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SHARON K. FEGG CO. CLERK

BY 810 DEPUTY

Superior Court of Washington, County of MASON

In re the marriage of:

Petitioner:

TRISTINA MAE HARDING

And Respondent:

BRANDON J. HARDING

No. 21-3-00023-23

Petition for Divorce (Dissolution)
(PTDSS)

Petition for Divorce (Dissolution)

1. Information about the parties

Petitioner lives in Kitsap County, WA.

Respondent lives in Mason County, WA

21-3-00023-23
PTDSS 4
Petition for Dissolution
9811604



2. Information about the marriage

We were married on *February 2, 2018* at *Port Orchard, Washington (Kitsap County)*.

Before we married, we entered into a domestic partnership, civil union on
(date) _____ at (city and state) _____.

(List other registered domestic partnerships or civil unions between you and your spouse, if any. Add lines as needed.):

Relationship type date city and state (or country)

Before we married, we began living together in a serious, marriage-like relationship
(committed intimate relationship) (See *Muridan v. Redl*, 3 Wn. App. 2d 44, 413 P.3d
1072 (2018)) (date): _____ at (city and state): _____

We currently live in the same household.

We began living in separate households on (date): _____

3. Request for divorce

4

This marriage is irretrievably broken. I ask the court to dissolve our marriage and any domestic partnerships or civil unions. Our marital community ended on (check one):

the date this Petition is filed.

, which is when (check all that apply):

one of us moved to a separate household.

we separated our assets and debts.

we agreed the marital community ended.

other (specify): On December 10, 2020, When my husband assaulted and brutally raped me multiple times, was arrested, and has since been incarcerated. [Mason County: 20-1-00456-23]

4. Jurisdiction over the spouses

The court has jurisdiction over the marriage because at least one of the spouses lives in Washington state, or is stationed in this state as a member of the armed forces.

The court **has** personal jurisdiction over the Respondent because (check all that apply):

The Respondent lives in Washington state.

The Petitioner and Respondent lived in Washington state while they were married, and the Petitioner still lives in this state or is stationed in this state as a member of the armed forces.

The Petitioner and Respondent may have conceived a child together in this state.

Other (specify): _____

The court **does not** have personal jurisdiction over the Respondent. (This may limit the court's ability to divide property and debts, award money, set child support or spousal support, or approve a restraining order or protection order.)

5. Is one of the spouses pregnant?

(Check one):

No Yes

If Yes, who is pregnant?

Petitioner

Respondent

Note: The law considers the other spouse to be the parent of any child born during the marriage or within 300 days after it ends. If the other spouse is not the parent, either spouse may file a *Petition to Decide Parentage* (form FL Parentage 301) in court. In most cases, the deadline to file the *Petition to Decide Parentage* is before the child turns four. (See RCW 26.26A.115, 26.26A.435.)

If everyone agrees, both spouses and the child's biological father can sign an *Acknowledgment (and Denial) of Parentage*. Those forms must be notarized and filed with the Washington State Registrar of Vital Statistics to be valid.

6. Children of the marriage

My spouse and I have **no** children together who are still dependent. (Skip to 7.)

My spouse and I have the following children together who are still dependent (only list children you and your spouse have together, not children from other relationships):

| Child's name | Age | Child's name | Age |
|-------------------------|-----|--------------|-----|
| 1. Joelene Jaye Harding | 3 | 4. | |

| | | | |
|----|--|----|--|
| 2. | | 5. | |
| 3. | | 6. | |

a. 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 who is not a party to this case?

No.

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

Do you know of anyone besides you and your spouse who has (or claims to have) a legal right to spend time with any of the children?

No.

c. Other court cases involving a child

Do you know of any court cases involving any of the children?

(Check one): No. (Skip to 7.) Yes. (Fill out below.)

| Kind of case (Family Law, Criminal, Protection Order, Juvenile, Dependency, Other) | County and State | Case number and year | Children |
|---|---------------------|-------------------------|--|
| Criminal | Mason County, WA | 20-1-00456-23 | <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): |

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

Does not apply. My spouse and I have **no** children together who are still dependent.

The court **can** approve a *Parenting Plan* for the children my spouse and I have together 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): _____

Home state jurisdiction – Washington is the children’s home state because (check all that apply):

JOELENE JAYE HARDING 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): _____ 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 – **JOELENE JAYE HARDING** 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: Repeated incidence of Domestic Violence (See concurrently filed Declaration of Tristina Mae Harding and Temporary Order for Protection and Notice of Hearing

The court **cannot** approve a *Parenting Plan* because the court does not have jurisdiction over the children.

8. Parenting Plan

I ask the court to order a *Parenting Plan* for the children my spouse and I have together. I will file and serve my proposed *Parenting Plan* at the same time as this *Petition*.

9. Child Support

My spouse and I have **no** children together who are still dependent.

Court Order – I ask the court to order child support (including medical support) according to state law for the children my spouse and I have together. (*You may ask for a court order of child support even if there is already an administrative order. The court order will replace the administrative order to the extent the court order is different.*)

I ask the court to order my spouse to pay his/her proportionate share of

(*check all that apply*): day care expenses

long-distance transportation expenses

education expenses

post-secondary (college or vocational school) support

other child-related expenses (*specify*): _____

I ask the court to order that we have the right to claim the children as dependents for purposes of personal tax exemptions and associated tax credits on our tax forms as follows (*describe*):

Important! *Although the personal tax exemptions are currently suspended through tax year 2025, other tax benefits may flow from claiming a child as dependent.*

Administrative Order – There is no need for the court to make a child support order. The DSHS Division of Child Support (DCS) has already established an administrative child support order for the children my spouse and I have together in DCS case number/s: _____. I am not asking the court to make a different child support order.

DCS child support orders do not cover tax issues or post-secondary (college or vocational school) support. Because these issues are not in the administrative order, I ask the court to order (check all that apply):

we have the right to claim the children as dependents for purposes of personal tax exemptions and associated tax credits on our tax forms as follows (*describe*):

my spouse to pay his/her proportionate share of post-secondary (college or vocational school) support.

10. Children from other relationships

- Neither spouse has children from other relationships who are still dependent.
- I have the following dependent children who are not from this relationship (*list name/s and age/s*): _____
- My spouse has the following dependent children who are not from this relationship
LEONARDO J. HARDING, age 6.

11. Written Agreements

Have you and your spouse signed a prenuptial agreement, separation contract, or community property agreement?

No.

12. Real Property (land or home)

I ask the court to divide the real property fairly (equitably), as explained below:

| Real Property Address | Tax Parcel Number | Who should own this property? |
|-------------------------------------|---------------------------------------|---|
| 222 Kingsway W, Bremerton, WA 98312 | 12206-34-90053 & 12206-34-90043 | <input checked="" type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Respondent |
| | | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent |
| | | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent |

- I ask the court to divide the real property fairly (equitably) as the court decides.
- The court does not have jurisdiction to divide the real property.
- Other (*specify*): _____

13. Personal Property (possessions, assets, or business interests of any kind)

- We have already divided the property fairly. I ask the court to order that each spouse will keep any personal property that s/he now has or controls.
- I ask the court to divide the personal property according to the written agreement described in **11** above.
- I ask the court to divide the personal property fairly (equitably), as explained below:

| List property (<i>include vehicles, pensions/retirement, insurance, bank accounts, furniture, businesses, etc. Do not list more than the last four digits of any account number.</i>): | Who should own this property? |
|--|---|
| | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent |

| List property (include vehicles, pensions/retirement, insurance, bank accounts, furniture, businesses, etc. Do not list more than the last four digits of any account number.): | Who should own this property? |
|---|--|
| Laptop (currently in my possession) | <input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Respondent |
| Two (2) cats: "Sonic" and "Trouble" | <input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Respondent |
| 2-seat Kayak | <input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Respondent |
| All of the children's clothes, toys, and other belongings | <input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Respondent |
| 2005 Aqua-green Prius (currently in my possession) | <input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Respondent |
| Astro Van | <input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Respondent |
| BMW [not paid off or being pain on, probably will be repossessed] | <input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Respondent |
| \$100,000 worth of Tools in Astro Van (per the Temporary Order for Protection, if those are in the Van when I re-acquire the van, I will keep them for safe-keeping until they can be distributed to back to Respondent, who is currently incarcerated) | <input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Respondent |
| iPhone (currently in my possession) | <input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Respondent |
| 65" flatscreen TV (currently in storage) | <input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Respondent |
| Xbox I (currently in my possession) | <input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Respondent |
| Trailer | <input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Respondent |
| Two (2) Longboards | <input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Respondent |

- I ask the court to divide the personal property fairly (equitably) as the court decides.
- The court does not have jurisdiction to divide the personal property.
- Other: _____

14. Debts (mortgages, loans, credit cards, other money owed)

- I am not aware of any debts.
- I ask the court to order each spouse to be responsible for debts s/he incurred (made) after the date of separation.
- I ask the court to divide the debts according to the written agreement described in **11** above.
- I ask the court to make the following orders about debts (check all that apply):
- Each spouse is responsible for the debts that are now only in his/her own name.

Divide the debts fairly (equitably), as explained below:

| Debt Amount | Creditor (person or company owed this debt) | Who should pay this debt? |
|-------------|--|--|
| ~2K | PUD bill | <input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Respondent |
| ? | Any debt in Respondent's name, or that was encumbered by Respondent without Petitioner's knowledge during the marriage | <input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Respondent |
| | | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent |
| | | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent |
| | | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent |
| | | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent |
| | | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent |
| | | <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent |

Divide the debts fairly (equitably) as the court decides.

The court does not have jurisdiction to divide the debts.

Other: _____

15. Spousal Support (maintenance/alimony)

Spousal support is **not** needed.

Spousal support **is** needed. The Petitioner Respondent has the ability to pay and should pay support:

as decided by the court.

\$ _____ every month until (date or event): _____

according to the written agreement described in **11** above.

other: _____

16. Fees and Costs

Order my spouse to pay my lawyer's fees, other professional fees, and costs for this case.

17. Protection Order

Do you want the court to issue an Order for Protection as part of the final orders in this case?

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 may file your Petition for Order for Protection using the same case number assigned to this case.)

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

In a concurrently filed ex parte pleadings, I am asking for an **Order for Protection between my spouse and me.**

Court that issued the order: Mason County Superior Court

Case number: Same as above-captioned number

Expiration date: See Order

18. Restraining Order

Do you want the court to issue a Restraining Order as part of the final orders in this case?

No.

Yes. Check the type of orders you want:

Do not disturb – Order the Respondent not to disturb my peace or the peace of any child listed in **6**.

Stay away – Order the Respondent not to go onto the grounds of or enter my home, workplace, or school, and the daycare or school of any child listed in **6**.

Also, not knowingly to go or stay within _____ feet of my home, workplace, school, or the daycare or school of any child listed in **6**.

Do not hurt or threaten – Order the Respondent:

- Not to assault, harass, stalk, or molest me or any child listed in **6**; and
- Not to use, try to use, or threaten to use physical force against me or the children that would reasonably be expected to cause bodily injury.

Warning! If the court makes this order, the court must consider if weapons restrictions are required by state law; federal law may also prohibit the Restrained Person from possessing firearms or ammunition.

Prohibit weapons and order surrender – Order the Respondent:

- Not to access, possess, or obtain any firearms, other dangerous weapons, or concealed pistol licenses until the Order ends, **and**
- To immediately surrender any firearms, other dangerous weapons, and any concealed pistol licenses that he/she possesses to (*check one*): the police chief or sheriff. his/her lawyer. other person (*name*): _____.

Other restraining orders:

Important! If you want a restraining order **now**, you must file a Motion for Temporary Family Law Order

and Restraining Order (FL Divorce 223) or a Motion for Immediate Restraining Order (Ex Parte) (FL Divorce 221).

19. Name Change

No request.

20. 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 are true.

Signed at (city and state): Bremerton WA Date: Feb 12 2021

▲ [Signature] Trishina Harding
Petitioner signs here Print name

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

▲ [Signature] Mark A. Morenz-Norkinger (#52588) 02/12/21
Petitioner's lawyer signs here Print name and WSBA No. Date

[] Respondent fills out below if he/she agrees to join this Petition:

I, (name): _____, agree to join this *Petition*. I understand that if I fill out and sign below, the court may approve the requests listed in this *Petition* unless I file and serve a *Response* before the court signs final orders. (Check one):

- I do not need to be notified about the court's hearings or decisions in this case.
- I ask the Petitioner to notify me about any hearings in this case. (List an address where you agree to accept legal documents. This may be a lawyer's address or any other address.)

address city state zip

(If this address changes before the case ends, you **must** notify all parties and the court in writing. You may use the Notice of Address Change form (FL All Family 120). You must also update your Confidential Information Form (FL All Family 001) if this case involves parentage or child support.)

▲ _____
Respondent signs here Print name Date