

6
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 -- 4 -- pages,
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said court.

FILED
SUPERIOR COURT
THURSTON COUNTY, WA

2020 DEC -3 PM 4:43

Linda Myhre Enlow
Thurston County Clerk

DATED: _____

LINDA MYHRE ENLOW
County Clerk, Thurston County, State of Washington
by _____ Deputy

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

SELENA URSA SMITH, DOB 06/11/76
Petitioner

JAMES DANIEL WELLS, JR, DOB 08/27/65
Respondent

No. 20-2-30788-34

20-2-30788-34
TMORPRT 5
Temporary Order for Protection
9360650



**Temporary Order for Protection and
Notice of Hearing (TMORPRT)**
(Clerk's Action Required)

Next Hearing Date/Time:

12-17-20 at 9:00 AM

At: 2801 32nd Avenue SW, Tumwater, WA 98512
360-709-3268 or 360-709-3275

Names of minors: ☐ No minors Involved

First	Middle	Last	Age
HAZEL	BELLE	URSA SMITH	7
ONAWA	KACHINA	SMITH-WELLS	2
RAVEN-GAIA	SHENANDOAH	SMITH-WELLS	<1

Respondent Identifiers

Sex	Race	Hair
M	W	BLK
Height	Weight	Eyes
6-1	175	HAZ

Access to weapons: ☒ yes ☐ no ☐ unknown

The court finds:

The court has jurisdiction over the parties, the minors, and the subject matter. The respondent will be served notice of his or her opportunity to be heard at the scheduled hearing. RCW 26.50.070. For good cause shown, the court finds that an emergency exists and that a Temporary Protection Order should be issued without notice to the respondent to avoid irreparable harm. Further, this order is issued pursuant to Thurston County Superior Court Emergency Orders dated March 20, 2020 and May 7, 2020, and the Washington State Supreme Court Amended Order dated March 20, 2020.

The court orders:

- ① ☒ 1. Respondent is **restrained** from causing petitioner physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking ☒ petitioner ☒ the minors named in the table above ☐ these minors only:
- ② ☒ 2. Respondent is **restrained** from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, locations, or wire or electronic communication of ☒ petitioner ☒ the minors named in the table above ☐ only the minors listed below ☐ members of the victim's household listed below ☐ the victim's adult children listed below:

Additional no contact provisions are on the next page.

the end of the hearing, noted above.

Temp Ord for Protection/Nt of Hrg (TMORPRT) - Page 1 of 1
WPF DV-2.015 Mandatory (06/2020) - RCW 26.50.070, RCW 9.41.800

SENT TO _____
(Law Enforcement Agency where Petitioner
resides for input into statewide computer system)
SENT TO WSD for Service

The terms of this order shall be effective until:

② ☒ 3. Respondent is **restrained** from coming near and from having any contact whatsoever, 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 ☒ petitioner ☒ the minors named in the table above ☐ these minors only:

② ☒ 4. Respondent is **restrained** from going onto the grounds of or entering petitioner's ☒ residence ☒ workplace ☐ school ☒ the day care or school of ☒ the minors named in the table above ☐ these minors only:

☐ other:

☒ Petitioner's address is confidential. ~~☒~~ Petitioner waives confidentiality of the address which is:

☐ 5. Petitioner shall have exclusive right to the residence petitioner and respondent share. The respondent shall immediately **vacate** the residence. The respondent may take respondent's personal clothing and respondent's tools of trade from the residence while a law enforcement officer is present. ☐ This address is confidential. ☐ Petitioner waives confidentiality of this address which is:

② ☒ 6. Respondent is **prohibited** from knowingly coming within, or knowingly remaining within **1,000 feet** (distance) of: petitioner's ☒ residence ☒ workplace ☐ school ☒ the day care or school of ☒ the minors named in the table above ☐ these minors only:

☐ other:

② ☒ 7. Petitioner shall have possession of essential personal belongings, including the following: identity documents, mail and personal documents, childrens' clothing and other essential items, **password book, title to Rambler**

② ☒ 8. Petitioner is granted use of the following vehicle:

Year, Make & Model 1976 Class C Holiday Rambler License No. ②

☐ 9. **Other.**

Protection for minors:

② ☒ 10. Petitioner is **granted** the temporary care, custody, and control of ☐ the minors named in the table above ☒ these minors only: Onawa and Raven-Gaia

② ☒ 11. Respondent is **restrained** from interfering with petitioner's physical or legal custody of ☒ the minors named in the table above ☐ these minors only:

☐ 12. Respondent is **restrained** from removing from the state ☐ the minors named in the table above ☐ these minors only:

9 ☒ **Surrender of Weapons Order**

The court finds that:

- ☒ irreparable injury could result if the order to surrender weapons is not issued.
- ☒ respondent's possession of a firearm or other dangerous weapon presents a serious and imminent threat to public health or safety or the health or safety of any individual.
- ☒ Irreparable injury could result if the Respondent is allowed to access, obtain, or possess any firearms or other dangerous weapons, or obtaining or possessing a concealed pistol license.

The Respondent must comply with the **Order to Surrender Weapons (and Prohibit Weapons, if checked below) Issued Without Notice** filed separately which states:

Respondent shall immediately surrender all firearms, other dangerous weapons, and any concealed pistol licenses.

- ☒ Respondent is prohibited from accessing, obtaining, or possessing any firearms or other dangerous weapons, or obtaining or possessing a concealed pistol license.

(Note: Also use form number All Cases 02-030.)

The respondent is directed to appear and show cause why this temporary order should not be made effective for one year or more and why the court should not order the relief requested by the petitioner or other relief which may include electronic monitoring, payment of costs, and treatment. **Failure to Appear at the Hearing May Result in the Court Granting Such Relief. The Next Hearing Date is Shown on Page One.**

Warnings to 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 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 the court issues a final protection order, and your relationship to the petitioner is that of spouse or former spouse, parent of a common child, or former or current cohabitant as intimate partner, including a current or former registered domestic partner, you may not possess a firearm or ammunition for as long as that final protection order is in effect. 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. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1). 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) Date Entry

It is further ordered that the clerk of the 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 forward a copy of this order on or before the next judicial day to **THURSTON** ☒ County Sheriff's Office ☐ 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.
- ☐ (Only if surrender of weapons not ordered) Petitioner has made private arrangements for service of this order.
- ☐ Respondent appeared and received notice of this order; no further service required.

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 (if applicable).
- ☐ 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.

Dated: 12/03/2020 at

1:33 a.m./p.m.


Judge/Commissioner

Presented by:

REBEKAH ZINN
COURT COMMISSIONER

Signature of Petitioner/Lawyer WSBA No.

Print Name

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

How to attend your virtual hearing in Thurston County by Zoom
Effective 12/7/20

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	786-408-0165 #
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	837-2088-7594 #
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)	893-0665-2483 #
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