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Hearing Date: 7/22/21
Hearing Time: 9am
Judge/Clerk: Presentation of Orders

E-FILED
THURSTON COUNTY, WA
SUPERIOR COURT
07/20/2021 11:15:22 AM
Linda Myhre Enlow
Thurston County Clerk

21-4-00452-34
PROR 67
Proposed Order Findings
10690439



IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
COUNTY OF Thurston

The Guardianship of Onawa Smith-Wells and
Raven Smith-Wells,

Case No.: 21-4-00452-34

Minors/Children/Respondents.

Cover Sheet: Proposed Orders

Please find the attached: Proposed Orders for 7/22/21 review hearing and presentation of orders.

Dated this 20th day of July, 2021

BRECKAN LAW PLLC

By: Breckan Scott-Gabriel, WSBA 41585
Attorney for Petitioner

Cover Sheet: Proposed Orders

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1
2 IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
3 COUNTY OF THURSTON

4 In re the Guardianship of:
5 Raven and Onawa Smith-Wells.

Case No.: 21-4-00452-34

6 *Order on Review Hearing*
7 (No Mandatory Form)

8
9 On July 6, 2021 the Court conducted a review hearing in the above referenced matter.
10 After considering the respective documents filed, argument of parties (and those seeking to
11 become a party), the court's file and material contained therein, and, the Court having deemed
12 itself well advised in the particulars, ORDERS:

- 13
14 1. As this Court previously found, Washington has original and continuing jurisdiction
15 over Raven and Onawa Smith-Wells. There is an existing parenting plan case in
16 Thurston County (Case No. 20-3-01280-34); this Court made decisions regarding
17 parenting time/limitations in DVPO case No. 20-2-30788-34 (also in Thurston
18 County) that are still binding; the children did not live continuously in another state
19 for the six months preceding filing of this action; the children have substantial ties to
20 and have historically resided in Washington State; the children's Father continues to
21 reside in Washington State, and he agrees that the appropriate jurisdiction/venue is
22 Thurston County, WA.
23
24 2. This Court declines to seal, *in toto*, the Declarations that had been filed under a sealed
25 cover sheet because they do not meet the GR 22(b)(3) definition of a "personal

Order on Review Hearing

1 healthcare record.” The Court reserves hearing additional arguments and making
2 Orders to redact and/or seal select portions of the record until a later date or close of
3 the case.

4
5 3. This Court denies John Smith’s Motion to Intervene/Join because, although he would
6 have intervention as a matter of right pursuant to CR 24(a) as someone with “an
7 interest in the welfare of the minor,” his interest is “adequately represented by
8 existing parties” pursuant to CR 24(a)(2).

9
10 4. The Court is denying the request by John Smith for disqualification of Commissioner
11 Thomas for an incident which occurred several years ago, because the Commissioner
12 was discharging her duties at the time and doing so is not a basis for disqualification.

13
14 5. The Court denies the request for dismissal by John Smith on jurisdictional grounds
15 because the Court has original and continuing jurisdiction over Raven and Onawa
16 Smith-Wells as outlined in paragraph 1.

17
18 6. The Court finds that Jim Wells must comply with the requirements in DVPO Case
19 No. 20-2-30788-34 prior to exercising any parenting/visitation time.

20
21 7. The Court cannot make Orders appointing attorneys for the parents, appointing a
22 Guardian Ad Litem, or requiring evaluations until an RCW 11.130.190 Petition for
23 Minor Guardianship is filed.

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25 8. Custody and physical placement of the child(ren) shall remain with Petitioners
Kathryn and Hans Stoker.

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9. _____

SO ORDERED this _____ day of July, 2021.

	_____ Commissioner Indu Thomas
Presented By:	Approved as to Form:
_____ Breckan Scott-Gabriel, WSBA 41585 Attorney for Petitioners	_____ Selena Smith Respondent-Mother
Approved as to Form:	Approved as to Form:
_____ John Smith Grandfather of Minors, Proposed Intervenor	_____ James Wells Respondent-Father