

5/28/21 @ 11pm

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Hearing Date:	5/28/21
Hearing Time:	11pm
Judge/Calendar:	ex parte

21-4-00443-34  
 MTSC 8  
 Motion for Order to Show Cause  
 10390824



E-FILED  
 THURSTON COUNTY, WA  
 SUPERIOR COURT  
 05/28/2021 11:03:22 AM  
 Linda Myhre Enlow  
 Thurston County Clerk

Superior Court of Washington, County of Thurston

In the Guardianship of: Hazel Belle Urra Smith  
Onawa Kachina Smith-Wells  
Raven Graia Shenandoah Smith-Wells  
 Respondent/s (minors/children)

No. 21-4-00443-34  
 Motion for Immediate Order (Ex Parte) -  
 Emergency Minor Guardianship and  
 Restraining Order  
 (MTSC)

**Motion for Immediate Order (Ex Parte) –  
 Emergency Minor Guardianship and Restraining Order**

**To the person filing this motion:**  
 You must file an *Emergency Minor Guardianship Petition* before or at the same time as this motion. **Use this form** if you cannot wait until the hearing on your *Emergency Minor Guardianship Petition*.  
 You must ask the court to sign the *Immediate Minor Guardianship Order (Ex Parte) and Hearing Notice* (Form GDN M 205). This Order may be signed "ex parte" (without the other party there). Contact the Superior Court Clerk's office for the procedure in your county.  
**Within 48 hours** after the court signs the *Immediate Minor Guardianship Order*, you must serve this *Motion* and *Order* to the parents, any child 12 or older, anyone having custody of the children, and any lawyer appointed.

**To the person receiving this motion:**  
 If you do not agree with the requests in this motion, come to the hearing to explain why. You should also file an *Objection to Emergency Minor Guardianship Petition*. You may file other written proof supporting your side, and propose your own visitation schedule, guardian, or *Child Support Worksheets* (if needed).

**To both parties:**  
 If you want the court to consider your side, you **must**:  
 • File your original documents with the Superior Court Clerk; AND  
 • Give the Judge/Commissioner a copy of your papers (if required by your county's Local Court Rules); AND  
 • Give all other parties or their lawyers a copy of your papers; AND  
 • Go to the hearing.  
 The court may not allow you to testify at the motion hearing. Read your county's Local Court Rules, if any. Bring proposed orders to the hearing.  
**Deadline!** Your papers must be filed and served by the deadline in your county's Local Court Rules, or by the State Court Rules if there is no local rule. Court Rules and forms are available online at [www.courts.wa.gov](http://www.courts.wa.gov).

1. My name is: Hans Stoker. I am asking the court for an *Immediate Minor Guardianship Order* for these children:

Child's name	Age	Child's name	Age
1. <u>Hazel Belle Ursea Smith</u>	<u>8</u>	2. <u>Onawa Kachina Smith-Wells</u>	<u>3</u>
3. <u>Raven Graia Shenandoah Smith-Wells</u>	<u>1</u>		

The proposed guardian is (name/s): Hans Stoker + Kathryn Stoker

2. Without an *Immediate Minor Guardianship Order* the children's or my health, safety, or welfare will be substantially and irreparably harmed prior to a hearing. (Explain how you or the children could be harmed beyond repair): Children at immediate risk of harm because of Mother's history of flight risk + removing children from oversight of authorities + family members. Mother's mental illness makes her unable to recognize what is in either the children or her own best interests + thus makes her incapable of protecting those interests - leading her to neglect their basic needs, as well as their special needs. One of the children is autistic and in whom petitioner's noted severe regression in March. One child also has a deep rooted cavity that has not been treated. Petitioner's arrange for + ensure that the health + needs of the children are met. Child with Autism is not currently in school or therapy,  
(If you need additional space attach another sheet) likely to cause irreparable developmental harm.
3. **Notice** (check one): See also petition for emergency guardianship
- I should **not** have to notify the other parties in advance that I am asking for an *Immediate Minor Guardianship Order* because the children could be harmed beyond repair if I gave notice. (Explain why the children could be harmed by giving notice before the hearing):

I **have** notified the other parties that I am asking for an *Immediate Minor Guardianship Order*. (Describe any steps taken to give the other parties or their lawyers notice of this Motion):

#### 4. Indian children

(An **Indian child** is a child who is a member of an Indian tribe, or who is the biological child of an Indian tribe member and is eligible for membership. You must try to find out if any child in this case is an Indian child. If so, the federal and state Indian Child Welfare Acts will apply to your case.)

None of the children are Indian children. I ask the court to find that the federal and state *Indian Child Welfare Acts* do not apply to this case.

The children are or may be Indian children.

- Jurisdiction** – The court has jurisdiction over the Indian children because they are:
- not** domiciled or living on an Indian reservation, and are not wards of a tribal court.
  - domiciled or living on an Indian reservation, and *(check all that apply)*:
    - The children's tribe agrees to Washington State's concurrent jurisdiction.
    - The children's tribe decided not to use its exclusive jurisdiction (expressly declined). (RCW 13.38.060)
    - Washington State should claim emergency jurisdiction for children temporarily located off the reservation to protect the children from immediate physical damage or harm. (RCW 13.38.140)

**Notice to tribes** – Petitioner *(check one)*:  provided or is providing  did **not** provide the required *Indian Child Welfare Act Notice* (form GDN M 401) and a copy of the *Petition* to the children's tribe/s, the parents, and any Indian custodian.

**I ask the Court to approve these orders immediately *(check all that apply)*:**

**5. Custody (immediate guardianship)**

- No request.
- Order that the children listed in **1** will live with the proposed guardian until the hearing. Order the clerk to issue letters of guardianship to the proposed guardian that will be valid until the hearing. The letters should give the guardian the following powers:
  - Health care decisions, including mental health
  - School/educational decisions
  - Access to and ability to release healthcare records
  - Other *(specify)*: \_\_\_\_\_

**6. Temporary Restraining Orders**

- No request.
- Stay in Washington** – Order *(name/s)*: Selena not to take the children listed in **1** out of Washington State.
- Do Not Disturb** – Order *(name/s)*: \_\_\_\_\_ not to disturb *(check all that apply)*:  my peace  the peace of any child listed in **1**.
- Stay Away** – Order *(name/s)*: \_\_\_\_\_ not to go onto the grounds of or enter *(check all that apply)*:  my home, workplace, or school  the daycare or school of any child listed in **1**.
  - Also, not knowingly to go or stay within \_\_\_\_\_ feet of these places.

**Important!** This restraining order must be enforced through the civil contempt process in court.

**7. Other immediate orders**

- No request.
- (Specify)*: \_\_\_\_\_

- **I ask the court to approve these temporary orders at the motion hearing to stay in effect until the case is done (check all that apply):**

*Important! The court will not grant requests below immediately. The court will consider these requests at the motion hearing.*

**8. Extend immediate orders**

- No request.  
 Extend the immediate orders I asked for above to stay in effect until this Emergency Minor Guardianship case, and any related (linked) or consolidated Minor Guardianship case, is done.

**9. Consolidate cases**

- No request.  
 Consolidate this Emergency Minor Guardianship case with the Minor Guardianship case filed in this county in case number: \_\_\_\_\_.

**10. Appoint Guardian ad Litem (GAL) or Court Visitor**

- No request.  
 Appoint a person (*Guardian ad Litem or Court Visitor*) to investigate and report to the court about what is in the children's best interest, and order who will pay this person's fees.

**11. Parents' visitation**

- No request.  
 Approve my proposed visitation schedule as listed in the *Emergency Guardianship Petition*.

**12. Support, insurance, and taxes**

The children have a right to child support (including medical support) from the legal parents, according to state law. The emergency guardian may ask the Division of Child Support or the court to order temporary child support.

**Support** – I ask the court to order the parents to (*check all that apply*):

- pay child support according to the *Child Support Schedule Worksheets*.  
 provide and keep health insurance for the children.  
 pay children's day care, uninsured medical, or other expenses.  
 no request.

**Tax Issues** – I ask the court to order:

- Petitioners have the right to claim the children as dependents for purposes of personal tax exemptions and associated tax credits on our tax forms.  
 (*other*): \_\_\_\_\_

**13. Fees and costs**

- No request.

Order who should pay for court costs, Guardian ad Litem fees, Court Visitor fees, lawyer fees, and other reasonable fees.

**14. Other temporary orders**

No request.

(Specify): \_\_\_\_\_

➤ **Reasons for my requests**

**15. Why are you asking the court for the orders you checked above? (Explain):**

- If you need more space you may add lines, attach pages, or file a separate declaration using form FL All Family 135.
- If you are asking for child support, also fill out the *Child Support Worksheets*. If you have received public assistance for any child in this case, also fill out the *Public Assistance Declaration*, form FL All Family 132. Child support is based upon the income of both parents, not the income of the guardian.

See petition for emergency guardianship,  
Decl. of Robert Kuntz filed herewith.

**Person asking for this order fills out below:**

I declare under penalty of perjury under the laws of the State of Washington that the facts I have provided on this form (including any attachments) are true. [ ] I have attached (#): \_\_\_\_\_ pages.

Signed at (city and state): Olympia, WA Date: 5/28/21

see petition \_\_\_\_\_ Hans Steker  
Person asking for this order signs here Print name here

The following is my contact information:

Email: hans-steker@comcast.net Phone (Optional): \_\_\_\_\_

I agree to accept legal papers for this case at (check one):

my lawyer's address, listed below.

[ ] the following address (this does **not** have to be your home address):

\_\_\_\_\_  
street address or PO box city state zip

Note: You and the other party/ies may agree to accept legal papers by email under Civil Rule 5 and local court rules.

Lawyer (if any) fills out below:

[Signature] Breckan Scott 41585 5/27/21  
Lawyer signs here Print name and WSBA No. Date

PO Box 1123 Yelm, WA 98597  
Lawyer's street address or PO box city state zip

Email (if applicable): breckan@breckanlaw.com