaration of
(name): Kat Stoker Reply Declaration
(DCLR)

Declaration of (name): Kat Stoker

1. I am (age): over 18 years old and I am the (check one): Petitioner Respondent
 Other (relationship to the people in this case): _____

2. I declare: Please see attached, submitted under penalty of perjury.

Under penalty of perjury, I, Kathryn Stoker, swear or affirm as follows:

1. Service Update. Mr. Wells has accepted service (which has been e-filed) in case number 21-4-00452-34. We have been unable to locate Mr. Ayers (Hazel's Father, Case Number 21-4-00443-34) despite my attorney's use of a skip tracer and attempts to obtain information from Selena Smith for additional information that might assist in that endeavor. At this time, we request that the Court allow Service by Publication in Boulder County, CO as that is the last known location of Mr. Ayers.
2. Jurisdiction. Hazel (Case No. 21-4-00443-34) was the subject of a parenting plan order in Colorado. We have filed that Order under separate cover. Although Hazel is in Washington, was in Washington for a substantial amount of time after the Colorado Order, and her Mother is no longer in Colorado, there still appears to be the need for a UCCJEA conference because we do not know if Mr. Ayers is in Colorado. In the meantime, this Court may continue to exercise emergency jurisdiction as it has thus far. A detailed timeline of the children's residences was filed with my 6/15/21 Declaration which further demonstrates Washington as the state with the most ties to the children – including them staying overnight as recently as March 2021.
3. 6/15/21 Declarations Filed Under Seal But Not Sealed. On 6/15/21 we filed declarations of Hans Stoker, Chad Stoker, Alexander Stoker, and Heather Stoker, and Maya Stoker under a sealed health cover sheet because each contained correspondence to the Court from the Declarants that constitute health care information about Selena and the children. Maya's declaration further contains her own private, traumatic experiences that she suffered while in her Mother, Selena's, care. For unknown reasons, the Clerk did *not* file those under seal. Subsequently, Mr. John Smith, the biological maternal grandfather of the

children, has published all of the pleadings including those declarations onto his blog. He had initially agreed to at least take Maya Stoker's down, and make redactions to the other declarations, but did not take Maya Stoker's down from his blog. We request at this time that the Court seal those Declarations – if a litigant believes they should not be sealed, then the appropriate procedure is for that individual to file motion practice to unseal. At this juncture, it is appropriate for the Court to seal the declarations pending resolution of the matter, at which point Mr. Smith (or anyone else) can petition the Court to unseal all or parts of this highly sensitive and private record. We also request that the Court Order Mr. Smith to remove any such materials that has been sealed from his website/blog and not publish/share the materials without an appropriate Court Order allowing him to do so.

4. Visitation. It is appropriate during the guardianship that the children have safe, appropriate, visitation with their parents. We have no concerns providing Mr. Wells (Raven and Onawa's Father) reasonable visitation and will work with him directly to do so. Mr. Smith (maternal grandfather) has also expressed a strong desire to have visitation with the children – he had mentioned seeing the children once per month to my attorney. I do not object to the idea – although I am admittedly perplexed at his desire to do so, given that I was not aware he had expressed that desire at any point since their births. In any case, I am unable to be involved with supervising or facilitating any exchanges with Mr. Smith. During our divorce over 40 years ago, I believe I had a protective order because the relationship was extremely difficult. I do not want to go into the details of that ordeal, nor bring up old issues with Mr. Smith that are just likely to cause unnecessary conflict – however, I spent a substantial amount of time resolving the issues that stemmed from that experience/relationship and will not risk my physical or mental health again. At this

junction, I believe it is appropriate for the Court to appoint a Guardian Ad Litem and request that the GAL issue an interim report covering visitation issues with Mr. Smith and proceed accordingly.

5. Court Appointed Counsel and Motion to Join. It is fairly clear from the statute that if Selena is indigent (as I believe she is), that she is entitled to counsel. We agree that needs to happen as soon as possible. In regards to Mr. Smith's motion to join, we do not oppose - simply because my attorney has advised the standing for filing a guardianship petition is broad (anyone "with an interest in the welfare" of a minor can file) and thus opposition is likely not to be fruitful. I do have concerns about Mr. Smith's involvement - so far, he has called and berated me (both by himself and with Selena, during a call in which I thought she just wanted to talk to the children) on multiple occasions, and engaged in verbal abuse - accusing me of lying, being crazy, and then seemingly trying to catch me in any minor real or perceived inconsistency in order to further berate. Although, at my attorney's direction, I ceased answering any of his calls this last weekend, I would like the Court to Order that all communications to me from other parties in this matter to go through counsel, at least at this point. I love my daughter, Selena, and want to be supportive, but I need to enforce boundaries that I will not be abused anymore - either by her or her Father, John Smith. The priority right now is the grandchildren, and this will help all parties to focus on that priority.
6. Accusations Regarding Motive/Intent/Lies. We did not get involved or file this petition until *we were visited for a welfare check by Thurston County Sheriff on behalf of NJ Family Services*. This was not a welfare check initiated by us - but New Jersey because of the level of concern after Selena fled the squalid hotel room with the children before child

services could respond. Mr. Kurtz (who is a security *advisor* for NJ Family Services, not a “security guard” as Mr. Smith and Selena derisively refer to him) was not hired by us – nor did he have any motive other than the demonstrable safety concerns for the children. Thurston County Sheriff came to our house because that was the last known address for the children. That was when we received the contact information for NJ Family Services caseworkers, etc. *We became involved to prevent the kids from becoming wards of the State – again.* Selena has demonstrated with Maya and Hazel that she is unable to consistently be a fit parent. If the Court does not continue this guardianship now, the children will continue to suffer if returned to Selena at this time. It is my understanding that she is living in an abandoned house in Portland with other homeless individuals, whom she believes can provide childcare and assist her with homeschooling the children should they be returned to her. The risks and myriad concerns in such a scenario are themselves evidence of Ms. Selena Smith’s inability to understand and provide for her children’s best interests.

The next appropriate steps are to appoint an attorney for Ms. Smith, a Guardian Ad Litem, and to order Ms. Smith to undergo a comprehensive mental health evaluation by a licensed Psychiatrist, who reviews her complete medical/mental health records and has collateral contact with at least her family members (and any others that Ms. Smith identifies as necessary for a complete evaluation). We request that the Court grant those requests, and set a date for presentation of Orders and a hearing in 30 days to review the GAL’s interim report regarding visitation for Selena and Mr. Smith (as well as Mr. Wells, if we have not already worked out appropriate visitation with him).