



13

Superior Court of Washington, County of THURSTON

In the Guardianship of:
Onawa Kachina Smith-Wells

Raven Gaia Shenandoah Smith-Wells
Respondent/s (*minors/children*)

Kathryn and Hans Stoker,

Petitioners.

No. 21-4-00578-34

Minor Guardianship Petition
(PTAPMG)

Clerk's action required: **4, 11**

Minor Guardianship Petition

Use this form to appoint a guardian by agreement, or if no parent is willing or able to provide for the support, care, education, health, safety, and welfare of a child under age 18 (exercise the parenting functions in RCW 26.09.004). A child or an interested party may file the petition. Use this form together with:

- Notice of Hearing for Minor Guardianship Petition (form GDN M 101)
- Summons (form GDN M 001)
- Reasons for Minor Guardianship (form GDN M 103)
- Criminal History Cover Sheet (form GDN M 407)
- Motion and Order to DCYF to Release CPS Information (forms GDN M 404 and GDN M 405).

For Emergencies, use Minor Emergency Guardianship Petition (form GDN M 202)

1. Children

I ask the court to appoint a guardian for the following children (under age 18) who have the same legal parents:

Child's Name	Age	Child's Name	Age
1. Raven Gaia Shenandoah Smith - Wells	1	2.	
3. Onawa Kachina Smith-Wells	3	4.	

Important! Do not list more than one child unless they have all the same parents. If they have different parents, fill out a separate Petition for each child.

County – I am filing in this county because *(check all that apply)*:

the children live here or are present in this county now.

there is another case involving custody or parental rights already in progress here.

Lawyer for children – The children *(check one)*:

do **not** have a lawyer

are represented by *(lawyer's name)*: _____

Lawyer's address: _____

2. Petitioner/s

My name is: Kathryn Stoker

I am the child seeking a guardian.

I am interested in the welfare of the children. My relationship to the children in this case: Grandparent

My home address (principal residence): 6945 76th Ave NE
Olympia, WA 98516

My street address (if different): Same

Co-Petitioner *(If there is another Petitioner in this case)*

My name is: Hans Stoker. I am interested in the welfare of the children.

My relationship to the children in this case: Step-Grandparent

My home address (principal residence): 6945 76th Ave NE
Olympia, WA 98516

My street address (if different): Same

3. Who should be guardian?

I ask the court to appoint me (and any Co-Petitioner) guardian of the children.

I ask the court to appoint *(name/s)*: _____ guardian of the children.

Proposed guardian's address: _____

4. Is there an emergency guardian?

I am **not** asking the court to appoint an emergency guardian at this time.

An *Emergency Minor Guardianship Petition* has already been filed in this county.

Case number: 21-4-00452-34

Clerk's action required. *Relate (link) the emergency guardianship case with this case.*

I plan to file an *Emergency Minor Guardianship Petition*.

Important! *To get an order now, Petitioner must file a separate Minor Emergency Guardianship Petition (form GDN M 202)*

5. Why is a guardian needed?

Important! *Petitioner must complete the Reasons for Minor Guardianship, form GDN M 103.*

- Agreement** – The children's parents all consent, after being fully informed of the nature and consequences of guardianship. *(A parent can sign the Parent's Consent to Minor Guardianship, form GDN M 304, to show consent.)*
- Termination** – Any parent's rights have been terminated.
- Need** – No parent is willing or able to provide for the support, care, education, health, safety, and welfare of a child under age 18 (exercise the parenting functions in RCW 26.09.004).

It is in the children's best interest to appoint a guardian.

➤ People

6. Parents

The children's legal parents are listed below:

Parent 1 (Name): Selena Ursa Smith

- Parent 1 is deceased.
- Parent 1's parental rights have been terminated
- Parent 1 has a lawyer.

Lawyer's name: _____

Lawyer's address: _____

Parent 2 (Name): Jim Wells

- Parent 2 is deceased.
- Parent 2's parental rights have been terminated
- Parent 2 has a lawyer.

Lawyer's name: _____

Lawyer's address: _____

7. Who must be personally served?

I will have a copy of this *Petition*, the *Summons*, the *Notice of Hearing for Minor Guardianship Petition*, and the *Reasons for Minor Guardianship* **personally served** on the parents and anyone who fits one of the categories below. *(Check all that apply)*

- There is no parent. This is the adult nearest in kinship who I could find with reasonable effort (due diligence)
(Name): _____
- Someone other than a parent has court-ordered custody or guardianship
(Name): _____
- One or more of the children is age 12 or older
(Name/s): _____
- None of the above

8. Who else must be given notice?

Important! If there is a good reason **not** to notify any of the people in this section, Petitioner may ask the court's permission to waive notice.

Unless I get the court's permission not to, I will have a copy of this *Petition*, the *Summons*, the *Notice of Hearing for Minor Guardianship Petition*, and the *Reasons for Minor Guardianship* given to anyone who fits one of the categories below. This can be done by mail or some other way likely to give notice. (Check all that apply)

- Someone else has primary care and custody of the child (other than a guardian or court-ordered custodian listed above)
(Name): _____
- Someone else had primary care and custody of the child for at least 60 days during the last two years, or for at least two of the last five years
(Name): _____
- A child, age 12 or older, asked for someone to serve as guardian
(Proposed guardian's name): _____
- A parent asked for someone to serve as guardian
(Proposed guardian's name): _____
- The children have a conservator
(Conservator's name): _____
- The children have these grandparents, that I know of
(Name/s): John Smith
- The children have these adult sibling/s, that I know of
(Name/s): _____
- None of the above

9. Who do the children live with now?

Currently the children live with:

- the proposed guardians
- (name/s): _____

If this petition is approved, the children would live with the guardian.

10. Addresses attached to Notice of Hearing

I have included addresses for the people in sections 6 through 9, if known, on the *Notice of Hearing for Minor Guardianship Petition and Notice Attachment: List of People to be Served or Given Notice*. The *Notice* and *Attachment* are made part of this petition (incorporated by reference).

11. Does anyone need an interpreter or other communication support?

No

Yes. The following people need an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings:

Name	Language or type of support needed

Clerk's action required. Note interpreter or communication support needs in the case management system.

➤ **Jurisdiction**

12. Personal jurisdiction over parents

Fill out below to say if a Washington State court has personal jurisdiction (authority to make decisions) over each parent.

Basis for Personal Jurisdiction (check all that apply)	Parent 1 Name: Selena	Parent 2 Name: Jim Wells
Will be served in Washington	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lives in Washington now	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lived in Washington with child	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Lived in Washington and paid pregnancy costs or support for child	<input type="checkbox"/>	<input type="checkbox"/>
Caused child to live in Washington	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Had sex in Washington that may have produced the child	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Agrees to Washington deciding	<input type="checkbox"/>	<input checked="" type="checkbox"/>
None of the above	<input type="checkbox"/>	<input type="checkbox"/>

13. Children's home/s

During the past 5 years have any of the children lived:

- on an Indian reservation,
- outside Washington State,
- in a foreign country, or
- with anyone other than a parent?

No. (Skip to 14.)

Yes. (Fill out below to show where each child has lived during the last 5 years.)

Dates	Children	Lived with	In which state, Indian reservation, or foreign country
From: 2017 To: 2020	<input checked="" type="checkbox"/> All children <input type="checkbox"/> (Name/s):	<input checked="" type="checkbox"/> Petitioner/s <input type="checkbox"/> Parent/s (name/s): <input type="checkbox"/> Other (name):	Washington
From: To:	All children <input type="checkbox"/> (Name/s):	Petitioner/s <input type="checkbox"/> Parent/s (name/s): <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	<input type="checkbox"/> Petitioner/s <input type="checkbox"/> Parent/s (name/s): <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	<input type="checkbox"/> Petitioner/s <input type="checkbox"/> Parent/s (name/s): <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	<input type="checkbox"/> Petitioner/s <input type="checkbox"/> Parent/s (name/s): <input type="checkbox"/> Other (name):	

14. Other people with a legal right to spend time with a child

Do you know of anyone besides you and the parents who has, or claims to have, a legal right to spend time with any of these children?

(Check one): No. (Skip to 15.) Yes. (Fill out below.)

Name of person	Children this person may have the right to spend time with
	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):
	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):

15. Other court cases involving a child

Do you know of any other court cases involving any of these children?(Check one): No. (Skip to 16.) Yes. (Fill out below.)

Kind of case (Family Law, Criminal, Protection Order, Juvenile, Dependency, Other)	County and State	Case number and year	Children

Kind of case (Family Law, Criminal, Protection Order, Juvenile, Dependency, Other)	County and State	Case number and year	Children
Emergency Minor Guardianship	Thurston, WA	21-4-00452-34	<input checked="" type="checkbox"/> All children <input type="checkbox"/> (Name/s):
			<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):
			<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):
			<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):

Warning! If there is a dependency (CPS) case for the children, you must get approval from the dependency court to file this case.

16. Are any of the children 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.)

Check all that apply:

- No.**
 - None of the children are Indian children.
 - These children are not Indian children (name/s): _____
- I know this because: _____

Yes. These children are Indian children:

Children	Tribe
<input type="checkbox"/> All children <input type="checkbox"/> (name/s):	
<input type="checkbox"/> All children <input type="checkbox"/> (name/s):	

I will provide the *Indian Child Welfare Act Notice* (form GDN M 401) and a copy of this *Petition* to the tribe/s named above and other necessary people or agencies.

Maybe. These children may be eligible for membership in these tribes:

Children	Tribe
<input type="checkbox"/> All children	
<input type="checkbox"/> (name/s):	
<input type="checkbox"/> All children	
<input type="checkbox"/> (name/s):	

I will provide the *Indian Child Welfare Act Notice* (form GDN M 401) and a copy of this *Petition* to the tribe/s named above (and other necessary people or agencies) to find out whether any of the children are eligible for membership.

- I **do not know** if any of the children are Indian children. I have done the following things to try to find out:

17. Jurisdiction over Indian children

- Does not apply. None of the children are Indian children.
- A state court can decide this case for the Indian children because:
- (Children's names): _____ are **not** domiciled or living on an Indian reservation, and are not wards of a tribal court. (25 USC §1911)
- (Children's names): _____ are 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 Indian children temporarily located off the reservation to protect the children from immediate physical damage or harm. (RCW 13.38.140)

18. Jurisdiction over the children (RCW 26.27.201 – .221, .231, .261, .271)

This Court can decide this case for the children because (check all that apply; if a box applies to all of the children, you may write "the children" instead of listing names):

- Exclusive, continuing jurisdiction** – A Washington court has already made a custody order or parenting plan for the children, and the court still has authority to make other orders for (children's names): Raven and Onawa
- Home state jurisdiction** – Washington is the children's home state because (check all that apply):
- (Children's names): all children lived in Washington with a parent or someone acting as a parent for at least the 6 months just before this case was filed, or if the children are less than 6 months old, they have lived in Washington with a parent or someone acting as a parent since birth.

There were times the children were not in Washington in the 6 months just before this case was filed (or since birth if they are less than 6 months old), but those were temporary absences.

(*Children's names*): _____ do not live in Washington right now, but Washington was the children's home state sometime in the 6 months just before this case was filed, and a parent or someone acting as a parent of the children still lives in Washington.

(*Children's names*): all children do not have another home state.

No home state or home state declined – No court of any other state (or tribe) has the jurisdiction to make decisions for (*children's names*): _____, _____ or a court in the children's home state (or tribe) decided it is better to have this case in Washington **and**:

- The children and a parent, or someone acting as a parent, have ties to Washington beyond just living here; **and**
- There is a lot of information (substantial evidence) about the children's care, protection, education, and relationships in this state.

Other state declined – The courts in other states (or tribes) that might be (*children's names*): _____'s home state have refused to take this case because it is better to have this case in Washington.

Temporary emergency jurisdiction – The court can make decisions for (*children's names*): _____ because the children are in this state now **and** were abandoned here **or** need emergency protection because the children (or the children's parent, brother, or sister) were abused or threatened with abuse. (*Check one*):

A custody case involving the children was filed in the children's home state (*name of state or tribe*): _____. Washington should take temporary emergency jurisdiction over the children until the Petitioner can get a court order from the children's home state (or tribe).

There is **no** valid custody order or open custody case in the children's home state (*name of state or tribe*): _____. If no case is filed in the children's home state (or tribe) by the time the children have been in Washington for 6 months, (*date*): _____, Washington should have final jurisdiction over the children.

Other reason (*specify*): _____

➤ Requests

19. Parents' visitation

Important! If you are asking for limited or no visitation, you must explain why in the Residential Schedule (form GDN M 408) or Reasons for Minor Guardianship (form GDN M 103).

I ask the court to order the following contact or visitation between the parents and children:

I ask to court to approve my proposed visitation:

Professionally supervised visitation only until such time as Selena is properly evaluated/treated for mental health and domestic violence issues.

Visitation with Father to be determined after completion of the requirements in the DVPO case.

- I ask the court to approve my proposed *Residential Schedule*. This schedule may include reasons for limiting one or both parents' visitation. I am filing and serving my proposed *Residential Schedule* with this *Petition*.
- I ask the court to give **no visitation** to either parent because the limiting factors from RCW 26.09.191 apply and are severe enough to justify no visitation.

20. Decision-making authority

I ask the court to make the following orders about who has the right to make decisions for the children (*check all that apply*):

Type of Major Decision	Guardian Decides	Parent/s Decide <i>(write one parent's name or "both")</i>
School / educational	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Health care (not emergency)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Authority to apply for passport and travel internationally	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Driver's license or state I.D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>

21. Access to records

I ask the court to make the following orders about who has the right to access these types of records for the children (*check all that apply*):

Type of Record	Guardian Can Access	Parent/s Can Access <i>(write one parent's name or "both")</i>
School / educational	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Both
Health care	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Both
Other:	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>

22. Support, insurance, and taxes

The children have a right to child support (including medical support) from the legal parents according to state law.

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:

the guardian has the right to claim the children as dependents for purposes of personal tax exemptions and associated tax credits on our tax forms.

(other): _____

23. Children's property

As far as I know, the children have the following property other than their clothing and other personal items (personal effects) and documents:

None

(Give a general statement of the children's property with an estimate of its value. Examples: disability or insurance benefits, trust account, money from a lawsuit, public assistance, TANF, child support)

24. Protection Order

Do you want the court to issue an Order for Protection?

No. I do not want an Order for Protection.

Yes. (You must file a Petition for Order for Protection, form DV-1.015 for domestic violence, or form UHST-02.0200 for harassment. You must file your Petition for Order for Protection as a **separate case**. Ask the court clerk to relate (link) the protection order case together with this guardianship case.)

Important! If you need protection now, ask the court clerk about getting a Temporary Order for Protection.

There already is an Order for Protection between (name): _____
and me.

Court that issued the order: _____

Case number: _____

Expiration date: _____

25. Fees and costs

Filing Fee – In some situations the court will **not** charge a fee for filing this case.

- When the proposed guardian is a relative, the fee is waived automatically.
- When the petitioner (including a child as petitioner) is low income, the petitioner may use forms GR 34.0100, 34.0300, and 34.0500 to ask the court to waive the fee.

No request.

No fee shall be charged because the proposed guardian is a relative of the children, **not** a professional guardian.

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

26. Other requests, if any

Petitioner 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: 07/12/21

Kat Stoker
Kat Stoker (Jul 12, 2021 18:44 PDT)

Petitioner signs here

Kathryn Stoker
Print name

Co-Petitioner (if any) 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 are true.

Signed at (city and state): Olympia, WA Date: 7/12/2021

Hans Stoker
Hans Stoker (Jul 12, 2021 18:33 PDT)

Other Petitioner signs here

Hans Stoker
Print name

Petitioner's lawyer (if any) fills out below:

Breckan Scott
Petitioner's lawyer signs here

Breckan Scott, 41585
Print name and WSBA No.

7/12/21
Date









NonEmergencyGuardianship.Petition.RavenOnawa

Final Audit Report

2021-07-13

Created:	2021-07-12
By:	Breckan Scott-Gabriel (breckan@breckanlaw.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAGzL0zn99IMICiHPY_9Z2vDolHXJseVHx

"NonEmergencyGuardianship.Petition.RavenOnawa" History

-  Document created by Breckan Scott-Gabriel (breckan@breckanlaw.com)
2021-07-12 - 4:09:54 PM GMT- IP address: 76.121.132.39
-  Document emailed to Hans Stoker (hans-stoker@comcast.net) for signature
2021-07-12 - 4:10:50 PM GMT
-  Email viewed by Hans Stoker (hans-stoker@comcast.net)
2021-07-13 - 1:32:07 AM GMT- IP address: 76.121.132.72
-  Document e-signed by Hans Stoker (hans-stoker@comcast.net)
Signature Date: 2021-07-13 - 1:33:07 AM GMT - Time Source: server- IP address: 76.121.132.72
-  Document emailed to Kat Stoker (kat-stoker@comcast.net) for signature
2021-07-13 - 1:33:09 AM GMT
-  Email viewed by Kat Stoker (kat-stoker@comcast.net)
2021-07-13 - 1:40:28 AM GMT- IP address: 76.121.132.72
-  Document e-signed by Kat Stoker (kat-stoker@comcast.net)
Signature Date: 2021-07-13 - 1:44:33 AM GMT - Time Source: server- IP address: 76.121.132.72
-  Agreement completed.
2021-07-13 - 1:44:33 AM GMT